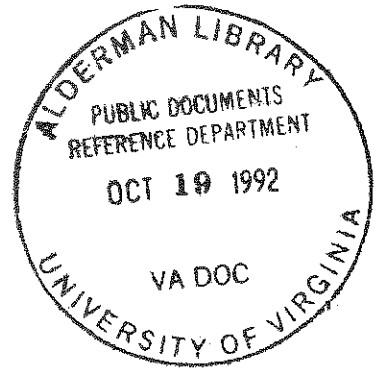
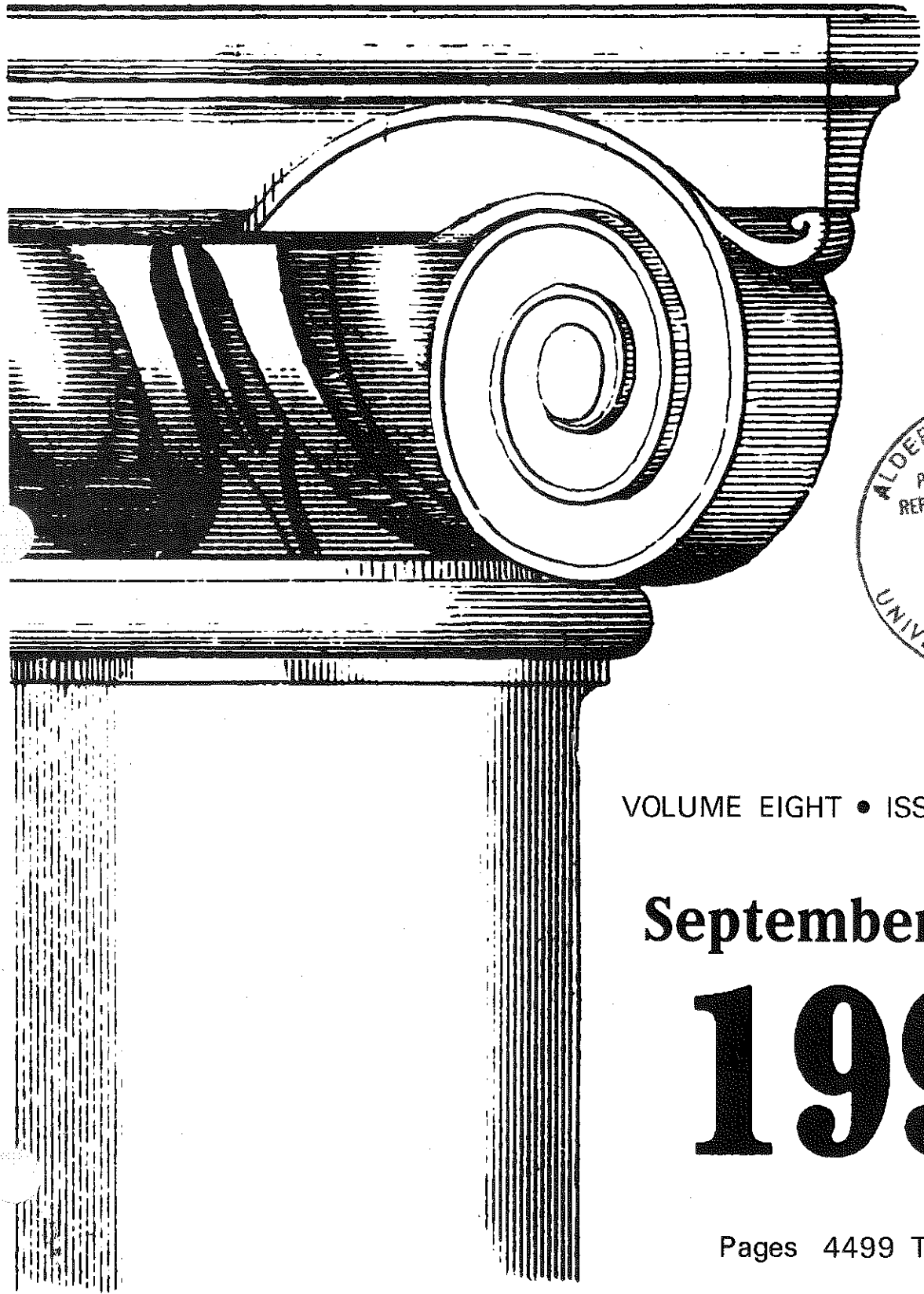


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# THE VIRGINIA REGISTER

OF REGULATIONS

VA  
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VOLUME EIGHT • ISSUE TWENTY-FIVE

September 7, 1992

# 1992

Pages 4499 Through 4622

## 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 the regulation becomes final.

### 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 VA.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.

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VIRGINIA REGISTER OF REGULATIONS

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July 1992 through September 1993

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# NOTICES OF INTENDED REGULATORY ACTION

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**Symbol Key †**

† Indicates entries since last publication of the Virginia Register

## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Agriculture and Consumer Services intends to consider promulgating regulations entitled: **VR 115-06-02. Rules and Regulations Pertaining to the Operation of Health Spas.** The purpose of the proposed action is to adopt regulations to implement the Virginia Health Spa Act.

Any person who would like to receive a copy of the proposed regulation, once it is developed, should contact J. Michael Wright.

Statutory Authority: § 59.1-308.2(E) of the Code of Virginia.

Written comments may be submitted until September 14, 1992.

**Contact:** J. Michael Wright, Supervisor, Office of Registrations, Virginia Department of Agriculture and Consumer Services, Division of Consumer Affairs, P.O. Box 1163, Richmond, VA 23209, telephone (804) 225-3924.

## DEPARTMENT OF CRIMINAL JUSTICE SERVICES (BOARD OF)

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with the agency's public participation guidelines that the Criminal Justice Services Board intends to consider amending regulations entitled: **VR 240-01-05. Rules Relating to Compulsory Minimum Training Standards for Dispatchers.** The purpose of the proposed action is to amend and revise the Rules Relating to Compulsory Minimum Training Standards for Dispatchers.

Statutory Authority: § 9-170(8) of the Code of Virginia.

Written comments may be submitted until September 10, 1992, to L.T. Eckenrode, Department of Criminal Justice Services, 805 East Broad Street, Richmond, VA 23219.

**Contact:** Paula Scott, Staff Executive, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-4000.

## DEPARTMENT OF EDUCATION (BOARD OF)

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Education intends to consider amending regulations entitled: **VR 270-01-0002. Regulations Governing the Educational Program for Gifted Students.** The purpose of the proposed action is to amend the Regulations Governing the Educational Program for Gifted Students so as to reflect the defined mission of the Department of Education and the current research and literature relative to identification and programming for gifted students.

Statutory Authority: § 22.1-253:13.1 of the Code of Virginia.

Written comments may be submitted until September 24, 1992.

**Contact:** Ms. Valerie Barrett, Associate Specialist-Gifted Programs, Department of Education, P.O. Box 6-Q, 20th Floor, Richmond, VA 23216, telephone (804) 225-2652.

## DEPARTMENTS OF EDUCATION; MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES; SOCIAL SERVICES; AND YOUTH AND FAMILY SERVICES (BOARDS OF)

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with these agencies' public participation guidelines that the Boards of Education; Mental Health, Mental Retardation and Substances Abuse Services; Social Services; and Youth and Family Services intend to consider amending regulations entitled: **VR 270-01-003; VR 470-02-01; VR 615-29-02; VR 690-40-004. Standards for Interdepartmental Regulation of Residential Facilities for Children.** The purpose of the proposed action is to amend the standards to provide children in residential facilities with at least a minimum level of care. The current effort is intended to amend those sections of the standards where dissonance exists between the standards and Virginia statutory law as a result of legislation enacted by the General Assembly.

Only those section of the standards which address (i) the duration and types of licenses/certificates and (ii) participation of residents as subjects in human research will be considered for amendment.

Statutory Authority: §§ 16.1-311, 22.1-321, 37.1-10, 37.1-182,

# Notices of Intended Regulatory Action

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37.1-189.1, 63.1-25, 63.1-196.4, 66-10 and 66-24 of the Code of Virginia.

Written comments may be submitted until September 10, 1992.

**Contact:** Rhonda M. Harrell, Assistant Coordinator, Office of the Corrdinator, Interdepartmental Regulation of Children's Residential Facilities, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-7124.

## DEPARTMENT OF GENERAL SERVICES

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of General Services intends to consider promulgating regulations entitled: **Aggressive Air Sampling Standards** to be utilized in final clearance inspections for asbestos projects in local education agencies and public colleges and universities in the Commonwealth of Virginia.

Statutory Authority: § 2.1-526.14:1 of the Code of Virginia.

Written comments may be submitted until September 23, 1992.

**Contact:** Henry G. Shirley, Director, Bureau of Capital Outlay Management, 805 E. Broad St., 8th Floor, Richmond, VA 23219, telephone (804) 786-3581.

## DEPARTMENT OF HEALTH (STATE BOARD OF)

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Health intends to consider promulgating regulations entitled: **VR 355-40-600. Regulations for the Conduct of Human Research.** The purpose of the proposed action is to establish regulations governing the conduct of research on human subjects by the Virginia Department of Health or any facilities or other entities operated, funded, or licensed by the Department.

Statutory Authority: § 32.1-12.1 of the Code of Virginia.

Written comments may be submitted until September 25, 1992.

**Contact:** Rosanne Kolesar, Health Programs Analyst, Virginia Department of Health, Room 104 B, 1500 E. Main St., Richmond, VA 23219, telephone (804) 786-5214.

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of

Health intends to consider amending regulations entitled: **VR 355-39-100. Regulations Governing Eligibility Standards and Charges for Medical Care Services.** The purpose of the proposed action is to revise current regulations to more closely conform to eligibility guidelines of other state agencies.

Statutory Authority: § 32.1-11 of the Code of Virginia.

Written comments may be submitted until October 9, 1992.

**Contact:** Dave Burkett, Health Administrator, P.O. Box 2448, Room 237, Richmond, VA 23218, telephone (804) 371-4089.

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Health intends to consider amending regulations entitled: **VR 355-18-000. Waterworks Regulations - Synthetic Organic/Inorganic Chemicals.** The purpose of the proposed action is to make appropriate amendments to make state regulations as stringent as federal Phase V (synthetic organic chemicals and inorganic chemicals).

Statutory Authority: § 32.1-170 of the Code of Virginia.

Written comments may be submitted until October 23, 1992.

**Contact:** Allen R. Hammer, P.E., Division Director, Virginia Department of Health, Division of Water Supply Engineering, P.O. Box 2448, Richmond, VA 23218, telephone (804) 786-5566.

## DEPARTMENT OF LABOR AND INDUSTRY

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Labor and Industry intends to consider amending regulations entitled: **VR 425-02-11. Virginia Occupational Safety and Health Administrative Regulations Manual.** The purpose of the proposed action is to update the Virginia Occupational Safety and Health Administrative Regulations Manual to reflect legislative and administrative changes to the Virginia Occupational Safety and Health (VOSH) program.

Statutory Authority: § 40.1-6 of the Code of Virginia.

Written comments may be submitted until September 11, 1992.

**Contact:** John J. Crisanti, Director, Office of Enforcement Policy, Department of Labor and Industry, 13 S. Thirteenth St., Richmond, VA 23219, telephone (804) 786-2384.

# Notices of Intended Regulatory Action

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with the agency's public participation guidelines that the Board of Medical Assistance Services intends to consider promulgating regulations entitled: **Medicaid Drug Prior Authorization Program**. The purpose of the proposed action is to require that selected high cost drugs, including high cost anti-ulcer and non-steroidal anit-inflammatory drugs, be preauthorized for use by the Medicaid program in order for payment by Medicaid to be made.

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

Written comments may be submitted until September 7, 1992.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7933.

## BOARD OF MEDICINE

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medicine intends to consider amending regulations entitled: **VR 465-02-01. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, Chiropractic, Clinical Psychology, and Acupuncture**. The purpose of the proposed amendments is to amend §§ 4.1 B 4 and 4.1 C 4 to delete ambiguous wording and establish a fee to set for the United States Medical Licensing Examination in § 7.1 A 1.

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

Written comments may be submitted until October 8, 1992, to Hilary H. Connor, M.D., Executive Director, 1601 Rolling Hills Drive, Richmond, Virginia 23229-5005.

**Contact:** Eugenia K. Dorson, Deputy Executive Director for Licensing, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9923.

## DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION, AND SUBSTANCE ABUSE SERVICES (STATE BOARD OF)

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Mental Health, Mental Retardation and Substance Abuse Services Board

intends to consider amending regulations entitled: **VR 470-06-01. Rules and Regulations to Assure the Protection of the Subjects of Human Research**. The purpose of the proposed amendments is to amend the existing regulations to reflect changes in the Code of Virginia and to bring the regulations into compliance with federal guidelines.

Statutory Authority: §§ 37.1-10 and 37.1-234 of the Code of Virginia.

Written comments may be submitted until October 7, 1992, to Randy Koch, Director of Research and Evaluation, DMHMRSAS, P.O. Box 1797, Richmond, Virginia 23214.

**Contact:** Rubyjean Gould, Director of Administrative Services, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3915.

## BOARD OF PHARMACY

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Pharmacy intends to consider amending regulations entitled: **VR 530-01-1. Regulations of the Board of Pharmacy**. The purpose of the proposed action is to conduct the biennial review of existing regulations.

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

Written comments may be submitted until October 7, 1992.

**Contact:** Scotti W. Milley, Executive Director, Virginia Board of Pharmacy, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9911.

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Pharmacy intends to consider amending regulations entitled: **VR 530-01-2. Regulations for Practitioners of the Healing Arts to Sell Controlled Substances**. The purpose of the proposed action is to conduct the biennial review of existing regulations.

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

Written comments may be submitted until October 7, 1992.

**Contact:** Scotti W. Milley, Executive Director, Virginia Board of Pharmacy, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9911.



# Notices of Intended Regulatory Action

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## DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Social Services intends to consider promulgating regulations entitled: **General Relief Program: Deeming Income from Alien Sponsors**. The purpose of the proposed regulation is to revise the policy in the General Relief Program to require that in determining eligibility for assistance for a sponsored alien, the income and resources of the alien's sponsor be considered as available to the alien for three years after the alien's entry into the United States.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until September 23, 1992, to Diana Salvatore, Program Manager, Medical Assistance Unit, Division of Benefit Programs, Department of Social Services, 8007 Discovery Drive, Richmond, VA 23229.

**Contact:** Peggy Friedenber, Legislative Analyst, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229-0899, telephone (804) 662-9217.

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Social Services intends to consider promulgating regulations entitled: **Food Stamp Program - Income Conversion Method**. The regulations are to implement federal regulations at 7 CFR 273.10(c)(2)(i) to select one method of calculating income for all cases when a full month's income is expected.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until September 23, 1992.

**Contact:** Peggy Friedenber, Legislative Analyst, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217.

## DEPARTMENT OF STATE POLICE

### Notice of Intended Regulatory Action

Notice is hereby given that the Department of State Police intends to consider promulgating regulations entitled: **Public Participation Policy**. The purpose of the proposed action is to establish guidelines for public participation in agency regulatory action.

Statutory Authority: §§ 9-6.14:7.1, 46.2-1165, 52.8-4, and 54.1-4009 of the Code of Virginia.

Written comments may be submitted until September 23, 1992.

**Contact:** Captain J.P. Henries, Safety Officer, Department of State Police, Safety Division, P.O. Box 85607, Richmond, VA 23285-5607, telephone (804) 674-2017.

## 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 amending regulations entitled: **VR 630-3-414. Sales Factor and VR 630-3-419. Construction corporation; apportionment**. The purpose of the proposed action is to clarify the sales apportionment treatment of installment sales and update the regulation to incorporate changes under federal law relating to accounting methods for construction corporations.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until September 23, 1992.

**Contact:** Michael S. Melson, Tax Policy Analyst, Office of Tax Policy, Department of Taxation, P.O. Box 6-L, Richmond, VA 23282, telephone (804) 367-0033.

### 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 630-3-446.2. Intercorporate Transactions**. The purpose of the proposed action is to set forth the instances in which the Department of Taxation may invoke the authority to make equitable adjustments under Virginia Code § 58.1-446.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until September 23, 1992.

**Contact:** Alvin H. Carpenter, Tax Policy Analyst, Department of Taxation, Office of Tax Policy, P.O. Box 6-L, Richmond, VA 23282, telephone (804) 367-0963.

### 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 amending regulations entitled: **VR 630-10-73. Newspapers, magazines, periodicals and other publications**. The purpose of the proposed action is to clarify what constitutes taxable/exempt publications for purposes of the retail sales and use tax.

# Notices of Intended Regulatory Action

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until September 24, 1992.

**Contact:** Terry M. Barrett, Tax Policy Analyst, Office of Tax Policy, Department of Taxation, P.O. Box 6-L, Richmond, VA 23282, telephone (804) 367-0964.

## 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 amending regulations entitled: **VR 630-10-74. Nonprofit Organizations.** The purpose of the proposed action is to clarify application of retail sales and use tax to purchases and sales by a nonprofit organization.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until September 24, 1992.

**Contact:** Lonnie T. Lewis, Jr., Tax Policy Analyst, Office of Tax Policy, Department of Taxation, P.O. Box 6-L, Richmond, VA 23282, telephone (804) 367-0962.

## 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 amending regulations entitled: **VR 630-10-80. Penalties and Interest.** The purpose of the proposed action is to clarify application penalties and interest regarding the retail sales and use tax.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until September 24, 1992.

**Contact:** Valerie H. Marks, Tax Policy Analyst, Office of Tax Policy, Department of Taxation, P.O. Box 6-L, Richmond, VA 23282, telephone (804) 367-0964.

## VIRGINIA RACING COMMISSION

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Racing Commission intends to consider promulgating regulations entitled: **Satellite Wagering Facilities.** The purpose of the proposed action is to establish conditions under which simulcast horse racing shall be conducted at satellite wagering facilities.

Statutory Authority: § 59.1-369 of the Code of Virginia.

Written comments may be submitted until September 28,

1992.

**Contact:** William H. Anderson, Policy Analyst, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363.

## STATE WATER CONTROL BOARD

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider amending regulations entitled: **VR 680-16-03. James River Water Quality Management Plan.** The purpose of the proposed action is to amend the Upper James River Basin Water Quality Management Plan to increase the waste load allocation for the Town of Crewe Sewage Treatment Plant's discharge to an unnamed tributary to Deep Creek from 20 pounds per day of BOD5 to 50.1 pounds per day of CBOD5 and to change the recommended location of an upgraded plant outfall from Deep Creek to an unnamed tributary of Deep Creek.

The proposed amendment will only affect the Virginia Pollutant Discharge Elimination System (VPDES) permit for the Town of Crewe, which provides sewerage service to an estimated 2,300 people. The proposed amendment would form the basis of effluent limitations for the town's planned STP upgrade, to be funded through the Virginia Revolving Loan Fund. Water quality in the unnamed tributary will be improved because the upgraded STP is expected to achieve the new effluent limitations which are significantly more stringent than the town can currently attain with their existing STP. By increasing the waste load allocation the town will save an estimated \$477,000 in capital costs, thus allowing it to proceed to build the new STP much faster than it could afford to do if the current waste load allocation were maintained.

The Town of Crewe currently discharges into an unnamed tributary of Deep Creek. In order to meet the requirements of the National Municipal Policy, the STP needs to be upgraded, and the discharge must conform to the waste load allocation established in the Upper James River Basin Water Quality Management Plan. The Board's staff has surveyed and evaluated the receiving stream, and determined that an increase in waste load allocation from 20 pounds per day of BOD5 to 50.1 pounds per day of CBOD5 would be adequately protective of water quality. At issue is whether such an increase in waste load allocation is appropriate in this case.

The current water quality management plan also recommends that the Town of Crewe discharge location be moved to the main stem of Deep Creek, about two miles from the current discharge point. The Board's staff does not feel that such a change is advantageous in terms of BOD waste assimilation due to the hydrologic characteristics in that segment of Deep Creek. It is possible, however, that such a change in discharge location

# Notices of Intended Regulatory Action

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may be advantageous from a toxics management perspective. This will be evaluated after the new STP goes on line and sufficient monitoring data is obtained. At issue is whether or not the discharge location should be moved at this time.

The Executive Director has elected not to hold a public meeting, as is authorized by § III(c) of the board's Public Participation Guidelines.

The proposed action is authorized by the statute cited below and is governed by the State Water Control Law and Title 40, Parts 35 and 130 of the Code of Federal Regulations.

Statutory Authority: §§ 62.1-44.15(13), (10) and (3a) of the Code of Virginia.

Written comments may be submitted until September 9, 1992.

**Contact:** Mr. Curtis J. Linderman, Piedmont Regional Office, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5038.

## Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider amending regulations entitled: **VR 680-21-00. Water Quality Standards.** The purpose of the proposed action is to conduct the triennial review of water quality standards as required by federal and state law. As part of this triennial review, public meetings are being held to receive comments and suggestions which the State Water Control Board will consider in proposing specific changes in the standards that will be formally considered at public hearings during 1993.

The type of information which would help the board conduct this review includes information on the following Environmental Protection Agency requirements:

- information to update existing standards or to add new standards (especially for toxic pollutants),
- suggestions for a narrative biological criteria,
- evaluations of the 1986 Environmental Protection Agency's bacteria and dissolved oxygen criteria, and
- provisions to ensure that standards apply to wetlands and appropriate numeric criteria for wetlands.

In addition, staff will be considering nominations previously received for water bodies to be included as exceptional waters under VR 680-21-01.3 C as well as seeking additional recommendations for this category. The nominations received thus far include the Rappahannock River from the headwaters to its confluence with Carter's

Run, the Rappahannock River from the head of Kelly's Ford rapids to its confluence with Mott's Run and the Maury River from Goshen to Rockbridge Baths.

Finally, any other information which may indicate that modifications are necessary in other sections of the regulation will also be considered.

Any amendments to the water quality standards proposed as a result of this triennial review have the potential to impact every VPDES permit holder in the Commonwealth of Virginia. The impact on an individual VPDES permit hold would range from additional monitoring costs through upgrades to existing wastewater treatment facilities.

The board will hold six public meetings to receive views and comments and to answer questions of the public. (See Calendar of Events Section).

Applicable laws and regulations include § 303(c)(2)(B) and § 307(a) of the Clean Water Act, State Water Control Law, VR 680-21-00 (Water Quality Standards Regulation) and VR 680-14-01 (Permit Regulation).

Statutory Authority: § 62.1-44.15(3a) of the Code of Virginia.

Written comments may be submitted until November 16, 1992.

**Contact:** Eleanor Daub, Office of Environmental Research and Standards, State Water Control Board, P.O. Box 11143, Richmond, VA 23230-1143, telephone (804) 527-5091.

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# PROPOSED REGULATIONS

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For information concerning Proposed Regulations, see information page.

**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 HEALTH

**Title of Regulation: VR 355-39-100. Regulations Governing Eligibility Standards and Charges for Medical Care Services.**

**Statutory Authority: § 32.1-12 of the Code of Virginia.**

**NOTICE:** The Department of Health is WITHDRAWING the proposed regulation entitled "Regulations Governing Eligibility Standards and Charges for Medical Care Services," VR 355-39-100, as published in 8:21 V.A.R. 3660-3667 July 13, 1992.

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# FINAL REGULATIONS

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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 CORRECTIONS (STATE BOARD OF)

**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(a) of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The State Board of Corrections will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

**Title of Regulation:** VR 230-30-007. Supervision Fee - Rules, Regulations and Procedures.

**Statutory Authority:** § 53.1-150 of the Code of Virginia.

**Effective Date:** November 1, 1992.

### Summary:

*The amendments incorporate the changes in § 53.1-150 of the Code of Virginia adopted by the 1992 General Assembly and signed into law by the Governor. Presently, persons placed on probation, parole, community diversion incentive or state work release supervision are required to pay a supervision fee. The change will allow persons entering any of the above statuses on or after July 1, 1992, to perform community service work if they are unemployed or exempted from fee payments. They may be required to do community service by the sentencing court for probationers and CDI participants, by the Parole Board for parolees or by the Director of Corrections for state work releasees.*

VR 230-30-007. Supervision Fee - Rules, Regulations and Procedures.

## PART I. GENERAL PROVISIONS.

### § 1.1. Definitions.

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

*"Community service" means any unpaid service or work performed for the community or for the good of the community at an approved nonprofit public or private organization.*

*"Delinquency" means a person is delinquent after missing one monthly supervision fee payment.*

*"Employment" means any service, including service in interstate commerce, performed by an individual for remuneration or under any contract for hire, written or oral, expressed or implied.*

*"Exclusion from community service" means having clinical documentation of a physical, mental or emotional disability which precludes the performance of community service by the client.*

*"Income" means any money received from all sources, exclusive of social security and welfare.*

*"Legal dependents" means those persons legally eligible to be listed as exemptions for federal income tax purposes.*

*"Month" means a calendar month or fraction thereof.*

*"Monthly gross income" means income received in a calendar month.*

*"Supervision" means that period of time from opening the case by executing the Community Release Agreement a community release agreement, the Conditions of Probation or Parole, or the a Community Diversion Incentive (CDI) Program diversion agreement until the case is terminated, or timely payments have been made for 60 months.*

*"Unable to work" means having clinical documentation of a physical, mental, or emotional disability which precludes work or employment for the client.*

*"Unreasonable hardship" means monthly gross income is less than the federal poverty guidelines provided by the Department of Social Services.*

*"Unreasonable hardship due to extenuating circumstances" means monthly gross income is reduced below federal poverty guidelines because of payments on financial obligations caused by court ordered sanctions, natural disasters, unreimbursed medical expenses, or other unusual circumstances.*

*"Verified income" means written documentation establishing the client's income, such as check stubs, contracts, legal documents, etc.*

§ 1.2. Supersession.

These standards supersede the emergency "Supervision Fee Rules and Regulations" adopted by the Board of Corrections on June 20, 1989 December 5, 1990 .

## § 1.3. Eligibility.

All adults and juveniles sentenced as adults are subject to the provisions of § 53.1-150 of the Code of Virginia ~~(See Appendix 1)~~ with these notations:

1. A person shall not be liable for payment for the last month of supervision.
2. A person shall not be subject to double monthly fees in the event of concurrent supervision requirements.
3. In the event of concurrent parole and probation or CDI participation, the district or program shall open the case according to existing program procedures and the fee collection shall be assigned to the active status.
4. In the event of concurrent work release, parole, community diversion or probation, the Department of Corrections (DOC) Accounts Receivable Section shall be responsible for collecting the fees.
5. Persons sentenced in Virginia who transfer to another state and transfer back to Virginia are subject to the fee payment when accepted for supervision.
6. *Persons placed on probation without a suspended sentence or with a final sentence deferred excluding persons subject to the provisions of § 18.2-251 of the Code of Virginia are subject to the fees unless exempted by the sentencing court.*
7. *Persons entering probation, parole, CDE, or state work release on or after July 1, 1992, may be required to perform community service if they are unemployed or exempted from supervision fee payments.*
6. 8. All persons subject to the provisions of § 53.1-150 of the Code of Virginia are obligated for fee payments unless and until they are exempted, are terminated from supervision, or comply with the 60-month provision.

## PART II. ADMINISTRATIVE PROCEDURES.

### § 2.1. Intake process.

A. All probationers, parolees, state work releasees entering supervision on or after July 1, 1981, and CDI offenders who agree to diversion on or after July 1, 1988, shall have the provisions of § 53.1-150 of the Code of Virginia and the Supervision Fee Rules and Regulations explained to them by the supervising probation and parole

officer, work release counselor, or CDI case manager, respectively.

B. Explanation of this obligation shall be given at the time of initial interview and be evidenced by execution of ~~the Client Introduction Form (See Appendix 2)~~ a *client introduction form* . The original completed form shall be distributed to the client case file and the client shall receive a copy.

C. Refusal to sign the ~~Client Introduction Form~~ *client introduction form* does not relieve the person of the requirements of § 53.1-150 of the Code of Virginia. The supervising officer, work release counselor, or CDI case manager should note this occurrence on the form, sign it and distribute the copies as shown ~~above~~ *in subsection 2.1 B* .

D. A ~~Supervision Fee Record (See Appendix 3)~~ *supervision fee record* shall be set up on each probationer, parolee, or state work releasee entering supervision on or after July 1, 1981, and each person entering community diversion status on or after July 1, 1988. The record system may be manual or automated.

### § 2.2. Exemptions and exclusions .

A. Section 53.1-150 of the Code of Virginia allows for the exemption of eligible persons from the fee payment obligation if approved by proper authority on the grounds of unreasonable hardship or unreasonable hardship based on extenuating circumstances. *Persons may be excluded from performing community service in lieu of payments at the discretion of the appropriate authority specified in the statute.*

#### B. Exemption and exclusion application.

1. A person may apply for an exemption at any time after entering active supervision and completing either the client introduction form or the revised community release agreement. Documentation of hardship shall be provided by the person seeking exemption ~~(See Appendix 4)~~ *or exclusion* .

2. If an exemption based on unreasonable hardship is denied, the client may apply for an exemption based on unreasonable hardship due to extenuating circumstances.

3. Persons denied an exemption *or exclusion* for any reason may reapply whenever their circumstances change.

#### C. Exemption *or exclusion* process.

1. Exemptions for unreasonable hardship or for unreasonable hardship based on extenuating circumstances *and exclusion from performing community service* .

# Final Regulations

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a. The exemption *and exclusion* process for parolees shall be according to procedures approved by the Virginia Parole Board.

b. The exemption *and exclusion* process for probationers and CDI participants shall be according to procedures approved by the sentencing court.

c. The exemption *and exclusion* process for state work releasees shall be according to procedures approved by the Department of Corrections.

2. The Division of Adult Community Corrections will annually review and issue the federal poverty guideline information needed to determine unreasonable hardship *and set the hourly value of community service work* .

## D. Exemption *and exclusion* termination process.

1. Exemptions *and exclusions* shall be terminated when the reasons for which the exemption or *exclusion* was granted are no longer valid.

The supervising officer, CDI ~~program director~~ case manager , or work release program staff member shall document the invalidity and recommend exemption or *exclusion* termination to the chief officer, CDI program director, or work release director.

2. The chief probation and parole officer, CDI program director, or appropriate work release program administrator may recommend termination of an exemption(s) or *exclusion* to the ~~exempting proper~~ authority.

3. The supervising officer, CDI case manager, or work release program staff member is responsible for monitoring the exemption *and exclusion* reasons at least quarterly.

4. There is no appellate procedure for termination by the ~~exempting or excluding~~ authority.

## PART III.

### PAYMENTS AND COLLECTION PROCEDURES.

#### § 3.1. Payments.

A. Payments specified in § 53.1-150 of the Code of Virginia or the sentencing general district court ~~shall may~~ be made in full or in part . This allows advance payments but not partial payments .

B. Payments or *community service* for obligations in the preceding calendar month shall be due no later than the fifth day of the following month.

C. Payments shall be in the form of certified checks, cashier's checks, corporate checks, or money orders and

made payable to the Department of Corrections , or other means as approved by the director. .

D. The employer may deduct the fee payment from the person's pay and forward the payment to the district office, or CDI program office whichever is supervising the client.

E. All payments shall be made in person to the supervising officer or the CDI case manager, or mailed to the district office or CDI program office, as appropriate.

F. Payment or *community service* obligations shall commence with the calendar month in which the exemption or *exclusion* terminated.

#### § 3.2. District/CDI program collection procedures.

A. The chief probation and parole officer or CDI program director are responsible for monitoring compliance with the fee collection rules and regulations in the probation and parole district or CDI program area.

B. The chief officer or CDI program director may establish written local office procedures to monitor compliance with the rules and regulations, subject to the approval of the regional ~~probation and parole manager or community alternatives~~ community corrections manager.

C. Probation and parole district and CDI offices shall issue sequentially numbered receipts or their *approved accounting* equivalent, to offenders upon payment. Clients should be strongly urged to retain the receipts in the event of theft or loss. The receipt system may be manual or automated.

~~D. Probation and parole district and CDI offices shall process the daily ledger sheet (See Appendix 5) as follows:~~

~~1. All payments shall be listed, upon receipt, by probation and parole or CDI staff members.~~

~~2. The sheets shall be completed by the close of each business day. Daily ledger sheets shall be submitted when the accumulated funds exceed \$200 or weekly—whichever occurs first. They shall be prepared in triplicate. Two copies, along with the receipted and listed checks or money orders, shall be mailed to the DOC Accounts Receivable Section. One copy shall be retained in the district or CDI office.~~

~~3. All entries on daily ledger sheets and checks or money orders reconciled according to § 3.4 and the copy of the reconciled daily ledger sheet returned to the district office or CDI office by the DOC Accounts Receivable Section. The reconciled amounts shall be posted to the supervision fee record within five days of receipt.~~

~~D. All payments shall be deposited in accordance with DOC Accounts Receivable Section policies and procedures.~~

E. Probation and parole district and CDI offices shall post all supervision fee records each month for all activity within the preceding calendar month.

1. The entries shall show:

- a. Amount paid - \$30.
- b. Exemption - Ex-1; Ex-2.
- c. Unemployed - UN.
- d. Community service - CS plus number of hours worked.
- e. Excluded - EXC.
- f. Delinquency - DEL.
- g. Interstate - IS.
- h. Ineligible - IN.
- i. Closed - CL.

2. The entries shall show the date of the entry and the initials of the person making the entry.

F. All delinquent persons for a calendar month shall be identified and the delinquency procedures initiated in accordance with § 3.6.

G. Any shortage shall be reported immediately to the regional probation and parole community corrections manager or regional community alternatives manager and to the cash receipts supervisor of the DOC Accounts Receivable Section in writing. Every effort shall be made to recover lost or stolen payments.

H. Every effort shall be made to determine the source of unidentified payments. The regional probation and parole community corrections manager or regional community alternatives manager, and the cash receipts supervisor of the DOC Accounts Receivable Section shall be notified in writing if such efforts are unsuccessful.

### § 3.3. State work release collection procedures.

A. The work release facility director, for persons in state facilities, or the community facilities corrections managers, for persons subject to the fee in local programs, shall monitor compliance with the fee collection rules and regulations at the unit or facility.

B. Subject to the approval of the regional administrator for state facilities or community facilities corrections manager, the work release program facility director shall establish written local office procedures to monitor compliance with the rules and regulations.

C. The work release facility directors, for persons in

state facilities, or the community facilities corrections managers, for persons subject to the fee in local programs, shall advise the DOC Accounts Receivable Section of any work releasee subject to fee collection.

D. Program facility directors or community facilities corrections managers shall advise the DOC Accounts Receivable Section in writing when persons are exempted from fee collection or are no longer subject to the provisions of § 53.1-150 of the Code of Virginia.

E. The accounts receivable manager DOC Accounts Receivable Section shall deduct the supervision fee each month from the pay of each person subject to the fee. The deductions, associated recordkeeping, and fund transfers shall be made in a manner consistent with generally accepted accounting principles and in a manner specified and approved by the DOC Assistant Comptroller, Accounting Operations.

F. All supervision fee records shall be posted as required in § 3.2.

### § 3.4. General Accounting DOC (Accounts Receivable Section) procedures.

A. The cash receipts unit shall receive the checks or money orders for supervision fee payments from employers, the work release units, district offices, and CDI program offices.

B. The Cash Receipts Unit of the Accounts Receivable Section shall reconcile the checks or money orders and entries on the daily ledger sheet (See Appendix 5) and return one copy of the reconciled daily ledger sheet to the sending unit, district, or program within 10 days of its receipt.

C. A. The Cash Receipts Unit DOC Assistant Comptroller, Accounting Operations shall prepare a monthly report (See Appendix 6) for the deputy director, Adult Community Corrections concerning fees collected. The accounts receivable manager shall transmit the report.

D. B. The DOC Assistant Comptroller Accounting Operations shall, according to generally accepted accounting principles, establish any fiscal procedures deemed necessary and not otherwise set forth to receive, account for, and disburse funds collected under the provisions of § 53.1-150 of the Code of Virginia.

### § 3.5. Refunds of payments.

A. Requests for refunds shall be made to the cash receipts supervisor of the DOC Accounts Receivable Section by the chief probation and parole officer, CDI program director, or work release facility director in writing.

B. Any refunds authorized by the cash receipts supervisor DOC Accounts Receivable Section shall be in



# Final Regulations

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accordance with accepted accounting principles or applicable state requirements.

## § 3.6. Delinquency procedures.

A. The probation and parole officer or CDI case manager shall make every effort to encourage clients to meet their supervision fee obligations.

B. The chief probation and parole officer and CDI program director shall develop written local office procedures, subject to the approval of the regional probation and parole manager or community alternatives manager community corrections manager for identifying delinquent clients and recovering outstanding fee payments.

C. All persons failing to make payment or complete community service work for the preceding calendar month will be mailed a Supervision Fee Delinquency Notice (See Appendix 7) supervision fee delinquency notice by the supervising officer or case manager. Under § 53.1-150 of the Code of Virginia, more than two months delinquency may constitute sufficient grounds for revocation of parole, probation, work release, or community diversion status.

D. In the event of alleged violation by parolees, action shall be taken according to existing Parole Board violation procedures.

E. For probationers and CDI participants, the delinquency shall be noted in the case file. The sentencing court shall be notified of the delinquency, along with any recommendation, by the supervising officer or case manager.

F. Delinquency by state work releasees shall be identified and addressed by the work release facility director according to divisional guidelines.

G. The Director of Corrections may establish any other policies and procedures necessary to address delinquencies and improve collection rates.

## PART IV. TRANSFER AND CLOSURE PROCEDURES.

### § 4.1. Transfer procedures.

A. Transfers from work release or community diversion incentive to parole or probation.

1. Persons subject to the provisions of § 53.1-150 of the Code of Virginia being released from state work release status or CDI program participation to probation or parole supervision shall be terminated from the work release or CDI program according to existing program procedures.

2. The work release unit or CDI program facility director shall notify the accounts receivable manager

DOC Accounts Receivable Section of the program termination and send a copy of the notice to the central criminal file and local case file. The supervision fee record shall be marked "closed."

3. The chief probation and parole officer shall enter such persons into supervision as a new case.

B. Transfers from parole to probation or vice versa.

Persons concluding either parole or probation supervision with a continuing probation or parole obligation shall have the supervision fee obligation continued without interruption.

C. Transfers to other districts or programs .

Persons may transfer to another probation and parole district or from one CDI program to another according to existing program procedures.

1. The supervision fee record, the client introduction form and the hardship exemption and exclusion application, if applicable, shall be included in the final transfer material. The sending district or CDI program shall mark the record "closed" and retain a copy.

2. The case file shall reflect the transfer of these materials and the person's supervision fee status.

3. The receiving district or program shall continue the supervision fee collection process without interruption.

D. Transfer to or from other states.

1. Persons may transfer to or be received from other states according to existing interstate compact procedures. However, upon the effective date of transfer, they are not subject to the supervision fee payment.

2. Persons transferring to another state are obliged to pay the supervision fee until the effective transfer date, except that they shall not be charged for the last month of supervision. The sending district shall mark the record "closed" and retain it.

### § 4.2. Closure procedures.

A. Client supervision fee payment obligations may be terminated by death, discharge, interstate transfer, or revocation.

B. Cases should be closed in accordance with existing program procedures including a reference to the supervision fee status.

C. The DOC work release accountant shall be advised of any work release case closing, in writing, by the work release facility director with a copy forwarded to the central criminal file.

D. The supervision fee record shall be posted with a closed entry and retained in the district, unit, or CDI program file.

PART V.  
EXTERNAL REQUIREMENTS AND LIMITATIONS.

§ 5.1. External requirements.

All rules, regulations, and procedures are subject to any applicable auditing requirements and all records are governed by any applicable state library or statutory requirements.

§ 5.2. Limitations.

These regulations set forth the responsibilities of Department of Corrections and Community Diversion Incentive Program employees and do not establish rights or entitlements for any person subject to the provisions of § 53.1-150 of the Code of Virginia.

# Final Regulations

Appendix 2

DEPARTMENT OF CORRECTIONS  
SUPERVISION FEE RECORD

92 AUG 19 4 11: 23

CLIENT INTRODUCTION FORM

NAME: John S. Doe # 000001  
 (Print/Type) USF/SF

Section 53.1-450. Code of Virginia requires that all persons, unless exempted, who are placed on probation, parole and/or work release of Community Diversion Program community diversion programs pay a monthly supervision fee of \$30.00 toward the cost of his supervision. The requirement begins thirty (30) days from the date he/she is initially employed. The amount is set by statute and is subject to change. The exact amount is \$\_\_\_\_\_. Those persons exempted from the supervision fee requirement or not gainfully employed may be required to perform Community Service as an alternative to paying the supervision fee.

The following is furnished for your information:

- The fee is due by the fifth of the month following the thirtieth (30th) day of gainful employment and will continue each month thereafter. If you make timely payments for (60) sixty months without revocation or extension of your probation/parole of diversion status you will have no further obligation to pay the fee. Further you will not be obligated to pay the fee during the last month you are under supervision.
- Payments may be made at the District Office or CDI Office, either in person or by mail or in person to the supervising officer or Case Manager. Payments will be deducted from work releases pay by the Department.
- Payments will be made by certified check, cashier's check, or money order made payable to the Department of Corrections or other approved means.
- When you obtain a certified check, cashier's check, or money order, you will be furnished a receipt. Please keep it. It will serve as your proof of payment and may be used in the event of theft or loss.
- There are provisions for hardship exemptions which will be discussed with you by your supervising officer or CDI Case Manager or Work Release Coordinator. If you feel you qualify, you may apply for an exemption.
- If you are required to perform Community Service as an alternative to paying the supervision fee, you will be granted a monetary credit for each acceptable hour of Community Service performed.
- If you become behind by three (3) payments or fail to perform Community Service as instructed, your probation/parole or work release with revocation or community diversion status may be revoked.

I have read (or had read to me) and understand the above.

July 1, 1990 Date John S. Doe Client

Nathan Portnow  
 Supervising Officer  
 Distribution - Client, District/Unit District/Program/Facility

Appendix 3

SUPERVISION FEE RECORD

92 AUG 19 4 11: 23

CLIENT NAME: John S. Doe # 000001 P.O. Nathan Portnow DIST. # 10  
 Date of Supervision: July 1, 1987-1992 Expiration Date: September 30, 1987-1993

Date	Code	By	Date	Code	By
1987			1992		
Jan (2 5)	\$15.30	NF	Jan		
Feb (3 5)	\$15.30	NF	Feb		
Mar (3 31)	\$15.30	NF	Mar		
Apr (4 19)	\$15.30	NF	Apr		
May (6 2)	\$15.30	NF	May		
Jun (6 30)	\$15.30	NF	Jun		
Jul (7 31)	IN	NF	Jul		
Aug (8 31)	\$15.30	NF	Aug		
Sep (9 30)	\$15.30	NF	Sep		
Oct (10 22)	\$15.30	NF	Oct		
Nov (12 4)	\$15.30	NF	Nov		
Dec (12 28)	\$15.30	NF	Dec		

### CODES

Probation/Parole-Code	Work Release	CDI-Program
A-Amount Paid \$15.00	B-Amount Paid \$15.00	A-Amount Paid \$15.00
B-Exemption	B-Exemption	B-Exemption
C-Unemployed	C-Unemployed	C-Unemployed
D-Community Service	D-Community Service	D-Community Service
E-Delinquency	E-Delinquency	E-Delinquency
F-Intestate	F-Intestate	F-Intestate
G-Ineligible	G-Ineligible	G-Ineligible
H-Closed	H-Closed	H-Closed

### NOTES

In the date column show the actual payment date next the month to which the payment entry is to be credited.

All eligible but unemployed persons should be coded "NF". All exempted persons should be coded "EX". If unemployed or exempt persons perform community service in lieu of payment, then add the code "CS" as noted below to "NF" or "EX".

Community service (CS) entries should also show the number of hours to be credited - e.g., CS6.

Payments on accounts with delinquent (DL) entries should be credited to the oldest delinquent month.

Appendix B

DEPARTMENT OF CORRECTIONS  
 PRE-RELEASE ACTIVITIES PROGRAM OF INMATES  
 COMMUNITY RELEASE AGREEMENT 2010010 0111:23

CORRECTIONAL CENTER: Woodbridge SSN: 000 01 0001  
 ( ) ORIGINAL ( ) REVISION # DATE: July 1, 1988

In accordance with provisions of Section 53.1-60, as amended, of the Code of Virginia the Department of Corrections does hereby extend the limits of confinement for the above named inmate for the purposes and subject to the provisions outlined below:

PROGRAM: Work Release ( W ) Study Release ( ) Other ( )  
 EFFECTIVE DATE: July 1, 1988  
 ASSIGNED LOCATION: (Name) Woodbridge Cleaners  
 (Address) 200 Washington Highway Woodbridge, Virginia  
 (Employer, School, Facility or Other)  
 DURATION: Will Depart Correctional Center at 6:30 a.m.  
 and return not later than 6:00 p.m.  
 by (Name) unit van (Time)  
 (Mode of Transportation)

DAYS OF WEEK AUTHORIZED: Tuesday through Saturday  
 IMMEDIATE SUPERVISOR: Nigel Farnsworth 555 1213  
 (Name) (Telephone)  
 AUTHORIZING OFFICIAL: Same as above  
 (Name) (Telephone)

(Employer or School Administrator)  
 RATE OF PAY: \$4.10 (hourly) (weekly) (monthly)  
 HOURS PER WEEK: 40 DAYS PER WEEK: 5  
 DAILY WORK SCHEDULE: FROM 7:30 a.m. TO 4:30 p.m.  
 REGULAR PAY PERIODS: weekly  
 DATE FIRST PAYCHECK IS ANTICIPATED: July 5, 1988

CONDITIONS OF AGREEMENT  
 1. I hereby authorize the Department of Corrections to pursue all claims on my behalf pertaining to non-payment of wages.  
 2. I agree to proceed directly to and remain within the confines of my extended area of confinement as outlined above.  
 Revised 7/1/88

COMMUNITY RELEASE AGREEMENT  
 Page 2

3. I will refrain from the consumption of use of any alcoholic beverages, narcotics or other drugs not lawfully possessed by me.
4. I will work and/or study diligently, conduct myself in a proper manner obey all laws, program guidelines, regulations and instructions.
5. I will contact the Center Supervisors in even any unusual circumstances arise.
6. I will not terminate my employment or study without prior authorization from the Center Superintendent.
7. I understand that I may study or work overtime or otherwise adjust my conditions of employment only if prior authorization is received from the Center Superintendent.
8. I understand that I am required by law to provide financial support to any of my dependents who may be receiving welfare assistance and I hereby authorize such expenditures from my account.
9. My dependents (Case are not) currently receiving Welfare assistance.  
 -delete one
10. I agree to deposit my entire paycheck into my inmate account each pay period and report and deposit all other funds received from any source to the designated official for credit to my account.
11. I understand that I will receive medical services from facilities authorized by the Department of Corrections and that I will be responsible for payment of any medical expenses which I may incur from such sources.
12. I agree to maintain the minimum balances in my inmate account as authorized by current regulations and I authorize the designated deductions for Roomy Board, and administrative charges to begin concurrent with my employment.
13. I agree to voluntarily submit to occasional breath and urine tests as a surveillance technique to monitor adherence to condition Number 3 above.
14. I understand that failure to adhere to any of the above conditions or falsification of any information contained herein may result in my immediate removal from the Program and termination of my Community Release Authorization.
15. I understand that failure to remain within my place of employment, educational or related community activity program or failure to proceed to a from that designated area may be deemed as an escape from custody and subject to punishment as prescribed by law.

Appendix 4

COMMUNITY RELEASE AGREEMENT  
Page 3

16. I understand that failure to adhere to Division Guideline 800 and punishment by the Adjustment Committee may result in my removal from the Program and termination of my Community Release Authorization.
17. I fully understand that I may be expected to complete any study course in which I participate, involving three credit hours or less, prior to being granted parole, and that participation in this release program is no way entitle me as a matter of right to be released upon parole at any specific date in the future.
18. In the event I am arrested outside the State of Virginia, I understand that I have the right to contest extradition, and I hereby knowingly waive extradition proceedings, and will return voluntarily to the State of Virginia.
19. I agree to participate in individual/group sessions and Pre Release Programs designed to ease my transition back into the community and upgrade my skills for handling problems most commonly encountered by ex-offenders after their release from incarceration.
20. I have been granted permission to participate in a community activity program under the jurisdiction of the Department of Corrections. In order that this may be accomplished, certain information from my records may be needed. I hereby consent to have information from my official records divulged (including reproduction) to prospective employers, school administrators, and/or appropriate law enforcement agencies.
21. I understand that I am subject to the payment of a monthly supervision fee of \$15.00 unless exempted by proper authority. Payments will commence thirty (30) days from the date of initial employment.
- I have read or had read any explained to me the above conditions and do hereby agree to abide by these conditions.
- July 1, 1988  
Date  
Joe Doe  
IN WITNESS WHEREOF
- I hereby certify that the above has been read and/or explained to the inmate and I do hereby witness said signature.
- July 1, 1988  
Date  
Landebery Von Roosevelt  
UNIT SUPERINTENDENT OR HIS DEPUTY

DEPARTMENT OF CORRECTIONS  
HARDSHIP EXEMPTION/EXCLUSION APPLICATION

TO - Exempting Authority: Virginia Parole Board  
Applicant: Joe Doe  
Last Name: John  
First Name: John  
Soc Sec: [blank]  
Middle Name: [blank]  
Probationer SS#: 000001  
Parolee VSP#: 000001  
Work Release Dept: [blank]  
in accordance with Section 53.1-150 of the Code of Virginia, I am requesting an exemption from paying the supervision fee or exclusion from community service in lieu of fee payments beginning August 1, 1988 1992 for the following reason(s): [blank]

1. Inefficient income due to (a) inadequate earnings, (b) Court ordered financial obligations, (c) Verified uninsured medical expense other than nonprescription drugs.
2. Verified Extenuating Circumstances (Briefly explain)

I understand that if this application is approved, I will be exempt from paying the supervision fee or be excluded from community service only during that period of time in which the above noted reason(s) for exemption exist(s).

July 12, 1988 1992  
Date  
John S. Doe  
Applicant's Signature (optional)

I. Approval: XXXX Disapproval  
Reason: Doe has been laid off from his job. However he is working part-time at another place but earns only \$25.00 weekly.  
July 14, 1988 1992  
Date  
Nathan Forester  
Supervising Officer/UR  
Staff, CDI Case Manager

II. Approval: XXXX Disapproval  
Reason: The man's earnings are less than \$150.00 net per month.  
July 21, 1988 1992  
Date  
P. Ramworthy-Legree  
Chief Officer/UR  
Administrator/CDI Program Director

III. Approval: Disapproval  
Reason: [blank]  
Date: [blank]  
Exempting/Excluding Authority  
Attachment: Current Pay Stub

Appendix-5

SUPERVISION FEE DAILY LEDGER FOR OCTOBER 5, 1988

02 AUG 19 11:23

Name	Money Order or Check No.	Amt. Paid	For Month(s) of
Dee, John S.	AS-3118	\$15	September
McHitt, L.B.	11-411	\$15	September
Hendikover, W.A.	21B-302	\$30	August/September

Appendix-6

REGISTRAR OF DELEGATES

02 AUG 19 11:23

MEMORANDUM

TO: Deputy Director, Adult Community Services  
 FROM: Accounts Receivable Section  
 SUBJECT: Supervision Fee Monthly Collection Report  
 DATE: October 25, 1988

(1) Supervision Fees for September, 1988  
 (Month) (Year)  
 (2) Number of clients paid 200  
 (3) Total amount collected \$3,090

\_\_\_\_\_  
 Nimrod, Matt  
 Signature  
 Accounts Receivable Manager

cc: General Accounting Manager

Total Collected	\$60	Received and Verified on
Total Money Orders of Checks	3	Date October 8, 1988
By: R. Ramswoethy, Leftee		Nimrod, Matt
Probation and Parole District	60	Cash Receipts Section
Community Diversion Program		Accounts Receivable Section

Appendix 9  
STATE OF VIRGINIA

COMMUNITY DIVERSION PROGRAM  
P. O. Box 40  
Charlottesville, Virginia 22902  
(804) 796-9959

DIVERSION AGREEMENT

Under the provisions of Section 53.1-190 of the Code of Virginia, the Court has placed you in the Community Diversion Incentive Program this date \_\_\_\_\_ by the Honorable \_\_\_\_\_, Judge, presiding in the \_\_\_\_\_ Court at \_\_\_\_\_, \_\_\_\_\_, hereby agree to participate in the CDI Program subject to conditions as outlined below. I understand that participation in the CDI Program is a privilege and that failure to follow any part of my agreed-upon program may result in my expulsion from the CDI program and imposition of my suspended sentence.

CDI conditions are as follows:

1. To obey all Municipal, County, State, and Federal laws and ordinances.
2. To report any arrests or citations, including traffic tickets, within 3 days to the CDI office.
3. To maintain regular employment, participate in an educational program full time, or a combination of education and employment, and notify the CDI office within 3 days of changes in employment or education.
4. To permit the CDI staff to visit my home and/or place of employment.
5. To follow the CDI staff's instructions and to be truthful and cooperative.
6. Not to use alcoholic beverages in excess. The excessive use of alcohol here is understood to mean that the effects disrupt or interfere with my domestic life, employment, or orderly conduct.
7. Not to illegally use, possess, or distribute narcotics, dangerous drugs, controlled substances, or drug paraphernalia.
8. Not to use, own, possess, transport, or carry a firearm without the written permission of my Probation and Parole Officer.
9. Not to change my residence, travel outside of a designated area, or leave the State of Virginia without permission of the CDI staff.

I will reside at \_\_\_\_\_ Address \_\_\_\_\_ Phone \_\_\_\_\_

Appendix 7-5

NOTICE OF SUPERVISION FEE/COMMUNITY SERVICE DELINQUENCY  
STATE OF VIRGINIA

02 AUG 19 11:11:23

John S. Deo, VSP #000001  
Client Name and Number

District/program office records indicate that you have failed to pay your Supervision Fee or perform community service in lieu of the payment for January 1988. January 1993  
Date

As you are aware the fee is to be paid or the community service completed by the 5th of each month and failure to do so could result in revocation.

Please contact this office at the earliest possible time.

February 7, 1993  
Date Nathan Fortescu  
Probation and Parole Officer/  
Work Release Officer/  
CDI Case Manager  
District #  
10  
District/Program/Facility

## DEPARTMENT OF EDUCATION (STATE BOARD OF)

Title of Regulation: VR 270-01-0012. Regulations Establishing Standards for Accrediting Public Schools in Virginia.

Statutory Authority: § 22.1-253.13:3 B of the Code of Virginia.

Effective Date: October 7, 1992.

### Summary:

*The changes are intended to limit the standards to regulatory intent, provide flexibility to school divisions by reducing mandates, eliminate duplicatory language with the Standards of Quality, and move the standards more toward a system of accountability based on both outcomes as well as inputs.*

*As a result of comments received during the public comment period, several editorial changes were made, none of which changed the substance of any proposed section. Also, a number of formatting changes were made, none of which changed the substance of any proposed section.*

*All changes were made in order to clarify the proposed regulations as well as to have them conform to the APA style and format requirements.*

VR 270-01-0012. Regulations Establishing Standards for Accrediting Public Schools in Virginia.

### [ PART I: INTRODUCTION. ]

[ § 1.1. ] These standards, with certain exceptions as cited in this document, shall become effective beginning with the 1988-89 school year. Localities may implement these standards immediately with the exception of those which increase graduation requirements for students and with the exception of Standard C.11, which allows for alternatives to the standard school year of 180 days. Students who completed the ninth grade prior 1988-89 may earn a diploma by meeting the graduation requirements in effect when they entered the ninth grade. Students who completed ninth, tenth, eleventh, or twelfth grade courses before the ninth grade under the 1983 standards shall be awarded credit for those courses under the provisions of these standards. These standards will be reviewed again in 1990 or sooner, if deemed necessary, by the Board of Education. [ These standards shall become effective beginning with the 1992-93 school year. Graduation requirements for students shall be those in effect at the time the student entered the ninth grade. The last high school attended by the student during regular session shall award the diploma or certificate unless otherwise agreed by the principals of the two schools. ]

### [ PART II:

### PURPOSE OF ACCREDITATION PREAMBLE ]

[ § 2.1. ] The standards for accreditation of public schools in Virginia are designed to provide a foundation for quality education. Accreditation standards provide guidance and direction to assist schools in their continuing efforts to offer educational programs to meet the needs, interests, and aspirations of all students. The accreditation standards are designed to [ achieve the following objectives ]:

1. Seek to ensure that schools Provide educational programs of high quality for all students.
2. Encourage continuous appraisal and improvement of the school program.
3. Foster public confidence.
4. Assure recognition by other institutions of learning.
5. Assist in determining the effectiveness of schools.[ 1 ]

### [ PART III: REQUIREMENTS FOR ACCREDITATION OF PUBLIC SCHOOLS IN VIRGINIA. ]

[ Section 22.1-253.13:3 B of the Code of Virginia requires that the Board of Education promulgate regulations establishing standards for accreditation. ]

[ § 3.1. Section The statutory authority for these regulations is delineated in § ] 22.1-19 of the Code of Virginia [ that ] includes the requirement that the Board of Education shall provide for the accreditation of public elementary and secondary schools in accordance with [ standards regulations ] prescribed by it.

[ § 3.2. ] The Standards of Quality specify that each school division shall maintain schools which meet those requirements for accreditation prescribed by the Board of Education. [ Section 22.1-253.13:3 B of the Code of Virginia requires that the Board of Education promulgate regulations establishing standards for accreditation. ]

### PART [ IV I ]. PROCEDURES FOR ACCREDITATION.

[ § 4.1. § 1.1. ] Reports and accreditation status.

A. Schools shall be accredited biennially. [ In the interim year following one in which a full accreditation process is conducted, the principal and superintendent shall certify to the Department of Education that each school continues to meet standards reported as met in the previous year and shall submit information on actions taken to correct any warnings or advisements cited in the previous year. ] The principal of each school shall submit as required school accreditation reports, through the division superintendent, to the Department of Education. A Summer School Accreditation Report shall be submitted



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for each summer program conducted and shall be a part of the accreditation report for the regular school session immediately following the summer session. Report forms will be provided by the Department of Education. Failure to submit the reports on time will constitute grounds for withholding accreditation.

B. Information included in the reports, as well as that obtained through other records and through visits by Department of Education personnel or other designated representatives of the Board of Education, will be used to determine the accreditation status of each school in accordance with tolerances approved by the Board of Education. Schools will be accredited, accredited with advisement, or accredited with a warning, depending on the extent of existing deficiencies. Each school division shall develop by July 1 of the next school year a written corrective action plan, acceptable to the Board of Education, for any school that is accredited with a warning. A school division not implementing the approved corrective action plan as specified for any such school will lose accreditation status for that school and will be in violation of state law. No school in the warned category shall be permitted to maintain accreditation for more than one year.

C. Schools shall be accredited annually. The Board of Education may require immediate corrective action or change of accreditation status whenever significant deficiencies are reported by representatives of the Department of Education. Schools that lose their accredited status shall be considered for reaccreditation when subsequent reports and visits by Department of Education personnel reveal that prescribed standards are being met. The local school board shall review annually in public session the implementation of accreditation standards.

D. When a school applies for initial accreditation, a representative of the Department of Education shall visit the school to review the accreditation standards and procedures with the principal. A school with the number of deficiencies that would place it in the warned status will not be accepted for initial accreditation.

## § 4.2. Self-study and review.

A self-study followed by a review by the Department of Education is required for all schools every 10 years. The process shall be conducted using criteria developed or approved by the Department of Education and shall be followed by a written progress report and a review within five years. School divisions that have their own procedure for the process may request approval to use it in lieu of the state process for the five year report.

## § 4.3. [ § 4.2. § 1.2. ] Application of the standards.

[ A. These standards shall become effective October 7, 1992. Graduation requirements for students shall be those in effect at the time the student entered the ninth grade.

The last high school attended by the student during regular session shall award the diploma or certificate unless otherwise agreed by the principals of the two schools. ]

[ A. B. ] These standards apply to schools for all grade levels, K-12, as listed below:

1. Schools with [ *containing with* ] grades K-5 shall meet elementary school standards [ *for those grades* ];
2. Schools with [ *containing with* ] grades 6-8 shall meet the middle school standards [ *for those grades* ]; and
3. Schools with [ *containing with* ] grades 9-12 shall meet the secondary school standards [ *for those grades* ].

B. Schools with grade patterns other than those listed above shall meet elementary, middle, or secondary school standards as determined by the Accreditation Service of the Department of Education.

[ C. Schools with grade patterns other than those listed above shall meet elementary, middle, or secondary school standards as determined by the Department of Education. ]

C. [ B. D. ] Standards that are not appropriate to special education or to vocational and alternative programs housed in separate facilities will not be applied so long as state regulations governing services to the students enrolled are met.

D. [ C. E. ] In keeping with provisions of the "Standards of Quality," and in conjunction with the six-year plan of the division, each school shall prepare and implement a biennial school plan which shall be available to students, parents, staff and the public. [ Each biennial school plan shall be evaluated as part of the development of the next plan. ] Except for the biennial school plan required by Standard D-8 (See Part VIII of these regulations), written divisionwide plans available in and applicable to each school may be used to satisfy all other written plans required in these standards.

[ D. F. ] Experimental and innovative programs that are not congruent with accreditation standards shall be submitted to the Department of Education for approval prior to implementation. The request must include the purpose, objectives, anticipated outcomes, outline, length, and evaluation procedures for the programs which have been recommended by representatives of faculty, staff, administration, and parents and approved by the local school board. However, no program may be approved which violates the provisions of "Standards of Quality."

## PART [ V II. ]

### [ STANDARD A: ] SCHOOL AND COMMUNITY

## RELATIONS : STANDARD A .

[ § 5-1: § 2.1. Interaction with parents and community. ]

Each school shall have in effect a written plan that promotes interaction with the community and that fosters mutual understanding in providing a quality educational program : The plan shall be developed using the following criteria through :

1. [ Encouraging Involving ] parents, citizens, community agencies and representatives from business and industry shall be provided opportunities [ to participate by involving them ] in developing [ , disseminating and explaining ] the biennial school plan, [ and through participating ] on advisory committees, in curriculum studies, and in evaluating the educational program.

2. A written plan shall be provided for interpreting the school program to the community.

3. 2. [ Maintaining ] a close working relationship shall be maintained between the school and other community agencies that provide services to students.

4. 3. Schools shall have written plans for Cooperating with business and industry in formulating educational programs and conducting joint enterprises involving personnel, facilities, training programs, and other resources which shall be included in the biennial school plan .

5. The staff shall be responsible for using the resources of the community and involving parents and citizens in the following:

a. Evaluating the school program; and

b. Developing the biennial school plan.

6. 4. The school shall encourage Encouraging and support supporting the establishment of a parent-teacher association / or [ other ] organization and shall work working cooperatively with it.

## PART [ VI III ].

### [ STANDARD B: ] PHILOSOPHY, GOALS, AND OBJECTIVES : STANDARD B .

[ § 6-1: § 3.1. Requirements for philosophy, goals, and objectives. ]

Each school shall have current written statements of its philosophy , goals, and objectives that shall serve as the basis for all school policies and practices : Such statement , and shall be developed using the following criteria : :

1. The philosophy , goals, and objectives shall be developed with the advice of [ concerned and interested ] professional and lay people who represent

the various populations served by the school and [ included in shall serve as a basis for ] the biennial school plan .

2. The school's philosophy [ , goals ] and objectives shall be consistent with the Standards of Quality and [ the philosophy and objectives those ] of the school division.

3. The individual school's philosophy , goals, and objectives shall be based on a realistic and systematic current needs assessment.

4. [ Among ] the objectives [ learning goals objectives, those ] for students shall be stated in terms of student outcomes including knowledge, skills, abilities, and attitudes to be developed .

5. The school staff and community representatives shall review biennially the philosophy , goals, and objectives of the school and shall revise them as needed.

6. Copies of the school's philosophy and objectives shall be available to staff members, students, and parents:

[ Copies of the school's philosophy, goals, and objectives shall be available upon request. ]

7. The school's philosophy and objectives shall be the basis for the biennial school plan.

## PART [ VII. IV. ]

### [ STANDARD C: ] INSTRUCTIONAL PROGRAM : STANDARD C .

[ § 7-1: § 4.1. Program of instruction. ]

Each school shall provide a planned and balanced program of instruction that is in keeping with abilities, interests, and educational needs of students and that promotes individual student achievement. Instruction shall be designed to accommodate all students, including those with disabilities, those identified as gifted/talented and/or those who have limited English proficiency. Students with disabilities shall have the opportunity to receive a full continuum of education services, in accordance with the "Regulations Governing Special Education Programs for Handicapped Children and Youth in Virginia" and other pertinent federal/state regulations.

[ § 7-2: § 4.2. ] Instructional program in elementary schools.

A. Each elementary school shall provide each student a program of learning experiences organized to meet the needs of early childhood and shall provide instruction in the following subjects disciplines :

Art Music

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Health  
Language Arts  
Mathematics

Physical Education  
Science  
History and Social  
Studies Sciences  
(to include Virginia  
and U.S. Geography)

B. In grades 1 K -3, *communication* ( reading, writing, spelling, listening, and speaking ), and mathematics shall be the core of the program. Phonics shall be taught in reading. All other subjects shall be taught emphasizing reading and the other language skills.

C. Students [ *after grade 3 who can not* ] reading [ *read with comprehension the materials necessary for instruction* ] at or above grade level after grade 3, [ *as determined by local or state assessment, who are unable to read the materials necessary for instruction with comprehension* ] shall receive additional instruction in reading.

[ § 7.3. § 4.3. ] Instructional program in middle schools.

A. Each middle level school shall provide *each student* a program of learning experiences organized to meet the needs of early adolescence and [ *each school* ] shall provide instruction in the following subjects disciplines :

Art	Music
Health	Physical Education
Language Arts	Science (Laboratory)
Mathematics	History and Social
Career and	Studies Sciences
Vocational Education	(to include
Exploration	World Geography)
Foreign Language	

B. The eighth grade shall provide a minimum of eight offerings [ *in* : ] five [ *in* ] academic areas (language arts, mathematics, science, *history and the social studies sciences* , and *electives foreign language* ), [ *one in* ] health and physical education, [ *one in* ] fine arts, and [ *one in* ] *career and vocational education exploration* . *Level one of a foreign language shall be available to all eighth grade students.*

C. Students not reading at or above grade level, as determined by local or state assessment, shall receive additional instruction in reading.

[ § 7.4. § 4.4 ] Instructional program in secondary schools.

A. Each secondary school shall *provide each student a program of learning experiences organized to meet the needs of adolescence and shall offer options opportunities* for students to pursue a program of studies in several academic and vocational areas. These *options* shall include the following:

1. Vocational education choices that prepare the student *with a marketable skill as a vocational program completer* in one of three or more occupational areas *and that prepare the student for technical or preprofessional [ post secondary ] programs [ of higher education ]*;

2. Academic choices that prepare the student for technical or preprofessional programs of higher education;

3. 2. Liberal arts choices *Course work and experiences* that prepare the student for college-level studies in the arts and sciences *including access to at least two Advanced Placement courses or two college-level courses for credit* ; and

4. Access to at least two advanced placement courses or two college level courses for credit; and

5. 3. Preparation for scholastic aptitude tests ; *including as a minimum, a review of appropriate English and mathematics principles and instructions in taking the tests, shall be available for students* .

B. Minimum course offerings for each secondary school , *grades 9-12, shall [ be as follows provide that students can meet the graduation requirements stated in this document and must include ]* :

	9-12
Academic Subjects	23
English	(4)
Mathematics	(4)
Science (Laboratory)	(4)
History and Social	[ (4) ]
Studies Sciences [ (to include )	
World History and World	
Geography [ at least	
1/2 unit of Economics ]	(4)
Foreign Language	(3)
Electives	(4)
Vocational Education	11
Fine Arts	2
Health and Physical Education	2
Total Units	38

C. Students not reading at or above grade level, as determined by local or state assessment, shall receive additional instruction in reading.

D. C. When health and physical education are taught as a combination class, at least 40% of the instructional time shall be devoted to health education. Classroom driver education may count for 36 class periods of health education. Students ~~should~~ shall not be removed from classes in required courses other than health and physical education for the in-car phase of driver education.

E. The social studies offering shall include at least one-half unit in economics.

[ D. The social sciences offering shall include at least one half unit in economics. ]

[ § 7.5. § 4.5. Standard unit of credit. ]

The standard unit of credit for graduation shall be based on a minimum of 150 clock hours of instruction. When credit is awarded in less than whole units, the increment awarded must be no greater than the fractional

part of the 150 hours of instruction provided. If a school division elects to award credit on a basis other than the standard unit of credit, the locality shall develop a written policy approved by the superintendent and school board which ensures:

1. That the content of the course for which credit is awarded is comparable to 150 clock hours of instruction; and
2. That upon completion, the student will have met the aims and objectives of the course as validated by passing an appropriate test .

[ § 7-6. § 4.6. *Summer school program.* ]

The summer school program shall be equal in quality to the program offered during the regular school term [ : . ]

1. One unit of new credit per summer session shall be the maximum for which a student may enroll unless prior approval is obtained from the principal; to enroll in more than one subject.

2. 1. Credit for repeated work ordinarily will be granted on the same basis as that for new work. With prior approval of the principal, certain students may be allowed to enroll in two repeat subjects to be completed in not less than 75 clock hours of instruction per unit of credit.

3. 2. Summer school instruction which is provided as part of a remedial program shall be designed to improve specific identified student deficiencies.

[ § 7-7. § 4.7. *Elective courses.* ]

Locally developed elective courses offered for credit toward high school graduation shall be approved by the division superintendent and school board. When suitable course code numbers for reporting purposes cannot be found in the School Administrators Handbook of Course Codes and Endorsement Codes, they will be assigned, upon request, through the Accreditation Service of the Department of Education.

[ § 7-8. § 4.8. *Opportunities for postsecondary credit.* ]

Students who begin postsecondary education prior to high school graduation shall receive credit toward high school graduation when the following conditions are met: Beginning in the middle-school years, students shall be counseled as to opportunities for beginning postsecondary education prior to high school graduation. Students taking advantage of such opportunities shall not be denied participation in school activities for which they are otherwise eligible. Wherever possible, students shall be encouraged and afforded opportunities to take college courses simultaneously for high school graduation and college degree credit, under the following conditions:

1. Prior written approval of the high school principal for the cross-registration must be obtained;
2. The college must accept the student for admission to the course(s); and
3. The course must be given by the college for degree credits (hence, no remedial courses will be accepted).

Schools that comply with this standard shall not be penalized in receiving state appropriations. Schools and colleges are strongly encouraged to provide such opportunities to the secondary school students at no tuition cost to the individual or his family.

§ 7-9. The school vocational education program shall be competency-based so that students can develop the knowledge, skills, and attitudes required for employment or advanced occupational preparation.

§ 7-10. [ § 7-9. § 4.9. *College preparation program.* ]

Each middle and secondary school shall provide for the early identification and enrollment of students in a college preparation program with a range of educational and academic experiences in and outside the classroom, including an emphasis on experiences that will motivate disadvantaged and minority students to attend college.

§ 7-11. Each school shall have a program designed to improve the academic achievement and aspirations of culturally disadvantaged students.

§ 7-12. [ § 7-10. § 4.10. *Standard school year and school day.* ]

[ A. ] The standard school year shall be 180 days. The standard school day for students in grades 1-12 shall average at least 5-1/2 hours, excluding intermissions for meals and a minimum of three hours for kindergarten. School divisions may develop alternative schedules for meeting these requirements as long as a minimum of 990 hours of instructional time is provided for grades 1-12 and 540 hours for kindergarten. Such alternative plans shall be approved by the local school board and by the Board of Education, under guidelines established by the Board of Education.

§ 7-13. [ § 7-11. B. ] All students in grades 1-12 shall maintain a full-day schedule of classes (5-1/2 hours), unless a waiver is granted by the local superintendent of schools.

§ 7-14. Each school shall implement Standards of Learning Objectives or locally developed objectives that are equivalent to or exceed Board of Education requirements.

§ 7-15. [ § 7-12. § 4.11. *Additional reading instruction.* ]

Each school shall make available a remediation program, which may include summer school, to reduce the

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number of students who score in the bottom national quartile on Virginia State Assessment Program Tests or those who fail the state's literacy tests ensure that students [ after grade 3 who can not who are unable to ] read with comprehension the materials necessary for instruction [ as determined by local or state assessment ] receive additional instruction in reading, which may include summer school .

§ 7-16. [ ~~§ 7-13.~~ § 4.12. Writing instruction. ]

Each school shall prepare and adhere to a written plan to teach appropriate writing skills at every grade level which shall include specific requirements and which culminates *culminating* with a research paper in grades 11 or 12. Further, each student shall be required to make an oral presentation on the research paper before an adult or student audience.

§ 7-17. Each school shall implement career education which promotes students' awareness or knowledge of careers and the consequences and implications of leaving school without marketable skills.

§ 7-18. [ ~~§ 7-14.~~ § 4.13. Teachers of gifted programs. ]

Each school shall provide for the early identification of gifted students and enrollment of such students in challenging *identified as gifted* with instructional programs taught by teachers with special training or experience in working with gifted students.

§ 7-19. Each school shall provide for the early identification of handicapped students offered a curriculum that is and enrollment of such students in appropriate instructional programs, as required by law.

§ 7-20. [ ~~§ 7-15.~~ § 4.14. Computer literacy. ]

By graduation, each student shall receive instruction designed to help him achieve the objectives *computer literacy* as outlined in Computer Literacy for Students in Virginia issued by the Department of Education.

§ 7-21. [ ~~§ 7-16.~~ § 4.15. Family life education. ]

Each school shall implement the Standards of Learning for the family life education program promulgated by the Board of Education or a family life education program consistent with the guidelines developed by the Board of Education in December, 1987 .

§ 7-22. [ ~~§ 7-17.~~ § 4.16. Homebound instruction. ]

Homebound instruction shall be made available to students who are confined for periods that would prevent normal educational progress *school attendance based upon certification of need by a licensed physician or licensed clinical psychologist. For students eligible for special education or related services, the individualized education program committee must revise the IEP, as appropriate.*

*Credit for the work shall be awarded when it is done under the supervision of a certified teacher, a person eligible to hold a Virginia certificate, or other appropriately licensed professional, employed by the local school board. Homebound instruction shall be approved for credit, provided Board of Education regulations governing such instruction are met.*

§ 7-23. [ ~~§ 7-18.~~ § 4.17. Correspondence courses. ]

When approved by the principal, Students may be allowed to enroll in *and receive credit* for supervised correspondence courses in subjects not available to them through the school's schedule *with prior approval of the principal* . Credit *may* shall be awarded for the successful completion of such courses when the work is done under the supervision of a certified teacher , *or a person eligible to hold a Virginia certificate*, approved by local school authorities.

§ 7-24. [ ~~§ 7-19.~~ § 4.18. Homework policy. ]

Homework shall be governed by a written school board policy developed with the advice of parents and teachers. The policy shall include guidelines for the amount and timing of homework and shall outline the responsibility of students, teachers, and parents.

§ 7-25. Experimental and innovative programs that are in conflict with accreditation standards shall be submitted to the Department of Education for approval prior to implementation. The request shall include the purpose, objectives, outline, and evaluation procedures for the programs, and shall be approved by the local school board.

§ 7-26. [ ~~§ 7-20.~~ § 4.19. Materials and equipment. ]

Each school shall provide a variety of materials and equipment to support the instructional program.

§ 7-27. [ ~~§ 7-21.~~ § 4.20. Extracurricular activities. ]

School-sponsored extracurricular activities shall be under the direct supervision of the staff and shall contribute to the educational objectives of the school. Extracurricular activities shall be organized to avoid interrupting the instructional program. Extracurricular activities shall not be permitted to interfere with the student's required instructional activities. Extracurricular activities and eligibility requirements shall be established and approved by the superintendent and the school board. Activities which help a student meet the objectives of the course may be considered part of the instructional program ; *and thus they are not considered extracurricular activities as long as they do ; however, these activities must not interfere with instruction in other courses.*

§ 7-28. [ ~~§ 7-22.~~ § 4.21. Varsity sports at the elementary level. ]

Competitive sports of a varsity nature (scheduled league games) shall be prohibited as a part of the elementary school program.

PART [ VIII V ].  
[ STANDARD D: ] INSTRUCTIONAL LEADERSHIP :  
STANDARD D .

[ § 8.1, § 5.1. Role of principal. ]

The principal shall be responsible for instructional leadership and effective school management that promotes *positive student outcomes, including achievement of individual students. As part of this responsibility, the principal shall ensure the development and implementation of the biennial school plan, approved by the superintendent.* The principal shall be responsible for the following :

1. A *Work to create an atmosphere of mutual respect and courtesy shall be a primary goal of the school; and the administrative staff shall make every effort to achieve it.*
2. The principal shall *Establish and include in the teachers' handbook procedures to protect instructional time from interruptions and intrusions.*
3. The principal or his designee shall *prepare and adhere to a written plan involving greater Include in the biennial plan the use of aids teacher assistants , volunteers, part-time instructors, and technology to assist teachers.*
4. The regular school day shall be *limited Limit the regular school day to teaching and learning activities.*
5. The principal or his designee shall *Monitor and evaluate the quality of instruction through the following and provide for in-service training [ and , ] professional assistance and support designed to improve instruction.*
  - a. *The establishment of written objectives for each teacher, developed cooperatively by the teacher and the administrator;*
  - b. *A systematic program of classroom observation and follow-up consultation with each teacher;*
  - c. *In-service training and professional assistance and support designed to improve instruction;*
  - d. *Analysis and use of data on pupil achievements; and*
  - e. *An evaluation of each teacher at least every two years or in accordance with a schedule approved by the Department of Education.*
6. *At least 40% of the time of the principal and an*

*average of 40% of the time of the assistant principal(s) shall be devoted to supervision of instruction and curriculum development.*

7. 6. The principal shall *Analyze test scores information on student outcomes, including achievement, and develop incorporate plans for improvement into the biennial school plan plans to improve them when needed. Plans shall be submitted to local school division superintendent .*

8. The principal or his designee shall *prepare and adhere to a written biennial school plan which includes the other written plans required in these standards; approved by the division superintendent; that is consistent with the division's six-year plan.*

9. 7. The principal or his designee shall *Be responsible for using the resources of the community and for involving parents and citizens in the educational program ; as indicated in Standard A (see Part V of these regulations) .*

10. 8. Each school shall *prepare and adhere to written procedures to Recognize and reward the scholastic achievements of students. (Include in biennial plan).*

11. The principal or his designee shall *demonstrate high expectations for all students.*

12. 9. The principal or his designee shall *act Maintain records of dropouts, including actions taken to prevent students from dropping out of school and their reasons for leaving school, and be responsible for the development and implementation of a program as a part of the biennial school plan designed to reduce the number of students who drop out of school by which shall include :*

- a. *Including dropout prevention programs in the biennial school plan and implementing these programs;*
- b. a. *Providing Alternative programs with emphasis on basic skills for students who are not successful in regular instructional programs;*
- c. b. *Providing Interviews with potential dropouts and with students who are dropping out of school and counseling services that motivate students to stay in school;*
- d. c. *Establishing and maintaining close Contact with parents of potential dropouts; and*
- e. *Conducting interviews with potential dropouts and with students who are dropping out of school;*
- f. *Maintaining records of dropouts, including actions taken to prevent students from dropping out of school, and their reasons for leaving school; and*

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~~g. d.~~ Other activities deemed appropriate by local school authorities.

13. ~~10.~~ The principal or his designee *Develop*, with the advice of parents shall ~~develop and~~ [ *substance abuse appropriate* ] professionals, a written procedure for referring for treatment students identified as involved in substance abuse.

14. Each member of the administrative staff shall participate annually in state or local in-service programs designed specifically for administrators.

15. ~~11.~~ Each school shall Maintain and disseminate a current *student* handbook of policies and procedures that includes the school division's standards of student conduct and procedures for enforcement, along with other matters of interest to parents and students.

16. ~~12.~~ Each school shall Maintain records of receipts and disbursements of *all* funds handled. These records shall be audited annually by a professional accountant approved by the local school board.

17. ~~13.~~ Each school shall Maintain a current record of certification, endorsement, and in-service training of the staff.

18. Fund-raising activities which involve elementary students in door-to-door solicitation shall be prohibited and so stated in the school handbook.

19. Each school shall have a written procedure to be followed when students or staff are injured or become ill and keep documentation of all injuries which occur at school and on school buses.

20. Each school shall have at least two full-time staff members who have attended and successfully completed courses approved by the State Board of Health in all of the following: cardiopulmonary resuscitation (CPR), Heimlich maneuver (for choking), and basic first aid.

## PART [ ~~IX~~ VI ].

### [ ~~STANDARD E:~~ ] DELIVERY OF INSTRUCTION : STANDARD E .

#### [ § ~~9-1.~~ § 6.1. Role of staff. ]

The staff shall [ ~~provide be responsible for providing~~ ] instruction that is educationally sound in an atmosphere [ *of mutual respect and courtesy, which is* ] conducive to learning and in which *all* students are expected to achieve. [ *The staff shall:* ]

1. Mutual respect, courtesy, and a genuine concern for all students shall be evident in the learning environment.

2. [ § ~~9-2.~~ 1. Staff members shall ] Serve as models

for effective oral and written communication with special attention to correct use of language and spelling.

3. [ § ~~9-3.~~ 2. Teachers of all subjects shall ] Strive to strengthen the basic skills of students [ *in all subjects* ].

4. [ § ~~9-4.~~ 3. ] Daily [ *teaching objectives shall be established* [ *Establish teaching objectives* ] to achieve the following:

a. [ ~~1.~~ a. ] Identify what students are expected to learn;

b. [ ~~2.~~ b. ] Inform students of the learning expected and keep them engaged in learning tasks; and

e. [ ~~3.~~ c. ] Enable the teacher to spend the maximum time possible in the teaching/learning process by keeping to a minimum disruptions, clerical responsibilities, and the time students are out-of-class.

5. [ § ~~9-5.~~ 4. The staff shall ] Provide for individual differences of students through the use of varied materials and activities suitable to their interests and abilities.

6. [ § ~~9-6.~~ 5. The staff shall ] Assess the progress of students and report promptly and constructively to them and their parents.

7. The staff shall demonstrate a high expectation of learning for all students.

8. The staff should demonstrate the qualities of patriotism, honesty, and fair play and expect the same of all students.

9. Classroom activities shall be structured and monitored to minimize disruptive behavior.

10. Inappropriate behavior by a student shall be responded to quickly and consistently without demeaning the student responsible for the behavior.

#### [ § ~~9-7.~~ § 6.2. Acceptable student behavior. ]

*The staff shall define acceptable student behavior and develop a system of discipline that minimizes disruption without demeaning the student responsible for the behavior, consistent with the policies of the local school board. These school-level policies shall be distributed to each student and their parent or guardian.*

#### 11. [ § ~~9-8.~~ § 6.3. Guidance and counseling. ]

Each school *Staff* shall establish a broad-based process for determining the particular guidance and counseling needs of its students and for planning how best to meet

these needs. Guidance and counseling programs shall be provided for all students in grades K-12, to achieve the following:

- a. 1. Ensure that individual curriculum planning is provided at the middle and secondary level to assist each student in selecting appropriate and challenging courses;
- b. 2. Provide opportunities for parents, teachers, and other adults to participate in planned activities that encourage the personal, social, educational, and career development of students;
- c. 3. Provide employment counseling and placement services to furnish information about employment opportunities available to students graduating from or leaving school;
- d. 4. Provide for the coordination of a testing program that includes orientation to test-taking, use of test data, and the interpretation and use of student records data;
- e. 5. Provide for the evaluation of the guidance program by the principal, counselor(s), staff, and parents;
- f. 6. Ensure that at least 60% of the time of each member of the guidance staff shall be devoted to counseling of students; and
- g. 7. Ensure that each student has a balanced program of studies each year ; ~~including at least one mathematics or laboratory science course in grades 11 or 12 .~~

12. [ ~~§ 9.9.~~ § 6.4. *Library media services.* ]

The ~~library media center staff~~ shall be organized as *organize the library media center* as the resource center of the school and shall provide a unified program of media services and activities for students and teachers before, during, and after school. The library media center shall have the following:

- a. 1. An average monthly circulation of print and nonprint materials equal to at least 70% of the school membership;
- b. 2. A schedule that provides for library [ *media center* ] use by all students;
- c. 3. A written policy for the selection, evaluation, withdrawal, and disposal of all instructional materials purchased by the school division, with clearly stated procedures for handling challenged, controversial materials;
- d. 4. Cataloging of all library media in the school, which promotes accessibility and ease of retrieval, including a functional loan system, an annual

inventory of materials and equipment, and a procedure for screening and discarding media;

- e. 5. An information file that reflects curriculum needs and contains pamphlets, clippings, pictures, and information about local resources;
- f. 6. A minimum of two complete sets of encyclopedias, one of which has been copyrighted within the last five years;
- g. 7. An unabridged dictionary and abridged dictionaries;
- h. 8. Newspaper subscription(s) providing daily, local, state, and national news;
- i. 9. Fifteen subscriptions to periodicals for elementary schools and 25 subscriptions for middle and secondary schools that are pertinent to the school program;
- j. 10. A current and accessible professional library in each school, or in a centralized instructional media center in the school division;
- k. 11. Materials such as prints, charts, posters, recordings (disc and tape), filmstrips, multimedia kits, models, study prints, slides, transparencies, videotapes, videodiscs, computer software, and maps and globes that are carefully selected to meet the needs of the instructional program;
- l. 12. Collection requirements (20% of which may be nonprint instructional material) for each library media center shall be as follows:

- (1) a. Ten books per student in elementary schools;
- (2) b. In middle and secondary schools, a basic collection of 1,000 well-selected titles. [ { } ] In schools with more than 150 students there shall be a minimum of seven books per student [ } ]; and
- (3) c. Fifty percent of the minimum basic collection shall be available for circulation during the first semester in a new school.

m. 13. [ ~~Librarians~~ *Library media specialists* ] involved with teachers and administrators in planning the school curriculum; and

n. 14. Functional equipment to support the use of audiovisual materials.

PART [ ~~X~~ VII ].  
[ ~~STANDARD F:~~ ] STUDENT ACHIEVEMENT :  
STANDARD F .

[ ~~§ 10.1.~~ § 7.1. *Learning goals.* ]

Each school shall provide learning ~~objectives~~ *goals* to be



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achieved by students at successive levels of development and shall continually assess the progress of each student in relation to these objectives *goals* and the goals of education in Virginia *as promulgated by the Board of Education*. The goals of public education in Virginia are to aid each pupil to the full extent of his abilities, to accomplish the following:

1. Develop competence in the basic learning skills;
2. Develop the intellectual skills of rational thought and creativity;
3. Acquire knowledge and process skills of science and technology;
4. Acquire broad knowledge and understanding of the Humanities;
5. Progress on the basis of achievement;
6. Graduate from high school and qualify for further education or employment;
7. Develop personal standards of ethical behavior and moral choice;
8. Participate in society as a responsible family member and citizen;
9. Develop a positive and realistic concept of self and others;
10. Acquire an appreciation for and a sensitivity to people of various races;
11. Practice sound habits of personal health and physical fitness;
12. Enhance the quality of the environment;
13. Develop skills, knowledge, and attitudes regarding the arts; and
14. Acquire a basic understanding and appreciation of democracy and the free enterprise system.

[ § 10.2: § 7.2. Literacy tests. ]

Students shall pass *the literacy tests prescribed by the Board of Education* in reading, writing, and mathematics in order to be promoted to the ninth grade except for identified handicapped students who are progressing according to the objectives of their individualized education program (IEP). Students transferring to a Virginia public school prior to the ninth grade shall also be required to pass the literacy tests in order to be promoted to the ninth grade. Students who are not promoted shall be enrolled in alternative programs leading to one or more of the following:

1. Passing the literacy tests;
2. High school graduation;
3. General Educational Development (GED) Certificate;
4. Certificate of program completion; and
5. Job-entry skills.

[ § 10.2: § 7.3. ] Graduation requirement *Credit requirements for graduation*. [ 1 ]

[ A. These regulations elaborate the credit requirements of Standards of Quality Standard 4 C which gives full diploma requirements. ]

[ A. B. ] To graduate from high school, a student shall pass all components of the Literacy Passport Test as required by the "Standards of Quality" and prescribed by the Board of Education and meet the minimum requirements for the 21-credit diploma outlined below for grades 9-12. Students who graduate with an average grade of "B" or better will receive a Board of Education Seal on the diploma.

[ Discipline Areas ]	9-12	[ Units of Credit ]
English		4
Mathematics [ 1 ** ]		2
Laboratory Science [ 1 ** ]		2
Math or Science [ 1 ** ]		1
History and Social Studies Sciences :	[ 3 ]	
Virginia and United States History [ 1 ],	[ 1 ]	
Virginia and United States Government [ 1 ],	[ 1 ]	
World Studies (World Culture, World History, World Geography)[ 1 ]	[ 1 ]	
Health and Physical Education		2
Fine Arts or Practical Arts [ 1 ** ]		1
Electives		6
Total Units [ of Credit ]		21

[ C. \*\* Math, lab science and fine arts and practical arts courses must be selected from a list of courses approved for graduation requirements by the Board of Education. Only one year of a course in general mathematics may be used to meet the mathematics requirements. The single credit in math or science must be selected from a list of courses approved for graduation requirements by the Board of Education or, as an alternative, this requirement may be met by completing an appropriate sequence of courses in vocational education or Junior Reserve Officer Training Corp (JROTC).]

[ B. D. ] Each secondary school shall offer as an elective for students, an Advanced Studies Program which requires a minimum of 23 units of credit as outlined below for grades 9-12. Students who graduate with an

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average grade of "B" or better and successfully complete at least one advanced placement course (AP) or one college level course for credit will receive a Governor's Seal on the diploma.

[ Discipline Areas ]	9-12	[ Units of Credit ]
English		4
Mathematics		3
Laboratory Science		3
History and Social Studies	[ 3 ]	
Sciences :		
Virginia and United States History [ ± ]		1
Virginia and United States Government [ ± ]		1
World Studies (World Cultures, World History or World Geography) [ ± ]		1
Foreign Language (3 years of one language or 2 years each of 2 languages)		3
Health and Physical Education		2
Fine Arts or Practical Arts [ ± * ]		1
Electives		4
Total Units [ of Credit ]		23

[ 1. ] To earn an Advanced Studies Diploma, students shall complete a mathematics sequence that includes Algebra I and two courses above the level of Algebra I, and a science sequence that includes three units of credit in at least three of the following subjects : from [ the ] earth [ Science sciences ], biology [ ], chemistry [ ], and physics [ ].

[ \*2. Fine arts or practical arts courses must be selected from a list of courses approved for graduation requirements by the Board of Education. ]

D. When students below the ninth grade successfully complete ninth, tenth, eleventh or twelfth grade subjects courses offered in grades 9 through 12 , credit shall be counted toward meeting the units required for graduation in grades 9-12. Students shall be encouraged to take advantage of this option .

E. Students who are graduating from a secondary school, and do not intend to continue their education should [ in the year following graduation ] shall have identified marketable skills [ completed a vocational program identified marketable skills. Effective 1994-95, students who are graduating from a secondary school, and do not intend to continue their education shall have completed a vocational program. ] .

F. Students completing graduation requirements in a summer school accredited under these standards shall be eligible for a diploma. The last school attended by the student during the regular session shall award the diploma unless [ otherwise ] agreed upon by the principals of the two schools .

[ § 10.4. § 7.4. ] Transfer of credits.

A. A secondary school shall accept credits received from other accredited secondary schools, including summer schools, special sessions, schools accredited through the Virginia Council for Private Education and educational programs operated by the Commonwealth. Credit also shall be accepted for courses satisfactorily completed in accredited colleges and universities when prior written approval of the principal has been granted.

B. Records of transferred students shall be sent directly to the school receiving the student upon request of the receiving school in accordance with the provisions of the "Management of the Student's Scholastic Records in Virginia."

C. The transcript of a student who graduates or transfers from a Virginia secondary school shall show that a minimum of 21 units of credit courses in grades 9-12 are required for graduation.

D. Students transferring into a Virginia School division shall be required to earn 21 units of credit or the equivalent for graduation. Each student's prior record shall be evaluated to determine the number and content of additional credits required for graduation. Specified courses normally taken at lower grade levels shall not be required, provided the student has completed the courses required at those grade levels by the school division or state from which he transferred. Students transferring from states not giving credit for health and physical education shall not be required to repeat these courses.

§ 10.5. Students who have met the requirements and conditions set forth in these standards and have met such other requirements as may be prescribed by the local school board and approved by the Board of Education, and handicapped students who have completed the requirements of an individualized education program shall be awarded the appropriate diploma or certificate. The last school attended by the student during regular session shall award the diploma or certificate unless otherwise determined by the two superintendents.

## PART [ XI VIII ]

[ STANDARD G : ] STAFFING : STANDARD G .

[ § H.1. 8.1. Staff required. ]

[ A. ] Each school shall have the required staff with proper certification and endorsement. [ The following shall be the minimum staffing according to type of school and student enrollment: ]

[ A. The following shall be the minimum staffing according to type of school and student enrollment: ]

Position: Principal; Elementary: 1 half-time to 299, 1 full-time at 300; Middle: 1 full-time; Secondary: 1 full-time.

Position: Assistant Principal; Elementary: 1 half-time at 600, 1 full-time at 900; Middle: 1 full-time each 600;

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Secondary: 1 full-time each 600.

Position: Librarian; Elementary: Part time to 299, 1 full-time at 300; Middle: 1 half-time to 299, 1 full-time at 300, 2 full-time at 1000; Secondary: 1 half-time to 299, 1 full-time at 300, 2 full-time at 1000.

Position: Guidance Counselors; Elementary: [ \* ] 1 hour per day per 100, [ \* ] 1 full-time at 500, [ \* ] 1 hour per day additional time per 100 or major fraction; Middle: 1 period per 80, 1 full-time at 400, 1 additional period per 80 or major fraction; Secondary: 1 period per 70, 1 full-time at 350, 1 additional period per 70 or major fraction.

Position: Clerical; Elementary: Part time to 299, 1 full-time at 300; Middle: 1 full-time and 1 additional full-time for each 600 beyond 200 and 1 full-time for the library at 750; Secondary: 1 full-time and 1 additional full-time for each 600 beyond 200 and 1 full-time for the library at 750.

B. A combined school, such as K-12, shall meet at all grade levels the staffing requirements for the highest grade level in that school. This requirement shall apply to all staff, except the guidance staff, and shall be based on the school's total enrollment. The guidance staff requirement shall be based on the enrollment at the various school organization levels as defined in § 4.3, application of standards [ § 4.2 of ] these regulations . [ At the discretion of local school authorities, an alternative staffing plan may be developed which ensures that the services set forth in these standards are met. Any alternative staffing plan shall be submitted to the Accreditation and Evaluation Service, Department of Education, for approval. An alternative staffing plan that reduces the number of staff positions will not be acceptable. ]

C. The principal of each middle level and secondary school shall be employed on a 12-month basis.

D. Each secondary school with 350 or more students and each middle level school with 400 or more students shall employ at least one member of the guidance staff for 11 months.

E. The maximum number of students in Average Daily Membership per certified classroom teacher for grades K-3 shall be the number required by the Standards of Quality.

F. The maximum number of students in Average Daily Membership per certified classroom teacher for grades 4-7 in elementary schools shall not exceed 35.

G. Each middle and secondary school shall have a student-teacher ratio (based on full-time equivalent teachers and excluding administrators, librarians, and guidance personnel) that does not exceed 25-1.

H. In grade 1 and in English classes (grades 6-12), the number of students per teacher shall not exceed the

number required by the Standards of Quality.

I. E. Middle level school teachers with a seven-period day may teach 30 class periods per week, provided all teachers with more than 25 class periods per week have one period per day unencumbered of all teaching or supervisory duties.

J. F. The secondary classroom teacher's standard load shall be no more than 25 class periods per week. One class period each day, unencumbered by supervisory or teaching duties, shall be provided for every full-time classroom teacher for instructional planning. Teachers of block programs with no more than 120 student periods per day may teach 30 class periods per week. Teachers who teach very small classes may teach 30 class periods per week, provided the teaching load does not exceed 75 student periods per day. If a classroom teacher teaches 30 class periods per week with more than 75 student periods per day (120 in block programs) an appropriate contractual arrangement and compensation shall be provided.

K. G. Middle level or secondary school teachers shall teach no more than 750 student periods per week; however, physical education and music teachers may teach 1,000 student periods per week.

L. H. Every effort shall be made to provide staff members with an unencumbered lunch period. Each school shall report the extent to which an unencumbered lunch is provided for all classroom teachers.

M. I. The number of students in special and vocational education classrooms shall comply with regulations of the Board of Education.

N. Custodial services shall be available to keep the school plant and grounds safe and clean.

O. J. Pupil personnel services, including visiting teachers/school social workers, school psychologists, and guidance counselors, shall be available to all students as necessary ; especially to promote academic achievement and provide assistance in preventing dropouts and substance abuse.

[ § 8.2. Alternative staffing plan.

At the discretion of local school authorities, an alternative staffing plan may be developed which ensures that the services set forth in these standards are met. Any alternative staffing plan shall be submitted to the Department of Education for approval. An alternative staffing plan that reduces the number of staff positions will not be acceptable. ]

PART [ XH IX ].

[ STANDARD H: ] BUILDINGS AND GROUNDS :  
STANDARD H .

[ ~~§ 12.1~~, § 9.1. School plant. ]

The school building shall accommodate an educational program that will meet the needs of the students and ensure the health and safety of students and staff as follows:

1. The school site and physical plant shall be accessible, barrier-free, safe, clean, and free from excessive noise and other distractions, and shall be adequate in size to meet the needs of the students enrolled.
2. Each school shall prepare and adhere to a written [ ~~plan of procedure for~~ ] vehicular traffic control designed to ensure safe and prompt movement of students, staff, and visitors.
3. Each school shall have a written [ ~~plan procedure~~ ] to follow in emergencies. The plan shall be outlined in the student handbook and discussed with staff and students during the first week of each school year.
4. All exit doors in a school shall be equipped with panic bars that are usable while the building is occupied.
5. Records shall be maintained to show that fire drills are held once a week during the first month of school and at least once each month for the remainder of the school term. Evacuation routes for students shall be posted in each room.
6. The principal shall be responsible for *providing a safe environment to include:*
  - a. Conducting one fire inspection during each semester in accordance with regulations contained in the Fire Inspection Guide for Schools.
  - b. *Prohibiting fund-raising activities that involve elementary students in door-to-door solicitation and so state in the student handbook.*
  - c. *Implementing a written procedure to be followed when students or staff are injured or become ill and keep documentation of all injuries that occur at school and on school buses.*
  - d. *Ensuring that staff knowledgeable in safety procedures such as cardiopulmonary resuscitation (CPS), Heimlich maneuver, and basic first aid are available.*
  - e. *Implementing a written procedure [ to be followed when a student is found to have in his or her possession ] possession [ of ] a weapon or illegal substance [ on school property or during a school sponsored activity ].*

[ f. *Implementing a written procedure for ensuring the integrity of the building against unauthorized intruders.* ]

7. Each school shall have provisions for the proper outdoor display of the flags of the United States and of the Commonwealth of Virginia.
8. Each school plant shall have a maintenance and housekeeping program designed to ensure a healthful and pleasant learning environment.
9. The administrative unit shall have space for a principal's office, secretarial assistance, and record storage.
10. Suitable space shall be made available for student personnel services.
11. The [ ~~school library~~ ] media center shall have adequate space to provide for the collection and circulation of instructional materials, and adequate seating for group activities.
12. Adequate, safe, and properly-equipped laboratories shall be provided to meet the needs of instruction in the sciences, computers, vocational, and fine arts.
13. Each school shall have appropriate areas and facilities for the physical education program offered. Secondary schools shall have locker rooms and showers.
14. Adequate and properly-equipped classroom space shall be provided.
15. The school plant and grounds shall be kept safe and clean with the responsibility for the care of buildings and grounds shared by staff and the students.
16. Space shall be provided for the proper care of students who become ill.

[ Footnotes:

<sup>1</sup> The Superintendent of Public Instruction shall develop and the Board of Education shall approve criteria for determining the effectiveness of the Commonwealth's public schools. Such criteria, when approved, shall become an integral part of the accreditation process and shall include student outcome measurements. In the 1990-91 school year or one year following the approval by the board of such criteria, whichever is later, the Superintendent of Public Instruction shall annually identify to the board those schools that exceed or do not meet the approved criteria. From such funds as are identified in the appropriations act for this purpose, a program of one-time grants shall be established by the board to assist local school boards in the implementation of corrective action plans for those schools that are designated as not meeting the approved criteria.

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<sup>2</sup> Level one of a foreign language shall be available to all eighth grade students. An exploratory foreign language offering is encouraged for students below grade 8, but will not be required until electronic classroom technology makes this program available.

<sup>1</sup> These regulations elaborate the credit requirements of Standards of Quality Standard 4 G, which gives full diploma requirements.

<sup>2</sup> Must be selected from a list of courses approved for graduation requirements by the Board of Education. Only one year of a course in general mathematics may be used to meet the mathematics requirement.

<sup>1</sup> Must be selected from a list of courses approved for graduation requirements by the Board of Education or, as an alternative, this requirement may be met by completing an appropriate sequence of courses in vocational education or *Junior Reserve Officer Training Corp. ( JROTC )* :

<sup>4</sup> Must be selected from a list of courses approved for graduation requirements by the Board of Education. ]

## BOARD OF FUNERAL DIRECTORS AND EMBALMERS

**Title of Regulation:** VR 320-01-2. Regulations of the Board of Funeral Directors and Embalmers.

**Statutory Authority:** §§ 54.1-2400, 54.1-2803 and 54.1-2820 of the Code of Virginia.

**Effective Date:** October 7, 1992.

### Summary:

*The amendments delete the requirements for the funeral service trainee program that are now incorporated into VR 320-01-4, Regulations for the Funeral Service Trainee Program.*

VR 320-01-2. Regulations of the Board of Funeral Directors and Embalmers.

### PART I. GENERAL PROVISIONS.

#### Article 1. Definitions, Legal Base, Purpose, Applicability.

##### § 1.1. Definitions.

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

*"Advertisement"* means any information disseminated or placed before the public.

*"Alternate care"* means the preparation of a dead human body, exclusive of embalming, to include bathing and surface disinfection.

*"Alternative container"* means a nonmetal receptacle or enclosure, without ornamentation or a fixed interior lining, which is designed for the encasement of human remains and which is made of cardboard, pressed-wood, composition materials (with or without an outside covering) or pouches of canvas or other materials.

*"Applicant"* means a person applying for examination licensure traineeship, or registration, by the board.

*"At need"* means when death has occurred.

*"Board"* means the Board of Funeral Directors and Embalmers.

*"Burial garment"* means clothing designed specifically for use on dead human remains.

*"Cash advance item"* means any item of service or merchandise described to a purchaser as a cash advance, accommodation, cash disbursement, or similar term. A cash advance item is also any item obtained from a third party and paid for by the funeral provider on the purchaser's behalf. Cash advance items may include, but are not limited to, the following items: cemetery or crematory services, pallbearers, public transportation, clergy honoraria, flowers, musicians or singers, nurses, obituary notices, gratuities, and death certificates.

*"Casket"* means a rigid container which is designed for the encasement of human remains and which is usually constructed of wood, metal, or like material, and ornamented and lined with fabric.

*"Conduct"* means to carry out and perform.

*"Courtesy card"* means the card issued by the board which grants limited and restricted funeral service privileges in the Commonwealth to out-of-state funeral service licensees, funeral directors, and embalmers.

*"Cremation"* means a heating process which incinerates human remains.

*"Cremation urn"* means a wood, metal, stone, plastic, or composition container or a container of other material, which is designed for encasing cremated ashes.

*"Cremation vault"* or *"cremation outer burial container"* means any container which is designed for encasement of an inner container or urn containing cremated ashes. Also known as a cremation box.

*"Crematory"* means any person, partnership, or corporation that performs cremation.

*"Department"* means the Department of Health Professions.

*"Direct cremation"* means a disposition of human remains by cremation, without formal viewing, visitation,

or ceremony with the body present.

*"Embalmer"* means any person engaged in the practice of embalming.

*"Embalming"* means the preservation and disinfection of the human dead by external or internal application of chemicals.

*"Establishment manager"* means a funeral service licensee or funeral director licensed by the board, responsible for the direct supervision and management of a funeral service establishment or branch facility.

*"Executive director"* means the board administrator for the Board of Funeral Directors and Embalmers.

*"Full-time employment"* means employment at the establishment for 40 hours per week.

*"Funeral directing"* means the for-profit profession of directing or supervising funerals, or preparing human dead for burial by means other than embalming.

*"Funeral director"* means any person engaged in the practice of funeral service.

*"Funeral goods"* means the goods which are sold or offered for sale directly to the public for use in connection with funeral services. Also known as funeral merchandise.

*"Funeral provider"* means any person, partnership, or corporation that sells or offers to sell funeral goods and funeral services to the public.

*"Funeral service establishment"* means any main establishment, branch, or chapel where any part of the profession of funeral directing or the act of embalming is performed.

*"Funeral service licensee"* means a person who is licensed in the practice of funeral service.

*"Immediate burial"* means a disposition of human remains by burial, without visitation or ceremony.

*"Outer burial container"* means any container which is designed for placement in the grave around the casket including, but not limited to, containers commonly known as burial vaults, grave boxes, and grave liners.

*"Person"* means any individual, partnership, corporation, association, government, or governmental subdivision or agency or other entity.

*"Practice of funeral services"* means engaging in the care and disposition of the human dead, the preparation of the human dead for the funeral service, burial, or cremation, the making of arrangements for the funeral service or for the financing of the funeral service and the

selling or making of financial arrangements for the sale of funeral supplies to the public.

*"Preneed"* means any time other than at-need.

*"Preneed funeral financing"* means the arranging of funding for funeral services prior to death.

*"Preneed funeral planning"* means the making of funeral arrangements or selecting of funeral merchandise prior to death.

*"Registration"* means the process of applying to the board to seek approval to serve as a trainee, trainer, or to operate a surface transportation and removal service.

*"Resident trainee"* means a person who is preparing to be licensed for the practice of funeral services under the direct supervision of a practitioner licensed by the board.

*"Services of funeral director and staff"* means those services which may be furnished by a funeral provider in arranging and supervising a funeral.

*"Solicitation"* means initiating contact with consumers with the intent of influencing their selection of a funeral plan or a funeral service provider.

*"Surface transportation and removal service"* means any person, private business, or funeral service establishment, except a common carrier engaged in interstate commerce, the Commonwealth and its agencies, engaged in the business of surface transportation or removal of dead human bodies in the Commonwealth.

*"Unfinished wood box"* means a container made of wood which does not have a fixed interior interlining.

## § 1.2. Legal base.

The following legal base describes the responsibility of the Board of Funeral Directors and Embalmers regulations governing funeral service in the Commonwealth of Virginia:

Title 54.1, Chapter 1 (§ 54.1-100 et seq.);  
Title 54.1, Chapter 24 (§ 54.1-2400 et seq.);  
Title 54.1, Chapter 25 (§ 54.1-2500 et seq.);  
Title 54.1, Chapter 28 (§ 54.1-2800 et seq.);  
Title 32.1, Chapter 2 (§ 32.1 et seq.);  
Title 32.1, Chapter 6 (§ 32.1-263 et seq.);  
Title 32.1, Chapter 7 (§ 32.1-274 et seq.);  
Title 32.1, Chapter 8 (§ 11-24 et seq.)  
Title 11, Chapter 5 (§§ 11-24 et seq.)  
of the Code of Virginia; and  
§ 453.1 (b)-(d), (f), (g)-(j), (k), (m)-(p) of the Federal Trade Commission's Funeral Industry Rule.

## § 1.3. Purpose.

These regulations establish the standards for

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qualifications, training, examination, licensure, and practice of persons as funeral service licensees; funeral directors; embalmers; funeral establishments; funeral service trainees; and surface transportation and removal services operating in the Commonwealth of Virginia.

## § 1.4. Applicability.

Individuals and establishments subject to these regulations are (i) funeral directors, (ii) embalmers, (iii) funeral service licensees, (iv) funeral establishments, (v) transportation and removal services, and (vi) resident trainees.

**Exemptions:** The provisions of these regulations shall not apply to any officer of local or state institutions or to the burial of the bodies of inmates of state institutions when buried at the expense of the Commonwealth or any of its political subdivisions.

Any person holding a license as a funeral director or embalmer or an equivalent in another state, having substantially similar requirements as the board, may apply to the board for courtesy card privileges to remove bodies from and to arrange funerals or embalm bodies in this Commonwealth. However, these privileges shall not include the right to establish or engage generally in the business of funeral directing and embalming in Virginia.

## Article 2. Public Participation Guidelines.

### § 1.5. Mailing list.

The executive director of the board shall 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 hearings or informational proceedings, the subject of which is proposed or existing regulations; and
3. Final regulations adopted.

### § 1.6. Additions and deletions to mailing list.

A. Any person wishing to be placed on the mailing list shall have his name added by writing to the board.

B. The board, in 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.

C. Those on the list may be periodically requested to indicate their desire to continue to receive documents or to be deleted from the list.

D. When mail is returned as undeliverable, persons will

be deleted from the list.

### § 1.7. Notice of intent.

A. At least 30 days prior to publication of the notice to conduct an informational proceeding as required by § 9-6.14:7.1 of the Code of Virginia, the board shall publish a notice of intent.

B. The notice shall 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.

C. The notice shall be transmitted to the Registrar of Regulations for inclusion in the Virginia Register of Regulations.

### § 1.8. Informational proceedings or public hearings for existing regulations.

A. At least once each biennium, the board shall 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.

B. Notice of such proceeding shall be transmitted to the Registrar of Regulations for inclusion in the Virginia Register of Regulations.

C. The proceeding may be held separately or in conjunction with other informational proceedings.

### § 1.9. Petition for rulemaking.

A. Any person may petition the board to adopt, amend, or delete any regulation.

B. Any petition received within 10 days prior to a board meeting shall appear on the agenda of that meeting of the board.

C. The board shall have sole authority to dispose of the petition.

### § 1.10. Notice of formulation and adoption.

Prior to any meeting of the board or subcommittee of the board at which the formulation or adoption of regulations is to occur, the subject matter shall be transmitted to the Registrar of Regulations for inclusion in the Virginia Register of Regulations.

### § 1.11. Advisory committees.

The board may appoint advisory committees as it may deem necessary to provide for citizen and professional participation in the formation, promulgation, adoption, and

review of regulations.

PART II.  
OPERATIONAL RESPONSIBILITIES.

Article 1.  
Posting of License.

§ 2.1. Posting of license.

A. Each licensee shall post his original license, photocopy of his original license, or a duplicate license obtained from the board in a main entrance or place conspicuous to the public in each establishment or branch where he is employed.

B. The establishment license shall be posted in a main entrance of the establishment or place conspicuous to the public.

C. Each licensee shall be able to produce his wallet license upon request.

Article 2.  
Records.

§ 2.2. Accuracy of information.

A. All changes of mailing address; name; place of employment; or change in establishment ownership, manager, or name shall be furnished to the board within five days after the change occurs.

B. All notices required by law and by these regulations to be mailed by the board to any registrant or licensee shall be validly given when mailed to the latest address on file with the board and shall not relieve the licensee, trainee, establishment, or firm of obligation to comply.

PART III.  
FEES.

§ 3.1. Initial fees.

The following fees shall be paid as applicable for initial licensure or registration : . *For resident trainee fees see the board's regulations entitled Resident Trainee Program for Funeral Service.*

- 1. Examination ..... \$100
- 2. License to practice funeral service ..... \$100
- 3. Funeral service establishment license ..... \$150
- 4. Surface transportation and removal service registration ..... \$200
- 5. ~~Funeral service trainee registration~~ ..... \$ 25
- 6. ~~5.~~ Courtesy card ..... \$ 50

~~7.~~ 6. Change of ownership, manager, or establishment name ..... \$ 15

~~8.~~ 7. Verification of licensure requests from another state license when applying for licensure in another state ..... \$ 50

8. Verification of license when applying for courtesy card in another state ..... \$5

9. Resumption of traineeship after interruption .. \$ 10

§ 3.2. Renewal fees.

The following annual fees shall be paid as applicable for license renewal : . *For resident trainee renewal fees see the board's regulations entitled Resident Trainee Program for Funeral Service.*

- 1. Funeral service license payable by March 31 . \$100
- 2. Funeral director license payable by March 31 \$100
- 3. Embalmer license payable by March 31 ..... \$100
- 4. Funeral service establishment license payable by January 31 ..... \$150
- 5. Surface transportation and removal service registration payable by January 31 ..... \$200
- 6. ~~Funeral service trainee registration payable by January 31~~ ..... \$ 25
- 7. ~~6.~~ Courtesy cards payable by December 31 ... \$ 50

§ 3.3. Reinstatement fees.

The following reinstatement fees shall be paid in addition to annual renewal fees for reinstatement of license or registration up to three years following expiration : . *For resident trainee reinstatement fees see the board's regulations entitled Resident Trainee Program for Funeral Service.*

- 1. Funeral service, director, or embalmer reinstatement ..... \$ 25
- 2. Establishment reinstatement ..... \$ 25
- 3. Transportation and removal service reinstatement ..... \$ 25
- 4. ~~Resident trainee registration reinstatement~~ .... \$ 10

§ 3.4. Other fees.

[ A: ] Duplicates.

Duplicate trainee registrations, surface transportation and removal registrations, licenses, establishment licenses, or



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courtesy cards shall be issued by the board at the individual's request.

Duplicate license, registration, courtesy card ... \$ 25

Duplicate wall certificates ..... \$ 50

[ ~~B. Other.~~ ]

[ § 3.5. Additional fee information. ]

There shall be a fee of \$25 for returned checks.

Fees shall not be refunded once submitted.

## PART IV. RENEWALS.

§ 4.1. Expiration dates.

*For resident trainee expiration dates see regulations entitled Resident Trainee Program for Funeral Service.*

A. The following shall expire on January 31 of each calendar year:

1. Funeral service establishment license; *and*
- ~~2. Funeral service trainee registration; and~~
- ~~3.~~ 2. Surface transportation and removal service registration.

B. The following shall expire on March 31 of each calendar year:

1. Funeral service license;
2. Funeral director license; and
3. Embalmer license.

C. Courtesy cards expire on December 31 of each calendar year.

D. A person who or establishment which fails to renew a license, registration, or courtesy card by the expiration dates prescribed in this section shall be deemed to have an invalid license, registration, or courtesy card.

§ 4.2. Renewal of license; registration.

A person, establishment, or surface transportation and removal service who desires to renew his license or registration for the next year, not later than the expiration date shall:

1. Return the renewal notice;
2. Submit the applicable fee prescribed in § 3.2; and

3. Notify the board of any changes in name, address, employment, managers or ownership.

§ 4.3. Reinstatement of expired license or registration.

The board may consider reinstatement of an expired license or registration for up to three years following expiration. A written application request for reinstatement shall be submitted to the board and shall include payment of all applicable delinquent renewal fees prescribed in § 3.2 plus the additional reinstatement fee prescribed in § 3.3.

§ 4.4. Reapplication of license.

When a license is not reinstated within three years of its expiration date, an applicant for licensure shall:

1. Reapply for licensure; and
2. Reapply for state examination.

## PART V. REQUIREMENTS FOR LICENSURE.

### Article 1. Establishments: General Qualifications.

§ 5.1. General qualifications of establishments.

All places of business in the Commonwealth, including main establishments, branches or chapels, where any part of the profession or business of funeral directing or any act of embalming, or either or both, is carried on, conducted, or performed, or is permitted to be carried on, conducted, or performed, and where preneed funeral arrangements are conducted, shall be:

1. Subject to regulation and inspection by the board;
2. Operated in accordance with law; and
3. Maintained in compliance with these requirements.

§ 5.2. Establishment license required.

No person shall maintain, manage, or operate a funeral service establishment in the Commonwealth, unless such establishment holds a license issued by the board.

§ 5.3. Current license requirements.

The license shall be:

1. For the current calendar year; and
2. In the name of the funeral service licensee or licensed funeral director designated by the ownership to be manager of the establishment.

§ 5.4. Manager-of-record required.

Every funeral service establishment and every branch or chapel of such establishment in the Commonwealth, regardless of how owned, shall have a separate funeral service licensee or funeral director licensed by the board who is employed full time at the establishment and is designated as manager of the establishment.

## § 5.5. Expiration of establishment licenses.

Establishment licenses shall expire January 31 of each calendar year (see subsections A and D of § 4.1 and §§ 4.2 through 4.4 for renewal information.).

### Article 2.

#### Funeral Service, Funeral Directors and Embalmers: General Qualifications.

## § 5.6. License required; exception.

No person shall engage in the practice of funeral service, or practice as a funeral director or embalmer in the Commonwealth without having the required license issued by the board.

EXCEPTION: A registered trainee may perform such acts only in strict conformity with the provisions of these regulations *and the regulations entitled Resident Trainee Program for Funeral Service*.

## § 5.7. Expiration of licenses.

With the exception of trainees, licenses shall expire on March 31 of each calendar year (see subsections B and D of § 4.1 and §§ 4.2 through 4.4 for renewal information. See § 6.12 for ~~trainee registration expiration information~~) (*See regulations entitled Resident Trainee Program for Funeral Service.*)

## § 5.8. Requirement for license.

To be licensed for the practice of funeral service, a person shall:

1. Be at least 18 years of age;
2. Be a graduate of a high school or the equivalent;
3. Have completed traineeship and be a graduate from a school of mortuary science or funeral service approved by the board;
4. Pass the required state and national examinations; and
5. Not have been convicted of a felony. The board, in its discretion, may license an individual convicted of a felony if he has been pardoned or has had his civil rights restored.

### Article 3. Application Process.

## § 5.9. Funeral service applicants.

An individual seeking licensure for funeral service or seeking examination/reexamination shall submit simultaneously:

1. Completed and signed application;
2. Additional documentation as may be required by the board to determine eligibility of the applicant; and
3. The applicable fees(s) prescribed in subdivision 1 of § 3.1.

## § 5.10. Application package; exception.

All required parts of the application package shall be submitted at the same time. An incomplete package will be returned to the licensee.

EXCEPTION: Some schools require that certified transcripts be sent directly to the licensing authority. That policy is acceptable to the board.

National examination scores will also be accepted from the examining authority.

## § 5.11. Date of submission of application package.

An individual applying for examination shall submit the application package within six months and not less than 45 days prior to an examination date.

## § 5.12. Establishment applicants.

Not less than 45 days prior to opening of an establishment, an owner or licensed manager seeking an establishment license shall submit simultaneously:

1. Completed and signed application;
2. Additional documentation as may be required by the board to determine eligibility for licensure; and
3. The applicable fee prescribed in subdivision 3 of § 3.1.

## § 5.13. Incomplete application package.

All required parts of the application package shall be submitted at the same time. An incomplete package will be returned to the licensee.

## § 5.14. Waiver of time limits.

The board may for good cause, waive the time requirement in §§ 5.11 and 5.12 for the filing of any application. The burden of proof which demonstrates good cause rests with the applicant.

### Article 4.

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## General Examination Requirements.

### § 5.15. National Board examination required.

Prior to applying for state examination for licensure, every applicant for initial licensure by the board shall pass the National Board Examination of the Conference of Funeral Service Examining Boards of the United States, Inc., administered in accredited schools of embalming or mortuary science.

### § 5.16. Virginia State Board examination.

All applicants shall pass the Virginia State Board Examination.

### § 5.17. Failure to appear.

The applicant shall forfeit the Virginia State Board examination fee if he is unable to sit for the examination for any reason.

### § 5.18. Reexamination.

Any person failing the Virginia State Board examination shall reapply for a subsequent examination, and shall pay the examination fee prescribed in subdivision 1 of § 3.1 for each application filed.

### § 5.19. Scheduling examinations.

A. An applicant may request to take the scheduled Virginia State Board examination most closely preceding the expected completion of the mortuary school, if traineeship has also been completed, or traineeship, if mortuary school has been completed. [ *Successful completion of all requirements shall mean that the applicant can provide documentation of completion of the qualifications within the month following the examination date. Examination scores shall not be released until documentation of successful completion is received in the board office. Failure to submit documentation of successful completion within the month following the examination date for any reason shall require that the applicant retake the examination and resubmit the examination fee. The previous examination shall be considered void.* ]

B. All such requests [ *to take the scheduled Virginia state board examination early* ] shall be in writing [ *and the written request shall be accompanied by the complete application package (§§ 5.9 through 5.10 and shall comply with the deadline requirement in § 5.11* ].

[ *C. Approval of the written request by the board shall be required prior to submitting the application and fee for examination (see §§ 5.11 and 3.1).*

D. Application for licensure and the licensure fee (see subdivision 2 of § 3.1) shall be submitted after the applicant completes the qualifications for licensure. ]

## Article 5.

### Licensure of Out-of-State Applicants.

### § 5.20. Out-of-state applicants.

Licenses for the practice of funeral service or its equivalent issued by other states, territories, or the District of Columbia may be recognized by the board and the holder of such license(s) may be granted a license to practice funeral service within the Commonwealth, as follows:

1. Reciprocity. Licenses may be granted by reciprocity provided that the same privileges are granted by the other jurisdiction to Virginia funeral service licensees by the establishment of substantially similar licensure requirements and reciprocity agreements between the two jurisdictions; or

2. Endorsement. Licenses may be granted to applicants by the board on a case-by-case basis, if the applicant holds a valid license for the practice of funeral service or its equivalent in another state, territory, or the District of Columbia and possesses credentials which are substantially similar to, or more stringent than required by the Commonwealth for initial licensure and the examinations and passing grades received by the applicant are equivalent to those required by the board.

### § 5.21. State examination required.

An out-of-state applicant for board licensure shall pass the Virginia State Board Examination (See § 5.16).

## PART VI.

### TRAINEE PROGRAM REQUIREMENTS.

#### Article 1-

#### Resident Trainees: Requirements and Application Process for Registration.

### § 6.1. Resident trainee requirements and application .

*To be approved for registration as a resident trainee, a person shall comply with the board's regulations entitled Resident Trainee Program for Funeral Service. To be approved for registration as a resident trainee, a person shall:*

1. Be a graduate of an accredited high school or the equivalent;

2. Obtain a supervisor approved by the board to provide training;

3. Have not been convicted of a felony. The board, in its discretion, may approve an individual convicted of a felony if he has been pardoned or has had his civil rights restored.

## § 6.2. Trainee application package.

Every qualified person seeking registration with the board as a trainee under the Program for Training of Resident Trainees shall submit an application package which shall include:

1. Completed and signed application;
2. Fee prescribed in subdivision 5 of § 2.1; and
3. Additional documentation as may be required by the board to determine eligibility of the applicant.

## § 6.3. Submission of incomplete application package; exception.

All required parts of the application package shall be submitted at the same time. An incomplete package will be returned to the licensee.

**EXCEPTION:** Some schools require that certified transcripts be sent directly to the licensing authority. That policy is acceptable to the board.

National examination scores where applicable will also be accepted from the examining authority.

### Article 2: Training Program.

## § 6.4. Apprenticeship training.

### § 6.2. Apprenticeship training, training sites, and supervision.

*Applicants, training sites, and training supervisors shall comply with the board's regulations entitled Resident Trainee Program for Funeral Service.*

For applicants applying for initial traineeships after the effective date of these regulations, the trainee program shall consist of at least 18 months of apprenticeship training.

## § 6.5. Training sites.

Funeral training shall be given at the main office of the funeral service establishment approved for training or at any branch of an establishment approved for training or at any branch of an establishment that complies with the provisions of these regulations and is approved by the board as a training site.

## § 6.6. Training supervision.

Training shall be conducted under the direct supervision of a licensee(s) approved by the board.

## § 6.7. Number of trainees limited.

When more than two trainees are requested by an establishment, not more than two trainees will be registered per licensed supervisor at any time.

## § 6.8. Approval of funeral training.

The approval shall apply to and be valid only to:

1. The trainee;
2. The licensed person(s) under whom the training is to be given; and
3. The funeral service establishment(s) named in the approval statement.

## § 6.9. Trainee work schedule.

Every trainee shall be assigned a work schedule of at least 40 hours each week in order to obtain credit for such training. The trainee shall be required to serve weekday, evening, and weekend shifts to receive training in all areas of funeral service.

## § 6.10. Requirements of traineeship.

A. A trainee shall participate in arranging or conducting at least 25 funerals and in caring for and disposing of the dead during the traineeship but only in the room with and in visual contact with a funeral service licensee or licensed funeral director.

B. A trainee shall embalm at least 25 dead human bodies during the traineeship but only in the room with and in visual contact with a funeral service licensee or a licensed embalmer.

## § 6.11. Expiration of trainee registration.

Registrations expire on January 31 of each year of the traineeship tenure (see subsections A and D of § 4.1 and §§ 4.2 through 4.4 for renewal information).

### Article 3: Qualifications and Application Process to Train.

## § 6.12. Supervisor approved.

An individual shall be approved by the board prior to serving as a supervisor.

## § 6.13. Qualifications of supervisor.

The board shall approve only funeral service licensees, licensed funeral directors, or licensed embalmers to give funeral training who:

1. Have a full and unrestricted Virginia license; and
2. Are employed full time in the establishment where training occurs.

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## § 6.14. Approval of training establishment.

An individual, firm, or corporation owning or operating any funeral service establishment shall apply to and be approved by the board prior to permitting funeral training to be given or conducted in the establishment.

## § 6.15. Qualifications of training establishment.

The board shall approve only an establishment or two combined establishments to serve as the training site(s) which:

1. Have a full and unrestricted Virginia license;
2. Have complied in all respects with the provisions of these regulations; and
3. Have 35 or more funerals and 35 or more bodies for embalming per calendar year for each person to be trained. This average must be maintained throughout the period of training.

## § 6.16. Supervisor application package.

Every qualified person seeking approval of the board as a supervisor or an establishment or combined establishments seeking approval as a training site(s) shall submit an application package which shall include:

1. Completed and signed application; and
2. Additional documentation as may be required by the board to determine eligibility of the applicant.

### Article 4. Administration of Trainee Program.

## § 6.17. § 6.3. Curriculum compliance.

An approved supervisor and resident trainee shall comply with the curriculum training program developed by the board for the trainee program traineeship and shall provide supervision and training as prescribed by that curriculum and these regulations the regulations of the board entitled *Resident Trainee Program for Funeral Services*.

## § 6.18. Supervisor's report to board.

The trainee, the supervisor, and the establishment manager shall submit a written report to the board at the end of every six months of training. The report shall:

1. Verify that the trainee has actually served in the required capacity as prescribed in §§ 6.9 and 6.10 during the preceding six months; and
2. Be received in the board office no later than 10 days following the end of the six-month period.

## § 6.19. Failure to submit training report.

If the trainee, supervisor, or establishment manager fails to submit the reports required in § 6.18, the trainee shall forfeit all credit for training since the last report made. The board may waive such forfeiture.

## § 6.20. Terminated or interrupted training.

If the training program is terminated or interrupted prior to completion, the trainee and the supervisor shall submit the following information to the board within five working days:

1. Trainee:
  - a. All partial progress reports to the date of termination for the six-month period; and
  - b. Written explanation of the causes of program termination/interruption.
2. Supervisor. The supervisor shall submit written explanation of the causes of program termination/interruption.

## § 6.21. Selection of new supervisor.

If the program is interrupted because the approved supervisor is unable to serve, the trainee shall obtain a new supervisor.

## § 6.22. Resumption of training.

Credit for training shall resume when a new supervisor is obtained by the trainee and approved by the board (see §§ 6.12 through 6.16).

## § 6.23. Resumption of traineeship application.

When a traineeship is interrupted by the trainee, the trainee shall submit a resumption of traineeship application to the board prior to resuming his traineeship.

## § 6.24. Credit for partial reports.

Credit for partial reports shall only be given in increments of one month.

## PART VII. REGISTRATION.

### Article 1. Surface Transportation and Removal Services.

## § 7.1. Registration of surface transportation and removal services.

A. Every surface transportation and removal service not licensed under an establishment license issued by the board shall be registered with the board.

B. All persons proposing to operate and each owner of a service shall submit an application package for registration which shall include:

1. Completed and signed application;
2. Fee prescribed in subdivision 4 of § 3.1; and
3. Additional documentation as may be required by the board to determine eligibility of the applicant.

## § 7.2. Exclusion from jurisdiction.

The following shall not be within the jurisdiction of surface transportation and removal services:

1. Arranging or conducting funerals;
2. Offering to or providing for the care or preparation, including embalming, of dead human bodies; and
3. Selling or providing funeral related goods and services.

## § 7.3. Misrepresentation.

A person employed or operating a surface transportation and removal service shall not in any manner misrepresent himself to the public as being an official of any local jurisdiction, the Commonwealth, federal, or any other governmental body unless granted such authority. This shall include the name and title of the company or service, uniforms, equipment, vehicles, and any other instruments used or proffered by the services or its agents. The board shall be the sole determinant of the appropriateness of the pertinent qualities of the service and staff in enforcing this regulation.

## § 7.4. Expiration of registration.

The registration shall expire on January 31 of each calendar year (see subsections A and D of § 4.1 and §§ 4.2 through 4.4 for renewal information).

## PART VIII. ISSUANCE OF COURTESY CARDS.

### § 8.1. Courtesy cards.

A. An out-of-state person applying for a courtesy card shall hold a valid license for funeral service, funeral directing, or embalming in another state, territory, or the District of Columbia.

B. The other state shall have requirements for licensure substantially similar to those existing in the Commonwealth of Virginia.

### § 8.2. Application for courtesy card.

An application to this board for a courtesy card shall

be:

1. Submitted for approval to the licensing authority having jurisdiction at the applicant's place of employment; and
2. Forwarded by the designated official of such authority, to the board. The certificate of approval and the fee prescribed in subdivision 6 of § 3.1 shall be included.

### § 8.3. Courtesy card privileges.

A courtesy card permits the holder to:

1. Remove bodies from Virginia;
2. Arrange funerals in Virginia; and
3. Embalm bodies in Virginia.

### § 8.4. Exceptions to privileges.

The privileges of a courtesy card do not include:

1. The right to establish or engage generally in the business of funeral directing and embalming in the Commonwealth; and
2. The right of the recipient to be continuously employed professionally by a funeral establishment in the Commonwealth.

### § 8.5. Expiration of courtesy card.

A courtesy card shall expire on December 31 of the year of issuance.

## PART IX. SCHOOLS OF EMBALMING AND MORTUARY SCIENCE.

### § 9.1. Approval.

The board hereby adopts as its approved school list those mortuary science or funeral service schools which are accredited by the American Board of Funeral Service Education, Incorporated. All applicants for licensure are required to have graduated from a funeral service program offered by an approved school of mortuary science or funeral service.

## PART X. REFUSAL, SUSPENSION, REVOCATION AND DISCIPLINARY ACTION.

### § 10.1. [ ~~Unprofessional conduct~~ *Disciplinary action* ].

The board may refuse to admit a candidate to any exam; refuse to issue or renew a license, registration, or approval to any applicant; and may suspend for a stated

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period of time or indefinitely, or revoke any license or approval, or reprimand any person, or place his license on probation with such terms and conditions and for such time as it may designate, or impose a monetary penalty for any of the following causes:

1. Breach of confidence. Licensees and registrants are necessarily brought within the privacy of those in which they serve and are often placed in positions where they receive confidences and learn intimate details of domestic life and family secrets. The unnecessary or unwarranted disclosure of such confidences by the funeral licensee in the course of practice shall be determined to be an act of unprofessional conduct.

2. Unfair competition.

a. A funeral service licensee, funeral director, or registered surface transportation and removal service shall not interfere when another has been called to take charge of a dead human body and the caller or agent of the caller has the legal right to the body's disposition.

b. A funeral service licensee or funeral director shall not consent to take charge of a body unless authorized by the person or his agent having the legal right to disposition.

3. False advertising.

a. No licensee or registrant shall make, publish, disseminate, circulate or place before the public, or cause directly or indirectly to be made, an advertisement of any sort regarding services or anything so offered to the public which contains any promise; assertion; representation; or statement of fact which is untrue, deceptive, or misleading.

b. The following practices both written and verbal shall constitute false, deceptive, or misleading advertisement within the meaning of § 54.1-2806 4 of the Code of Virginia:

(1) Advertising containing inaccurate statements;

(2) Aired or published advertisements which do not disclose the name of the establishment manager or licensed owner when the owner is a licensee; and

(3) Advertisement which gives a false impression as to ability, care, and cost of conducting a funeral, or that creates an impression of things not likely to be true.

c. The following practices are among those which shall constitute an untrue, deceptive, and misleading representation or statement of fact:

(1) Representing that funeral goods or services will

delay the natural decomposition of human remains for a long-term or indefinite time; and

(2) Representing that funeral goods have protective features or will protect the body from gravesite substances over or beyond that offered by the written warranty of the manufacturer.

4. Inappropriate handling of dead human bodies.

a. At all times human bodies are to be handled with proper dignity and respect in conformity with the customs of the community being served.

b. During the removal of a dead human body, proper care shall be given to prevent the spread of infectious and contagious diseases.

c. All dead human bodies shall be properly wrapped and placed on a cot or stretcher which is self-contained and covered so that no part of the human body is visible to the public.

d. Transportation and removal vehicles shall be of such nature as to eliminate exposure of the deceased to the public during transportation.

e. During the transporting of a human body, consideration shall be taken to avoid unnecessary delays or stops during travel.

5. Obtaining a license or registration by fraud, either in the application for the license or in passing the examination.

6. Conviction of a felony.

7. Failure to comply with any regulations of the board.

8. Failure to comply with federal, state, or local laws and regulations governing the operation of a funeral establishment.

9. Conducting the practice of funeral services in such a manner as to constitute a danger to the health, safety, and well-being of the staff or the public.

10. Inability to practice with skill or safety because of physical, mental, or emotional illness, or substance abuse.

11. Unprofessional conduct.

## PART XI. STANDARDS FOR EMBALMING.

### Article 1. General.

§ 11.1. Embalming report.

Every funeral establishment shall record and maintain a separate, identifiable report for each embalming procedure conducted (see § 13.1 and Appendix IV).

## § 11.2. Contents of embalming report.

The report shall contain the following (see example in Appendix IV):

1. Name of deceased;
2. Date of death;
3. Date of embalming;
4. Name of embalmer and license number;
5. Autopsy information where applicable;
6. Preembalming condition of body;
7. Description of preembalming preparation;
8. Description of fluids used;
9. Type and point of injection;
10. Quality of fluid distribution;
11. Type and amount of cavity fluid;
12. Body cavity treatment;
13. Restoration techniques; and
14. Other conditions and treatments.

## § 11.3. Documentation of embalming.

A licensee who proceeds with an embalming without prior approval from a family member or other person shall:

1. Document the reasons for proceeding in writing;
2. Document the efforts made to contact the family or authorized person;
3. Document the licensee authorizing the embalming; and
4. Obtain subsequent approval from a family member or other authorized person.

### Article 2. Preparation Room.

## § 11.4. Preparation room required.

Every funeral service establishment at which embalming of dead human bodies is performed shall have at least

one room used exclusively for embalming or preparation of the body.

## § 11.5. Size of preparation room.

The preparation room shall be of a size to accommodate the average number of embalmings being performed simultaneously at the facility.

## § 11.6. Preparation room requirements.

The following are required of the preparation room(s):

1. The walls shall extend floor to ceiling;
2. The floor and wall surfaces shall be of a material or covered by a material impervious to water;
3. The material shall extend from wall to wall with all joints tight and sanitary; and
4. No other room shall be used for the performance of any function connected with embalming.

## § 11.7. Condition of preparation room.

A. The preparation room(s) shall be kept in a clean and sanitary condition at all times, subject to inspection.

B. Inventories of embalming and preparation materials shall not be stored on the floor in the preparation room.

C. Any items or supplies not directly used in an embalming procedure shall not be stored in the preparation room.

### Article 3. Equipment.

## § 11.8. Preparation room equipment.

The preparation room(s) shall be equipped with:

1. A ventilation system which operates and is appropriate to the size and function of the room;
2. Running hot and cold water;
3. Flush or slop sink connected with public sewer or with septic tank where no public sewer is available;
4. Metal or porcelain morgue table;
5. Covered waste container;
6. Instruments and apparatus for the embalming process;
7. A means or method for the sterilization of reusable instruments by:



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- a. Chemical bath or soak; or
  - b. Autoclave (steam); or
  - c. Ultraviolet light;
8. Disinfectants and antiseptic solutions;
9. Clean gowns or aprons, preferably impervious to water;
10. Rubber gloves for each embalmer or trainee using the room;
11. A hydroaspirator(s) equipped with a vacuum breaker; and
12. An eye wash station.

## Article 4. Prevention of Spread of Disease.

### § 11.9. Disposal of waste materials.

At the completion of each embalming operation all used cotton, bandages, and other waste materials shall be disposed of properly to avoid contagion and the possible spread of disease.

### § 11.10. Separate restroom facility required.

Every funeral service establishment or branch facility shall be equipped with a sanitary restroom facility which operates and is separate from the preparation room.

### § 11.11. First aid kit required.

A standard first aid kit shall be immediately accessible outside the door to the preparation room.

## PART XII. PRICING STANDARDS.

### Article 1. General.

### § 12.1. Disclosure of price of funeral goods and services.

In selling or offering to sell funeral goods or funeral services to the public, it is an unfair or deceptive act or practice for a funeral provider to fail to furnish price information disclosing the cost to the purchaser for each of the specific funeral goods and funeral services used in connection with the disposition of deceased human bodies.

### § 12.2. Disclosures.

Funeral providers must make all required disclosures in a clear and conspicuous manner as follows:

1. Telephone price disclosures.

a. Persons who ask by telephone about the funeral provider's offerings and prices, shall be given accurate information over the telephone from the price list (described in Article 2 of this part) which reasonably answers the question and which is readily available.

b. The licensee shall inform the telephone inquiries of all disclosures included on the various price lists.

c. The licensee shall inform the telephone inquirer that complete written information is available at the establishment.

### 2. In person price disclosures.

a. Persons who inquire in person about funeral arrangements or the prices of funeral goods or funeral services shall be given a printed or typewritten general price list to retain if they choose.

b. The funeral provider shall offer the price list upon beginning discussion either of funeral arrangements or of the selection of any funeral goods or funeral services.

### § 12.3. Itemized statement.

Licenses shall furnish to each person who arranges a funeral or other disposition of human remains, a copy of an itemized written statement of the funeral goods and services selected by that person and the prices to be paid for each item.

## Article 2. General Price List. (See example in Appendix I)

### § 12.4. Identifying information.

The general price list shall contain at least the following:

1. The name, address, and telephone number of the funeral provider's place of business;
2. A caption describing the list as a "general price list"; and
3. The effective date for the price list.

### § 12.5. Prices.

A. Funeral service establishments shall include on the general price list, in any order, the retail prices, expressed either as the flat fee, or as the price per hour, mile, or other unit of computation, for services and supplies offered for sale.

B. The following general disclosures shall be included on

the first page of the general price list:

1. "The goods and services shown below are those we can provide to our customers. You may choose only the items you desire. (However, any funeral arrangements you select will include a charge for our services.) If legal or other requirements mean you must buy any items you did not specifically ask for, we will explain the reason in writing on the statement we provide describing the funeral goods and services you selected prior to the signing of the contract."

2. "This list does not include prices for certain items that you may ask us to buy for you such as cemetery or crematory services, flowers, and newspaper notices. The prices for these items will be shown on your bill or the statement describing the funeral goods and services you selected."

#### § 12.6. Professional services of funeral director and staff.

A. A list of the following professional services and a description of what charge includes, shall be provided on the general price list:

1. Minimum services of funeral director and staff; and
2. Optional services of funeral director and staff.

#### B. Disclosures.

If the charges above are mandatory and cannot be declined by the purchaser, the following statement shall be included on the price list:

"This fee for our services will be added to the total cost of the funeral arrangements you select. This fee is already included in our charges for direct cremations, immediate burials, and forwarding or receiving remains."

#### § 12.7. Funeral home facilities.

A list of the following uses of the facility and a description of what charge includes shall be provided on the general price list:

1. Basic facilities;
2. Facilities for visitation and viewing; and
3. Facilities for funeral ceremony.

#### § 12.8. Embalming services.

A. Separate prices shall be listed for embalming normal remains versus autopsied remains if the charges are different.

#### B. Disclosures.

The following disclosures shall be placed under the embalming section on the general price list:

1. "Except in certain special cases, embalming is not required by law. Embalming may be necessary, however, if you select certain funeral arrangements, such as a funeral with viewing."

2. "If you do not want embalming, you usually have the right to choose an arrangement which does not require you to pay for it, such as direct cremation or immediate burial."

#### § 12.9. Other preparation services.

Other preparations of the body shall be listed.

#### § 12.10. Immediate burials.

A. A list of the following immediate burial services and a description of what the base prices of an immediate burial service includes shall be placed on the general price list.

1. Immediate burial where the purchaser provides the casket;
2. Immediate burial where the licensee provides the minimum casket or alternative container; and
3. Immediate burial base price plus a casket (other than the minimum) chosen by the purchaser.

B. A price range shall be listed for immediate burials.

#### § 12.11. Direct cremations.

A. A list of the following direct cremation services and a description of what the prices of a direct cremation include shall be placed on the general price list:

1. Direct cremation where the purchaser provides the container;
2. Direct cremation where the licensee provides an alternative container; and
3. Direct cremation where the licensee provides an unfinished wood box.

B. A price range shall be listed for direct cremations.

#### C. Disclosures.

The following disclosure has to be placed on the general price list if the licensee arranges direct cremations.

"State and local laws do not require a casket for direct cremation. If you want to arrange a direct cremation, you can use an unfinished wood box or an alternative container. Alternative containers can be

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made of materials like heavy cardboard or composition materials (with or without an outside covering), or pouches of canvas.”

## § 12.12. Transfer services.

A list of the following transfer services and a description of what the prices of the services include shall be placed on the general price list:

1. Transfer of remains to funeral establishment;
2. Forwarding remains to another funeral establishment; and
3. Receiving remains from another funeral home.

## § 12.13. Automotive services.

A. A list of the following automotive services shall be placed on the general price list if owned by the facility:

1. Hearse;
2. Limousine; and
3. Other automotive equipment.

B. Any of these items that are obtained through a third party shall be shown under cash advance items on the itemized statement of goods and services.

## § 12.14. Funeral merchandise.

A. The following funeral merchandise shall be placed on the general price list if offered for sale. A price range shall be given for each:

1. Casket;
2. Outer burial containers;
3. Cremation urns;
4. Cremation vaults.

B. The following funeral merchandise shall also be placed on the general price list if offered for sale:

1. Acknowledgment cards;
2. Register books(s);
3. Folders;
4. Other.

C. The following disclosure shall be placed on the general price list under each item listed in subsection A of this section:

“A complete price list will be provided at the funeral home.”

## Article 3.

### Outer Burial Container and Casket Price List. (See Appendix II)

## § 12.15. Containers; exceptions.

A. Funeral providers who sell or offer to sell caskets, alternative containers, or outer burial containers must prepare an “outer burial container and casket price list.”

B. The outer burial container and casket price lists shall accompany or be a part of the general price list.

C. A typewritten or printed outer burial container and casket price list shall be shown to people who inquire in person about the offerings or prices of containers.

EXCEPTION: If the complete outer burial container and casket price list(s) are a part of the general price list, separate outer burial container and casket price list(s) do not have to be shown to the public.

D. The container price list shall disclose at least the following information:

1. The name of the funeral provider’s place of business;
2. A caption describing the list(s) as a casket, alternative container, outer burial list; or
3. The retail prices of all caskets, alternative containers, and outer burial containers which do not require special ordering;
4. The effective date(s) of the price list(s); and
5. Enough information to identify the manufacturers, models, types, and interiors of all units available for sale, including inventory.

E. When other formats, such as notebooks, brochures, or charts, are used they shall contain the same information as prescribed in subsection D of this section and shall be displayed in a clear and conspicuous manner.

F. A funeral establishment which has a casket selection room shall have available a means for indicating the price of each casket within the room.

G. If a licensee arranges direct cremations, he shall make an unfinished wood box or alternative container available.

H. The following disclosure shall be placed at the applicable locations on both the outer burial container and the casket price list(s):

"The only warranty on the casket or outer burial container, or both, sold in connection with this service is the express written warranty, if any, granted by the manufacturer. This funeral home makes no warranty, express or implied, with respect to the casket or outer burial container, or both."

I. The following disclosure shall be placed on the outer burial container price list:

"In most areas of the country, no state or local law requires you to buy a container to surround the casket in the grave. However, many cemeteries ask that you have a container so that the grave will not sink. Either a burial vault or a grave liner will satisfy cemeteries that have these requirements."

#### Article 4.

#### Itemized Statement of Funeral Expenses. (See Appendix III)

#### § 12.16. Itemized statements.

A. Itemized statements shall be executed:

1. At the time such arrangements are made if the party is present; or
2. If the party is not present, not later than the time of the final disposition of the body.

B. The itemized statement shall be signed by the funeral service licensee or funeral director and the party contracting for the funeral arrangements.

C. The itemized statement shall contain a statement that the contracting party acknowledges the receipt of a copy of the itemized statement, the general price list, and the container price list.

D. The itemized statement shall include all items and charges which are made available to the contracting party such as the following categories:

1. Professional services of funeral licensees and staff;
  - a. Minimum services of funeral director and staff;
  - b. Optional services of funeral director and staff.
2. Funeral home facilities (types of services shall be listed individually);
3. Embalming;
  - a. Disclosures shall be as follows:
    - (1) "If you selected a funeral which requires embalming, such as a funeral with viewing, you may have to pay for embalming."

(2) "You do not have to pay for embalming you did not approve if you selected arrangements such as a direct cremation or immediate burial. If we charged for embalming we will explain why below."

4. Other preparation services (types of services shall be listed individually);
5. Immediate burial (types of services included in the price shall be described);
6. Direct cremation (types of services shall be described);
7. Transfer of remains to funeral establishment;
8. Forwarding of remains to another funeral establishment;
9. Receiving remains from another funeral establishment;
10. Automotive equipment (types of services shall be listed individually);
11. Funeral merchandise (types of services shall be listed individually);
12. Container selected (types shall be listed and described individually);
13. Any and all anticipated or actual cash advances and expenditures requested by the party contracting for the funeral arrangements shall be listed individually.
14. Virginia sales tax paid on all items to which such tax is applicable; and
15. The total costs of the funeral goods and funeral services selected.

E. Disclosures.

The following disclosures shall be on the itemized statement of goods and services:

1. "Charges are only for those items that are used. If we are required by law, to purchase any items, we will explain the reasons in writing below."
2. "The only warranty on the casket or outer burial container, or both, sold in connection with this service is the express written warranty, if any, granted by the manufacturer. This funeral home makes no warranty, express or implied, with respect to the casket or outer burial container, or both."

#### § 12.17. Cemetery and crematorium.

The licensee shall identify and describe in writing at the

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applicable location on the itemized statement any funeral goods or services representing policies of particular cemeteries or crematoriums.

## PART XIII. RETENTION OF DOCUMENTS.

### § 13.1. Retention of documents.

The following shall apply to retention of embalming reports, price lists, and itemized statements:

1. Price lists shall be retained for three years after the effective date.
2. Itemized statements shall be retained for three years from the date on which the statement was signed.
3. Embalming reports shall be retained for three years after the date of the embalming.
4. Documents shall be maintained on the premises of the funeral establishment and made available for inspection.
5. In instances where the funeral establishment is sold, documents shall be transferred to the new owner, unless the existing firm is relocating to a new facility.

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92 AUG 19 AM 11:25

APPENDIX I

GENERAL PRICE LIST

**Note to Establishments:** The following General Price List has been prepared as a guideline. All General Price Lists must contain at least the following content if you offer the goods and services for sale at your establishment. You may use any format arrangement you choose and may add to this information to fit your establishment's services.

This sample form has notes throughout that are for your information only and are not intended to be included on the form when you prepare the form for use at your establishment. The Board has marked these notes with asterisks (\*).

The statements in italics are required by the Federal Trade Commission and the Board. The FTC disclosure requirements must be placed under the appropriate category as indicated on this sample form.

III. Funeral Home Facilities

A. Basic Facilities

\$ \_\_\_\_\_

Our charge includes (\*Note to establishment: List what your charge includes.)

B. Facilities for visitation and viewing

\$ \_\_\_\_\_

Our charge includes (\*Note to establishment: List what your charge includes.)

C. Facilities for funeral ceremony

\$ \_\_\_\_\_

Our charge includes (\*Note to establishment: List what your charge includes.)

IV. Embalming

A. Normal remains.

\$ \_\_\_\_\_

B. Autopsy remains.

\$ \_\_\_\_\_

Except in certain special cases, embalming is not required by law. Embalming may be necessary, however, if you select certain funeral arrangements such as a funeral with viewing. If you do not want embalming, you usually have the right to choose an arrangement which does not require you to pay for it, such as direct cremation or immediate burial.

V. Other Preparation of the Deceased

\$ \_\_\_\_\_

(\*Note to establishment: List as below each preparation service that you offer and the price.)

A.

\$ \_\_\_\_\_

B.

\$ \_\_\_\_\_

C.

\$ \_\_\_\_\_

(etc.)

VI. Immediate Burial (List price range)

\$ \_\_\_\_\_ to \$ \_\_\_\_\_

(\*Note to establishment: A price range must be given for an immediate burial. The lowest price would be your immediate burial package with container provided by purchaser. The highest price would be your immediate burial package plus your most expensive casket. See below.)

Our charge includes (\*Note to establishment: List what your charge includes.)

A. Immediate burial with container provided

\$ \_\_\_\_\_

APPENDIX I

Any Funeral Home  
Main Street  
Anytown, Virginia  
Telephone Number

REGISTRAR OF REGULATIONS  
92 AUG 19 11:25

GENERAL PRICE LIST

These prices are effective as of \_\_\_\_\_ (Date) \_\_\_\_\_  
Prices are subject to change without prior notice

I. General Information: Disclosures

*The goods and services shown below are those we can provide to our customers. You may choose only the items you desire. However, any funeral arrangements you select will include a charge for our services.*

(\*Note to establishment: If the last sentence does not apply at your funeral home, you may delete it.)

*If legal or other requirements mean you must buy any items you did not specifically ask for, we will explain the reason in writing on the statement we provide describing the funeral goods and services you selected.*

*This list does not include prices for certain items that you may ask us to buy for you such as cemetery or crematory services, flowers, and newspaper notices. The prices for these items will be shown on your bill or the statement describing the funeral goods and services you selected.*

II. Professional Services of Funeral Director and Staff:

A. Minimum Services of Funeral Director and Staff \$ \_\_\_\_\_

Our charge includes (\*Note to establishment: List what your charge includes.)

This fee for our services will be added to the total cost of the funeral arrangements you select. This fee is already included in our charges for direct cremations, immediate burials, and forwarding or receiving remains. (\*Note to establishment: This paragraph must be added if it applies at your funeral home.)

B. Optional Services of Funeral Director and Staff \$ \_\_\_\_\_

X. Receiving Remains from Another Funeral Home \$ \_\_\_\_\_

Our charge includes (\*Note to establishment: List what your charge includes.)

XI. Automotive Equipment

(\*Note to establishment: Specify that local service is only for so many miles. If per mile fee is charged beyond local miles, please specify the fee. List all automotive equipment that you own and offer to sell as a service. List the cost of each one purchased on the itemized statement. Any vehicles that you rent would be included on the itemized statement as a cash advance item.)

XII. Funeral Merchandise

A. Caskets \$ \_\_\_\_\_ to \$ \_\_\_\_\_

A complete price list will be provided at the funeral home.

B. Outer Burial Container \$ \_\_\_\_\_ to \$ \_\_\_\_\_

A complete price list will be provided at the funeral home.

In most areas of the country, no state or local law requires you to buy a container to surround the casket in the grave. However, many cemeteries ask that you have a container so that the grave will not sink. Either a burial vault or a grave liner will satisfy these requirements.

C. Cremation Urns \$ \_\_\_\_\_ to \$ \_\_\_\_\_

A complete price list will be provided at the funeral home.

D. Cremation Vault (\*if used) \$ \_\_\_\_\_ to \$ \_\_\_\_\_

A complete price list will be provided at the funeral home.

E. (\*Note to establishment: Continue to list all funeral merchandise that you offer. A price range is only required on the first four above. This list must also include acknowledgement cards, register book, and memorial folders if you offer them for sale.)

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APPENDIX II

OUTER BURIAL CONTAINER PRICE LIST  
 CASKET PRICE LIST

**Note to Establishments:** The following Outer Burial Container Price List and Casket Price List has been prepared as a guideline. You must have a list that is identified separately as an outer burial container list and a casket price list. All Outer Burial Container Price Lists and Casket Price Lists must contain at least the following content if you offer the goods and services for sale at your establishment. You may use any format arrangement you choose and may add to this information to fit your establishment's services.

These sample forms have notes throughout that are for your information only and are not intended to be included on the form when you prepare the form for use at your establishment. The Board has marked these notes with asterisks (\*).

The statements in italics are required by the Federal Trade Commission and the Board. They may be placed in any location on the outer burial container and casket price lists.

B. Immediate burial with minimum casket \$ \_\_\_\_\_

C. Immediate burial with the use of any other than the minimum casket would be this fee PLUS the casket selected by the purchaser. (\*Note to establishment: Your lowest price for the basic immediate burial package would go here. The purchaser could then add this basic price to the price of the casket to arrive at the total price under this category. The basic price listed here must match the lowest price in the price range above.) \$ \_\_\_\_\_

VII. Direct Cremation (List price range) \$ \_\_\_\_\_ to \$ \_\_\_\_\_

(\*Note to establishment: A price range must be given for a direct cremation. The lowest price would be your direct cremation package with a container provided by the purchaser. Your highest price would be your direct cremation package plus an unfinished wooden box, or your highest price could be listed like the price in IX(c) above in immediate burials.)

Our charge includes (\*Note to establishment: List what your charge includes.)

*State and local laws do not require a casket for direct cremation. If you want to arrange a direct cremation, you can use an unfinished wood box or an alternative container. Alternative containers can be made of materials like heavy cardboard or composition materials (with or without an outside covering), or pouches of canvas.*

A. Direct cremation with container provided by the purchaser. \$ \_\_\_\_\_

B. Direct cremation with alternative container. \$ \_\_\_\_\_

C. Direct cremation with unfinished wooden box. \$ \_\_\_\_\_

D. Direct cremation with the use of any other than the above would be this fee PLUS the casket selected by the purchaser. (\*Note to establishment: This is optional.) \$ \_\_\_\_\_

VIII. Transfer of Remains to Funeral Establishment \$ \_\_\_\_\_

(\*Note to establishment: This is added only when it is not included under professional services and you choose it to be a separate price. You must explain what this charge includes if listed separately.)

IX. Forwarding Remains to Another Funeral Home \$ \_\_\_\_\_

Our charge includes (\*Note to establishment: List what your charge includes.)



APPENDIX II

Any Funeral Home  
Main Street  
Anytown, Virginia  
Telephone Number

REGISTRAR OF REGULATIONS  
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OUTER BURIAL CONTAINER PRICE LIST

(\* These prices must accompany General Price List or be included in the General Price List)

These prices are effective as of (DATE). Prices are subject to change without notice.

*In most areas of the country, no state or local law requires you to buy a container to surround the casket in the grave. However, many cemeteries ask that you have a container so that the grave will not sink. Either a burial vault or a grave liner will satisfy these requirements.*

Manufacturer	Description	Price
*List Manufacturers	*Describe containers	\$ _____

Warranties

*The only warranty on the casket or outer burial container, or both, sold in connection with this service is the express written warranty, if any, granted by the manufacturer. This funeral home makes no warranty, express or implied, with respect to the casket or outer burial container, or both.*

APPENDIX III

Any Funeral Home  
Main Street  
Anytown, Virginia  
Telephone Number

REGISTRAR OF REGULATIONS  
92 AUG 19 AM 11: 25

Itemized Statement of Funeral Goods and Services Selected

Funeral Services for \_\_\_\_\_ Date of Death \_\_\_\_\_ Today's Date \_\_\_\_\_

I. PROFESSIONAL SERVICES

- A. Minimum Services of Funeral Director and Staff \$ \_\_\_\_\_
- B. Optional Services of Funeral Director and Staff \$ \_\_\_\_\_

II. FUNERAL HOME FACILITIES

- A. Use of basic facilities, administration, arrangement and preparation rooms \$ \_\_\_\_\_
- B. Use of facilities for viewing/visitation (each night and portion of any day) \$ \_\_\_\_\_
- C. Use of facilities for funeral ceremony (chapel or rooms) \$ \_\_\_\_\_
- D. Other \$ \_\_\_\_\_

III. EMBALMING

*If you selected a funeral which requires embalming, such as a funeral with a viewing, you may have to pay for embalming you did not approve if you selected arrangements such as a direct cremation or immediate burial. If we charge for embalming, we will explain why below.*

- 1. Normal remains \$ \_\_\_\_\_
- 2. Autopsy remains \$ \_\_\_\_\_

Embalming Authorized By: \_\_\_\_\_

Reason for Embalming: \_\_\_\_\_

\_\_\_\_\_

IV. OTHER PREPARATION OF THE BODY

(\*Note to establishment: List in spaces below each preparation service that you offer and the price of those purchased.)

- A. \$ \_\_\_\_\_
- B. \$ \_\_\_\_\_
- C. \$ \_\_\_\_\_

V. IMMEDIATE BURIAL

Charge includes (\*Note to establishment: Briefly list what charge includes.)

VI. DIRECT CREMATION \$ \_\_\_\_\_ to \_\_\_\_\_

Charge includes (\*Note to establishment: Briefly list what charge includes.)

VII. TRANSFER OF REMAINS TO FUNERAL ESTABLISHMENT \$ \_\_\_\_\_

(\*Note to establishment: This is listed separately only when you list it as a separate charge on your General Price List.)

VIII. FORWARDING REMAINS TO ANOTHER FUNERAL HOME \$ \_\_\_\_\_

Charge includes (\*Note to establishment: Briefly list what charge includes.)

IX. RECEIVING REMAINS FROM ANOTHER FUNERAL HOME \$ \_\_\_\_\_

Charge includes (\*Note to establishment: Briefly list what charge includes.)

X. AUTOMOTIVE EQUIPMENT

Local service beyond \_\_\_\_\_ miles, add \$ \_\_\_\_\_ per vehicle. (\*Note to establishment: This statement must be included if this is your practice. List below all automotive equipment that you own and offer to sell as service. Any vehicles that you rent would be a cash advance item.)

XI. FUNERAL MERCHANDISE

- A. Casket (\*describe) \_\_\_\_\_ \$ \_\_\_\_\_
- B. Outer Burial Container (\*describe) \_\_\_\_\_ \$ \_\_\_\_\_

APPENDIX II-A

Any Funeral Home  
Main Street  
Anytown, Virginia  
Telephone Number

REGULATIONS  
92 AUG 19 AM 11:25

CASKET PRICE LIST

(\* These prices must accompany General Price List or be included in the General Price List)

These prices are effective as of (DATE). Prices are subject to change without notice.

Manufacturer	Description	Price
*List Manufacturers	*Describe Containers	

Warranties

The only warranty on the casket or outer burial container, or both, sold in connection with this service is the express written warranty, if any, granted by the manufacturer. This funeral home makes no warranty, express or implied, with respect to the casket or outer burial container, or both.

DISCLOSURES

Charges shown are only for those items that are used. If we are required by law, to purchase any items, we will explain the reasons in writing below:

\_\_\_\_\_  
 \_\_\_\_\_

The only warranty on the casket or outer burial container, or both, sold in connection with these services is the express written warranty, if any, granted by the manufacturer. This funeral home makes no warranty, express or implied, with respect to the casket or outer burial container, or both.

ACKNOWLEDGMENT AND AGREEMENT

I/we hereby acknowledge that I/we have the legal right to arrange the final services for the deceased, and I/we authorize \_\_\_\_\_ to perform services, furnish goods, and incur outside charges specified on the Statement. I/we acknowledge that I/we have received, on this date, the General Price List and the Casket Price List and Outer Burial Container Price List. I/we also acknowledge execution and receipt of a copy of this Statement.

TERMS OF PAYMENT

(\*Note to establishment: Describe your terms of payment here.)

_____ Co-signed	_____ Dated	_____ Signed	_____ Dated
_____ Street		_____ Street	
_____ City	_____ State	_____ Zip	_____ City
			_____ State
			_____ Zip

Acceptance: (Name of Funeral Home) agrees to provide all services, merchandise, and cash advances indicated on this Statement.

By \_\_\_\_\_  
 Licensed Funeral Director or  
 Funeral Service Licensee

- C. Cremation Urns (\*describe) \_\_\_\_\_ \$ \_\_\_\_\_
- \_\_\_\_\_ \$ \_\_\_\_\_
- D. Cremation Vault (\*describe) \_\_\_\_\_ \$ \_\_\_\_\_
- \_\_\_\_\_ \$ \_\_\_\_\_
- E. (\*Note to establishment: Continue to list all funeral merchandise that you offer. You do not have to describe any others.)

XII. ANTICIPATED CASH ADVANCE ITEMS

(\*Note to establishment: List all cash advance items that you are willing to arrange for the purchaser.)

- A. \$ \_\_\_\_\_
- B. \$ \_\_\_\_\_
- C. \$ \_\_\_\_\_

XIII. SUMMARY

(\*Note to establishment: Leave dollar amount blank or mark N/A if fee does not apply)

- 1. Subtotal: Professional Services \$ \_\_\_\_\_
- 2. Subtotal: Funeral Merchandise \$ \_\_\_\_\_
- Va. Sales Tax on Funeral Merchandise \$ \_\_\_\_\_
- 3. Subtotal: Anticipated Cash Advances \$ \_\_\_\_\_
- TOTAL FUNERAL ACCOUNT \$ \_\_\_\_\_
- Additional late purchase cash advances \$ \_\_\_\_\_
- FINAL TOTAL FUNERAL ACCOUNT \$ \_\_\_\_\_
- Unit Price (if less than above): \$ \_\_\_\_\_

REGISTRAR OF REGULATIONS  
92 AUG 19 AM 11: 25

APPENDIX III

ITEMIZED STATEMENT

**Note to Establishments:** The following Itemized Statement has been prepared as a guideline. All Itemized Statements must contain at least the following content if you offer the goods and services for sale at your establishment. You may use any format arrangement you choose and may add to this information to fit your establishment's services.

This sample form has notes throughout that are for your information only and are not intended to be included on the form when you prepare the form for use at your establishment. The Board has marked these notes with asterisks (\*).

The statements in italics are required by the Federal Trade Commission and the Board. They may be placed at any location on the itemized statement.

REGISTRAR OF REGULATIONS  
92 AUG 19 AM 11: 25

APPENDIX IV

EMBALMING RECORD

**Note to Establishments:** The following Embalming Record has been prepared as a guideline. All Embalming Records must contain at least the following items. You may use any format arrangement you choose and may add to this information to fit your establishment's services.

This sample form has notes throughout that are for your information only and are not intended to be included on the form when you prepare the form for use at your establishment. The Board has marked these notes with asterisks (\*).

APPENDIX IV

REGISTER OF REGULATIONS

92 AUG 19 2011 25

Any Funeral Home  
Main Street  
Anytown, Virginia  
Telephone Number

EMBALMING RECORD

I. General Information

A. Deceased

Name of Deceased \_\_\_\_\_  
Date of Death \_\_\_\_\_

B. Embalming

Date of Embalming \_\_\_\_\_  
Name of Embalmer \_\_\_\_\_  
License # of Embalmer \_\_\_\_\_

C. Autopsy Information (if applicable)

Autopsy: \_\_\_\_\_ yes \_\_\_\_\_ no  
\_\_\_\_\_ Cranial  
\_\_\_\_\_ Trunk  
\_\_\_\_\_ Arterial Embalming before autopsy  
Disposition of Viscera \_\_\_\_\_

II. Condition of Remains Prior to Embalming

_____ Dehydration	_____ Skin Slip
_____ Discolorations	_____ Subcutaneous emphysema
_____ Edema	_____ Tissue Gas
_____ Emaciation	_____ Trauma
_____ Gangrene	_____ Ulceration
_____ Purge	_____ Other
_____ Rigor Mortis	

Describe and explain the extent of any conditions checked above:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

III. Injection

A. Type of Injection

\_\_\_\_\_ Single Point  
\_\_\_\_\_ Multi-site  
\_\_\_\_\_ Other

B. Initial Artery Injected

\_\_\_\_\_ Carotid: \_\_\_\_\_ right \_\_\_\_\_ left  
\_\_\_\_\_ Femoral: \_\_\_\_\_ right \_\_\_\_\_ left  
\_\_\_\_\_ Axillary: \_\_\_\_\_ right \_\_\_\_\_ left  
\_\_\_\_\_ Other: \_\_\_\_\_

C. Other Arteries Injected

\_\_\_\_\_ Carotid: \_\_\_\_\_ right \_\_\_\_\_ left  
\_\_\_\_\_ Femoral: \_\_\_\_\_ right \_\_\_\_\_ left  
\_\_\_\_\_ Axillary: \_\_\_\_\_ right \_\_\_\_\_ left  
\_\_\_\_\_ Radial: \_\_\_\_\_ right \_\_\_\_\_ left  
\_\_\_\_\_ Other: \_\_\_\_\_

D. Drainage Veins

\_\_\_\_\_ Jugular: \_\_\_\_\_ right \_\_\_\_\_ left  
\_\_\_\_\_ Femoral: \_\_\_\_\_ right \_\_\_\_\_ left  
\_\_\_\_\_ Axillary: \_\_\_\_\_ right \_\_\_\_\_ left  
\_\_\_\_\_ Other: \_\_\_\_\_

IV. Fluids

A. Pre-Injection

Fluid: \_\_\_\_\_  
Dilution Rate: \_\_\_\_\_  
Total Volume: \_\_\_\_\_

B. Arterial Injection

Fluid: \_\_\_\_\_  
Ounces per Gallon: \_\_\_\_\_  
Fluid: \_\_\_\_\_  
Ounces per Gallon: \_\_\_\_\_  
Total Solution Volume Injected: \_\_\_\_\_

C. Accessory Fluids (List type and amount)

\_\_\_\_\_ H<sub>2</sub>O conditioner: \_\_\_\_\_  
\_\_\_\_\_ Humectant: \_\_\_\_\_

\_\_\_\_\_ Co-injection: \_\_\_\_\_  
\_\_\_\_\_ Other: \_\_\_\_\_

D. Cavity Fluid (List type and amount)

\_\_\_\_\_  
\_\_\_\_\_

E. Quality of Fluid Distribution

\_\_\_\_\_ Excellent  
\_\_\_\_\_ Good  
\_\_\_\_\_ Fair

F. Aspiration

\_\_\_\_\_ Body Re-aspirated: \_\_\_\_\_ yes \_\_\_\_\_ no

V. Other Treatments

\_\_\_\_\_ External Embalming (Describe):  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Hypodermic Embalming (Describe):  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Other conditions and/or Treatments (Describe)  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Restoration (Describe): \_\_ Hypodermic \_\_ Other  
\_\_\_\_\_  
\_\_\_\_\_

VI. Setting Features

A. Mouth

\_\_\_\_\_ Needle Injector  
\_\_\_\_\_ Muscular Suture  
\_\_\_\_\_ Other: \_\_\_\_\_  
\_\_\_\_\_ Teeth Present

\_\_\_\_\_ Dentures  
\_\_\_\_\_ Artificial Replacement

B. Eyes (Describe):

\_\_\_\_\_  
\_\_\_\_\_

VII. Signatures

\_\_\_\_\_  
Embalmer

\_\_\_\_\_  
Receiving Funeral Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

# Final Regulations

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## BOARD OF MEDICINE

**Title of Regulation:** VR 465-04-01. Regulations Governing the Practice of Respiratory Therapy Practitioners.

**Statutory Authority:** § 54.1-2400 and 54.1-2954 of the Code of Virginia.

**Effective Date:** October 8, 1992.

### Summary:

*The amendments to the current regulations establish biennial renewal of certification in the birth month of each odd-numbered year of the therapist's birth month and make grammatical corrections for clarification and compliance with changes in the Code of Virginia.*

VR 465-04-01. Regulations Governing the Practice of Respiratory Therapy Practitioners.

### PART I. GENERAL PROVISIONS.

#### § 1.1. Definitions.

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

*"Advisory Board"* means the advisory board on respiratory therapy to the board.

*"Board"* means the Virginia State Board of Medicine.

*"Certified respiratory therapy practitioner"* means a person who has passed the certification examination for the entry level practice of respiratory therapy administered by the National Board of Respiratory Care, Inc., or other examination approved by the board, who has complied with such rules and regulations pertaining to certification as shall be prescribed by the board, and who has been issued a certificate by the board.

*"Committee"* means the Advisory Committee on Respiratory Therapy to the board.

*"NBRC"* means the National Board of for Respiratory Care, Inc.

*"Referral and direction"* means the referral of a patient by a licensed doctor of medicine, osteopathy, podiatry or dental surgery to a certified respiratory therapy practitioner for a specific purpose and for consequent treatment that will be performed under the direction of and in continuing communication with the referring doctor.

§ 1.2. A separate board regulation, VR 465-01-01, short title: Public Participation Guidelines, which provides for involvement of the public in the development of all

regulations of the Virginia Board of Medicine, is incorporated by reference in these regulations.

§ 1.3. Any violation of Chapter 29 of Title 54.1 shall be subject to the statutory sanctions as set forth in the Act.

### PART II. REQUIREMENTS FOR PRACTICE AS A CERTIFIED RESPIRATORY THERAPY PRACTITIONER.

#### § 2.1. Requirements, general.

A. No person shall practice as a certified respiratory therapy practitioner in the Commonwealth of Virginia except as provided in these regulations.

B. All services rendered by a certified respiratory therapy practitioner shall be performed only upon referral and direction of a doctor of medicine, osteopathy, podiatry or dental surgery licensed to practice in the Commonwealth of Virginia.

#### § 2.2. Certification.

An applicant for a certificate to practice as a certified respiratory therapy practitioner shall:

1. Submit to the board written evidence, verified by affidavit, that the applicant has passed the NBRC entry level examination for respiratory therapy, or its equivalent;
2. Make application on forms supplied by the board and completed in every detail; and
3. Pay at the time of filing the application, the application fee prescribed in § 4.1 of these regulations.

#### § 2.3. Renewal of certificate.

Every certified respiratory therapy practitioner intending to continue his certification shall ~~annually on or before July 1~~ *biennially in each odd-numbered year in his birth month* :

1. Register with the board for renewal of his certificate; and
2. Pay the prescribed renewal fee at the time he files for renewal.

### PART III. SCOPE OF PRACTICE.

#### § 3.1. Individual responsibilities.

Practice as a certified respiratory therapy practitioner means, upon medical referral and direction, the evaluation, care and treatment of patients with deficiencies and abnormalities associated with the cardiopulmonary system. This practice shall include, but not be limited to

ventilatory assistance and support; the insertion of artificial airways without cutting tissue and the maintenance of such airways; the administration of medical gases exclusive of general anesthesia; topical administration of pharmacological agents to the respiratory tract; humidification; and administration of aerosols. The practice of respiratory therapy shall include such functions shared with other health professionals as cardiopulmonary resuscitation; bronchopulmonary hygiene; respiratory rehabilitation; specific testing techniques required to assist in diagnosis, therapy and research; and invasive and noninvasive cardiopulmonary monitoring.

## PART IV. FEES.

### § 4.1. Fees.

The following fees are required:

A. 1. The application fee, payable at the time the application is filed, shall be \$100.

B. 2. The ~~annual~~ *biennial* fee for renewal of registration *shall be \$50*, payable ~~on or before July 1,~~ *shall be \$25 in each odd-numbered year in the certificate holder's birth month.*

C. 3. An additional fee to cover administrative costs for processing a late application may be imposed by the board. The additional fee for late renewal of licensure shall be \$10 for each renewal cycle.

D. 4. Lapsed license. The fee for reinstatement of a license issued by the Board of Medicine pursuant to § 54.1-2904, which has expired for a period of two years or more, shall be \$100 and must be submitted with an application for licensure reinstatement.



COMMONWEALTH of VIRGINIA

DEPARTMENT OF HEALTH PROFESSIONS
BOARD OF MEDICINE
1601 ROLLING HILLS DRIVE
RICHMOND, VA 23229-5005
(804) 662-9908
APPLICATION
FOR
CERTIFICATION AS A
RESPIRATORY THERAPY
PRACTITIONER

REGISTRAR OF REGULATIONS
02 AUG 19 11:11:27
SECURELY PASTE A PASSPORT-TYPE
PHOTOGRAPH NOT LESS THAN
2 1/2" x 2 1/2" IN THIS SPACE
PLEASE SIGN PHOTO

DHP-030-061

Instructions for Completing An Application for Certification as a Respiratory Therapy Practitioner

REQUIREMENTS - The Board may accept for certification, a candidate as a Respiratory Therapy Practitioner who has submitted satisfactory evidence that he has successfully completed all or such part as may be prescribed by the Board, of an educational course of study of respiratory therapy.

THE FEE - The completed application should be returned to this office along with the licensure fee of \$100.00, made payable to the Treasurer of Virginia. Applications will not be processed unless the fee is attached and fees sent before the receipt of an application will be returned.

ADDRESS INFORMATION - Each licensee shall furnish the Board his current business address. Any change of address shall be furnished to the Board within 30 days of such change.

CERTIFICATE OF PROFESSIONAL EDUCATION - Forward the entire application to your respiratory therapy school of graduation for certification of your professional degree (bottom, page 4 of application). You may, a) attach your check to the application and forward to your school for completion and have them send directly to the Board office, or, b) you may forward the application to your school for completion of the education section and have them return the application to you to attach the fee and send to the Board office.

If your school is no longer in existence, you will need to send a written explanation and a notarized copy of your diploma.

CERTIFICATION OF CREDENTIALS FROM NBRC - Certification should be requested from the National Board of Respiratory Care, Inc., 8310 Nieman Road, Lenexa, Kansas 66214, Phone (913) 599-4200. Please use the enclosed form. This should be mailed directly from the NBRC to the Board office. (A two dollar fee is required for active members and a fifteen dollar fee is required for non-active members)

HOSPITAL/EMPLOYMENT QUESTIONNAIRE - Forward the hospital/employment questionnaire to each place of training and/or employment that you have listed on the chronological page of your application. All professional activities since graduation from your professional school, or for the past ten years must be included. Please note that your signature must be on each questionnaire.

STATE QUESTIONNAIRE - Follow instructions as directed on the state questionnaire.

THE HOSPITAL/EMPLOYMENT AND STATE QUESTIONNAIRE MAY BE COPIED FOR YOUR CONVENIENCE.

Your application will not be considered complete until all of the required information is received. Additional information may be requested.

Do not submit copies of completed forms. We must have originals. Faxed copies are not acceptable.

Revised: March 19, 1992
RTP:DW4V2:ja

DHP-030-061
Rev. 5/90

TO THE BOARD OF MEDICINE OF VIRGINIA:
I HEREBY MAKE APPLICATION FOR CERTIFICATION AS A RESPIRATORY THERAPY PRACTITIONER IN THE COMMONWEALTH OF VIRGINIA AND SUBMIT THE FOLLOWING STATEMENTS:

1. NAME IN FULL (PLEASE PRINT OR TYPE)

Table with fields: (LAST), (FIRST), (MIDDLE/MAIDEN), (GENDER), (STREET), (CITY), (STATE), (ZIP CODE), (DATE OF BIRTH), (PLACE OF BIRTH), (SOCIAL SECURITY NUMBER), (GRADUATION DATE), (PROF. SCH. DEGREE), (SCHOOL, CITY, STATE)

\*PLEASE SUBMIT ADDRESS CHANGES IN WRITING IMMEDIATELY!
\*PLEASE ATTACH CERTIFIED CHECK OR MONEY ORDER. APPLICATIONS WILL NOT BE PROCESSED WITHOUT THE APPROPRIATE FEE. DO NOT SUBMIT FEE WITHOUT AN APPLICATION. IT WILL BE RETURNED.

APPLICANTS DO NOT USE SPACES BELOW THIS LINE -- FOR OFFICE USE ONLY

XX

APPROVED BY: \_\_\_\_\_

Table with fields: (CLASS), (LICENSE NO.), (SUFFIX), (SCH. CODE), (FEE), (HOW REG.), (BASE STATE), (LICENSE NO.), (EXPIRATION DATE), (DATE ISSUED)

(ADDRESS CHANGE)

Table with fields: (STREET), (CITY), (STATE)

Virginia Register of Regulations

Please print full name \_\_\_\_\_  
(FIRST) (MIDDLE) (LAST)

2. List in chronological order all professional activities since graduation, including hospital affiliations and absences from work. Also list all periods of non-professional activity or employment for more than three months. Please account for all time.

FROM	TO	LOCATION AND COMPLETE ADDRESS	POSITION HELD
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
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_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**ALL QUESTIONS MUST BE ANSWERED.** If any of the following questions is answered YES, explain and substantiate with available documentation. Letters must be submitted by your attorney regarding malpractice suits. Letters must be submitted by any treating professionals regarding treatment. These shall include diagnosis, treatment, and prognosis.

3. I hereby certify that I studied respiratory therapy and received the degree of \_\_\_\_\_  
(TYPE OF DEGREE)  
on \_\_\_\_\_ from \_\_\_\_\_  
(DATE) (SCHOOL)

4. Do you intend to engage in the active practice of respiratory therapy care in the Commonwealth of Virginia?  
(a) If YES, give location \_\_\_\_\_

5. Specify type of practice:  Hospital  Home Care  Education  Research  Other, specify \_\_\_\_\_

6. List all jurisdictions in which you have been issued a certificate or license to practice respiratory therapy, active or inactive. Indicate number and date issued. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Have you ever been denied the privilege of taking a respiratory therapy examination? Yes No

8. Have you ever taken an NBRC, Inc. credentialing examination? Yes No

9. What professional credentials do you presently hold with the NBRC, Inc.? \_\_\_\_\_

10. Have you ever been denied a certificate or the privilege of taking an examination before any state, territory, or country? Yes No

11. Have you ever been convicted of a violation of or Pled Nolo Contendere to any federal, state, or local statute, regulation or ordinance, or entered into any plea bargaining relating to a felony or misdemeanor? (Excluding traffic violations, except convictions for driving under the influence). Yes No

12. Have you ever been censured, warned, or requested to withdraw from any licensed hospital, nursing home, or other health care facility? Yes No

13. Have you ever had any of the following disciplinary actions taken against your credentials to practice respiratory therapy, or are any such actions pending?  
(a) suspension/revocation (b) probation (c) reprimand/cease and desist (d) have your practice monitored. If YES, please send complete details. Yes No

14. Have you ever had any membership in a state or local professional society revoked, suspended, withdrawn or denied? Yes No

15. Have you had any malpractice suits brought against you in the last ten years? If so, how many, and provide a letter from your attorney explaining each case. Yes No

16. Have you ever been physically or emotionally dependent upon the use of alcohol/drugs or treated by, consulted with, or been under the care of a professional for substance abuse? If so, please provide a letter from the treating professional. Yes No

17. Have you ever received treatment for or been hospitalized for a nervous, emotional or mental disorder? If so, please provide a letter from your treating professional summarizing diagnosis, treatment, and prognosis. Yes No

(a) Do you have a physical disease or diagnosis which could affect your performance of professional duties? If so, please provide a letter from the treating professional. Yes No

(b) Have you ever been adjudged mentally incompetent or been voluntarily committed to a mental institution? Please provide details. Yes No

18. AFFIDAVIT OF APPLICANT:

I, \_\_\_\_\_, being first duly sworn, depose and say that I am the person referred to in the foregoing application and supporting documents.

I hereby authorize all hospitals, institutions, or organizations, including the NBRC, Inc., my references, personal physicians, employers (past and present), business and professional associates (past and present) and all governmental agencies and instrumentalities (local, state, federal, or foreign) to release to the Virginia Board of Medicine any information, files, or records requested by the Board in connection with the processing of individuals and groups listed above, any information which is material to me and my application.

I have carefully read the questions in the foregoing application and have answered them completely, without reservations of any kind, and I declare under penalty of perjury that my answers and all statements made by me herein are true and correct. Should I furnish any false information in this application, I hereby agree that such act shall constitute cause for the denial, suspension or revocation of my certificate to practice respiratory therapy in the Commonwealth of Virginia.

RIGHT THUMB PRINT

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\*\*\* — THIS MUST BE NOTARIZED — \*\*\*

IF RIGHT THUMB IS MISSING, USE LEFT AND SO INDICATE.

NOTARY: City/County of \_\_\_\_\_ State of \_\_\_\_\_ Subscribed and Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

My Commission Expires \_\_\_\_\_ NOTARY PUBLIC

NOTARY SEAL

\*\*\*\*\*  
CERTIFICATE OF PROFESSIONAL EDUCATION  
\*\*\*\*\*

It is hereby certified that \_\_\_\_\_ of \_\_\_\_\_ matriculated in \_\_\_\_\_ at \_\_\_\_\_ date \_\_\_\_\_ attended \_\_\_\_\_ courses of lectures of \_\_\_\_\_ months each, and received a diploma from \_\_\_\_\_ conferring the degree of \_\_\_\_\_

DATE

SCHOOL SEAL

\_\_\_\_\_  
President, Secretary of Board

Respiratory Therapy

PLEASE COMPLETE THE TOP PORTION OF THIS FORM AND FORWARD IT AND THE CHECK OR MONEY ORDER, PAYABLE TO NBRC, TO THE ADDRESS BELOW:  
A \$2.00 FEE FOR ACTIVE MEMBERS AND A \$15.00 FEE FOR NON-ACTIVE MEMBERS

The National Board for Respiratory Therapy Care, Inc.  
8310 Nieman Road  
Lenexa, Kansas 66214  
(903) 599-4200

I am applying for a certificate to practice respiratory therapy in the Commonwealth of Virginia. The Board of Medicine requires that this form be completed by the NBRC. Please complete the form and return it to the address below: Thank you.

Virginia Board of Medicine  
1601 Rolling Hills Drive  
Richmond, Virginia 23229-5005

Applicant please complete:

Name \_\_\_\_\_

Social Security Number: \_\_\_\_\_

Name Credentialed by if different from above: \_\_\_\_\_

Complete all that apply:

Date Certified: (CRTT): \_\_\_\_\_

Date Registered: (RRT): \_\_\_\_\_

Registry Number: \_\_\_\_\_

Applicants Signature

To Be Completed by the NBRC:

This is to verify that the individual named above has obtained the following credentials from the National Board for Respiratory Care, Inc.:

\_\_\_\_ Certified Respiratory Therapy Technician: Date: \_\_\_\_\_

\_\_\_\_ Registered Respiratory Therapist: Number: \_\_\_\_\_

SEAL

Authorized Signature

Virginia Register of Regulations

4562

Respiratory Therapy

Virginia Board of Medicine
1601 Rolling Hills Drive
Richmond, Virginia 23229-5005

Print name of employment setting 92 AUG 19 AM 11:27

Blank lines for employment setting information.

Print-Name of Applicant

The Virginia Board of Medicine receives a great number of applications for certification. Since we cannot personally interview these applicants, we are forced to depend on information from the businesses/institutions in which the applicant has been employed.

I hereby authorize all hospital, institutions, or organizations, my references, personal physicians, employer (past and present), business and professional (past and present) and governmental agencies to release to the Virginia Board of Medicine any information, files or records requested by the Board in connection with the processing of my application.

Signature of Applicant

1. Date and type of services: This therapist served with us as from to

2. Please evaluate

(Please indicate with check mark)

Table with 4 columns: Poor, Fair, Good, Superior. Rows include Professional knowledge, Relationship with patients, Ethical/professional conduct, Interest in work, Ability to communicate.

3. Recommendation:

- 1. Recommend highly and without reservation
2. Recommend as qualified and competent
3. Recommend with some reservation (explain)
4. Do not recommend (explain)

4. The above report is based on: 1. Close personal observation, 2. General impression, 3. A composite of evaluations, 4. Other

Date Signed

Please print or type name

Title

(This report will become a part of the applicant's file and may be reviewed by the applicant upon demand)

EXAM

Please complete top portion and forward one form to each State Board where you hold or have held a respiratory therapy license. Extra copies may be xeroxed if needed.

NOTE: Some states require a fee, paid in advance, for providing clearance information. To expedite, you may wish to contact the applicable state/s.

CLEARANCE FROM OTHER STATE BOARD

I was granted license # on by the state of. The Virginia Board of Medicine request that I submit evidence that my license in the state of is in good standing.

Signature

(Please print or type name)

Executive Office of State Board:

Please complete and return this form to the Virginia Board of Medicine, 1601 Rolling Hills Drive, Richmond, VA 23229-5005.

State of Name of Licensee

License/Certificate No. Date issued

Licensed/Certified through (Check one)

NBRC Examination State Board Examination

Reciprocity from Name of State

License/Certified is Current Lapsed

Has applicants License/Certificate ever been suspended or revoked?

If so, for what reason?

Derogatory Information, if any

Signature

(BOARD SEAL)

Title

State Board

# Final Regulations

\* \* \* \* \*

**Title of Regulation:** VR 465-05-1. Regulations Governing the Practice of Physicians' Assistants.

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

**Effective Date:** October 8, 1992

## Summary:

*The amendments to the current regulations are to (i) establish procedures for maintaining records of approved invasive procedures performed by the assistant; (ii) provide reports to the board upon request of the number of procedures performed and complications resulting from such procedures; (iii) establish unprofessional conduct for failure to maintain such records; (iv) establish the scope of practice to be the specialty of the supervising physicians; and (v) establish that any acute or significant findings or change of a patient's clinical status by an assistant must be reported to the supervising physician within one hour of findings.*

VR 465-05-1. Regulations Governing the Practice of Physicians' Assistants.

## PART I. GENERAL PROVISIONS.

### § 1.1. Definitions.

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

*"Assistant to a Doctor of Medicine, Osteopathy, or Podiatry,"* or *"Physician's Assistant,"* means an individual who is qualified as an auxiliary paramedical person by academic and clinical training and is functioning in a dependent-employee relationship with a doctor of medicine, osteopathy, or podiatry licensed by the board.

*"Board"* means the Virginia Board of Medicine.

*"Committee"* means the Advisory Committee on Physician's Assistants appointed by the president of the board to advise the board on matters relating to physician's assistants. The committee is composed of four members of the board, one supervising physician, and two physician's assistants.

*"Group practice"* means the practice of a group of two or more doctors of medicine, osteopathy, or podiatry licensed by the board who practice as a partnership or professional corporation.

*"Institution"* means a hospital, nursing home or other health care facility, community health center, public health center, industrial medicine or corporation clinic, a

medical service facility, student health center, or other setting approved by the board.

*"NCCPA"* means the National Commission on Certification of Physician Assistants.

*"Protocol"* means a set of directions developed by the supervising physician that defines the supervisory relationship between the physician assistant and the physician and the circumstances under which the physician will see and evaluate the patient.

*"Supervision means":*

1. *"Alternate supervising physician"* means a member of the same group or professional corporation or partnership of any licensee, any hospital or any commercial enterprise with the supervising physician. Such alternating supervising physician shall be a physician licensed in the Commonwealth of Virginia who has registered with the board and who has accepted responsibility for the supervision of the service that a physician's assistant renders.

2. *"Direct supervision"* means the physician is in the room in which a procedure is being performed.

3. *"General supervision"* means the supervising physician is easily available and can be physically present within one hour.

4. *"Personal supervision"* means the supervising physician is within the facility in which the physician's assistant is functioning.

5. *"Supervising physician"* means the supervising physician who makes application to the board for licensure of the assistant.

6. *"Substitute supervising physician"* means a doctor of medicine, osteopathy, or podiatry licensed in the Commonwealth of Virginia who has accepted responsibility for the supervision of the service that a physician's assistant renders in the absence of such assistant's supervising physician.

### § 1.2. Applicability.

These regulations apply to physician's assistants only, as defined in § 1.1.

§ 1.3. A separate board regulation, VR 465-01-01, entitled Public Participation Guidelines, which provides for involvement of the public in the development of all regulations of the Virginia Board of Medicine, is incorporated by reference in these regulations.

## PART II. REQUIREMENTS FOR PRACTICE AS A PHYSICIAN'S ASSISTANT.

## § 2.1. Requirements, general.

A. No person shall practice as a physician's assistant in the Commonwealth of Virginia except as provided in these regulations.

B. All services rendered by a physician's assistant shall be performed only under the supervision of a doctor of medicine, osteopathy, or podiatry licensed by this board to practice in the Commonwealth of Virginia.

## § 2.2. Licensure: Entry requirements and application.

A. A license to practice as a physician's assistant shall be obtained from the board before such assistant begins to practice with a supervising doctor of medicine, osteopathy, or podiatry.

### B. Entry requirements.

An applicant for licensure shall:

1. Possess the educational qualifications prescribed in § 2.3 of these regulations; and
2. Meet the requirements for examination prescribed in §§ 3.1 through 3.3 of these regulations.

C. Application for board approval of a physician's assistant shall be submitted to the board by the supervising physician under whom the assistant will work, and who will assume the responsibility for the assistant's performance. By submitting the application, the supervising physician attests to the general competence of the assistant. In a group or institutional practice setting, the supervising physician shall be the contact for the board regardless of whether the supervision has been delegated to an alternate or substitute supervising physician.

### D. The application shall:

1. Be made on forms supplied by the board and completed in every detail ; .
2. Spell out the roles and functions of the assistant with a protocol acceptable to the board and any such protocols shall take into account such factors as the number of patients, the types of illness treated by the physician, the nature of the treatment, special procedures, and the nature of the physician's availability in ensuring direct physician involvement at an early stage and regularly thereafter ; .

a. The board may require, at its discretion, in a supplement to the application, information regarding the level of supervision, "direct," "personal" or "general," with which the supervising physician plans to supervise the physician's assistant for selected tasks. The board may also require the supervising physician to document the assistant's competence in performing such tasks.

b. The supervising physician shall maintain records of all approved invasive procedures performed by the physician's assistant.

c. The supervising physician shall report to the board the number of invasive procedures performed by the physician's assistant and complications resulting from the procedures, on forms provided by the board.

d. Failure to maintain records of invasive procedures performed by the physician's assistant, or provide a report to the board, shall be considered unprofessional conduct.

3. Provide that if, for any reason, the assistant discontinues working in the employment and under the supervision of the licensed practitioner who submitted the application:

a. Such assistant and the employing practitioner shall so inform the board and the assistant's approval shall terminate.

b. A new application shall be submitted to the board and approved by the board in order for the assistant either to be reemployed by the same practitioner or to accept new employment with another supervising physician.

E. The application fee prescribed in § 5.1 of these regulations shall be paid at the time the application is filed.

## § 2.3. Educational requirements.

An applicant for licensure shall:

1. Have successfully completed a prescribed curriculum of academic study in a school or institution accredited by the Committee on Allied Health Education and Accreditation of the American Medical Association and accredited by the American Academy of Physician Assistants; and
2. Present documented evidence of eligibility for the NCCPA examination or completed licensure requirements.

## PART III. EXAMINATION.

§ 3.1. The proficiency examination of the NCCPA constitutes the board examination required of all applicants for licensure.

### § 3.2. Provisional registration.

An applicant who has met the requirements of the board at the time his initial application is submitted may be granted provisional registration by the board if he

# Final Regulations

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meets the provisions of § 54.1-2950 of the Code of Virginia and § 2.3 of these regulations. Such provisional licensure shall be subject to the following conditions:

A. 1. The provisional licensure shall be valid until the applicant takes the next subsequent NCCPA examination and its results are reported, but this period of validity shall not exceed 30 days following the reporting of the examination scores.

B. 2. An applicant who fails the examination may be granted individual consideration by the board and granted an extension of the provisional licensure upon evidence that he is eligible for admission to the next scheduled board examination.

## § 3.3. Examination.

A. Every applicant shall take the NCCPA examination at the time scheduled by the NCCPA.

B. An applicant who fails the examination three consecutive times shall surrender his license to practice until proof has been provided to the board that the standards of NCCPA have been met.

## § 3.4. Renewal of license.

A. Every licensed physician's assistant intending to continue to practice shall biennially renew the license in each odd numbered year in the licensee's birth month:

1. Register with the board for renewal of his license;
2. Present documented evidence of compliance with continuing medical education standards established by the NCCPA; and
3. Pay the renewal fee as prescribed in § 5.1 B at the time of filing the license renewal.

B. Any physician's assistant who allows his NCCPA certification to lapse shall be considered not licensed by the board. Any such assistant who proposes to resume his practice shall make a new application for licensure.

## PART IV. INDIVIDUAL RESPONSIBILITIES.

### § 4.1. Individual responsibilities.

A supervising physician and the physician's assistants working with him shall observe the following division of responsibilities in the care of patients:

A. The supervising physician shall:

1. See and evaluate any patient who presents the same complaint twice in a single episode of care and has failed to improve significantly. Such physician involvement shall occur not less frequently than every

fourth visit for a continuing illness.

2. Review the record of services rendered the patient by the physician's assistant and sign such records within 24 hours after any such care was rendered by the assistant.

3. Be responsible for all invasive procedures. Under general supervision, a physician's assistant may insert a nasogastric tube, bladder catheter, needle, or peripheral intravenous catheter, but not a flow-directed catheter, and may perform minor suturing, venipuncture, and subcutaneous intramuscular or intravenous injection.

All other invasive procedures not listed above must be performed under direct supervision unless, after directly supervising the performance of a specific invasive procedure three times or more, the supervising physician attests to the competence of the physician's assistant to perform the specific procedure without direct supervision by certifying to the board in writing the number of times the specific procedure has been performed and that the physician's assistant is competent to perform the specific procedure. After such certification has been accepted and approved by the board, the physician's assistant may perform the procedure under general supervision.

B. The physician's assistant shall not render independent health care. Such assistant:

1. Shall perform only those medical care services that are within the scope of the practice and proficiency of the supervising physician as prescribed in the physician's assistants protocol. *When a physician's assistant is to be supervised by an alternate supervising physician outside the scope of specialty of the supervising physician, then the physician's assistant's functions shall be limited to those areas not requiring specialized clinical judgment, unless a separate protocol for that alternate supervising physician is approved and on file with the board.*

2. Shall not sign prescriptions ; .

3. Shall, during the course of performing his duties, wear identification showing clearly that he is a physician's assistant.

C. If the assistant is to perform duties away from the supervising physician, such supervising physician shall obtain board approval in advance for any such arrangement and shall establish written policies to protect the patient.

D. If, due to illness, vacation, or unexpected absence, the supervising physician is unable to supervise personally the activities of his assistant, such supervising physician may temporarily delegate the responsibility to another doctor of medicine, osteopathy, or podiatry. The employing

supervising physician so delegating his responsibility shall report such arrangement for coverage, with the reason therefor, to the board office in writing, subject to the following provisions:

1. For planned absence, such notification shall be received at the board office at least one month prior to the supervising physician's absence;
2. For sudden illness or other unexpected absence, the board office shall be notified as promptly as possible, but in no event later than one week;
3. Temporary coverage may not exceed four weeks unless special permission is granted by the board.

E. With respect to assistants employed by institutions, the following additional regulations shall apply:

1. No assistant may render care to a patient unless the physician responsible for that patient has signed an application to act as supervising physician for that assistant. The board shall make available appropriate forms for physicians to join the application for an assistant employed by an institution.
2. Any such application as described in subdivision 1 above shall delineate the duties which said physician authorizes the assistant to perform.
3. The assistant shall as soon as circumstances may dictate but, within an hour, *with an acute or significant finding or change in clinical status*, report to the supervising physician concerning the examination of the patient. The assistant shall also record his findings in appropriate institutional records.
4. No physician assistant shall perform the initial evaluation, or institute treatment of a patient who presents to the emergency room or is admitted to the hospital for a life threatening illness or injury. In noncritical care areas, the physician assistant may perform the initial evaluation in an inpatient setting provided the supervising physician evaluates the patient within eight hours of the physician assistant's initial evaluation.

## PART V. FEES.

§ 5.1. The following fees are required:

A. The application fee, payable at the time application is filed, shall be \$100.

B. The biennial fee for renewal of license shall be \$80 payable in each odd numbered year in the birth month of the licensee.

C. An additional fee to cover administrative costs for processing a late application may be imposed by the

board. The additional fee for late renewal of licensure shall be \$10 for each renewal cycle.



INSTRUCTIONS FOR COMPLETING PHYSICIAN ASSISTANT APPLICATION

Completed application must be returned to this office along with the statutory fee of \$100.00. APPLICATIONS WILL NOT BE PROCESSED UNLESS THE FEE IS ATTACHED. SUPERVISING AND ALTERNATE PHYSICIANS MUST LIST THEIR SPECIALTY.

INFORMATION REQUIRED TO COMPLETE YOUR APPLICATION

1. Resume of assistant's duties as prescribed by the supervising physician on enclosed form (#1). The completion of this form is necessary. Attachments may be added, attachments must be signed and dated by the supervising physician.

(a.) Form (#2) must be submitted for all additional invasive procedures not previously approved. (Please keep on file for future use.)

2. Proof from the NCCPA that you are currently certified. NOTE: YOU WILL NOT BE ELIGIBLE FOR CERTIFICATION IN THE STATE OF VIRGINIA IF THIS CERTIFICATE HAS EXPIRED. Also, submit a copy of original NCCPA certificate.

3. Grades must be requested from the NCCPA, Inc., 2845 Henderson Mill Rd., NE, Atlanta, Georgia 30341, Telephone (404) 493-9100. They must be mailed directly from the NCCPA to the Board office.

4. If you are not NCCPA certified, we must have a letter submitted directly from the NCCPA stating that you are eligible for and are scheduled to sit for the next examination.

5. Official college transcript from your Physician's Assistant program must be mailed directly to the Board office.

6. The enclosed employment form (#B) must be forwarded to all places of employment that you have listed on the chronological page of your application.

7. The enclosed state questionnaire (#C) must be forwarded to those states in which you have been certified or registered.

(Your application will not be completed until all of the forms #B and #C are returned to this office. You may copy these forms if needed)

8. Certificate of Physician Assistant Education must be completed by your Physician's Assistant College. The entire application must be forwarded to the College; they in turn will forward it to the Board. The original application form must be returned to the Board office. COPIES WILL NOT BE ACCEPTED.

NOTE: COMPLETED APPLICATIONS ARE REVIEWED BY THE ADVISORY COMMITTEE CHAIRMAN ON PHYSICIAN ASSISTANTS AND SUBMITTED FOR RECOMMENDATION TO THE EXECUTIVE DIRECTOR. THE COMMITTEE CHAIRMAN OR EXECUTIVE DIRECTOR MAY REQUEST ADDITIONAL INFORMATION OR CLARIFICATION OF INFORMATION SUBMITTED ON THE APPLICATION. PLEASE ALLOW 4-6 WEEKS FOR PROCESSING.



ALL QUESTIONS MUST BE ANSWERED. If any of the following questions are answered YES, explain and substantiate with available documentation. Letters must be submitted by any treating professionals regarding treatment. These shall include diagnosis, treatment, and prognosis.

3. PA Program Attended: \_\_\_\_\_  
(name and date of graduation)

4. NCCPA # \_\_\_\_\_ Expiration date \_\_\_\_\_ (Attach a copy of NCCPA certificate or proof of eligibility for certification).

5. List the state(s) in which you have been or are certified or licensed as a PA: \_\_\_\_\_  
 \_\_\_\_\_

6. Have you ever been denied certification or licensure in any state? Yes No

(a) Has any state ever denied, suspended, or revoked your certification or licensure? Yes No

(b) Has your license or certification to practice ever been limited in any way either by a licensing agency, supervising physician, or hospital in which you have been allowed to practice? Yes No

7. Have you ever been convicted of a violation and/or pled nolo contendere to any federal, state, or local statute relating to a felony or misdemeanor (excluding traffic violations)? Yes No

8. Have you ever been convicted of a violation of any state or federal controlled substance law? Yes No

9. Have you ever received treatment for/or been hospitalized for a nervous emotional or mental disorder? If so, please provide a letter from your treating professional summarizing diagnosis, treatment, and prognosis. Yes No

(a) Do you have a serious physical disease or diagnosis which could affect your performance of professional duties? If so, please provide a letter from the treating professional. Yes No

(b) Have you ever been adjudged mentally incompetent or been voluntarily or involuntarily committed to a mental institution? Please provide details. Yes No

10. Have you ever been physically or emotionally dependent upon the use of alcohol/drugs or treated by, consulted with, or been under the care of a physician as a habitual chronic abuser? Yes No

11. Have you read carefully and do you understand the rules and regulations for an assistant to a physician adopted by the Virginia Board of Medicine? Yes No

12. Work Setting: (check appropriate area)  
 Out patient setting  
 Hospital (if employer, complete hospital information section)  
 Nursing Home  
 Other (specify in complete detail)

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

13. Physician Practice Information

Supervising Physician's Name \_\_\_\_\_ Telephone # \_\_\_\_\_

Specialty \_\_\_\_\_ VA License # \_\_\_\_\_

Name of Practice \_\_\_\_\_

Address of Practice \_\_\_\_\_  
(street) (city) (zip)

Type of Practice (family practice, surgery, etc.) \_\_\_\_\_

Do you have primary responsibility for the supervision of other physician's assistants? If yes, please list name(s) below  
 \_\_\_ Yes \_\_\_ No

\_\_\_\_\_  
 \_\_\_\_\_

Name and address of all physicians who will serve as supervising physicians (if more than three, provide information on a separate sheet)

Name # 1 \_\_\_\_\_

Office Address: \_\_\_\_\_

Specialty: \_\_\_\_\_ VA License # \_\_\_\_\_

Name # 2 \_\_\_\_\_

Office Address: \_\_\_\_\_

Specialty: \_\_\_\_\_ VA License # \_\_\_\_\_

Name # 3 \_\_\_\_\_

Office Address: \_\_\_\_\_

Specialty: \_\_\_\_\_ VA License # \_\_\_\_\_

14. Will PA perform medical acts when the supervising physician is not in the office/medical facility? If yes, describe situations in which this might occur and the arrangements made to ensure communication is maintained with either the supervising physician or an alternate supervising physician on a separate sheet of paper. \_\_\_ Yes \_\_\_ No

If for any reason the assistant discontinues working in the employment and under the supervision of the licensed practitioner who submitted the application, such assistant and the employing practitioner shall so inform the Board and the assistant's approval shall terminate, and a new application must be submitted to the Board and approved by the Board in order for the assistant either to be re-employed by the same practitioner or to accept new employment with another supervising physician.

15. Hospital Employed Physician's Assistant

Name of Hospital \_\_\_\_\_  
Address of Hospital: \_\_\_\_\_ (street) \_\_\_\_\_ (city) \_\_\_\_\_ (zip)

In what department will the PA assist the Supervising Physician or Alternate Supervising Physician: \_\_\_\_\_

Explain on a separate sheet of paper, the guidelines established by the hospital to ensure proper supervision of the PA in the hospital setting.

Are there other features pertaining to the hospital function of the PA which should be called to the Board's attention? If so, describe on a separate sheet.

16. Summary

Each of the undersigned has read this application and certifies that the information therein is correct to the best of his/her knowledge and belief. Each further certifies that he/she has read carefully and understands the rules and regulations for an assistant to a physician adopted by the Virginia Board of Medicine. Such regulations will be fully complied with by the undersigned, and each undersigned physician accepts the responsibility of the applicant's conduct as an assistant to the physician.

DATE: \_\_\_\_\_ M.D.  
Supervising Physician

DATE: \_\_\_\_\_ M.D.  
Alternate Supervising Physician

DATE: \_\_\_\_\_ M.D.  
Alternate Supervising Physician

DATE: \_\_\_\_\_ M.D.  
Alternate Supervising Physician

DATE: \_\_\_\_\_ M.D.  
Alternate Supervising Physician

DATE: \_\_\_\_\_ M.D.  
Hospital Administrator (if applicable)

17. Release of Information

I hereby authorize all past and present hospitals, institutions, or organizations, my references, personal physicians, employers, business and professional associates, and all government agencies and instrumentalities (local, state, federal, or foreign) to release to the Virginia Board of Medicine any information, files, or records requested by the Board in connection with the processing of individuals and groups listed above, any information which is material to me and my application. I have read carefully the questions in the foregoing application and have answered them completely, without reservations of any kind, and I declare under penalty of perjury that my answers and all statements made by me herein are true and correct. Should I furnish any false information in this application, I hereby agree that such act shall constitute cause for denial, suspension, or revocation of my certificate to practice as a Physician's Assistant in the Commonwealth of Virginia.

Date \_\_\_\_\_ Signature of Applicant \_\_\_\_\_

CERTIFICATE OF PHYSICIAN'S ASSISTANT EDUCATION

It is hereby certified that \_\_\_\_\_  
matriculated in \_\_\_\_\_ at \_\_\_\_\_  
date \_\_\_\_\_ attended \_\_\_\_\_ courses of  
lectures of \_\_\_\_\_ months each, and received a  
diploma from \_\_\_\_\_ conferring the  
degree of \_\_\_\_\_ date \_\_\_\_\_

SCHOOL SEAL \_\_\_\_\_  
(President, Secretary or Dean)

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# EMERGENCY REGULATIONS

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## DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

**Title of Regulation:** VR 615-01-47. Disability Advocacy Project.

**Statutory Authority:** §§ 63.1-25 and 63.1-89.1 of the Code of Virginia.

**Effective Dates:** September 1, 1992 through August 31, 1993.

### Summary:

1. **REQUEST:** The Governor's approval to adopt the emergency regulation entitled "Disability Advocacy Project" effective September 1, 1992 for certain pilot agencies selected by the Virginia Department of Social Services. These pilot agencies will include the largest agencies in the State which would have the most Interim Assistance recipients and State and Local Foster Care children to serve.

2. **PURPOSE OF REQUEST:** The regulation would establish an advocacy project to pay for legal services for recipients of general relief or children entrusted or committed to foster care when the provision of these services results in approval of previously denied claims for Supplemental Security Income disability benefits.

3. **PERSONS AFFECTED BY THIS REGULATION:** This regulation may affect those persons in the Commonwealth who are applying for or receiving assistance from the Interim Assistance component of the General Relief Program or from the State and Local Foster Care Program. If a local department of social services does not choose to refer customers in these programs for legal services, there will be no impact from this regulation. The regulation does not affect private individuals or small businesses.

4. **BACKGROUND:** The 1992 General Assembly amended the Code of Virginia effective July 1, 1992 by adding Section 63.1-89.1 which directs the Commissioner of Social Services to establish an advocacy project to determine and refer appropriate potential Supplemental Security Income claimants to attorneys or advocates working under the supervision of an attorney for representation in the federal disability adjudication process.

5. **AUTHORITY TO ACT:** Section 63.1-25 of the Code of Virginia grants the State Board of Social Services the authority to promulgate rules and regulations necessary for the operation of public assistance programs in Virginia. On July 15, 1992, the Board voted to approve the regulation for the Disability Advocacy Project and instructed the Department to seek emergency authority to implement the regulation effective September 1, 1992.

6. **FISCAL IMPACT:** The payment for these legal services will be taken from the recoupment (from back-due Supplemental Security Income benefits paid to an

individual) for state and local assistance paid an individual while the Supplemental Security Income application was pending. The payment may not exceed the recoupment amount so would not increase expenditures. The recoupment may be greater than the payment, in which case 62.5% of the remaining recoupment would return to the State and 37.5% to the locality. The individual is transferred to the Supplemental Security Income program which is funded entirely with federal dollars thus reducing the strain on the State and local governments' budgets while providing a larger monthly benefit to the individual. Administrative costs to implement the regulation will be absorbed by the Department of Social Services' budget.

7. **FUTURE DEPARTMENT ACTION:** In implementing the Disability Advocacy Project statewide, the Department of Social Services plans to comply with the Administrative Process Act requirements governing promulgation of regulations.

/s/ Larry D. Jackson  
Commissioner  
Date: July 30, 1992

### Preamble:

*The Social Security Administration has two programs that provide monthly payments to persons with disabilities—Disability Insurance Benefits, Title II of the Social Security Act, and Supplemental Security Income, Title XVI of the Social Security Act. Disability Insurance Benefits are available to disabled persons who have worked for a substantial period in employment covered by Social Security. Supplemental Security Income is based on financial need and a disabled person need not have worked under Social Security to qualify. Individuals can receive both Disability Insurance Benefits and Supplemental Security Income.*

*Recipients of General Relief or State and Local Foster Care assistance who are approved for federal disability benefits receive larger monthly benefits than the average General Relief or foster care payments. Their approval for these benefits reduces State and local government costs by transferring the individuals to programs funded entirely with federal dollars.*

*The Disability Determination Services program administered by the Virginia Department of Rehabilitative Services makes decisions on initial disability claims for the Social Security Administration.*

*If the applicant's disability claim is denied, there are three levels of administrative appeal: 1) reconsideration by Disability Determination Services if the initial application is denied; 2) Administrative Law Judge Hearing if the case is denied at the reconsideration; and 3) Appeals Council review if the claim is denied by the Administrative Law Judge. If these administrative appeals are unsuccessful, the*

# Emergency Regulations

applicant may then file a lawsuit in a Federal District Court.

Many individuals whose claims are denied are eligible for and entitled to receive disability benefits, but do not pursue the appeal or are not able to, on their own, fully develop the evidence necessary to prove their disability. Legal representation during the appeal process helps them to properly prepare and present their claims and receive sooner the federal disability benefits to which they are entitled.

When an individual who receives either the Interim Assistance component of the General Relief Program or State and Local Foster Care is found eligible for Supplemental Security Income, the initial check is sent by the Social Security Administration to the local department of social services. The agency in this way recoups money paid for assistance to the applicant from General Relief or State and Local Foster Care while the applicant's Supplemental Security Income claim was pending.

Approval of this emergency regulation by the Governor will allow agencies to determine and refer appropriate potential Supplemental Security Income claimants in the General Relief and Foster Care Programs to attorneys or advocates for legal representation during the appeal stages of the federal disability adjudication process.

## Summary:

This regulation establishes the Disability Advocacy Project in which local departments of social services may refer recipients of General Relief or State and Local Foster Care for legal representation during the federal disability appeal process. When this representation results in approved disability claims, the fees for the legal services will be paid from the amount recouped from the recipients' initial back-due Supplemental Security Income benefits for state and local financial assistance given the individuals while the Supplemental Security Income applications were pending approval. Individuals who receive Supplemental Security Income are no longer dependent upon state and local funds for on-going assistance.

VR 615-01-47. Disability Advocacy Project.

## § 1. Definitions.

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

"Advocacy services" means legal services to help establish eligibility for federal disability benefits.

"Agency" means the local department of social services.

"Appeal process" means a review of the decision on the disability claim which can involve four steps - reconsideration, hearing before an Administrative Law Judge, review by the Appeals Council, hearing in a federal court.

"Bar association" means a professional association for attorneys.

"Disability" means a physical or mental condition rendering a person unable to perform any meaningful work and this condition is expected to last at least 12 months or result in death.

"Disability Determination Services" means a program administered by the Virginia Department of Rehabilitative Services which makes decisions on disability claims for the Social Security Administration.

"Disability Insurance Benefits" means Title II of the Social Security Act which provides benefits to disabled persons who have worked for a substantial period in employment covered by Social Security.

"Equal Access to Justice Act" means an act which allows a federal court to grant an attorney a fee for proceedings before an administrative agency.

"Federal disability benefits" means Disability Insurance Benefits or Supplemental Security Income or both.

"Foster child" means a child entrusted or committed to foster care for whom the cost of maintenance is funded by state and local foster care funds.

"General Relief Program" means an optional program financed by State and local funds to provide maintenance or emergency assistance to individuals who do not qualify for aid in a federal category. The program is supervised by the State Department of Social Services and administered by local agencies.

"Hearing before an Administrative Law Judge" means the first level formal fair hearing of decisions of the Social Security Administration to deny federal disability benefits. The hearing is conducted by an attorney who is an official of the Social Security Administration.

"Interim Assistance" means a component of the General Relief Program that can provide assistance to individuals who have applied for Supplemental Security Income (SSI), who must apply for SSI, or are appealing an SSI decision. Individuals receiving Interim Assistance must sign an authorization allowing the Social Security Administration to send their initial back-due Supplemental Security Income benefits to the local agency which then reimburses its General Relief budget or the amount while their Supplemental Security Income benefits were pending approval.

"Legal aid attorney" means an attorney who provides

# Emergency Regulations

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legal services at no cost to people within certain income guidelines.

"Private attorney" means an attorney engaged in the private practice of law for which a fee is charged.

"Provider" means an attorney, or an individual working under the supervision of an attorney legally allowed to do so, who provides assistance in establishing an individual's eligibility for federal disability benefits.

"Recipients" means individuals who are receiving Interim Assistance.

"Reconsideration" means a review of the disability claim by the Disability Determination Services.

"Recoupment" means the amount reimbursed to the General Relief or State and Local Foster Care funds from an individual's back-due Supplemental Security Income benefits for assistance to that individual while approval for federal disability benefits was pending approval.

"Representative" means a person acting on behalf of a foster child.

"Review by the Appeals Council" means a review of the decisions of the Administrative Law Judge by a review unit of the Social Security Administration. The Appeals Council either decides the case or issues an order returning it to an Administrative Law Judge for further review.

"State and local foster care" means a method of funding the costs of maintenance for foster children not eligible for federal (Title IV-E) payments.

"Supplemental Security Income" means Title XVI of the Social Security Act which provides benefits to a disabled person based on financial need.

## § 2. Referral

The agency electing to provide disability advocacy services will identify recipients of the Interim Assistance component of General Relief or children receiving State and Local Foster Care who have received written notification from the Social Security Administration that their disability claims at the application or reconsideration level have been denied. Within five working days after the identification, the agency will send letters to the Interim Assistance recipients explaining advocacy services, offering to refer them to advocacy providers for legal representation during the appeal process, providing information on how the appeal would affect their General Relief benefits, and advising them that they have five days from the receipt of this letter to contact the agency requesting advocacy services.

If the Interim Assistance recipient or the foster child's representative chooses to participate in the Disability

Advocacy Project, he will be allowed to select a provider from a list of qualified advocacy providers with whom the agency has contracts or be allowed to select another provider if that provider meets the qualifications and agrees to enter into a contract with the agency.

The agency will have the Interim Assistance recipient sign a Confidentiality Form (VDSS Form 032-01-040/2) giving the agency permission to refer the recipient to the selected provider.

Within five working days after the selection, a referral letter will be sent by the agency to the selected advocacy provider.

## § 3. Duties of Advocacy Provider

Advocacy providers will perform the following services:

A. Within five working days of receipt of a referral letter from the agency, send a letter to the Interim Assistance recipient or the child's representative, acknowledging the referral and instructing the recipient or child's representative to protect the filing date by filing a Request for Reconsideration or Request for a Hearing with the Social Security Administration within sixty days of the date of his denial notice,

B. Contact the Interim Assistance recipient or child's representative by mail and telephone, if necessary, to schedule an appointment for an interview. If the provider cannot contact the recipient or the recipient does not keep the appointment, the provider will promptly notify the agency.

C. During the interview with the Interim Assistance recipient or child's representative, provide legal advice and counsel regarding federal disability benefits and the appeal process. The provider will assess the potential eligibility of the recipient or child for federal disability benefits. The decision whether to proceed or not proceed in the appeal process must be made by the recipient or the child's representative after receiving legal advice from the provider. The recipient or the child's representative must request the services of the advocacy provider by signing the Social Security Form SSA-1696-U4 under the Appointment of Representative section.

D. Within fifteen working days of the initial interview with the recipient or child's representative, send a notification letter to the recipient or child's representative with a copy to the agency stating whether or not the provider will accept this case for legal representation.

E. If the provider agrees to provide advocacy services, sign Social Security Form SSA-1696-U4 under the Acceptance of Appointment and Waiver of Fee sections. Copies of the form will be sent within five working days to the Social Security Administration and to the agency.

F. Assist in the completion and timely filing of any

# Emergency Regulations

necessary Social Security forms requesting a reconsideration, hearing, or review of the hearing decision.

G. Assist in obtaining and using medical, social, vocational evidence, or expert testimony which may substantiate the presence and severity of the disability.

H. Assist the recipient in making and keeping appointments for examinations.

I. Prepare for and adequately represent the recipient or child at interviews, hearings, or appeals related to application for Supplemental Security Income.

J. Notify the recipient or the child's representative of any denial and the right to appeal to the next level in the appeal process.

K. Notify the agency of any denial and the recipient's or child's representative's decision to proceed or not proceed to the next level in the appeal process.

L. Notify the recipient, the child's representative, and the agency when advocacy services have ended.

## § 4. Contracts

Agencies shall contract with licensed legal aid or private attorneys, or advocates working under the supervision of an attorney who may lawfully do so to provide legal representation in the appeal process. The providers must have previously provided successful representation to disability claimants during the reconsideration, Administrative Law Judge Hearing, Appeals Council, or Federal District Court levels of the federal disability adjudication process.

Qualified attorneys will be recruited by agencies giving written notice to their local legal aid and bar associations that contracts for legal representation of Interim Assistance recipients and foster children in the federal disability benefits appeal process will be available.

## § 5. Disbursement

To receive payment, the advocacy provider must submit a petition and copy of the favorable Social Security Administration decision to the agency within 60 days of such a decision. Disbursement for legal representation will be made by the agency within twenty working days after the agency receives the initial Supplemental Security Income payment due the recipient or child.

No disbursement will be made unless the following have occurred:

A. the agency referred the recipient or child's representative for legal representation;

B. the recipient or child's representative requested the legal representation by signing the Appointment of

Representative section of Social Security Form SSA-1696-U4;

C. the advocacy provider signed the Acceptance of Appointment and Waiver of Fee sections of Social Security Form SSA-1696-U4;

D. the agency received the initial Supplemental Security Income payment for the recipient or child.

No disbursement will be made for legal services given before the date of the agency's referral letter. Providers shall not require from the recipient or child's representative prepayment of any fees, costs, or disbursement.

The disbursement made by the agency will represent payment in full for all legal services to the recipient or child in this process with no further obligation on the part of the State or local Department of Social Services, the recipient, or the child's representative. An award for attorneys' fees under the Equal Access to Justice Act will not be required to be waived.

Neither the recipient, the child's representative, the State Department of Social Services, nor local agency shall be obligated to pay any additional fees, costs, or disbursement related to the provision of legal services in the appeal process including, but not limited to payment for medical, psychological, or vocational consultations obtained to substantiate the disability claim. Under most circumstances, if pre-approved by Disability Determination Services, the Social Security Administration will cover the cost of these consultations.

The provider's fee will be paid entirely from the recoupment from the initial Supplemental Security Income payment for state and local financial assistance given the recipient or child while the Supplemental Security Income application was pending approval. The fee per favorable decision at the reconsideration level will be \$300.00; at the hearing before an Administrative Law Judge, \$600.00; and at the Appeals Council or Federal District Court, \$750.00. The fee may not exceed the recoupment for the state and local assistance paid.

/s/ Larry D. Jackson  
Commissioner  
Date: July 30, 1992

/s/ L. Douglas Wilder  
Governor  
Date: August 10, 1992

/s/ Joan W. Smith  
Registrar or Regulations  
Date: August 11, 1992



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# STATE CORPORATION COMMISSION

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August 5, 1992

ADMINISTRATIVE LETTER 1992-13

TO: All Companies Licensed to Write Accident and Sickness Insurance in Virginia

RE: Mammogram Benefits in Medicare Supplement Policies

The Omnibus Reconciliation Act (OBRA) of 1990 requires the standardization of the benefits included in Medicare supplement insurance policies. OBRA provides, in part that "...the total number of different benefit packages that may be established in all the states and by all insurers shall not exceed 10." The content of the Medicare supplement benefit packages is specifically provided as required by federal law.

Policies delivered or issued for delivery in Virginia must conform with federal law. Any state law in conflict with federal law is pre-empted because of the supremacy of federal law over state law. As a result of standardization, Virginia's mandated benefit for mammography coverage (§ 38.2-3418.1) can no longer be applied to Medicare supplement policies because the benefit, to some degree, duplicates Medicare benefits and is therefore in conflict with federal law.

The Health Care Financing Administration (HCFA) required states to conform to the federal standard by July 30, 1992, after which Medicare supplement policies cannot be sold in Virginia if they do not comply with federal requirements. Each insurer has recently been sent a copy of the Commission's Revised Rules Governing Minimum Standards For Medicare Supplement Policies (Regulation No. 35), which became effective on that date. Compliance with the provisions of revised Regulation No. 35 will satisfy both state and federal requirements, and mammography benefits are addressed in Section 9.C.(9) of the regulation.

/s/ Steven T. Foster  
Commissioner of Insurance

# MARINE RESOURCES COMMISSION

## FINAL REGULATIONS

### MARINE RESOURCES COMMISSION

**NOTICE:** The Marine Resources Commission is exempted from the Administrative Process Act (§ 9-6.14:4 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:** §§ 28.1-28, 28.1-48.1 and 28.1-50 of the Code of Virginia.

**Effective Date:** September 1, 1992.

#### Preamble:

*This regulation establishes a limited commercial and recreational fishery for striped bass in Virginia. The purpose of this regulation is to provide for a transitional fishery and to ensure the continued recovery of the Chesapeake Bay stocks of striped bass. These changes comply with the recommendations of the Interstate Fishery Management Plan for Striped Bass.*

*Section 11 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, 28.1-48.1 and 28.1-50 of the Code of Virginia.

B. This regulation amends previous regulation VR 450-01-0034, Pertaining to the Taking of Striped Bass, which was promulgated and made effective on March 31, July 3, 1991.

C. The effective date of this regulation is July 3, 1991 September 1, 1992.

#### § 2. Purpose.

The purpose of this regulation is to provide for the continued recovery of Virginia's striped bass stocks.

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. Commercial fishing, recreational fishing, and marketing seasons.

A. Except as provided in § 7 of this regulation, the open fishing season for striped bass in Virginia tidal waters shall be as specified below:

1. Pound net: November 5, 1991, through December 5, 1991; For pound nets, gill nets and haul seines, from October 28, 1992, through November 24, 1992.

2. Haul seine: November 5, 1991, through December 5, 1991; For fyke nets, from March 1, 1993, through March 31, 1993.

3. Fyke net: November 5, 1991, through December 5, 1991, and March 1, 1992, through March 31, 1992.

4. Gill net: November 5, 1991, through November 20, 1991, and December 6, 1991, through December 20, 1991, and that additional season in 1992 corresponding to the legal shad fishing season as established by VR 450-01-0060. During the shad season, fishing for striped bass in the spawning reaches defined in § 3 C is not allowed after March 31, 1991.

B. The open recreational fishing seasons, including fishing from charter boats and vessels, for striped bass in Virginia tidal waters shall be October 11, 1991, 10, 1992, through October 27, 1991, 24, 1992, and November 21, 1991, 26, 1992, through December 5, 1991, 12, 1992.

C. It shall be unlawful for any person to take or catch any striped bass from the tidal waters of Virginia other than during the applicable open fishing season as specified in subsections A and B above, or as modified by § 7 of this regulation.

# Marine Resources Commission

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D. It shall be lawful for any person to possess striped bass, including striped bass taken from waters other than Virginia tidal waters, at any time, under the following conditions.

1. The striped bass shall have been harvested legally in Virginia or another jurisdiction.
2. The striped bass shall be within the lawful minimum and maximum size limits as specified in § 5 of this regulation.
3. When the striped bass are in the possession of the harvester, the striped bass shall be accompanied with a copy of the permit or license authorizing their harvest or a receipt indicating the name of the permit holder, the permit number, date of catch, and number or pounds of fish in possession. After September 7, 1992, all striped bass in the possession of any person for the purpose of sale, must be identified with a tamper evident sealed tag made of plastic, nylon or metal that has been approved by the appropriate authority in the jurisdiction of origin. Whole striped bass shall have tags attached directly to the fish as required by the jurisdiction of origin. Processed or filleted striped bass must be accompanied by the tags removed from the fish when processed.
4. When the striped bass are in the possession of any person other than the original harvester, for the purpose of resale, the striped bass shall be accompanied by a bill of sale which shall include the name of the seller, the permit or license number of the seller if such permit or license is required in the jurisdiction of origin, the date of sale, the pounds of striped bass in possession, the location of catch and the gear type used to harvest the striped bass.

§ 5. Minimum and maximum size limits, total length determination.

- A. It shall be unlawful for any person to possess any striped bass measuring less than 18 inches, total length.
- B. It shall be unlawful for any person to possess any striped bass taken from the Territorial Sea measuring less than 28 inches, total length.
- C. It shall be unlawful for any person to possess any striped bass measuring greater than 36 inches total length.
- D. It shall be unlawful for any person, while aboard any boat or vessel or while fishing from shore or pier, to alter any striped bass or to possess any altered striped bass such that its total length cannot be determined.

E. Total length shall be measured in a straight line from the tip of the nose of the striped bass to the tip of its tail.

§ 6. Gear restrictions.

A. During the period April 1 to May 31, of each year, both dates 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 this time period, but the fishermen must remain with such net while that net is in the fishing position and shall return all striped bass to the water immediately.

B. The minimum mesh size of any gill net used for the harvest of striped bass during the November 5, through December 20, 1991, gill net fishing seasons shall be five inches, stretched measure.

C. Persons utilizing a vessel or boat in the harvest of striped bass by gill net during the November 5, 1991, through November 20, 1991, and December 6, through December 20, 1991, gill net fishing seasons shall be limited to 1800 feet of gill net per vessel.

D. During the November 5, 1991, through November 20, 1991, and December 6, 1991, through December 20, 1991, gill net fishing season; It shall be unlawful for any person utilizing a vessel or boat to harvest fish by gill net to have on board, possess or land striped bass in a vessel equipped with more than 1800 feet of gill net, or net with mesh size of less than 5 inches stretched measure.

E. It shall be unlawful for any person to spear, to gaff or attempt to spear or gaff any striped bass, at any time.

§ 7. Commercial harvest quotas.

A. During the open fishing seasons it shall be unlawful to harvest striped bass for commercial purposes by any method other than by gill net, pound net, haul seine, or fyke net. The harvest of striped bass by any person using a gill net, pound net, haul seine, or fyke net shall be presumed to be for commercial purposes and the amounts of such harvest shall be summed to the total allowable level of commercial harvest.

B. During the legal commercial harvest seasons of any calendar year, the total allowable sum of commercial harvest of striped bass by all legal harvest methods shall be 211,000 pounds of whole fish. At such time as the total harvest of striped bass reaches 211,000 pounds it shall be unlawful for any person to take, catch or land any striped bass by any method for commercial purposes.

C. During the November 5, 1991 October 28, 1992 , through November 20, 1991 24, 1992 , gill net season, the total allowable level of commercial striped bass harvest by gill net shall be ~~73,850~~ 39,367 pounds of whole fish. During the December 6, 1991, through December 20, 1991 gill net season, the total allowable level of commercial striped bass harvest by gill net shall be 73,850 of whole fish. During the 1992 shad fishing season as established by VR 450-01-0069, the total allowable level of commercial striped bass harvest by gill net shall be 73,850 pounds of whole fish. At such time as harvest of striped bass by gill net

# Marine Resources Commission

totals ~~73,850~~ 39,367 pounds for each season, it shall be unlawful for any person to take, catch or land any striped bass by gill net.

D. The total allowable level of commercial striped bass harvest by pound net shall be 52,750 pounds of whole fish. At such time as the harvest of striped bass by pound net totals 52,750 pounds, it shall be unlawful for any person to take or land any striped bass by pound net.

E. The total allowable level of commercial striped bass harvest by haul seine shall be 6,330 pounds of whole fish. At such time as the harvest of striped bass by haul seine totals 6,330 pounds, it shall be unlawful for any person to take or land any striped bass by haul seine.

F. The total allowable level of commercial striped bass harvest for fyke net during the ~~1991~~ 1993 season shall be 4,220 pounds of whole fish. The total allowable level of commercial striped bass harvest by fyke net during the ~~1992~~ season shall be 4,220 pounds of whole fish. At such time as the harvest of striped bass by fyke net totals 4,220 pounds for either season, it shall be unlawful for any person to take or land any striped bass by fyke net.

G. In the event that the harvest of striped bass by any single commercial gear exceeds its harvest level provided for in the preceding paragraphs such that the total allowable level of commercial harvest reaches or exceeds 211,000 pounds, then all commercial harvest of striped bass shall cease. Such cessation of fishing shall apply to all gears even in the event other single gear quotas are not reached.

## § 8. Recreational gear limitation, Bag limit, sale of recreational catch.

A. It shall be unlawful for any person to take or to catch striped bass for recreational purposes with any gear other than a hook-and-line, rod-and-reel or hand line.

B. It shall be unlawful for any person using hook-and-line, rod-and-reel, spear, or cast net to take or catch from Virginia tidal waters more than two striped bass per day. Any striped bass taken after the bag limit of two fish has been reached shall be returned to the water immediately.

C. When fishing from any boat or vessel, the daily bag limit shall be equal to the number of persons permitted as described in § 10, on board the boat or vessel multiplied by 2. Retention of the legal number of striped bass is the responsibility of the vessel captain or owner.

D. It shall be unlawful for any person to sell, offer for sale, trade or barter any striped bass taken by hook-and-line, rod-and-reel, or hand line.

## § 9. Daily Individual commercial catch limits and mandatory tagging.

A. Daily commercial catch limits of striped bass for each type of commercial gear used to legally harvest striped bass are as specified below:

1. Pound net: 1500 pounds, whole fish, per day, for each licensed and permitted fisherman.

2. Haul seine: 1000 pounds, whole fish, per day, for each licensed and permitted fisherman.

3. Fyke net: 500 pounds, whole fish, per day, for each licensed and permitted fisherman.

4. Gill net: 100 pounds, whole fish, per day, for each licensed and permitted fisherman during the shad fishing season as specified by VR 450-01-0060.

B. It shall be unlawful for any person to land striped bass in excess of the specified daily catch limit for the gear utilized.

C. It shall be unlawful for any person harvesting striped bass for commercial purposes to land or sell any striped bass unless that person is the holder of the commercial fishing license required by Title 28.1 of the Code of Virginia and is the holder of a commercial striped bass permit required by § 10 of this regulation.

A. It shall be unlawful to land, or bring to shore, any commercially caught striped bass that has not been marked by the fishermen with a tamper evident, numbered tag provided by the Marine Resources Commission. Upon capture, tags shall be passed through the mouth of the fish and one gill opening; interlocking ends of the tag shall then be connected such that the tag may only be removed by breaking.

B. For each of the commercial gear types, tags will be issued in equal amounts by the Marine Resources Commission to eligible fishermen, permitted as described in § 10 of this regulation, according to the available quotas described in § 7 of this regulation, and the estimated average weight of the striped bass caught.

C. If individual tag allocations exceed 30 tags per permittee, the tags will be distributed to permittees in two allotments. One-half of the tag allotment will be given to the fisherman prior to the start of the commercial season. The second half of the tag allotment, adjusted for average weight, if necessary, will be given to the fisherman after the fisherman has harvested all fish allowed by the initial tag allotment and has submitted to the commission a catch report detailing the weight of that harvest, the location of the harvest, and the amount of hours or days fished. Distribution of the second allotment of tags will be made no earlier than one week after the beginning of the commercial season to allow for verification of average fish weight.

D. Tags will be sequentially numbered and will only be valid for use by the fisherman to which the tags were

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*allotted. It shall be unlawful for any person to transfer an unused tag to another individual, or to attach a tag he has not been allotted to a striped bass in the manner described in subsections A and B of this section.*

*E. Any attempt to alter a tag for the purpose of reuse shall constitute a violation of this regulation.*

## § 10. Permits and reports.

*A. Except as provided in subsection B of this section, It shall be unlawful for any commercial harvester, recreational harvester, or charter boat captain to take or attempt to take, striped bass without first having obtained a permit from the Marine Resources Commission or their agents its agent. Permits will only be issued to commercial fishermen meeting the following conditions:*

*1. Fishermen shall apply for permits from September 1-30, 1992, to be eligible to fish during the fall season 1992, and must apply for permits from January 4-29, 1993, to be eligible to fish during the spring 1993 fyke net fishery. Applications outside of these time periods will not be accepted. Completed permit applications and supporting documents may be hand delivered or mailed to the Marine Resources Commission, 2600 Washington Avenue, P. O. Box 756, Newport News, Virginia 23607. Complete applications must be received or post marked no later than the last day of the respective application periods.*

*2. Fishermen may apply only for a permit for a single type of commercial gear within a calendar year.*

*3. A copy of a valid gear license as required by Title 28.1 of the Code of Virginia, corresponding to the type of gear being applied for, must be presented at the time of application for the permit.*

*4. Applicants shall have held a valid striped bass commercial gear permit in 1990 or 1991.*

*5. Applicants shall have reported striped bass fishing activity in accordance with 1990 and 1991 striped bass regulations.*

*6. Applicants shall provide valid state or federal income tax forms or a notarized statement certifying that greater than 50% of their earned income for the previous year was derived from commercial fishing. Additional documentation of income shall be provided by the applicant upon request by personnel from the Marine Resources Commission.*

*B. It shall be lawful for a recreational fisherman unlawful to fish for striped bass from a charter boat or charter vessel without having a permit provided taking hook and line fishermen for hire, unless the captain of the boat is permitted under subsection A of this section has obtained a permit from the Marine Resources Commission and is the holder of a Coast Guard charter license.*

*C. It shall be unlawful for any person to purchase striped bass from a commercial harvester or to market one's own catch of striped bass for the purpose of resale without first obtaining a permit from the Marine Resources Commission.*

*D. Possession of a striped bass permit shall authorize Marine Resources Commission personnel or their designees to inspect, measure, weigh, and take biological samples of the striped bass catch.*

*E. In addition to the reporting requirements described in § 9 C of this regulation, all commercial harvesters of striped bass shall report to the Marine Resources Commission on forms provided by the Commission all quantities of striped bass harvested, the gear utilized to harvest, the water body fished, and the amount of hours or days fished.*

*1. Seasonal reports shall cover the specified season.*

*2. All seasonal reports shall be forwarded to the Commission immediately and shall be postmarked no later than the first Wednesday immediately following the last day of the season described in the report.*

*3. Any tags issued as described in § 9 of this regulation and not used by the fisherman shall be returned to the commission with the seasonal report.*

*F. All buyers of striped bass from commercial harvesters and all individuals marketing their own catch shall verbally report to the Marine Resources Commission on a daily basis the quantities of striped bass purchased, the permit number of the harvesters selling the fish and the gear utilized by the harvesters. Written reports of daily purchases and sales for each commercial fishing season shall be forwarded to the Commission no later than the first Wednesday following the last day of each open season.*

*G. Recreational fishermen and Charter boat captains shall report to the Marine Resources Commission on forms provided by the Commission all daily quantities of striped bass caught and harvested and daily fishing hours by themselves or their customers, respectively, at the end of the open fishing season. Written reports shall be forwarded to the Commission immediately at the end of the season and shall be postmarked no later than December 31, 1991-19, 1992.*

*H. Failure of any person permitted to harvest, buy or sell striped bass, to submit the required written or oral report for any fishing day shall constitute a violation of this regulation.*

*I. Permits must be in the possession of the permittee while harvesting, selling, or possessing striped bass. Failure to possess the appropriate permit shall constitute a violation of this regulation.*

## § 11. 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 subsection G in this section.

### D. Water supply; outfall; prevention of entry and escapement.

1. A striped bass or hybrid striped bass aquaculture facility may consist of one or more ponds, artificial impoundments, closed recirculating systems or a combination of the above.

2. No pond or impoundment used for striped bass or hybrid striped bass aquaculture may be constructed or situated on a natural water course that originates beyond the boundaries of private land upon which the pond or impoundment is located.

3. There shall be no direct and unscreened discharge from any facility to any natural watercourse. Except as provided in subdivision 4 below, outfall from any pond or impoundment shall be processed according to one of the following systems:

a. The outfall shall pass over a dry ground percolation system in which ground absorption of the water is sufficient to prevent the formation of a watercourse which is capable of reaching any

natural watercourse. The outfall shall pass through a screened filter box prior to entering the percolation area.

b. The outfall shall pass through a chlorination process and retention pond for dechlorination. The outfall shall pass through a filter box prior to entering the chlorination system. Such facilities must also comply with regulations of the State Water Control Board.

4. If the outfall from an aquaculture facility may not conform to the systems described in subdivision 3 a or subdivision 3 b, above, then all of the following conditions shall be required:

a. The aquaculture of striped bass or hybrid striped bass shall be restricted to the use of cage culture. Such cages shall be constructed of a vinyl coated wire or high density polyethylene mesh material sufficient in size to retain the fish and all cages must be securely anchored to prevent capsizing. Covers shall be required on all cages.

b. The outfall from the pond or impoundment shall pass through a screened filter box. Such filter box shall be constructed of a mesh material sufficient in size to retain the fish and shall be maintained free of debris and in workable condition at all times ; and .

c. The outfall from the screened filter box shall pass into a containment basin lined and filled with quarry rock or other suitable material to prevent the escapement of the fish from the basin.

5. Those facilities utilizing embankment ponds shall maintain sufficient freeboard above the spillway to prevent overflow.

### 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.

# Marine Resources Commission

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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 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 subsection 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 11 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 subsection G of this section. Any sale of such fish also shall be accompanied by receipts as described in subsection G of this section.

## K. Release of live fish.

Under no circumstance shall striped bass or hybrid striped bass which are the product of an 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.

## § 12. Penalty.

A. 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.

B. Any person failing to submit any catch report as specified in §§ 9 and 10 of this regulation shall be prohibited from taking striped bass in the following calendar year.

/s/ William A. Pruitt  
Commissioner  
Date: August 13, 1992

\* \* \* \* \*

Title of Regulation: VR 450-01-0078. Pertaining to Pound Net License Sales.

Statutory Authority: §§ 28.1-23 and 28.1-48.1 of the Code of Virginia.

Effective Dates: September 1, 1992, to December 1, 1993.

Preamble:

# Marine Resources Commission

This regulation limits the sale of pound net licenses during calendar year 1993 to the number of pound nets set and fished during 1992.

VR 450-01-0078. Pertaining to Pound Net License Sales.

§ 1. Authority, effective date, termination date.

A. This regulation is promulgated pursuant to the authority contained in §§ 28.1-23 and 28.1-48.1 of the Code of Virginia.

B. The effective date of this regulation is September 1, 1992.

C. This regulation shall terminate on December 1, 1993.

§ 2. Purpose.

The purpose of this regulation is to limit the number of pound net licenses issued in 1993 to the number of pound nets set and fished during 1992. This regulation is part of recent restrictions adopted by the Marine Resources Commission in response to recommendations concerning control of fishing effort contained in Amendment 1 of the Interstate Weakfish Management Plan of the Atlantic States Marine Fisheries Commission.

§ 3. Definition of pound net.

For the purposes of this regulation a pound net is a stationary or fixed fishing device consisting of several stakes or poles which have been pushed or pumped into the bottom and attached netting which forms a straight wall or leader which serves to guide fish through a funnel and heart shaped enclosure into a terminal head or pocket with a netting floor.

§ 4. Limit on sale of licenses.

A. Except as provided in § 5 of this regulation, the total number of pound net licenses issued for calendar year 1993 shall be limited to the number of pound nets licensed, fully set, as described in § 3 of this regulation, and fished during calendar year 1992.

B. Except as provided in § 5 of this regulation, any pound net licensed for 1992 but not set and fished during 1992 shall not be eligible for license renewal in 1993.

C. All eligible license renewals by 1992 license holders, applications for vacant locations, if available, and requests for transfer of license shall be made in accordance with Marine Resources Regulation VR 450-01-0004.

D. Pound nets eligible for licensing in 1993 may be moved from their 1992 location to any other location, subject to all existing statutes and regulations.

§ 5. Exceptions to limit on pound net licenses.

A. Licenses issued for pound nets to be set in the following areas shall not be limited in number:

1. In the James River, upstream of a line connecting Scotland Wharf with Jamestown Wharf.

2. In the Mattaponi and Pamunkey Rivers, upstream of the Route 33 bridges at West Point.

3. In the Rappahannock River, upstream of the Route 360 bridge at Tappahannock.

4. In the Virginia Potomac River tributaries, upstream of the Route 301 bridge.

The commission may grant exceptions to the limitation on the issuance of pound net licenses based on scientific, economic, biological, sociological, and hardship factors.

§ 6. Penalty.

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

/s/ William A. Pruitt  
Commissioner  
Date: August 13, 1992



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# GOVERNOR

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## GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.12:9.1 of the Code of Virginia)

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Title of Regulation: VR 115-02-02. Rules and Regulations Governing the Prevention, Control, and Eradication of Bovine Tuberculosis of Cattle in Virginia. REPEALED.

Title of Regulation: VR 115-02-02:1. Rules and Regulations Governing the Prevention, Control, and Eradication of Tuberculosis in Bovidae, Cervidae, and Capridae in Virginia.

#### Governor's Comment:

This proposal requires that livestock herds be tested for tuberculosis. The testing requirement assures that this deadly disease cannot spread to other animals, which can result in economic loss to the Commonwealth's agricultural industry. In addition, this requirement is also necessary in order to assure that animals for slaughter are fit for human consumption. Pending public comment, I recommend approval of these regulations.

/s/ Lawrence Douglas Wilder  
Governor  
Date: August 18, 1992

\*\*\*\*\*

Title of Regulation: VR 115-02-12. Rules and Regulations Pertaining to the Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds into Virginia. REPEALED.

Title of Regulation: VR 115-02-12:1. Rules and Regulations Pertaining to the Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds into Virginia.

#### Governor's Comment:

This proposal assures that livestock and poultry as well as companion and exotic animals cannot transmit infectious diseases when entering the Commonwealth. Pending public comment, I recommend approval of these regulations.

/s/ Lawrence Douglas Wilder  
Governor  
Date: August 18, 1992

## DEPARTMENT OF AIR POLLUTION CONTROL (STATE BOARD)

Title of Regulation: VR 120-01. Regulations for the Control and Abatement of Air Pollution - Emission Standards for Petroleum Liquid Storage and Transfer Operations.

#### Governor's Comment:

I reserve my recommendation of the proposed regulation pending a review of comments raised at the public hearing.

/s/ Lawrence Douglas Wilder  
Governor  
Date: August 6, 1992

\*\*\*\*\*

Title of Regulation: VR 120-01. Regulations for the Control and Abatement of Air Pollution - New and Modified Stationary Sources.

#### Governor's Comment:

I reserve my recommendation of the proposed regulation pending a review of comments raised at the public hearing.

/s/ Lawrence Douglas Wilder  
Governor  
Date: August 6, 1992

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Title of Regulation: VR 120-01. Regulations for the Control and Abatement of Air Pollution - Emission Standards for Volatile Organic Compounds and Nitrogen Oxides from Stationary Sources.

#### Governor's Comment:

I reserve my recommendation of the proposed regulation pending a review of comments raised at the public hearing.

/s/ Lawrence Douglas Wilder  
Governor  
Date: August 6, 1992

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## GUBERNATORIAL OBJECTION

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**DEPARTMENT OF HEALTH PROFESSIONS (BOARD OF  
PSYCHOLOGY)**

**Title of Regulation: VR 565-01-2. Regulations Governing  
the Practice of Psychology.**

**Governor's Review and Comments:**

After a review of the transcripts of the Board's public hearing and a reading of the letters of the Board, and with concern for the public health, safety, and welfare, it is my recommendation that the Board set aside the proposed changes to regulations pertaining to classifications of psychologists and the supervised internship requirement until further study and clarification take place. The Board should move forward on the other proposed changes.

Any further modifications to current regulations or the proposed regulations, especially with respect to classifications of psychologists, should be consistent with these mandates of the Code which govern these areas, and thereby protect the public from the prospects of having poorly credentialed and under qualified persons licensed as clinical psychologists.

/s/ Lawrence Douglas Wilder  
Governor  
Date: August 17, 1992

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# AGENCY RESPONSE TO GUBERNATORIAL OBJECTION

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## DEPARTMENT OF EDUCATION (STATE BOARD OF)

**EDITOR'S NOTICE:** The Department of Education has responded to a Gubernatorial Objection on VR 270-01-0012, Regulations Establishing Standards for Accrediting Public Schools in Virginia, published in the Virginia Register of Regulations on March 23, 1992.

### **VR 270-01-0012. Regulations Establishing Standards for Accrediting Public Schools in Virginia.**

**Objection:** The Governor raised a concern regarding whether or not biennial accreditation would meet the Board of Education's statutory responsibility to review the status of schools annually.

**Response:** The Department of Education responded that language acceptable to the Office of the Attorney General was included in § 1.1 A to require that schools submit a report during interim years. The Board would continue to review the status each year.

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# GENERAL NOTICES/ERRATA

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<b>Symbol Key †</b>
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† Indicates entries since last publication of the Virginia Register
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## GENERAL NOTICES

### NOTICE

Notices of Intended Regulatory Action are published as a separate section at the beginning of each issue of the Virginia Register.

#### DEPARTMENT OF HEALTH (STATE BOARD OF)

##### Notice to the Public

Board of Health/Waterworks Operation Fee General  
Notice for Requesting Additional Comment on  
Alternative Proposals for Developing a Fee  
Regulation

The Fee Regulation Ad Hoc Committee established to advise the State Health Commissioner has heard and discussed optional methods that could be used to charge fees to waterworks owners. Presently an emergency regulation is in effect until June 30, 1993, and a draft proposed permanent regulation based on this emergency regulation is being filed for Notice of Comment. Optional methods suggested are:

#### 1. Minimum fee with sliding scale.

A. For FY 1994 (July 1, 1993, to June 30, 1994) - a minimum fee for all waterworks of \$180 up to 125 customer accounts, with a sliding scale starting with a charge of \$3.00 per customer account for the block of 126 to 825 customer accounts decreasing down to \$1.95 above 25,000 customer accounts. Charges in between would be based on various blocks of customer accounts so as to reduce the unit charge as the waterworks account base enlarges.

B. For FY 1995 - a minimum fee of \$250 up to 125 customer accounts, sliding scale starting at \$4.20 for the block of 126 to 825 customer accounts decreasing to \$2.75 above 25,000 customer accounts.

#### 2. Minimum fee with flat scale.

This option differs from the emergency regulation (and proposed draft permanent regulation) only in that a minimum fee of \$100 - \$200 would be charged no matter the waterworks customer account base.

Comments on these options should be submitted to Thomas

B. Gray, P.E., Office of Water Programs, Virginia Department of Health, 1500 E. Main St., Room 109, P.O. Box 2448, Richmond, VA 23218. The comment period for the proposed draft permanent regulation ends November 9, 1992.

#### COMMISSION ON VIOLENT CRIME

##### † Notice of Public Hearing

By the authority granted by Governor Lawrence Douglas Wilder, in Executive Order Number Forty-Eight (92), will solicit participation and receive testimony of interested parties and organizations at its meeting and public hearing:

**DATE: Thursday, September 17, 1992**

**PLACE: House Room D, General Assembly Building, Richmond, Virginia**

**TIME: 9:30 a.m. to 12:30 p.m. (approximate) - Guest Speakers**

**10:30 a.m. to 11:30 p.m. - Sign-up for Public Hearing**

**1:30 p.m. to 5 p.m. (approximate) - Public Hearing**

Public hearing site is handicapped accessible. In compliance with Title II of the ADA Act, persons requiring special accommodations should contact Kris Ragan at (804) 786-5351 one day before the meeting to indicate the need of such an accommodation.

The commission shall have the specific duty of advising the Governor on: how the Commonwealth could further address and reduce the escalating frequency and impact of violent crime, particularly crimes of murder, aggravated assault, rape and other serious sex offenses; the causes of and offenders responsible for violent crime; the role of firearms and firearms trafficking in violent crime; and violent crime committed by juveniles. The commission shall pay particular attention to violent crime, its causes and impacts for large urban areas and the potential for violent crime to develop into mass violence. The commission shall also explore opportunities for cooperation among jurisdictions and between the public and the private sectors.

In making its recommendations, the commission shall consider the following strategies, among others, for the reduction of violent crime and the fear of crime in Virginia: (1) to prevent crime from occurring in the first place; (2) to solve crime when it occurs and to strengthen the criminal justice system through new laws, procedures, resources and techniques which will expedite verdicts, and (3) to reduce criminal recidivism by equipping offenders with skills and perspectives to return to society as

# General Notices/Errata

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productive citizens. The commission shall make legislative and budget recommendations for the Governor's consideration for the 1993 and 1994 sessions of the General Assembly, having due regard for Virginia's financial projections.

The chairman of the commission, Public Safety Secretary O. Randolph Rollins, requests individuals who wish to testify bring 30 copies of their prepared statements, if possible. We reserve the right to limit the amount of time for each speaker. Anyone wishing to pre-sign may call Kris Ragan at (804) 786-5351. For those unable to attend, written testimony will be received in our office to be distributed to members no later than September 11.

## VIRGINIA CODE COMMISSION

### NOTICE TO STATE AGENCIES

**Change of Address:** Our new mailing address is: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219. You may FAX in your notice; however, we ask that you do not follow-up with a mailed copy. Our FAX number is: 371-0169.

### 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: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, 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 at the above address.

## ERRATA

## DEPARTMENT OF MOTOR VEHICLES

Title of Regulation: **VR 485-10-9001:1. Commercial Driver Training School Regulations.**

Publication Date: 8:20 VA.R. 3507-3516 June 29, 1992.

Correction to proposed regulation:

Page 3507, change regulation number "VR 485-10-9001:1" to read "VR 485-60-9201"

Page 3511, § 2.9 D, line 2, change "two inches" to read "2 1/2 inches"

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# CALENDAR OF EVENTS

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## 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

##### BOARD FOR ACCOUNTANCY

† September 21, 1992 - 9 a.m. - Open Meeting  
Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

A special called meeting to consider (i) regulatory review; and (ii) routine board business.

**Contact:** Roberta L. Banning, Assistant Director, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590.



### DEPARTMENT FOR THE AGING

#### Long-Term Care Council

† September 18, 1992 - Open Meeting  
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. ☒

A general business meeting of the council.

**Contact:** Catherine P. Saunders, Special Assistant to the Commissioner, Department for the Aging, 700 E. Franklin St., 10th Floor, Richmond, VA 23219, telephone (804) 225-2912.

#### Long-Term Care Ombudsman Program Advisory Council

† September 22, 1992 - 9 a.m. - Open Meeting  
The Virginia Association of Homes for Adults, Inc., United Way Building, Suite 101, 224 West Broad Street, Richmond, Virginia. ☒

Business will include discussion of goals and objectives for the Virginia Long-Term Care Ombudsman Program.

**Contact:** Etta V. Hopkins, Assistant Ombudsman, Virginia Department for the Aging, 700 E. Franklin St., 10th Floor, Richmond, VA 23219-2327, telephone (804) 225-2271/TDD ☎ or toll-free 1-800-552-3402.

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

September 8, 1992 - Written comments may be submitted through this date.

September 30, 1992 - 1 p.m. - Public Hearing  
1100 Bank Street, 2nd Floor Boardroom, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Agriculture and Consumer Services intends to adopt regulations entitled: **VR 115-02-02:1. Rules and Regulations Governing the Prevention, Control and Eradication of Tuberculosis in Bovidae, Cervidae, and Capridae in Virginia** and repeal regulations entitled **VR 115-02-02. Rules and Regulations Governing the Prevention, Control and Abatement of Bovine Tuberculosis of Cattle in Virginia**. The purpose of this action is to review the regulation for effectiveness and continued need, including but not limited to: (i) adding provisions to require testing and subjecting to other requirements within the regulation of (a) all classes of bovidae (not just cattle), (b) all cervidae (many of the deer), and (c) all capridae (goats); (ii) considering alternative ways of disposing of tuberculosis-infected animals; and (iii) a proposal to shorten the time in which a report must be made to the State Veterinarian when tuberculosis is suspected.

Statutory Authority: §§ 3.1-724, 3.1-726, 3.1-730 and 3.1-737

# Calendar of Events

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of the Code of Virginia.

**Contact:** Dr. W. M. Sims, Jr., State Veterinarian, P.O. Box 1163, Richmond, VA 23219, telephone (804) 786-2481.

\* \* \* \* \*

**September 8, 1992** – Written comments may be submitted through this date.

**September 30, 1992 - 1 p.m.** – Public Hearing  
1100 Bank Street, Washington Building, Room 204,  
Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Agriculture and Consumer Services intends to **adopt** regulations entitled: **VR 115-02-03:1. Rules and Regulations Governing the Prevention, Control and Eradication of Brucellosis of Bovidae in Virginia and repeal regulations entitled VR 115-02-03. Rules and Regulations Governing the Prevention, Control and Eradication of Brucellosis of Cattle in Virginia.** The purpose of this action is to review the regulation for effectiveness and continued need, including but not limited to: (i) adding provisions to require testing and subjecting to other requirements within the regulation of all classes of bovidae (not just cattle), (ii) a proposal to add definitions to the regulation to be specific in terms of precisely which bovidae must be tested for brucellosis, (iii) a proposal to expand instances in which a test for brucellosis is required, not just when there is a change of ownership.

Statutory Authority: §§ 3.1-724, 3.1-726, 3.1-730 and 3.1-737 of the Code of Virginia.

**Contact:** Dr. W. M. Sims, Jr., State Veterinarian, P.O. Box 1163, Richmond, VA 23219, telephone (804) 786-2481.

\* \* \* \* \*

**September 8, 1992** – Written comments may be submitted through this date.

**September 30, 1992 - 1 p.m.** – Public Hearing  
1100 Bank Street, Washington Building, Room 204,  
Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Agriculture and Consumer Services intends to **adopt** regulations entitled: **VR 115-02-12:1. Rules and Regulations Governing the Admission of Livestock, Poultry, Companion Animals and Other Animals or Birds into Virginia and repeal regulations entitled VR 115-02-12. Rules and Regulations Governing the Admission of Livestock, Poultry, Companion Animals and Other Animals or Birds into Virginia.** The purpose of this action is to review the regulation for effectiveness and continued need, including but not limited to: (i) adding

provisions governing the importation of cervidae—most varieties of deer; (ii) repealing provisions requiring a permit for the importation of psittacine (parrot-like) birds and repealing provisions requiring that they be treated for psittacosis; (iii) repealing provisions requiring South American camelids of the genus *Lama* to be tested for bluetongue; (iv) requiring rabies vaccination for cats entering the Commonwealth; (v) adding importation requirements for bison, to treat them more consistently with cattle; and (vi) relaxing certain requirements pertaining to feeder cattle.

Statutory Authority: §§ 3.1-724, 3.1-726, 3.1-730 and 3.1-737 of the Code of Virginia.

**Contact:** Dr. W. M. Sims, Jr., State Veterinarian, P.O. Box 1163, Richmond, VA 23219, telephone (804) 786-2481.

**September 30, 1992 - 9 a.m.** – Open Meeting  
Washington Building, Room 204, 1100 Bank Street,  
Richmond, Virginia.

At this regular meeting, the board plans to discuss legislation, regulations, and fiscal matters and will receive reports from the staff of the Department of Agriculture and Consumer Services. The board may consider other matters relating to its responsibilities. At the conclusion of other business, the board will review public comments for a period not to exceed 30 minutes.

**Contact:** Roy E. Seward, Secretary to the Board, VDACS, Room 210, Washington Bldg., 1100 Bank St., Richmond, VA 23219, telephone (804) 786-3501 or (804) 371-6344/TDD ☎

## Virginia Marine Products Board

**September 15, 1992 – 5:30 p.m.** – Open Meeting  
Nicks Steak and Spaghetti House, Route 17, Gloucester  
Point, 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, old/new business. At the conclusion of other business, the board will entertain public comments for a period not to exceed 30 minutes.

**Contact:** Shirley A. Estes, 97 Main St., Suite 103, Newport News, VA 23601, telephone (804) 898-7261.

## Virginia Pesticide Control Board

† **September 24, 1992 - 9:30 a.m.** – Open Meeting  
Virginia Department of Agriculture and Consumer Services,  
Room 503, Washington Building, 1100 Bank Street,  
Richmond, Virginia. ☒

The Personnel and Administration Committee of the Pesticide Control Board will meet to consider the need

for posting and notification requirements for pesticide applications in the Commonwealth. The public may comment on this issue in person during the committee meeting, or written comments will be received through 5 p.m., September 23, 1992.

† **September 24, 1992 - 10:30 a.m.** – Open Meeting  
Virginia Department of Agriculture and Consumer Services, Room 503, Washington Building, 1100 Bank Street, Richmond, Virginia. ☒

The Fees and Licenses committee of the Pesticide Control Board will meet to review the results of a survey regarding insurance for pesticide applicators. The public may comment on this issue in person during the committee meeting, or written comments will be received through 5 p.m. September 23, 1992.

**Contact:** Dr. Marvin A. Lawson, Program Manager, Office of Pesticide Management, 1100 Bank St., Room 401, Richmond, VA 23219, telephone (804) 371-6558.

## DEPARTMENT OF AIR POLLUTION CONTROL (STATE AIR POLLUTION CONTROL BOARD)

**September 14, 1992** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to amend **VR 120-01. Regulations for the Control and Abatement of Air Pollution - Public Participation Procedures (Appendix E)**. The regulation amendments revise the public participation guidelines to: allow for supplemental public participation, change and expand the information provided in the notice of intended regulatory action and notice of public comment, and require the preparation of additional supporting documentation and analyses.

Statutory Authority: § 10.1-1308 of the Code of Virginia.

**Contact:** Robert A. Mann, Director, Program Development, Department of Air Pollution Control, P.O. Box 10089, Richmond, VA 23240, telephone (804) 786-5789.

**September 10, 1992 - 6 p.m.** – Open Meeting  
Community Room, Eastern Government Center, 3820 Nine Mile Road, Henrico County, Virginia.

A meeting to allow public comment on request for permit from A.H. Robins Company to construct and operate a nonhazardous industrial waste incineration system to replace their existing incinerator at 2248 Darbytown Road, Henrico County, Virginia.

**Contact:** James E. Kyle, 9210 Arboretum Pkwy., No. 250, Richmond, VA 23236-3472, telephone (804) 323-2409.

† **September 15, 1992 - 8 p.m.** – Public Hearing  
Rust Library, 380 Old Waterford Road, Leesburg, Virginia.  
☒ (Audio loop for hearing impaired provided upon request)

A public hearing will be held to allow the public to voice comments regarding the proposed issuance of a State Air Pollution Control Board permit to construct and operate a combustion turbine electric power generating facility near Leesburg, Virginia. A pre-hearing briefing will be presented by the department at 7 p.m. to provide information about the permit and the project before receiving testimony.

**Contact:** John R. McKie, Environmental Engineer, Sr., Virginia Department of Air Pollution Control, 6225 Brandon Ave., Suite 310, Springfield, VA 22150, telephone (804) 644-0311.

\* \* \* \* \*

**NOTICE: The written comments date has been extended to September 18, 1992.**

**September 2, 1992 - 10 a.m.** – Public Hearing  
State Capitol Building, Capitol Square, House Room 1, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to amend **VR 120-01. Regulations for the Control and Abatement of Air Pollution (PARTS I and II)**. The regulation amendments clarify the provisions relating to (i) making case decisions with regard to process, (ii) statutory basis and appeals; (iii) establish criteria for determining confidential information; and (iv) update various provisions to conform to code changes.

Statutory Authority: § 10.1-1308 of the Code of Virginia

Written comments may be submitted until close of business September 18, 1992.

**Contact:** Robert A. Mann, Director, Program Development, Department of Air Pollution Control, P.O. Box 10089, Richmond, VA 23240, telephone (804) 786-5789.

## ALCOHOLIC BEVERAGE CONTROL BOARD

**September 17, 1992 - 9:30 a.m.** – Open Meeting

**September 23, 1992 - 9:30 a.m.** – Open Meeting

**October 14, 1992 - 9:30 a.m.** – Open Meeting

**October 26, 1992 - 9:30 a.m.** – Open Meeting

2901 Hermitage Road, Richmond, Virginia. ☒

Receipt and discussion of 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,



# Calendar of Events

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telephone (804) 367-0616.

\* \* \* \* \*

**October 28, 1992 - 10 a.m. – Public Hearing**  
First Floor Hearing Room, 2901 Hermitage Road,  
Richmond, Virginia.

**October 28, 1992 – Written comments may be submitted  
until 10 a.m. on this date.**

Notice is hereby given in accordance with § 9.6.14:7.1 of the Code of Virginia that the Alcoholic Beverage Control Board intends to amend regulations entitled: **VR 125-01-2. Advertising, VR 125-01-3. Tied House, VR 125-01-4. Requirements for Product Approval, VR 125-01-5. Retail Operations, and VR 125-01-7. Other Provisions.** Numerous regulations are being amended, some of which relate to (i) the advertising of nonalcoholic beer and nonalcoholic wine; (ii) allowing combination packaging; (iii) manufacturers, bottlers and wholesalers supplying placemats, coasters, napkins and back-bar pedestals to retailers under limited conditions; (iv) permitting novelty and specialty items with alcoholic beverage advertising to be given to patrons on the premises of retail licensees; (v) no limitation on the number of distilled spirits brands which may be listed on clip-ons and table tents; (vi) allowing brewpubs to use growlers to sell their beer to consumers for off-premises consumption; (vii) prohibiting a licensed club from obtaining a banquet special events license or a mixed beverage special events license for use on its premises; (viii) the definition of "gift shop"; (ix) the acceptance of credit or debit cards by A.B.C. stores for the retail purchase of alcoholic beverages; and (x) keg registration.

Statutory Authority: §§ 4-7(1), 4-36, 4-69, 4-69.2, 4-72.1, 4-98.14, 4-103(b) and 9-6.14:1 et seq. of the Code of Virginia.

**Contact:** Robert N. Swinson, Secretary to the Board, P.O. Box 27491, 2901 Hermitage Rd., Richmond, VA 23261, telephone (804) 367-0616.

## **BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND LANDSCAPE ARCHITECTS**

### **Board for Architects**

**September 10, 1992 - 9:30 a.m. – Open Meeting**  
Department of Commerce, 3600 West Broad Street,  
Richmond, Virginia. ☐

A meeting to (i) approve minutes from April 9, 1992 meeting; (ii) review correspondence; (iii) review applications; and (iv) conduct review enforcement files.

**Contact:** Willie Fobbs, III, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514.

### **Board for Interior Designers**

**September 25, 1992 - 1 p.m. – Open Meeting**  
Department of Commerce, 3600 West Broad Street,  
Richmond, Virginia. ☐

A meeting to (i) approve minutes from August 14, 1992, meeting, (ii) review applications; and (iii) review correspondence.

**Contact:** Willie Fobbs, III, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514.

### **ASAP BOARD OF DIRECTORS - ROCKBRIDGE**

**September 15, 1992 - 3 p.m. – Open Meeting**  
2044 Sycamore Avenue, Buena Vista, Virginia. ☐

A meeting to (i) approve minutes of the April 14, 1992 meeting, (ii) discuss old business, (iii) discuss new business; and (iv) receive treasurer's report.

**Contact:** S. Diane Clark, Director, 2044 Sycamore Ave., Buena Vista, VA 24416, telephone (703) 261-6281.

### **ASAP POLICY BOARD - ROCKINGHAM/HARRISONBURG**

† **September 17, 1992 - 7 p.m. – Open Meeting**  
The Alcohol Safety Action Program Office, 44 East Market  
Street, Harrisonburg, Virginia. ☐

September quarterly commission meeting.

**Contact:** Pam Simmons, Director, 44 E. Market St., Harrisonburg, VA 22801, telephone (703) 434-0154.

### **ASAP POLICY BOARD - VALLEY**

**September 14, 1992 - 8:30 a.m. – Open Meeting**  
Augusta County School Board Office, Fishersville, Virginia.  
☐

A regular meeting of the local policy board which conducts business pertaining to the following: 1. Court Referrals, 2. Financial Report, 3. Director's Report, and 4. Statistical Reports.

**Contact:** Mrs. Rhoda G. York, Executive Director, 2 Holiday Court, Staunton, VA 24401, telephone (703) 886-5616 or (703) 943-4405 (Waynesboro).

## AUCTIONEERS BOARD

† **September 17, 1992 - 9 a.m.** – Open Meeting  
Department of Commerce, 3600 West Broad Street,  
Richmond, Virginia. ☒

An open meeting to conduct board business and other matters which may require board action.

**Contact:** Geralde W. Morgan, Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8534.

## CHESAPEAKE BAY COMMISSION

† **September 10, 1992 - 1 p.m.** – Open Meeting  
† **September 11, 1992 - 9 a.m.** – Open Meeting  
Wayside Inn, Route 11 and Interstate 81, Middletown, Virginia.

Quarterly meeting. The agenda will include (i) discussions of 1992 amendments to the Chesapeake Bay Agreement; (ii) the region's current capabilities to manage the introduction of exotic species; (iii) a policy for air deposition; and (iv) Supreme Court Lucas v. South Carolina Coastal Council case.

**Contact:** Ann Pesiri Swanson, 60 West St., Suite 200, Annapolis, MD 21401, telephone (410) 263-3420.

## CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

**September 14, 1992 - 4 p.m.** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Chesapeake Bay Local Assistance Board intends to **repeal** regulations entitled: **VR 173-01-00. Public Participation Guidelines** and **adopt** regulations entitled: **VR 173-01-00:1. Public Participation Guidelines**. The purpose of the proposed action is to repeal VR 173-01-00. Public Participation Guidelines and adopt VR 173-01-00:1. Public Participation Guidelines which establish, in regulation, various provisions to ensure interested persons have the necessary information to comment on regulatory actions in a meaningful fashion in all phases of the regulatory process and establish guidelines which are consistent with those of the other agencies within the Natural Resources Secretariat. Specifically, the proposed guidelines (i) require an expanded notice of intended regulatory action (NOIRA), (ii) require that either a summary or a copy of comments received in response to the NOIRA be submitted to the Chesapeake Bay Local Assistance Board, and (iii) require the performance of certain analyses.

Statutory Authority: § 9-6.14:7.1 of the Code of Virginia.

**Contact:** C. Scott Crafton, Chesapeake Bay Local Assistance Board, Suite 701, 805 E. Broad St., Richmond, VA 23219, telephone (804) 225-3440 or toll-free 1-800-243-7229/TDD ☎

## NOTICE: CHANGE IN MEETING LOCATION

**September 24, 1992 - 10 a.m.** – Open Meeting  
State Capitol, Senate Room 4, Capitol Square, Richmond, Virginia. ☒

The board will conduct general business, including review of local Chesapeake Bay Preservation Area programs. Public comment will be heard early in the meeting. A tentative agenda will be available from the Chesapeake Bay Local Assistance Department by September 17, 1992.

**Contact:** Receptionist, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440 or toll free 1-800-243-7229/TDD ☎

## CHILD DAY-CARE COUNCIL

† **September 10, 1992 - 9 a.m.** – Open Meeting  
Koger Executive Center, West End, Blair Building, Conference Rooms A and B, 8007 Discovery Drive, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

The council will meet to discuss issues, concerns and programs that impact child care centers, camps, school age programs, and preschool/nursery schools. The public comment period is 10 a.m. Please call ahead of time for possible changes in meeting time.

**Contact:** Peggy Friedenberg, Legislative Analyst, Office of Governmental Affairs, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217.

## DEPARTMENT OF COMMERCE (BOARD OF)

**September 11, 1992** – 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 Commerce intends to **repeal** regulations entitled: **VR 190-01-1. Rules and Regulations Governing Employment Agencies** and **adopt** regulations entitled: **VR 190-01-1:1. Rules and Regulations Governing Employment Agencies**. The proposed regulation requires the licensure of employment agencies and the registration of individuals who act as employment counselors at those businesses. This regulation applies to approximately 42 licensed employment agencies and approximately 200 employment counselors. There is no requirement under the current regulation that

# Calendar of Events

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employment counselors be registered and therefore the figure of 200 employment counselors is an estimate based upon information received from the industry.

The proposed regulation separates entry, renewal and reinstatement requirements. It also separates standards of conduct from standards of practice. The regulation has been completely rewritten and reorganized. Certain requirements for receipts, records and contracts deleted from the statute are included in the proposed regulation. Fees throughout the regulation have been adjusted in order to conform with the requirements of § 54.1-113 of the Code of Virginia to assure that the expenses of this program are adequately covered by revenues generated from the regulants. Other increases or decreases in fees are explained in the appropriate text.

Statutory Authority: § 54.1-1302 of the Code of Virginia

**Contact:** David E. Dick, Assistant Director, Department of Commerce, Employment Agencies, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2194.

**October 26, 1992 - 10 a.m. - Open Meeting**  
Department of Commerce, Room No. 1, 3600 West Broad Street, Richmond, Virginia. ☒

A regular quarterly meeting of the Board of Commerce. Agenda items expected are (i) reports from subcommittees reviewing citizen-member participation on occupational regulatory boards; (ii) revision of the "Agency Rules of Practice for Hearing Officers"; (iii) subcommittee report on trends in continuing education requirements for professionals; and (iv) a report from delegates to the national convention of state regulatory agencies (CLEAR).

**Contact:** Alvin D. Whitley, Board Secretary, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8564.

## STATE BOARD FOR COMMUNITY COLLEGES

† **September 16, 1992 - time to be determined - Open Meeting**  
Monroe Building, 15th Floor, Board Room, 101 North 14th Street, Richmond, Virginia.

State board committee meeting.

† **September 17, 1992 - 9 a.m. - Open Meeting**  
Monroe Building, 15th Floor, Board Room, 101 North 14th Street, Richmond, Virginia.

A regularly scheduled meeting. Agenda available by August 28, 1992.

**Contact:** Joy Graham, Assistant Chancellor of Public Affairs, Virginia Community College System, 101 N. 14th

St., Richmond, VA 23219, telephone (804) 225-2126 or (804) 371-8504/TDD ☎

## DEPARTMENT OF CONSERVATION AND RECREATION (BOARD OF)

**August 26, 1992 - 7 p.m. - Public Hearing**  
State Water Control Board, Board Room, 4900 Cox Road, Innsbrook Corporate Center, Glen Allen, Virginia. ☒

**September 14, 1992 - Written comments may be submitted through this date.**

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Conservation and Recreation intends to adopt regulations entitled: **VR 215-00-00. Regulatory Public Participation Procedures.** Section 9-6.14:7.1 of the Code of Virginia requires each agency to develop, adopt and utilize public participation guidelines for soliciting the input of interested persons in the formation and development of its regulations. Such guidelines shall not only be utilized prior to the formation and drafting of the proposed regulation, but shall also be utilized during the entire formation, promulgation and final adoption process of a regulation.

The purpose of the proposed action is to adopt VR 215-00-00. Regulatory Public Participation Procedures which establish, in regulation, various provisions to ensure interested persons have the necessary information to comment on regulatory actions in a meaningful fashion in all phases of the regulatory process and establish procedures which are consistent with those of the other agencies within the Natural Resources Secretariat. Specifically, the proposed VR 215-00-00. Regulatory Public Participation Procedures require an expanded notice of intended regulatory action, require that either a summary or a copy of comments received in response to the NOIRA be submitted to the Board, and require the performance of certain analyses.

Statutory Authority: §§ 9-6.14:7.1 and 10.1-107 of the Code of Virginia

**Contact:** Leon E. App, Executive Assistant, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-4570.

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**August 26, 1992 - 7 p.m. - Public Hearing**  
State Water Control Board, Board Room, 4900 Cox Road, Innsbrook Corporate Center, Glen Allen, Virginia. ☒

**September 14, 1992 - Written comments may be submitted through this date.**

Notice is hereby given in accordance with § 9-6.14:7.1

of the Code of Virginia that the Department of Conservation and Recreation intends to a repeal regulations entitled: **VR 215-01-00, Public Participation Guidelines** and adopt regulations entitled: **VR 217-00-00, Regulatory Public Participation Procedures**. Section 9-6.14:7.1 of the Code of Virginia requires each agency to develop, adopt and utilize public participation guidelines for soliciting the input of interested persons in the formation and development of its regulations. Such guidelines shall not only be utilized prior to the formation and drafting of the proposed regulation, but shall also be utilized during the entire formation, promulgation and final adoption process of a regulation. The purpose of the proposed action is to repeal VR 215-01-00, Public Participation Guidelines and adopt VR 217-00-00 Regulatory Public Participation Procedures, which establish, in regulation, various provisions to ensure interested persons have the necessary information to comment on regulatory actions in a meaningful fashion in all phases of the regulatory process and establish procedures which are consistent with those of the other agencies within the Natural Resources Secretariat. Specifically, the proposed VR 217-00-00. Regulatory Public Participation Procedures (i) require an expanded notice of intended regulatory action (NOIRA), (ii) require that either a summary or a copy of comments received in response to the NOIRA be submitted to the Department, and (iii) require the performance of certain analyses.

Statutory Authority: §§ 9-6.14:7.1 and 10.1-104 of the Code of Virginia.

**Contact:** Leon E. App, Executive Assistant, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-4570

### Falls of the James Scenic River Advisory Board

**September 18, 1992 - Noon** – Open Meeting  
City Hall, Planning Commission Conference Room, Fifth Floor, Richmond, Virginia. ☐

A meeting to review river issues and programs.

**Contact:** Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, Division of Planning and Recreation Resources, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132 or (804) 786-2121/TDD ☎

### Goose Creek Scenic River Advisory Board

**October 7, 1992 - 2 p.m.** – Open Meeting  
F & M Bank, Leesburg, Virginia.

A review of river issues and programs.

**Contact:** Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation,

Division of Planning and Recreation Resources, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132 or (804) 786-2121/TDD ☎

### Shenandoah Scenic River Advisory Board

**September 15, 1992 - 11 a.m.** – Open Meeting  
Clarke County Courthouse, Board Room, Berryville, Virginia.

A review of river issues and programs.

**Contact:** Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, Division of Planning and Recreation Resources, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132 or (804) 786-2121/TDD ☎

### Upper James Scenic River Advisory Board

† **September 9, 1992 - 6:30 p.m.** – Open Meeting  
Comfort Inn, Landmark Restaurant, Mallow Road, Covington, Virginia.

Quarterly meeting of general business and information.

**Contact:** Sylvia Brugh, Rt. 5 Box 132, Troutville, VA 24175, telephone (703) 992-1378.

## BOARD FOR CONTRACTORS

### Complaints Committee

**September 10, 1992 - 9 a.m.** – Open Meeting  
3600 West Broad Street, 5th Floor, Conference Room No. 1, Richmond, Virginia. ☐

A meeting to review and consider complaints filed by consumers against licensed contractors, and to review reports from Informal Fact-Finding conferences.

**Contact:** A. R. Wade, Assistant Director, Investigation and Adjudication, 3600 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 367-0136.

† **September 22, 1992 - 9 a.m.** – Open Meeting  
Department of Commerce, 3600 West Broad Street, Conference Room 3, Richmond, Virginia. ☐

A regular meeting of the Applications Review Committee to review applications with convictions and complaints for Class A Contractors Licenses and Class B Contractors Registrations.

**Contact:** Florence R. Brassier, Assistant Director, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8557.

### Recovery Fund Committee

† **September 24, 1992 - 9 a.m.** – Open Meeting

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Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

The committee will consider claims filed against the Virginia Contractor Transaction Recovery Fund. This meeting will be open to the public; however, a portion of the discussion may be conducted in Executive Session.

**Contact:** Vickie Brock, Recovery Fund Administrator, 3600 W. Broad St., Richmond, VA 23219, telephone (804) 367-2394.

## BOARD OF DENTISTRY

† **September 9, 1992 - 8:30 a.m.** – Open Meeting  
Department of Health Professions, 1601 Rolling Hills Drive, Conference Room 3, Richmond, Virginia.

Informal conferences.

† **September 17, 1992 - 8:30 a.m.** – Open Meeting  
† **September 18, 1992 - 1:30 p.m.** – Open Meeting  
Department of Health Professions, 1601 Rolling Hills Drive, Richmond, Virginia.

General board business including committee reports and formal hearings.

† **September 19, 1992 - 9 a.m.** – Open Meeting  
Department of Health Professions, 1601 Rolling Hills Drive, Richmond, Virginia.

New member board training.

† **October 9, 1992 - 8:30 a.m.** – Open Meeting  
Department of Health Professions, 1601 Rolling Hills Drive, Richmond, Virginia.

Informal conferences.

**Contact:** Nancy Taylor Feldman, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9906.

## GOVERNOR'S ADVISORY COMMISSION ON THE DILLON RULE AND LOCAL GOVERNMENT

† **September 11, 1992 - 9:30 a.m.** – Open Meeting  
General Assembly Building, 6th Floor Conference Room, 910 Capitol Street, Richmond, Virginia. ☒

A general work session of the commission do develop its recommendations and findings.

**Contact:** Paul Grasewicz, Associate Director, Dillon Rule Commission, 501 N. Second St., Richmond, VA 23219, telephone (804) 371-7013.

## LOCAL EMERGENCY PLANNING COMMITTEE - CITY OF ALEXANDRIA

**September 9, 1992 - 6 p.m.** – Open Meeting  
Potomac Electric Power Company, 1400 North Royal Street, Alexandria, Virginia. ☒

An open meeting with committee members and facility emergency coordinators to conduct business in accordance with SARA Title III, Emergency Planning and Community Right-to-Know Act of 1986.

**Contact:** Charles W. McRorie, Emergency Preparedness Coordinator, 900 Second St., Alexandria, VA 22314, telephone (703) 838-3825 or (703) 838-5056/TDD ☎

## LOCAL EMERGENCY PLANNING COMMITTEE - CHESTERFIELD COUNTY

**October 1, 1992 - 5:30 p.m.** – Open Meeting  
† **November 5, 1992 - 5:30 p.m.** – Open Meeting  
† **December 3, 1992 - 5:30 p.m.** – Open Meeting  
Chesterfield County Administration Building, 10,001 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

## LOCAL EMERGENCY PLANNING COMMITTEE - FAIRFAX COUNTY, CITY OF FAIRFAX AND THE TOWNS OF HERNDON AND VIENNA

**September 24, 1992 - 9 a.m.** – Open Meeting  
John C. Wood Municipal Center, 3730 Old Lee Highway, Fairfax, Virginia. ☒

A planning committee meeting to discuss issues related to hazardous substances in compliance with SARA Title III.

**Contact:** Marysusan Giguere, Fire and Rescue Department, 4100 Chain Bridge Rd., Suite 500, Fairfax, VA 22030, telephone (703) 246-3991.

## LOCAL EMERGENCY PLANNING COMMITTEE - COUNTY OF MONTGOMERY/TOWN OF BLACKSBURG

† **September 8, 1992 - 3 p.m.** – Open Meeting  
Montgomery County Courthouse, 3rd Floor, Board of Supervisors Room, 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.

## LOCAL EMERGENCY PLANNING COMMITTEE - PRINCE WILLIAM COUNTY, MANASSAS CITY, AND MANASSAS PARK CITY

**September 21, 1992 - 1:30 p.m. - Open Meeting**  
1 County Complex Court, Prince William, Virginia. ☒

A multi-jurisdictional local emergency planning committee to discuss issues related to hazardous substances in the jurisdictions. SARA Title III provisions and responsibilities for hazardous material emergency response planning.

**Contact:** John E. Medici, Hazardous Materials Officer, 1 County Complex Court, Internal Zip MC470, Prince William, VA 22192, telephone (703) 792-6800.

## VIRGINIA EMERGENCY RESPONSE COUNCIL

† **October 29, 1992 - 10 a.m. - Open Meeting**  
Virginia Department of Waste Management, Conference Room B, Monroe Building, 101 North 14th Street, Richmond, Virginia. ☒

This meeting will provide the VERC with an update of issues concerning local governments/Local Emergency Planning Committees (LEPCs) and Emergency Planning and Community "Right-to-Know"; and this meeting will also have the VERC consider both a resolution praising the late Chief Warren E. Isman, of the Fairfax County Fire Department for his contributions towards hazardous materials response in Virginia, as well as a request by the Fairfax Joint LEPC to designate specific facilities for emergency planning.

**Contact:** Cathy L. Harris, Environmental Program Manager, Virginia Department of Waste Management, 14th Floor, Monroe, Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2513, 225-2631 or (804) 371-8737/TDD

## COUNCIL ON THE ENVIRONMENT

**August 26, 1992 - 7 p.m. - Public Hearing**  
State Water Control Board, Board Room, 4900 Cox Road, Glen Allen, Virginia. ☒

**September 25, 1992 -** Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Council on the Environment intends to repeal regulations entitled: VR

**305-01-001. Public Participation Guidelines** and adopt regulations entitled: **VR 305-01-001:1. Public Participation Guidelines.** The proposed action is to adopt Public Participation Guidelines that establish, in regulation, various provisions to ensure that interested persons have the necessary information to comment on regulatory actions in a meaningful fashion in all phases of the regulatory process and establish guidelines that are consistent with those of other agencies within the Natural Resources Secretariat.

Statutory Authority: §§ 9-6.14:7.1 and 10.1-1206 F of the Code of Virginia.

**Contact:** Hannah Crew, Assistant Administrator, Council on the Environment, Suite 900, 202 N. 9th St., Richmond, VA 23219, telephone (804) 786-4500.

† **October 7, 1992 - 10 a.m. - Open Meeting**  
General Assembly Building, Senate Room A, 910 Capitol Street, Richmond, Virginia. ☒

This is a quarterly meeting of the council. The meeting is open to the public. The tentative agenda includes a discussion and vote on final public participation guidelines and a discussion of a report prepared by the Shell-fish Enhancement Task Force. Citizens will have an opportunity to present environmental concerns to the board during the meeting.

**Contact:** Hannah Crew, Environmental Planner, 902 N. 9th St., Suite 900, Richmond, VA 23219, telephone (804) 786-4500.

## DEPARTMENT OF FORESTRY

### Reforestation of Timberlands Board

† **September 16, 1992 - 10 a.m. - Open Meeting**  
Wintergreen Resort, Route 664, Wintergreen, Virginia. ☒

A meeting of the board.

**Contact:** Phil T. Grimm, Assistant Chief Forest Manager, Department of Forestry, P.O. Box 3758, Charlottesville, VA 22903, telephone (804) 977-6555.

## DEPARTMENT OF GENERAL SERVICES

### Virginia Public Buildings Board

† **September 22, 1992 - 2 p.m. - Open Meeting**  
State Capitol, House Room 4, Capitol Square, Richmond, Virginia. ☒

Review of the final draft master plan of Capitol Square Complex and Broad Street Station site.

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**Contact:** Nathan I. Broocke, Director, Division of Engineering and Buildings, Department of General Services, 805 E. Broad St., Room 101, Richmond, VA 23219, telephone (804) 786-3263 or (804) 786-6152/TDD ☎

## BOARD FOR GEOLOGY

**October 9, 1992 - 10 a.m.** – Open Meeting  
Department of Commerce, 3600 West Broad Street, Conference Room No. 3, Richmond, Virginia. ☒

General board meeting.

**Contact:** Nelle P. Hotchkiss, Assistant Director, Virginia Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595 or (804) 367-9753/TDD ☎

## GOVERNOR'S COMMISSION ON VIOLENT CRIME

† **September 17, 1992 - 9:30 a.m.** – Open Meeting  
General Assembly Building, House Room D, 910 Capitol Street, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

9:30 a.m. - 12:30 p.m. Commentary from invited guests which will include other study groups and organizations studying violent crime issues.

10:30 - 11:30 a.m. Sign-up for public hearing.

1:30 - 5 p.m. Public hearing for the general public.

**Contact:** Kris Ragan, Special Assistant to the Secretary of Public Safety and the Governor's Commission on Violent Crime, Ninth Street Office Bldg., 6th Floor, Richmond, VA 23219, telephone (804) 786-5351 or (804) 786-7765/TDD ☎

## Crime Prevention Subcommittee

† **October 1, 1992 - 9 a.m.** – Public Hearing  
Hampton City Council Chamber, Hampton City Hall, 22 Lincoln Street, 8th Floor, Hampton, Virginia.

A mini-public hearing.

**Contact:** Kris Ragan, Special Assistant to the Secretary of Public Safety and the Governor's Commission on Violent Crime, Office of the Governor, telephone (804) 786-5351 or (804) 786-7765/TDD ☎

## Criminal Justice/Law Enforcement Subcommittee

† **September 28, 1992 - 10 a.m.** – Public Hearing  
Clarendon Building, 2100 North Clarendon Road, 3th Floor Board Room, Arlington, Virginia.

A mini-public hearing.

**Contact:** Kris Ragan, Special Assistant to the Secretary of Public Safety and the Governor's Commission on Violent Crime, Office of the Governor, telephone (804) 786-5351 or (804) 786-7765/TDD ☎

## Inmate Productivity Subcommittee

† **September 14, 1992 - 10 a.m.** – Open Meeting  
Richmond, Virginia - site yet to be determined.

† **October 13, 1992 - 10 a.m.** – Public Hearing  
Roanoke, Virginia, site yet to be determined.

† **October 21, 1992 - 10 a.m.** – Open Meeting  
General Assembly Building, 9th Floor, West Conference Room, Richmond, Virginia. ☒

Open meetings and mini-public hearings.

**Contact:** Kris Ragan, Special Assistant to the Secretary of Public Safety and the Governor's Commission on Violent Crime, Office of the Governor, telephone (804) 786-5351 or (804) 786-7765/TDD ☎

## Full Task Force on Violent Crime

† **September 17, 1992 - 9:30 a.m.** – Public Hearing  
General Assembly Building, House Room D, 910 Capitol Street, Richmond, Virginia. ☒

9:30 a.m. - 12:30 – Regular meeting

10:30 - 11:30 – Sign-up for public hearing

1:30 - 5 p.m. – Public hearing

**Contact:** Kris Ragan, Special Assistant to the Secretary of Public Safety and the Governor's Commission on Violent Crime, Office of the Governor, telephone (804) 786-5351 or (804) 786-7765/TDD ☎



## DEPARTMENT OF HEALTH (STATE BOARD OF)

**September 14, 1992 - 10 a.m.** – Open Meeting  
Piedmont Health District.

**September 15, 1992 - 9 a.m.** – Open Meeting  
Sheldons Conference Room, Sheldons, Route 2, Keysville, Virginia. ☒ (Interpreter for deaf provided upon request)

September 14, 1992 - Worksession/Tour of Piedmont Health District; Informal dinner at 7:30 p.m. at Sheldons.

September 15, 1992 - 9 a.m. - Adjournment - Business

# Calendar of Events

Meeting.

**Contact:** Susan R. Rowland, MPA, Assistant to the Commissioner, 1500 E. Main St., Suite 214, Richmond, VA 23219, telephone (804) 786-3564.

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**September 14, 1992** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Health intends to amend regulations entitled: **VR 355-39-100. Regulations Governing Eligibility Standards and Charges for Medical Care Services.** The purpose of the proposed action to amend the regulations that establish charges and provide guidelines for determining eligibility for services provided by the Department of Health.

Statutory Authority: § 32.1-11 of the Code of Virginia.

**Contact:** Dave Burkett, Administrator, Department of Health, P.O. Box 2448, Room 237, Richmond, VA 23218, telephone (804) 371-4089.

\* \* \* \* \*

**September 28, 1992 - 1 p.m.** – Public Hearing  
Meeting Room D, James Monroe Building, Richmond, Virginia.

**September 30, 1992 - 1 p.m.** – Public Hearing  
Roanoke City Council Chambers, Roanoke, Virginia.

**October 23, 1992** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Health intends to amend regulations entitled: **VR 355-18-000. Waterworks Regulations: Total Coliform and Surface Water Treatment.** These amendments incorporate the Federal Total Coliform Rule and Surface Water Treatment Rule into the Virginia Waterworks Regulations. The Virginia Department of Health is the delegated state agency for primary enforcement authority (primacy) for the Federal Safe Drinking Water Act and must meet certain United States Environmental Protection Agency (USEPA) mandates to retain this authority. The purpose of these regulations is to retain primacy by adopting regulations as stringent as the federal regulations for total coliforms and surface water treatment. These regulations, which are amendments to the existing Waterworks Regulations and which incorporate the federal Total Coliform Rule (TCR) and Surface Water Treatment Rule (SWTR), will conform the state regulations to federal regulations and should avoid duplicate enforcement action by the USEPA in

Virginia under federal law.

Statutory Authority: §§ 32.1-12 and 32.1-170 of the Code of Virginia.

Written comments may be submitted until October 23, 1992, to Allen R. Hammer, Director, DWSE, 1500 East Main Street, Room 109, Richmond, VA 23218.

**Contact:** Robert B. Taylor, Technical Service Administrator, 1500 E. Main St., Room 109, Richmond, VA 23218, telephone (804) 786-5566.

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**September 22, 1992 - 10 a.m.** – Public Hearing  
Virginia Highlands Community College, Auditorium, Room 605, 140 Jonesboro Road, Abingdon, Virginia.

**September 29, 1992 - 7 p.m.** – Public Hearing  
Tidewater Community College, Portsmouth Campus (formerly Frederick Campus), Theatre Room 222, State Route 135/I664, 7000 College Drive, Portsmouth, Virginia.

**October 7, 1992 - 7 p.m.** – Public Hearing  
Augusta County Government Center, Board of Supervisors Meeting Room, 4801 Lee Highway, Verona, Virginia.

**October 22, 1992 - 7 p.m.** – Public Hearing  
Spotsylvania County Courthouse, Board of Supervisor's Room, Spotsylvania, Virginia.

**October 27, 1992 - 7 p.m.** – Public Hearing  
South Boston City Council Chambers, South Boston, Virginia.

**November 9, 1992** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Health intends to adopt regulations entitled: **VR 355-18-014. Waterworks Operation Fee.** The purpose of this proposed regulation is to assess an annual operations fee (not to exceed \$160,000) on the owners of waterworks. The amount of the fee is based on the number of persons served, number of connections, or the classification of the waterworks. The revenue generated by this regulation will supplement funding to implement the 1986 amendments to the federal Safe Drinking Water Act (SWDA) and will be deposited into the Waterworks Technical Assistance Fund established in the state treasury by § 32.1-171.1 B.

Statutory Authority: §§ 32.1-70 and 32.1-71.1 of the Code of Virginia.

**Contact:** Thomas B. Gray, P.E., Special Projects Manager, Division of Water Supply Engineering, 1500 E. Main St., Suite 109, Richmond, VA 23219, telephone (804) 786-5566.



# Calendar of Events

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## VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

September 22, 1992 - 9:30 a.m. - Open Meeting

October 27, 1992 - 9:30 a.m. - Open Meeting

Blue Cross/Blue Shield of Virginia, 2015 Staples Mill Road, Virginia Room, Richmond, Virginia. ☒

A regular monthly meeting.

Contact: Kim Schulte Barnes, Information Officer, 805 E. Broad St., 6th Floor, Richmond, VA 23219, telephone (804) 786-6371/TDD ☎

\* \* \* \* \*

September 11, 1992 - 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 Health Services Cost Review Council intends to amend regulations entitled: **VR 370-01-001. Rules and Regulations of the Virginia Health Services Cost Review Council.** The regulations will implement the statutory changes made to § 9-160 (3) of the Code of Virginia regarding the council's Commercial Diversification Survey and implement the requirement that the council collect IRS Form 990s from not-for-profit health care institutions.

Statutory Authority: §§ 9-160 (3), 9-160 (5) and 9-164 (2) of the Code of Virginia.

Contact: John A. Rupp, Executive Director, 805 E. Broad St., 6th Floor, Richmond, VA 23219, telephone (804) 786-6371.

## BOARD FOR HEARING AID SPECIALISTS

† September 21, 1992 - 8:30 a.m. - Open Meeting  
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

An open meeting to (i) administer examinations to eligible candidates; (ii) review enforcement cases, and (iii) consider other matters which may require board action.

Contact: Geralde W. Morgan, Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8534.

## STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

September 8, 1992 - 1 p.m. - Open Meeting

September 9, 1992 - 5 p.m. - Open Meeting

Jefferson Hotel, Richmond, Virginia. ☒

This is the council's annual retreat. There will be a general business meeting on the morning of September 9. For more information contact the council.

Contact: Anne M. Pratt, Associate Director, 101 N. 14th St., 9th Floor, Monroe Bldg., Richmond, VA 23219, telephone (804) 225-2629.

## DEPARTMENT OF HISTORIC RESOURCES

August 26, 1992 - 7 p.m. - Public Hearing  
State Water Control Board Office, 4900 Cox Road, Glen Allen, Virginia. ☒

September 30, 1992 - Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Historic Resources intends to adopt regulations entitled: **VR 392-01-01. Public Participation Guidelines.** The purpose of the proposed action is to adopt Public Participation Guidelines that establish, in regulation, various provisions to ensure that interested persons have the necessary information to comment on regulatory actions in a meaningful fashion in all phases of the regulatory process and establish guidelines that are consistent with those of other agencies within the Natural Resources Secretariat.

Statutory Authority: §§ 9-6.14:7.1 and 10.1-2202 of the Code of Virginia.

Contact: H. Bryan Mitchell, Deputy Director, Department of Historic Resources, 221 Governor St., Richmond, VA 23219, telephone (804) 786-3143.

## DEPARTMENT OF HISTORIC RESOURCES (BOARD OF)

### State Review Board

† September 15, 1992 - 10 a.m. - Open Meeting  
General Assembly Building, Senate Room A, 910 Capitol Street, Richmond, Virginia. ☒

A meeting to consider the departments work program for 1992-93.

Contact: Margaret Peters, Information Director, 221 Governor St., Richmond, VA 23219, telephone (804) 786-3143 or (804) 786-1934/TDD ☎

### Board of Historic Resources

August 26, 1992 - 7 p.m. - Public Hearing  
State Water Control Board Office, 4900 Cox Road, Glen Allen, Virginia. ☒

September 30, 1992 - Written comments may be submitted

through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Historic Resources intends to adopt regulations entitled: **VR 390-01-01. Public Participation Guidelines.** The purpose of the proposed action is to adopt Public Participation Guidelines that establish, in regulation, various provisions to ensure that interested persons have the necessary information to comment on regulatory actions in a meaningful fashion in all phases of the regulatory process and establish guidelines that are consistent with those of other agencies within the Natural Resources Secretariat.

Statutory Authority: §§ 9-6.14:7.1 and 10.1-2205 of the Code of Virginia.

Contact: H. Bryan Mitchell, Deputy Director, Department of Historic Resources, 221 Governor St., Richmond, VA 23219, telephone (804) 786-3143.

**VIRGINIA HISTORIC RESOURCES FOUNDATION**

† **September 16, 1992 - 10:30 a.m. - Open Meeting**  
State Capitol, House Room 1, Capitol Square, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A general business meeting.

Contact: Margaret Peters, Information Director, 221 Governor St., Richmond, VA 23219, telephone (804) 786-3143 or (804) 786-1934/TDD ☎

**HOPEWELL INDUSTRIAL SAFETY COUNCIL**

**October 6, 1992 - 9 a.m. - Open Meeting**  
Hopewell Community Center, Second and City Point Road, Hopewell, Virginia. ☒ (Interpreter for deaf provided upon request)

Local Emergency Preparedness Committee Meeting on Emergency Preparedness as required by SARA Title III.

Contact: Robert Brown, Emergency Service Coordinator, 300 N. Main St., Hopewell, VA 23860, telephone (804) 541-2298.

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)**

**September 14, 1992 - 10 a.m. - Public Hearing**  
General Assembly Building, House Room D, 910 Capitol Street, Richmond, Virginia. ☒

**October 12, 1992 -** Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled **VR 394-01-02. Virginia Certification Standards for Building and Amusement Device Inspectors, Blasters and Tradesmen.** Proposed amendments to the standard deal specifically with the certification of blasters and proposes to divide the certification into two categories, restricted and unrestricted. A restricted blaster is limited to conducting blasting operations involving five pounds of explosives or less per shot with instantaneous blasting caps. The proposed changes would permit the applicant for certification as a restricted blaster to utilize a competency test commensurate with that type of blasting operation instead of the comprehensive test previously required for all blasters. The applicant for the restricted certification would also have to meet experience requirements by working under a certified or restricted blaster for at least one year.

Statutory Authority: §§ 27-97 and 36-137 of the Code of Virginia.

Written comments may be submitted until October 12, 1992, to the Code Development Office, Department of Housing and Community Development, 501 North 2nd Street, Richmond, VA 23219-1312.

Contact: Carolyn Williams, Building Code Supervisor, Jackson Center, 501 N. 2nd St., Richmond, VA 23219-1312, telephone (804) 371-7150.

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**September 14, 1992 - 10 a.m. - Public Hearing**  
General Assembly Building, House Room D, 910 Capitol Street, Richmond, Virginia. ☒

**October 12, 1992 -** 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 Board of Housing and Community Development intends to amend regulations entitled **VR 394-01-04. Virginia Amusement Device Regulations.** The proposed amendments to this regulation are a result of statutory changes made during the 1991 session of the General Assembly and a review of public comment submitted to the Board of Housing and Community Development since the effective date of the 1990 edition of the regulation. The definition of "kiddie ride" is proposed to be split into Types A and B to differentiate between those rides that require partial or complete reassembly and those which require little or none. A definition of "passenger tramway" was added to be consistent with new provisions in state law which includes passenger tramways as amusement devices. Section 400.1 of the regulation includes tramways within the scope of the regulation. A proposed change to § 1000.3(2) will limit

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the acceptability of a certificate of inspection for a ride moved from location to location only a Type A kiddie ride. Section 1100.1 is amended to require owners and operators of amusement rides to notify the locality immediately when an accident involving serious injury or fatality occurs, and new provisions in §§ 1100.3 and 1500.3 require action by the building official prior to resuming service and a new certificate of inspection to be issued after an accident. Appendix A, which lists the referenced standards, has a proposed change to include the ANSI B77.1-90 standard for use in inspecting passenger tramways.

Statutory Authority: §§ 36-98, 36-98.3 and 36-137 of the Code of Virginia.

Written comments may be submitted until October 12, 1992, to Code Development Office, Dept. of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219-1312.

**Contact:** Carolyn Williams, Building Code Supervisor, Jackson Center, 501 N. 2nd St., Richmond, VA 23219-1312, telephone (804) 371-7150.

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**September 14, 1992 - 10 a.m. – Public Hearing**  
General Assembly Building, House Room D, 910 Capitol Street, Richmond, Virginia. ☒

**October 12, 1992 – 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 Board of Housing and Community Development intends to amend regulations entitled VR 394-01-06. **Virginia Statewide Fire Prevention Code/1990.** The proposed amendments are to § F-102.0. A change to § F-102.1 requires a local governing body electing to locally enforce the SFPC to take official action to do so, and to provide notification by copy of the adopting ordinance or resolution to the State Fire Marshal's Office. The existing modification provision for the Public Building Safety Regulations will be deleted and replaced by a general modification section applicable to any provision of the regulation. A new requirement for documentation of the modification and making it part of the records of the enforcing agency are also included. These proposed changes are similar to provisions already contained in both Volume I and Volume II of the Uniform Statewide Building Code.

Statutory Authority: § 27-97 of the Code of Virginia.

Written comments may be submitted until October 12, 1992, to Code Development Office, Department of Housing and Community Development, 501 N. 2nd St., Richmond, Virginia 23219-1321.

**Contact:** Carolyn Williams, Building Code Supervisor, Jackson Center, 501 N. 2nd St., Richmond, VA 23219-1312, telephone (804) 371-7150.

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**September 14, 1992 - 10 a.m. – Public Hearing**  
General Assembly Building, House Room D, 910 Capitol Street, Richmond, Virginia. ☒

**October 12, 1992 – Written comments may be submitted through this date.**

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled VR 394-01-21. **Virginia Uniform Statewide Building Code, Volume I - New Construction Code/1990.** The proposed amendments to this regulation are a result of statutory changes made during the 1991 and 1992 sessions of the General Assembly and a review of public comment submitted to the Board of Housing and Community Development since the effective date of the 1990 edition of the regulation. Section 105.6 has been amended to contain more specific requirements for plans review response; § 112.3 is changed to require the building official to prosecute a person who has been served notices of violation for failure to obtain a construction permit three or more times within the same calendar year; § 112.4 sets the penalty for violations in accordance with the state law; an amendment to § 115.6 authorizes the building official to revoke a certificate of occupancy under certain conditions and §§ 120.1 and 120.3 add provisions by which certain structures deemed to be either unsafe buildings or public nuisances may be abated or removed. Changes to the BOCA and CABO Codes are proposed in Addenda 1 and 2 of the regulation including new definitions proposed to § 201.0 for family day care homes, small family day care homes, and public nuisances. A new § 309.4.1.1 is added to classify as Use Group R-3 family day care homes and small family day care homes licensed or registered by the Department of Social Services. A proposed exception to § 512.2 would exempt from handicapped accessibility requirements buildings used exclusively for religious or private club activities; and a new section 512.2.1 is added to specify accessible parking space identification requirements mandated by state law. Section 1300.4 identifies .06% by weight as the level of lead content in lead based paint not to be exceeded in new paint applications; amendments to §§ 2700.5 and R-220 require two-pair twisted wire cable to be used in prewiring for telephone jacks. Amendments to § P-1503.8 (Addendum 1) and P-2301 (Addendum 2) provide alternative standards for elective local enforcement where water conservation plumbing fixtures and fittings are necessary due to a lack of present or future water supply; and P-2206.8.2 is amended to add specific requirements for grinder pumps.

Statutory Authority: §§ 36-98, 36-99 and 36-102 of the Code of Virginia.

Written comments may be submitted until October 12, 1992, to Code Development Office, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219-1321.

Contact: Carolyn Williams, Building Code Supervisor, Jackson Center, 501 N. 2nd St., Richmond, VA 23219-1312, telephone (804) 371-7150.

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September 14, 1992 - 10 a.m. - Public Hearing  
General Assembly Building, House Room D, 910 Capitol Street, Richmond, Virginia. ☒

October 12, 1992 - 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 Housing and Community Development intends to amend regulations entitled VR 394-01-22, Virginia Uniform Statewide Building Code, Volume II - Building Maintenance Code/1990. The proposed amendments to this regulation are a result of statutory changes made during the 1991 and 1992 sessions of the General Assembly respond to a review of public comment submitted to the Board of Housing and Community Development since the effective date of the 1990 edition of the regulation. Section 101.4 is changed to clarify the application of the code to buildings built prior to the effective date of Volume I of the building code. Section 104.4 changes the violation penalty fee to reflect the change to state law; § 105.8 clarifies existing requirements for unsafe buildings and public nuisances; and § 109.5 requires that parking spaces reserved for persons with disabilities be properly identified by January 1, 1993, pursuant to state law. One change has been proposed to the BOCA National Property Maintenance Code in Addendum 1 of Volume II. Section PM-303.4 of BOCA has been amended to change the level of lead in lead based paint requiring abatement or removal in existing dwellings, child and day care centers from .06% to .5% by weight as recommended by the HUD Interim Guidelines for Hazard Identification and Abatement in Public and Indian Housing.

Statutory Authority: § 36-103 of the Code of Virginia.

Written comments may be submitted until October 12, 1992, to Code Development Office, Department of Housing and Community Development, 501 North 2nd Street, Richmond, VA 23219-1312.

Contact: Carolyn Williams, Building Code Supervisor, Jackson Center, 501 N. 2nd St., Richmond, VA 23210-1312, telephone (804) 371-7150.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

† September 14, 1992 - 10 a.m. - Public Hearing  
General Assembly Building, House Room D, 910 Capitol Street, Richmond, Virginia. ☒

The Department of Housing and Community Development (DHCD) and the Board of Housing and Community Development (BHCD) is soliciting input from local building officials, fire officials, the wood products industry, building design professionals, and other raffected entities either through written comments or public testimony regarding the premature deterioration of FRT plywood in roof sheathing. HJR 238 directs DHCD to study this issue and develop a particular protocol to determine the structural characteristics and durability of FRT plywood; and analyze and make recommendations relative to criteria for future prohibition or limitations of use, possible warranty periods, etc.

Contact: Jack A. Proctor, Deputy Director, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7150 or Carolyn R. Williams, Code Development Office, 501 N. 2nd. St., Richmond, VA 23219, telephone (804) 371-7175.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† September 23, 1992 - 1 p.m. - Open Meeting  
Wintergreen Conference Center, Wintergreen, Virginia. ☒

A regular meeting of the Board of Commissioners 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; and (iv) 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 offices of the authority one week prior to the date of the meeting.

Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 782-1986.

STATEWIDE HUMAN SERVICES INFORMATION AND REFERRAL ADVISORY COUNCIL MEETING

† September 17, 1992 - 10:30 p.m. - Open Meeting  
United Way of Richmond, 224 East Broad Street, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

The council meets quarterly to promote the

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development and implementation of a statewide information and referral system. This meeting will focus on establishing goals and objectives for the information and referral system and determining time frames for completion.

**Contact:** Peggy Friedenber, Legislative Analyst, Virginia Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229, telephone (804) 662-9217 or toll-free 1-800-552-7096/TDD ☎

## COUNCIL ON INFORMATION MANAGEMENT

**September 11, 1992 - 9 a.m. – Open Meeting**  
Williamsburg Lodge and Conference Center, Tidewater Room, Williamsburg, Virginia. ☒

A regular business meeting.

**Contact:** Linda W. Hening, Administrative Staff Specialist, Council on Information Management, 1100 Bank St., Suite 901, Richmond, VA 23219, telephone (804) 225-3622 or (804) 225-3624/TDD ☎

## VIRGINIA INTERAGENCY COORDINATING COUNCIL (VICC) EARLY INTERVENTION

**September 23, 1992 - 9 a.m. – Open Meeting**  
Henrico Area Mental Health and Retardation Services, 10299 Woodman Road, Conference Room C, Glen Allen, Virginia. (Interpreter for deaf provided upon request)

The Virginia Interagency Coordinating Council (VICC) according to PL 101-476, Part H early intervention program for disabled infants, toddlers and their families, is meeting to advise and assist the Department of Mental Health, Mental Retardation and Substance Abuse Services as lead agency to develop and implement a statewide interagency early intervention program.

**Contact:** Michael Fehl, Ed.D., Director MR Children Youth Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3710.

## DEPARTMENT OF LABOR AND INDUSTRY

**September 10, 1992 - 7 p.m. – Open Meeting**  
Eastern Shore Community College, Lecture Hall, Route #13, Melfa, Virginia.

**September 15, 1992 - 7 p.m. – Open Meeting**  
Handley High School, Auditorium, Handley Boulevard, Winchester, Virginia.

**September 17, 1992 - 7 p.m. – Open Meeting**  
Franklin High School, Auditorium, 310 Crescent Drive, Franklin, Virginia.

**September 22, 1992 - 7 p.m. – Open Meeting**  
Mary Bethune Office Complex, Public Meeting Room, 2nd Floor, North Ninth Street and Cowford Road, Halifax, Virginia.

The Virginia Department of Labor and Industry promulgated the "Virginia Regulation Governing the Employment of Minors on Farms, In Gardens and In Orchards" effective July 1, 1992. The Virginia Farm Bureau Federation has requested reconsideration of §§ 2 and 3 of the regulation, which prohibit minors under the age of 18 from employment in certain hazardous occupations, on the grounds that these provisions (i) have a substantial economic impact on farmers, and (ii) prevent minors from learning skills which would be helpful to them in the future.

Notice is hereby given that the department solicits additional public comment on this issue in writing and at open meetings scheduled for this purpose. Written comments may be submitted at the meetings or separately. Please direct inquiries and written comments to Dennis G. Merrill, Director, Labor Law Division, Department of Labor and Industry, 13 S. Thirteenth Street, Richmond, Virginia 23219 (phone number 804-786-3224, fax number 804-371-6524), no later than Monday, September 21, 1992.

Comments are invited on the following issues:

1. Other than this regulation, what protections are available to insure the safety of minors working with hazardous equipment on farms?
2. In promulgating the regulation, the department relied on its understanding that there are approximately 1,000 to 3,000 minors employed on farms owned or operated by their parents or legal guardians. The department solicits different or additional information regarding the number of those 16 and 17 years of age.
3. What economic or other impact has this regulation had on farmers and farm operations?
4. What impact has this regulation had on minors aged 16 and 17 working on farms?
5. Do you support or oppose this regulation? What amendments, if any, do you recommend? For what reasons?

**Contact:** Dennis G. Merrill, Director, Labor Law Division, Department of Labor and Industry, 13 S. Thirteenth St., Richmond, VA 23219, telephone (804) 786-3224 or fax (804) 371-6524.

Virginia Apprenticeship Council

**September 17, 1992 - 10 am. – Open Meeting**  
General Assembly Building, House Room C, 910 Capitol

Street, Richmond, Virginia. ☒

A regular meeting of the council to discuss and/or act on:

1. Amendments to Deregistration procedure VR 425-01-27
2. Status of Dorey Electric Co. Apprenticeship Program
3. Ratio of Apprentices to Journeymen
4. Calendar of Meetings

**Contact:** Robert S. Baumgardner, Director, Apprenticeship Division, 13 S. Thirteenth St., Richmond, VA 23219, telephone (804) 786-2381.

## LAND EVALUATION ADVISORY COUNCIL

**September 11, 1992 - 10 a.m. – Open Meeting**  
Department of Taxation, 2220 West Broad Street, Richmond, Virginia. ☒

A meeting to adopt suggested ranges of values for agricultural, horticultural, forest and open-space land use and the use value assessment program.

**Contact:** David E. Jordan, Acting Property Tax Director, Virginia Department of Taxation, Property Tax Division, P.O. Box 1-K, Richmond, VA 23201, telephone (804) 367-8020.

## LIBRARY BOARD

**September 14, 1992 - 10 a.m. – Open Meeting**  
**November 13, 1992 - 10 a.m. – Open Meeting**  
The Virginia State Library and Archives, 3rd Floor, Supreme Court Room, 11th Street at Capitol Square, Richmond, Virginia. ☒

A meeting to discuss administrative matters of the Virginia State Library Archives.

**Contact:** Jean H. Taylor, Secretary to State Librarian, Virginia State Library and Archives, 11th St. at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332.

## COMMISSION OF LOCAL GOVERNMENT

**September 29, 1992 - 10:45 a.m. – Open Meeting**  
Amherst County Circuit Court, Courtroom, 100 Court Square, Amherst, Virginia.

Oral presentations regarding Town of Amherst's proposed annexation of 6.4 square miles of territory in Amherst County. Persons desiring to participate in the Commission's proceedings and requiring special accommodations or interpreter services should contact the Commission's offices by Friday, September 18,

1992.

**September 29, 1992 - 7:30 p.m. – Public Hearing**  
Amherst Elementary School, 300 North Main Street, Amherst, Virginia.

Public hearing regarding Town of Amherst's proposed annexation of 6.4 square miles of territory in Amherst County. Persons desiring to participate in the Commission's proceedings and requiring special accommodations or interpreter services should contact the Commission's offices by Friday, September 18, 1992.

† **September 30, 1992 - 9 a.m. – Open Meeting**  
General District Court, Courtroom, 102 Court Square, Amherst, Virginia.

Oral presentations regarding Town of Amherst's proposed Annexation of 6.4 square miles of territory in Amherst County.

Persons desiring to participate in the Commissions proceedings and requiring special accommodations or interpreter services should contact the Commissions Office at (804) 786-6508 or (804) 786-1860/TDD by Friday, September 18, 1992.

**September 30, 1992 - 12:30 p.m. – Open Meeting**  
Amherst Town Council Meeting Room, Municipal Building, 403 South Main Street, Amherst, Virginia.

Regular meeting of the Commission on Local Government to consider such matters as may be presented. Persons desiring to participate in the Commission's proceedings and requiring special accommodations or interpreter services should contact the Commission's offices by Friday, September 18, 1992.

**October 5, 1992 - 10:30 p.m. – Open Meeting**  
Site to be determined, Purcellville area.

Oral presentations regarding Town of Purcellville - Loudon County Agreement Defining Annexation Rights. Persons desiring to participate in the Commission's proceedings and requiring special accommodations or interpreter services should contact the Commission's offices by Friday, September 25, 1992.

**October 5, 1992 - 7:30 p.m. – Public Hearing**  
Site to be determined, Purcellville area.

Public hearing regarding Town of Purcellville - Loudon County Agreement Defining Annexation Rights. Persons desiring to participate in the Commission's proceedings and requiring special accommodations or interpreter services should contact the Commission's offices by Friday, September 25, 1992.

**Contact:** Barbara Bingham, Administrative Assistant, 702

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Eight Street Office Bldg., Richmond, VA 23219, telephone (804) 786-6508 or (804) 786-1860/TDD ☎

## MARINE RESOURCES COMMISSION

NOTICE: CHANGE IN MEETING DATE

**September 15, 1992 - 9:30 a.m. – Open Meeting**  
2600 Washington Avenue, 4th Floor, Room 403, Newport News, Virginia. ☒ (Interpreter for deaf provided upon request)

The commission will hear and decide marine environmental matters at 9:30 a.m.: permit applications for projects in wetlands, bottom lands, coastal primary sand dunes and beaches; appeals of local wetland board decisions; policy and regulatory issues.

The commission will hear and decide fishery management items: regulatory proposals, fishery management plans, fishery conservation issues, licensing, shellfish leasing.

Meetings are open to the public. Testimony is taken under oath from parties addressing agenda items on permits and licensing. Public comments are taken on resource matters, regulatory issues, and items scheduled for public hearing. The commission is empowered to promulgate regulations in the areas of marine environmental management and marine fishery management.

**Contact:** Cathy W. Everett, Secretary to the Commission, P.O. Box 756, Room 1006, Newport News, VA 23607, telephone (804) 247-8088, toll-free 1-800-541-4646 or (804) 247-2292/TDD ☎

## BOARD OF MEDICINE

**September 10, 1992 - 9:30 a.m. – Open Meeting**  
Holiday Inn, 5324 Jefferson Davis Highway, Fredericksburg, Virginia. ☒

**September 16, 1992 - 9 a.m. – Open Meeting**  
Department of Health Professions, Richmond, Virginia. ☒

**September 18, 1992 - 9:30 a.m. – Open Meeting**  
Fort Magruder Inn, Williamsburg, Virginia. ☒

The Informal Conference Committee will inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The Committee will meet in open and closed sessions pursuant to 2.1-344 of the Code of Virginia. Public comment will not be received.

**Contact:** Karen W. Perrine, Deputy Executive Director, Disc., 1601 Rolling Hills Dr., Richmond, VA 23229,

telephone (804) 662-9908.

**October 1, 1992 - 8 a.m. – Open Meeting**

**October 2, 1992 - 8 a.m. – Open Meeting**

**October 3, 1992 - 8 a.m. – Open Meeting**

**October 4, 1992 - 8 a.m. – Open Meeting**

Department of Health Professions, Board Room 1, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

The full board will meet on Thursday, October 1, 1992, to conduct general board business, receive committee and board reports, and discuss any other items which may come before the board. The board will also meet on Thursday, Friday, Saturday, and Sunday, October 1, 2, 3, & 4, to review reports, interview licensees, and make case decisions on disciplinary matters. The President may entertain brief public comments at the beginning of the meeting.

**Contact:** Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9923.

## Joint Committees on Acupuncture

**September 17, 1992 - Noon – Open Meeting**  
1601 Rolling Hills Drive, Surry Building, Board Room No. 3, Richmond, Virginia. ☒

The joint Committees on Acupuncture will review proposed regulations pursuant to § 54.1-2956.9 of the Code of Virginia for the practice of acupuncture by acupuncturists in Virginia, and propose recommendations to the full board. The Chairman may entertain public comments.

**Contact:** Eugenia K. Dorson, Deputy Executive Director, Virginia Board of Medicine, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9923.

## Advisory Board on Physical Therapy

**November 6, 1992 - 9 a.m. – Open Meeting**  
A meeting to review regulations, bylaws, procedural manual, receive reports, and other items which may come before the advisory board. The advisory board will receive public comments at the pleasure of the chairman.

**Contact:** Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9923.

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

† **September 14, 1992 - 3 p.m. – Open Meeting**

† **September 15, 1992 - 9 a.m. – Open Meeting**

600 East Broad Street, Suite 1300, Board Room, Richmond, Virginia. ☒

Open meeting to discuss the board's study on organ and tissue transplantation.

† September 30, 1992 - 9 a.m. - Open Meeting  
600 East Broad Street, Suite 1300, Board Room, Richmond, Virginia. ☒

A meeting to discuss medical assistance services and issues pertinent to the board.

Contact: Patricia A. Sykes, Policy Analyst, 600 E. Board St., Richmond, VA 23219, telephone (804) 786-7958 or toll-free 1-800-343-0634/TDD ☒

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October 9, 1992 - Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medical Assistance services intends to amend regulations entitled: **State Plan for Medical Assistance Relating to Disproportionate Share Adjustments for State Teaching Hospitals. VR 460-02-4.1910. Methods and Standards for Establishing Payment Rates-Inpatient Hospital Care.** The purpose of the proposed action is to promulgate permanent regulations on disproportionate share adjustments for state teaching hospitals. The amendments provide for two types of hospitals (state-owned teaching hospitals and all other hospitals), and vary the payment adjustment for disproportionate share hospitals by type of hospital.

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

Written comments may be submitted until October 9, 1992, to William R. Blakely, Jr., Director, Division of Cost Settlement and Audit, DMAS, 600 E. Broad St., Suite 1300, Richmond, VA 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.

**DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES (BOARD OF)**

September 23, 1992 10 a.m. - Open Meeting  
Harrisonburg-Rockingham CSB, Harrisonburg, Virginia. ☒

Regular monthly meeting. Agenda to be published on September 16th. Agenda can be obtained by calling Jane Helfrich. See below.

Tuesday: Informal Session - 8 p.m.

Wednesday: Committee Meetings - 9 a.m. Regular Session - 10 a.m.

Agenda to be published on Sept. 16 and can be obtained by calling Jane Helfrich. See agenda for

location.

Contact: Jane V. Helfrich, Board Administrator, State MHMRSAS Board, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3921.

**State Human Rights Committee**

September 11, 1992 - 9 a.m. - Open Meeting  
American Day Treatment Center of Fairfax, 11200 Waples Mill Road, Suite 100, Fairfax, Virginia. ☒

A regular meeting of the State Human Rights Committee to discuss business relating to human rights issues. Agenda items are listed for the meeting.

Contact: Elsie D. Little, State Human Rights Director, DMHMRSAS, Office of Human Rights, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3988.

**BOARD OF NURSING**

† September 21, 1992 - 9 a.m. - Open Meeting  
† September 22, 1992 - 9 a.m. - Open Meeting  
† September 23, 1992 - 9 a.m. - Open Meeting  
Department of Health Professions, Conference Room 1, 1601 Rolling Hills Drive, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A regular meeting to consider (i) matters relating to nursing education programs; (ii) discipline of licensees, licensure by examination and (iii) endorsement and other matters under the jurisdiction of the board.

Public comment will be received during an open forum session beginning at 11 a.m. on Monday, September 21, 1992.

Contact: Corinne F. Dorsey, R.N., Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9909 or (804) 662-7197/TDD ☒

**BOARD FOR NURSING HOME ADMINISTRATORS**

September 8, 1992 - 1 p.m. - Open Meeting  
Department of Health Professions, 1601 Rolling Hills Drive, Room 2, Richmond, Virginia. ☒

A regular board meeting.

September 9, 1992 - 8:30 a.m. - Open Meeting  
September 10, 1992 - 8:30 a.m. - Open Meeting  
Holiday Inn-Fanny's, 6531 West Broad Street, Rooms A, B, and C, First Floor, Richmond, Virginia. ☒

The board will hold informal conferences relating to continuing education.

Contact: Meredyth P. Partridge, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone



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(804) 662-9111.

## BOARD OF OPTOMETRY

† **September 9, 1992 - 9 a.m.** – Open Meeting  
Department of Health Professions, Conference Room 1,  
1601 Rolling Hills Drive, Richmond, Virginia.

Informal conferences.

**Contact:** Carol Stamey, Administrative Assistant, 1601  
Rolling Hills Dr., Richmond, VA 23229, telephone (804)  
662-9910.

## BOARD OF PHARMACY

**October 23, 1992** – Written comments may be submitted  
through this date.

Notice is hereby given in accordance with § 9-6.14:7.1  
of the Code of Virginia that the Board of Pharmacy  
intends to amend regulations entitled: **VR 530-01-01.**  
**Virginia Board of Pharmacy Regulations.** The  
purpose of the proposed amendments is to promulgate  
regulations necessary (i) to implement legislation  
requiring (a) mandatory continuing education, (b)  
relicensure and regulation of wholesalers, (c) 30-day  
notification of pharmacy closing, and (ii) to establish  
and amend all related fees.

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

**Contact:** Scotti W. Milley, Executive Director, Virginia  
Board of Pharmacy, 1601 Rolling Hills Dr., Richmond, VA  
32229, telephone (804) 662-9911.

## POLYGRAPH EXAMINERS ADVISORY BOARD

† **September 22, 1992 - 10 a.m.** – Open Meeting  
Department of Commerce, 3600 West Broad Street,  
Richmond, Virginia. ☒

The meeting is for the purpose of administering the  
Polygraph Examiners licensing examination to eligible  
polygraph examiner interns and to consider other  
matters which may require board action.

**Contact:** Geralde W. Morgan, Administrator, Department of  
Commerce, 3600 W. Broad St., Richmond, VA 23230-4917,  
telephone (804) 367-8534.

## BOARD OF PROFESSIONAL COUNSELORS

**September 16, 1992 - 10 a.m.** – Open Meeting  
Department of Health Professions, 1601 Rolling Hills Drive,  
Richmond, Virginia. ☒

A meeting of the Taskforce on Substance Abuse.

**Contact:** Evelyn B. Brown, Executive Director or Joyce D.  
Williams, Administrative Assistant, Department of Health  
Professions, 1601 Rolling Hills Dr., Richmond, VA 23229.

## BOARD FOR PROFESSIONAL SOIL SCIENTISTS

**September 28, 1992 - 10 a.m.** – Open Meeting  
Department of Commerce, 3600 West Broad Street,  
Richmond, Virginia. ☒

A general board meeting.

**Contact:** Nelle P. Hotchkiss, Assistant Director, Department  
of Commerce, 3600 W. Broad St., Richmond, VA 23230,  
telephone (804) 367-8595 or (804) 367-9753/TDD ☒

## BOARD OF PSYCHOLOGY

**September 17, 1992 - 9:30 a.m.** – Open Meeting  
Department of Health Professions, 1601 Rolling Hills Drive,  
Richmond, Virginia. ☒

Conduct a general board business meeting and  
regulatory review. No public comment will be  
received.

**Contact:** Evelyn B. Brown, Executive Director, or Jane  
Ballard, Administrative Assistant, Department of Health  
Professions, 1601 Rolling Hills Dr., Richmond, VA  
23229-5005, telephone (804) 662-9913.

## Examination Committee

**September 14, 1992 - 8:30 a.m.** – Open Meeting  
Department of Health Professions, 1601 Rolling Hills Drive,  
Richmond, Virginia. ☒

A meeting to discuss and prepare examinations. No  
public comment will be received.

**Contact:** Evelyn B. Brown, Executive Director, or Jane  
Ballard, Administrative Assistant, Department of Health  
Professions, 1601 Rolling Hills Dr., Richmond, VA  
23229-5005, telephone (804) 662-9913.

## INTERDEPARTMENTAL REGULATION OF RESIDENTIAL FACILITIES FOR CHILDREN

### Coordinating Committee

**September 18, 1992 - 8:30 a.m.** – Open Meeting  
Office of the Coordinator, Interdepartmental Regulation,  
1603 Santa Rosa Road, Tyler Building, Suite 208,  
Richmond, Virginia. ☒

A regular meeting to consider such administrative and

policy issues as may be presented to the committee. A period for public comment is provided at each meeting.

Contact: John J. Allen, Coordinator, Interdepartmental Regulation, Office of the Coordinator, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-7124.

**BOARD OF REHABILITATIVE SERVICES**

September 23, 1992 - 10 a.m. - Open Meeting  
4901 Fitzhugh Avenue, Richmond, Virginia. ☒

The board will receive department reports, consider regulatory matters and conduct the regular business of the board.

Contact: Susan L. Urofsky, Commissioner, 4901 Fitzhugh Ave., Richmond, VA 23230, telephone (804) 367-0318, toll free 1-800-552-5019/TDD ☎ and Voice or (804) 367-0280/TDD ☎

**Legislation Committee**

September 23, 1992 - 9 a.m. - Open Meeting  
4901 Fitzhugh Avenue, Richmond, Virginia. ☒

General Assembly legislative update.

Contact: Susan L. Urofsky, Commissioner, 4901 Fitzhugh Ave., Richmond, VA 23230, telephone (804) 367-0318, toll free 1-800-552-5019/TDD ☎ and Voice or (804) 367-0280/TDD ☎

**Program and Evaluation Committee**

September 23, 1992 - 9 a.m. - Open Meeting  
4901 Fitzhugh Avenue, Richmond, Virginia. ☒

Appropriate program information relative to General Assembly issues.

Contact: Susan L. Urofsky, Commissioner, 4901 Fitzhugh Ave., Richmond, VA 23230, telephone (804) 367-0318, toll free 1-800-552-5019/TDD ☎ and Voice or (804) 367-0280/TDD ☎

**Finance Committee**

September 23, 1992 - 9 a.m. - Open Meeting  
4901 Fitzhugh Avenue, Richmond, Virginia. ☒

The committee will review monthly financial reports and budgetary projections.

Contact: Susan L. Urofsky, Commissioner, 4901 Fitzhugh Ave., Richmond, VA 23230, telephone (804) 367-0318, toll free 1-800-552-5019/TDD ☎ and Voice or (804) 367-0280/TDD ☎

**DEPARTMENT OF SOCIAL SERVICES (BOARD OF)**

September 16, 1992 - 2 p.m. - Open Meeting  
September 17, 1992 - 9 a.m. (If necessary) - Open Meeting  
Martha Washington Inn, 150 West Main Street, Abingdon, Virginia. ☒

A work session and formal business meeting.

Contact: Phyllis Sisk, Administrative Staff Specialist, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229, telephone (804) 662-9236, toll-free 1-800-552-3431 or toll-free 1-800-552-7096/TDD ☎

\* \* \* \* \*

October 23, 1992 - Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Social Services intends to adopt regulations entitled: **VR 615-01-49. Aid to Families with Dependent Children (AFDC) Program - Disqualification for Intentional Program Violation.** The proposed regulation will impose a disqualification on an individual determined by court or pursuant to an administrative hearing to have committed an intentional program violation in the AFDC program.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted through October 23, 1992, to Mr. George Sheer, Chief, Bureau of Fraud and Special Investigations, 8007 Discovery Drive, Richmond, VA 23229-8699.

Contact: Peggy Friedenber, Legislative Analyst, 8007 Discovery Drive, Richmond, VA 23229-8699, telephone (804) 662-9217.

**BOARD OF SOCIAL WORK**

September 13, 1992 - 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 Board of Social Work intends to amend regulations entitled: **VR 620-01-2. Regulations Governing the Practice of Social Work.** The proposed regulations establish standards of practice for social work, supervised experience and examination for licensure and record keeping.

Statutory Authority: Chapter 31 of Title 54.1 of the Code of Virginia.

Contact: Evelyn B. Brown, Executive Director, Board of Social Work, 1601 Rolling Hills Dr., Suite 200, Richmond,

# Calendar of Events

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VA 23229, telephone (804) 662-9914.

(804) 786-2152.

## VIRGINIA SOIL AND WATER CONSERVATION BOARD

**August 26, 1992 - 7 p.m. – Public Hearing**  
State Water Control Board, Board Room, 4900 Cox Road,  
Innsbrook Corporate Center, Glen Allen, Virginia. ☒

**September 14, 1992 –** Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Soil and Water Conservation Board intends to **repeal** existing regulations entitled: **VR 625-00-00. Public Participation Guidelines** and **adopt** new regulations entitled: **VR 625-00-00:1. Regulatory Public Participation Procedures**. Section 9-6.14:7.1 of the Code of Virginia requires each agency to develop, adopt and utilize public participation guidelines for soliciting the input of interested persons in the formation and developments of its regulations. Such guidelines shall not only be utilized prior to the formation and drafting of the proposed regulations, but shall also be utilized during the entire formation, promulgation and final adoption process of a regulation. The purpose of the proposed action is to repeal the existing Public Participation Guidelines and adopt VR 625-00-00:1. Regulatory Public Participation Procedures, which establish, in regulation, various provisions to ensure interested persons have the necessary information to comment on regulatory actions in a meaningful fashion in all phases of the regulatory process and establish procedures which are consistent with those of the other agencies within the Natural Resources Secretariat. Specifically, the proposed VR 625-00-00:1. Regulatory Public Participation Procedures require an expanded notice of intended regulatory action, require that either a summary or a copy of comments received in response to the NOIRA be submitted to the board, and require the performance of certain analyses.

Statutory Authority: §§ 9-6.14:7.1 and 10.1-502, 10.1-603.18, 10.1-605, and 10.1-637 of the Code of Virginia

**Contact:** Leon E. App, Executive Assistant, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-4570

\* \* \* \* \*

† **September 17, 1992 - 9 a.m. – Open Meeting**  
Colonial Farm Credit Office Building, 6526 Mechanicsville Pike, Mechanicsville, Virginia.

Bi-monthly business meeting.

**Contact:** Linda J. Cox, Administrative Assistant, 203 Governor St., Suite 206, Richmond, VA 23219, telephone

## DEPARTMENT OF TRANSPORTATION (COMMONWEALTH TRANSPORTATION BOARD)

† **September 16, 1992 - 2 p.m. – Open Meeting**  
Department of Transportation, 1401 East Broad Street,  
Board Room, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

Work session.

† **September 17, 1992 - 10 a.m. – Open Meeting**  
Department of Transportation, 1401 East Broad Street,  
Board Room, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

Monthly meeting to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval.

Public comment will be received at the outset of the meeting, on items on the meeting agenda for which the opportunity for public comment has not been afforded the public in another forum. Remarks will be limited to five minutes. Large groups are asked to select one individual to speak for the group. The board reserves the right to amend these conditions.

**Contact:** John G. Milliken, Secretary of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-6670.

## TRANSPORTATION SAFETY BOARD

**September 10, 1992 - 9:30 a.m. – Open Meeting**  
Department of Motor Vehicles, 2300 West Broad Street,  
Room 702, Richmond, Virginia. ☒

This meeting will deal exclusively with the distribution of USDOT Funds for approved grant requests.

**Contact:** William H. Leighty, Deputy Commissioner, Transportation Safety, DMV, 2300 W. Broad St., Richmond, VA 23219, telephone (804) 367-6614 or (804) 367-1752/TDD ☒

## VIRGINIA RACING COMMISSION

**September 16, 1992 - 9:30 a.m. – Open Meeting**  
Marion duPont Scott Equine Center, 542 Old Waterford Road, Leesburg, Virginia. ☒

A meeting to consider approval of racing officials and pari-mutuel pools for the one-day of horse racing at Morven Park.

**Contact:** William H. Anderson, Policy Analyst, Virginia

# Calendar of Events

Racing Commission, P.O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363.

\* \* \* \* \*

**September 16, 1992 - 9:30 a.m.** – Public Hearing  
Marion duPont Scott Equine Center, 542 Old Waterford Road, Leesburg, Virginia. ☒

**September 28, 1992** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Racing Commission intends to adopt regulations entitled: **VR 662-04-04. Virginia Breeders Fund.** The purpose of the proposed regulation is to establish the conditions under which the Virginia Breeders Funds shall be disbursed to Stallion owners, breeders and owners of racehorses.

Statutory Authority: § 59.1-369 of the Code of Virginia

**Contact:** William H. Anderson, Policy Analyst, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363.

## VIRGINIA RESOURCES AUTHORITY

NOTE: CHANGE IN MEETING DATE

**September 8, 1992 - 9 a.m.** – Open Meeting  
The Mutual Building, 909 East Main Street, Suite 707, Conference Room A, Richmond, Virginia.

The board will meet to (i) approve minutes of its August 11, 1992, meeting; (ii) review the Authority's operations for the prior months; and (iii) consider other matters and take other actions as it may deem appropriate. The planned agenda of the meeting will be available at the offices of the Authority one week prior to the date of the meeting.

Public comments will be received at the beginning of the meeting.

**Contact:** Mr. Shockley D. Gardner, Jr., 909 E. Main St., Suite 707, Mutual Building, Richmond, VA 23219, telephone (804) 644-3100 or FAX number (804) 644-3109.

## DEPARTMENT FOR THE VISUALLY HANDICAPPED (BOARD FOR)

† **October 3, 1992 - 11 a.m.** – Open meeting  
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

Committee meets quarterly to advise the Virginia Board for the Department for the Visually Handicapped on matters related to services for blind

and visually impaired citizens of the Commonwealth.

**Contact:** Barbara G. Tyson, Executive Secretary, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140/TDD ☎ or toll-free 1-800-622-2155.

## VIRGINIA VOLUNTARY FORMULARY BOARD

**September 10, 1992 - 10:30 a.m.** – Open Meeting  
1100 Bank Street, Washington Building, 2nd Floor Board Room, Richmond, Virginia.

A meeting to consider public hearing comments and review new product data for products pertaining to the Virginia Voluntary Formulary.

**Contact:** James K. Thomson, Director, Bureau of Pharmacy Services, 109 Governor St., Room B1-9, Richmond, VA 23219, telephone (804) 786-4236.

## DEPARTMENT OF WASTE MANAGEMENT (VIRGINIA WASTE MANAGEMENT BOARD)

**August 26, 1992 - 7 p.m.** - Public Hearing  
State Water Control Board, Board Room, 4900 Cox Road, Innsbrook Corporate Center, Glen Allen, Virginia. ☒

**September 14, 1992** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Waste Management Board intends to **repeal** existing regulations entitled: **VR 672-01-1. Public Participation Guidelines.** and **adopt** new regulations entitled: **VR 672-01-1:1. Public Participation Guidelines.** The purpose of the proposed action is to repeal the existing regulations and adopt Public Participation Guidelines which establish, in regulation, various provisions to ensure interested persons have the necessary information to comment on regulatory actions in a meaningful fashion in all phases of the regulatory process and establish guidelines which are consistent with those of the other agencies within the Natural Resources Secretariat. Specifically, the proposed guidelines require an expanded notice of intended regulatory action (NOIRA) to include a statement as to the need for the regulatory action; a description, if possible, of alternatives available to meet the need; and a request for comments on the costs on the intended regulatory action, comments on the costs and benefits of the alternatives, and suggestions. The proposal requires that either a summary or a copy of comments received in response to the Notice of Intended Regulatory Action be submitted to the Waste Management Board. In addition, the proposal requires that certain analyses be performed, a statement of the performance of the analyses be included in the notice of public comment

# Calendar of Events

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period, and the analyses be available to the public upon request.

Statutory Authority: §§ 9-6.14:7.1 and 10.1-1402 (11) of the Code of Virginia

**Contact:** Mary Clark German, Public Information Officer, 11th Floor, Monroe Building, 101 North 14th St., Richmond, VA 23219, telephone (804) 225-2992.

\* \* \* \* \*

**September 15, 1992 - 2 p.m. – Public Hearing**  
James City County Board Room, 101-C Mounts Bay Road, Williamsburg, Virginia.

**September 16, 1992 - 1 p.m. – Public Hearing**  
Culpeper County Board Room, 135 West Cameron Street, Culpeper, Virginia.

**September 25, 1992 –** Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Waste Management Board intends to amend regulations entitled: **VR 672-20-10. Solid Waste Management Regulations.** The Virginia Waste Management Board and the Director of the Department of Waste Management propose to amend the Virginia Solid Waste Management Regulations (VR 672-20-10) to incorporate changes in the Virginia Waste Management Act enacted by the General Assembly, to bring Virginia regulations in compliance with the newly promulgated federal Criteria for Municipal Solid Waste Landfills (Part 258, Title 40, Code of Federal Regulations), and to reflect the department's experience with the administration of its regulations gained since 1988.

Statutory Authority: § 10.1-1402 of the Code of Virginia

Written comments may be submitted until September 25, 1992, to Wladimir Gulevich, Department of Waste Management, Monroe Building, 11th Floor, 101 N. 14th Street, Richmond, Virginia 23219.

**Contact:** Michael P. Murphy, Environmental Programs Manager, 11th Floor, Monroe Building, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-3237.

\* \* \* \* \*

**September 15, 1992 - 12:30 p.m. – Public Hearing**  
James City County Board Room, 101-C Mounts Bay Road, Williamsburg, Virginia.

**September 25, 1992 –** Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1

of the Code of Virginia that the Virginia Waste Management Board intends to amend regulations entitled: **VR 672-10-1. Virginia Hazardous Waste Management Regulations.** Since the adoption of Amendment 11 of the Virginia Hazardous Waste Management Regulations on March 7, 1991, with an effective date of July 1, 1991, the United States Environmental Protection Agency made a significant number of changes to its regulations. During the period from July 1, 1990 to June 30, 1991, EPA promulgated regulations dealing with wood preserving operations, industrial boilers and furnaces, and added a number of new listings. EPA also made a number of corrections to the toxicity characteristic rule and continued with its promulgation of land disposal requirements. These and other less far-reaching changes require prompt regulatory action by the Commonwealth. At the same time, the Commonwealth is also going back and incorporating a portion of the mining waste changes which were made by EPA in January 1990. Because of pending litigation, these changes were not incorporated into Amendment 11. Furthermore, because of a recent court decision, only a portion of these changes are proposed to be included in Amendment 12 at this time. Several of the changes included in proposed Amendment 12 are intended to make certain provisions no more stringent than their federal counterparts; these include changes regarding delistings, changes impacting upon "clean closures," the closed-loop recycling exclusion, transporter requirements, and notification requirements for minor permit modifications.

Statutory Authority: § 10.1-1402 of the Code of Virginia.

**Contact:** Karol A. Akers, Policy and Planning Manager, DWM, 101 N. 14th St., 11th Floor, Monroe Building, Richmond, VA 23219, telephone (804) 225-2966.

\* \* \* \* \*

† **September 29, 1992 - 9 a.m. – Tour**  
† **September 30, 1992 - 9 a.m. – Open Meeting**  
The Wayside Inn, 7783 Main Street, Middletown, Virginia.  
☐

The board will tour Ogden Martin Incinerator at 9 a.m., 9898 Furnace Road, Lorton, Virginia and Avtex at 2 p.m., 1169 Kendrick Lane, Front Royal, Virginia.

September 29 - Tour only. No decisions will be made and no business will be discussed.

September 30 - General business meeting. Staff will seek approval to advertise and hold public hearings and public meetings on the Proposed Amendment 11 to Virginia Regulations Governing the Transportation of Hazardous Materials. The department will give a report on compliance and enforcement complaints. Staff will seek approval from the board to adopt the Public Participation Guidelines regulations (VR 672-01-1).

**Contact:** Loraine Williams, Executive Secretary, 101 N. 14th St., Monore Bldg., 11th Floor, Richmond, VA 23219, telephone (804) 225-2998 or (804) 225-3753/TDD ☎

† **October 22, 1992 - 10 a.m.** – Open Meeting  
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

The department is holding an informational meeting on the proposed amendments to the Infectious Waste Management Regulations (VR 672-40-01).

**Contact:** Murphy P. Murphy, Environmental Program Manager, 11th Floor, Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 371-0044 or (804) 371-8737/TDD ☎

## BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS

**September 11, 1992 - noon** – Open Meeting  
Roanoke Airport Marriott, 2801 Hershberger Road, Roanoke, Virginia.

**October 5, 1992 - 10 p.m.** – Open Meeting  
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

A general board meeting.

**Contact:** Nelle P. Hotchkiss, Assistant Director, Virginia Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595 or (804) 367-9753/TDD ☎

## STATE WATER CONTROL BOARD

**August 24, 1992 - 3 p.m.** - Public Hearing  
James City County Board of Supervisors Room, Building C, 101 C Mounts Bay Road, Williamsburg, Virginia.

**September 14, 1992** – Written comments may be submitted through this date.

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 adopt regulations entitled: **VR 680-14-11. Corrective Action Plan (CAP) General Permit.** The purpose of the proposed regulation is to establish a general permit for categories of UST cleanup sites.

Statutory Authority: §§ 62.1-44.15 (10) and 62.1-44.34:9 of the Code of Virginia.

Written comments may be submitted until September 14, 1992, to Ms. Doneva Dalton, Hearing Reporter, Office of Water Resources Management, State Water Control Board,

P.O. Box 11143, Richmond, Virginia 23230.

**Contact:** Richard Ayers, Office of Water Resources Management, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5059.

\* \* \* \* \*

**August 26, 1992 - 7 p.m.** – Public Hearing  
State Water Control Board Offices, Board Room, 4900 Cox Road, Innsbrook Corporate Center, Glen Allen. ☒

**September 14, 1992 - 4 p.m.** – Written comments may be submitted through this date.

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 **repeal** regulations entitled: **VR 680-40-01. Public Participation Guidelines** and adopt regulations entitled: **VR 680-40-01:1. Public Participation Guidelines.** The purpose of the proposed action is to repeal existing Public Participation Guidelines and adopt new regulations which establish various provisions to ensure interested persons have the necessary information to comment on regulatory actions in a meaningful fashion and establish guidelines consistent with other agencies within the Natural Resources Secretariat.

Statutory Authority: § 62.1-44.15 (7) of the Code of Virginia.

Written comments may be submitted until 4 p.m., September 14, 1992, to Ms. Doneva Dalton, Hearing Reporter, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

**Contact:** Cindy M. Berndt, Policy and Planning Supervisor, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5158.

**September 9, 1992 - 7 p.m.** – Public Hearing  
Human Services Center, 5249 Old Town Road, Williamsburg, Virginia. ☒

A public hearing to receive comments regarding the proposed issuance or denial of the proposed Virginia Water Protection Permit. This informal fact finding proceeding is being held pursuant to § 9-6.14:11 of the Code of Virginia, Part III of the Virginia Water Protection Permit Regulation and the Board's Procedural Rule No. 1.

**Contact:** Lori R. Jackson, Hearings Reporter, Office of Policy Analysis, State Water Control Board, 4900 Cox Rd., P.O. Box 11143, Richmond, VA 23230-1143, telephone (804) 527-5163.

**October 19, 1992 - 1 p.m.** – Open Meeting  
Virginia War Memorial, 621 South Belvidere Street, Richmond, Virginia. ☒

# Calendar of Events

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**October 21, 1992 - 7 p.m. – Open Meeting**  
Tidewater Regional Office, 287 Pembroke Office Park,  
Suite 310, Pembroke 5, Virginia Beach, Virginia.

**October 23, 1992 - 1 p.m. – Open Meeting**  
County of Prince William Board Chambers, 1 County  
Complex, McCourt Building, 4850 Davis Ford Road, Prince  
William, Virginia.

**October 26, 1992 - 10 a.m. – Open Meeting**  
Harrisonburg City Council Chambers, 345 South Main  
Street, Harrisonburg, Virginia.

**November 4, 1992 - 10 a.m. – Open Meeting**  
Roanoke County Administration Center Community Room,  
3738 Brambleton Avenue, S.W., Roanoke, Virginia.

**November 6, 1992 - 9 a.m. – Open Meeting**  
University of Virginia, Southwest Center, Classroom 1,  
Highway 19 N., Abingdon, Virginia.

A meeting to receive views and comments and answer  
questions of the public regarding VR 680-21-00 Water  
Quality Standards.

**Contact:** Elleanore Daub, Office of Environmental  
Research and Standards, State Water Control Board, P.O.  
Box 11143, Richmond, VA 23230-1143, telephone (804)  
527-5091.

## BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

† **September 10, 1992 - 8:30 a.m. – Open Meeting**  
Department of Commerce, 3600 West Broad Street,  
Richmond, Virginia. ☒

An open meeting to conduct board business and other  
matters which may require board action.

**Contact:** Gerald W. Morgan, Administrator, Department of  
Commerce, 3600 W. Broad St., Richmond, VA 23230-4917,  
telephone (804) 367-8534.

## COLLEGE OF WILLIAM AND MARY

### Board of Visitors

**September 10, 1992 - 11:30 a.m. – Open Meeting**  
**September 11, 1992 - 7:30 a.m. – Open Meeting**  
Blow Memorial Hall, Richmond Road, Williamsburg,  
Virginia. ☒

A regularly scheduled meeting of the Board of Visitors  
of the College of William and Mary to receive reports  
from several committees of the board, and to act on  
those resolutions that are presented by the  
administrations of William and Mary and Richard  
Bland College. An informational release will be

available four days prior to the board meeting for  
those individuals or organizations who request it.

**Contact:** William N. Walker, Director, Office of University  
Relations, James Blair Hall, Room 101C, College of  
William and Mary, P.O. Box 8795, Williamsburg, VA  
23187-8795, telephone (804) 221-1005.

## VIRGINIA COMMISSION ON YOUTH

† **October 21, 1992 - 1 p.m. – Public Hearing**  
Burruss Hall, Auditorium, Virginia Polytechnic Institute and  
State University, Field Drive, Blacksburg, Virginia. ☒  
(Interpreter for deaf provided upon request)

This is a public hearing to solicit testimony relating to  
Juvenile Crime and Youth Prevention Programs. The  
Juvenile Crime testimony will be used as part of the  
study from HJR 36 on Serious Juvenile Offenders and  
the Youth Prevention Programs testimony will be used  
as background for the oversight of the Comprehensive  
Services Act for At-Risk Youth and Families (HB 935  
and SB 171). A separate time slot has been set aside  
for each topic.

Juvenile Crime - 1 p.m. through 3 p.m.  
Youth Prevention Programs - 4 p.m. through 6 p.m.

**Contact:** Nancy Ross, Executive Director, Commission on  
Youth, General Assembly Bldg., 910 Capitol St., Suite 517B,  
Richmond, VA 23219, telephone (804) 371-2481.



VIRGINIA DEPARTMENT OF  
**YOUTH &  
FAMILY SERVICES**  
Youth Begins With You.

## DEPARTMENT OF YOUTH AND FAMILY SERVICES (BOARD OF)

**September 10, 1992 - 10 a.m. – Open Meeting**  
Peaks of Otter, Bedford, Virginia.

**October 8, 1992 - 10 a.m. – Open Meeting**  
Department of Youth and Family Services, 700 Centre,  
Richmond, Virginia.

A general business meeting of the board.

**Contact:** Paul Steiner, Policy Coordinator, Department of  
Youth and Family Services, P.O. Box 3AG, Richmond, VA  
23208-1108, telephone (804) 371-0700.

## State Management Team of the Comprehensive Services Act for At-Risk Youth and Families

**September 10, 1992 - 9 a.m. – Open Meeting**

Koger Center, Nelson Building, Suite 211, 1503 Santa Rosa Road, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

**September 24, 1992 - 9 a.m. – Open Meeting**  
Koger Center, Nelson Building, Suite 211, 1503 Santa Rosa Road, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

**October 8, 1992 - 9 a.m. – Open Meeting**  
Koger Center, Wythe Building, Conference Room B, 1604 Santa Rosa Road, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

**October 22, 1992 - 9 a.m. – Open Meeting**  
Koger Center, Nelson Building, Suite 211, 1503 Santa Rosa Road, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A general business meeting to effect the Comprehensive Services Act for At-Risk Youth and Families. Please confirm meeting details before planning to attend.

**Contact:** Dian McConnell, Director, Council on Community Services for Youth and Families, Department of Youth and Families, 700 Centre, 4th Floor, Richmond, VA 23219, telephone (804) 371-0771.

## LEGISLATIVE

### JOINT SUBCOMMITTEE STUDYING ACQUIRED IMMUNODEFICIENCY SYNDROME - AIDS

**September 25, 1992 - 10 a.m. – Open Meeting**  
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia. ☒

An organizational meeting. (HJR 247)

**Contact:** Norma E. Szakal, Staff Attorney, Division of Legislative Services, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

### JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION STUDY SUBCOMMITTEE ON THE VIRGINIA ADMINISTRATIVE PROCESS ACT

† **September 14, 1992 - 11 a.m. – Open Meeting**  
General Assembly Building, 9th Floor, West Conference Room, 910 Capitol Street, Richmond, Virginia. ☒

Preliminary research information will be provided to the subcommittee on Virginia's Administrative Process Act. (HJR 397)

**Contact:** Bob Rotz, General Assembly Bldg., Suite 1100, 910

Capitol St., Richmond, VA 23219, telephone (804) 786-1258.

### SUBCOMMITTEE No. 2 OF THE HOUSE COMMITTEE ON AGRICULTURE

**September 14, 1992 - 1 p.m. – Public Hearing**  
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia. ☒

The subcommittee will conduct a public hearing to receive citizen comments regarding yard waste and composting. (HB 853 and HB 854)

Persons wishing to speak should contact Lois V. Johnson, House of Delegates, General Assembly Building, P.O. Box 406, Richmond, VA 23203.

**Contact:** Deanna Sampson, Staff Attorney, Division of Legislative Services, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

### COMMITTEE ON AGRICULTURE AND COMMITTEE ON HEALTH, WELFARE AND INSTITUTIONS SUBCOMMITTEE

**September 10, 1992 - 10 a.m. – Open Meeting**  
State Capitol, House Room 2, 910 Capitol Street, Richmond, Virginia. ☒

The subcommittee will meet for its initial meeting to study state agency inspection and licensure of food establishments. (HJR 73)

**Contact:** Deanna Sampson, Staff Attorney, Division of Legislative Services, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

### JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION

† **September 14, 1992 - 8:30 a.m. – Open Meeting**  
General Assembly Building, House Appropriations Committee Room, 9th Floor, 910 Capitol Street, Richmond, Virginia. ☒

Staff briefing of Virginia Medicaid in hospitals.

**Contact:** Phil Leone, General Assembly Bldg., Suite 1100, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-1258.

### SUBCOMMITTEE STUDYING BUSINESS LICENSE TAX ON NONPROFIT HOSPITALS, COLLEGES AND UNIVERSITIES

**September 28, 1992 - 10 a.m. – Open Meeting**  
General Assembly Building, 6th Floor Conference Room,



# Calendar of Events

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910 Capitol Street, Richmond, Virginia. ☒

Initial meeting of the '92 interim for this continued study on possible imposition of business license tax on nonprofit establishments. (HJR 361)

**Contact:** Joan E. Putney, Staff Attorney, Division of Legislative Services, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

## JOINT SUBCOMMITTEE STUDYING USES OF CAMP PENDLETON

**October 26, 1992 - 8:30 a.m. – Public Hearing**  
Building 427, Camp Pendleton, Virginia Beach, Virginia.

Subcommittee will have hearing followed by tour of property. (HJR 83)

**Contact:** Jeffrey F. Sharp, Staff Attorney, Division of Legislative Services, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

## COMMISSION ON CAPITAL FINANCING

**September 10, 1992 - 1 p.m. – Open Meeting**  
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia. ☒

Commission will meet for organizational purposes and to establish agenda for addressing economic issues of Commonwealth's rural areas. (HJR 24)

**Contact:** Jeffrey F. Sharp, Staff Attorney, Division of Legislative Services, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

## JOINT SUBCOMMITTEE - 1990 CLEAN AIR ACT

† **September 16, 1992 - 10 a.m. – Open Meeting**  
General Assembly Building, Senate Room B, 910 Capitol Street, Richmond, Virginia. ☒

Joint subcommittee studying cost effective measures which will enable Virginia to comply with the 1990 Clean Air Act.

**Contact:** Thomas C. Gilman, Senate of Virginia, P.O. Box 396, Richmond, VA 23203, telephone (804) 786-3838 or Alan Wambold, Research Associate, Division of Legislative Services, 2nd Floor, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

## JOINT SUBCOMMITTEE STUDYING EROSION AND SEDIMENT CONTROL

† **September 24, 1992 - 2 p.m. – Business Meeting**

Howard Johnson, Danville, Virginia.

The subcommittee will meet for the purpose of a business session and to hear comments and recommendations on erosion and sediment control. (HJR 178)

Business meeting - 2 p.m.  
Public Hearing - 7 p.m.

**Contact:** Dawn Smith, Committee Operations, 9th and Broad Streets, Richmond, VA 23219, telephone (804) 786-7681 or Franklin Munyan, Staff Attorney, Division of Legislative Services, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

## JOINT COMMISSION ON HEALTH CARE

**September 22, 1992 - 10 a.m. – Open Meeting**  
General Assembly Building, Senate Room B, 910 Capitol Street, Richmond, Virginia. ☒

Open Meeting - Joint Commission on Health Care. (SB 501 and HB 1032)

**Contact:** John McE. Garrett, Senate of Virginia, P.O. Box 396, Richmond, VA 23203, telephone (804) 786-3838, or Lillian Raible, Staff Attorney, Division of Legislative Services, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

## CENTER FOR INNOVATIVE TECHNOLOGY (CIT) REVIEW COMMITTEE

† **October 6, 1992 - 9:30 a.m. – Open Meeting**  
Omni Hotel, 2nd Floor, Richmond, Virginia. ☒

The workshop of the Review Committee to include invited national experts. Item No. 267 - 1992 Appropriation Act.

**Contact:** Gerry Ward, DPB, Ninth Street Office Bldg., P.O. Box 1422, Richmond, VA 23211, telephone (804) 786-8856 or Kirk Jonas, JLARC, Suite 1100, General Assembly Bldg., 11th Floor, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-1258.

## HOUSE COMMITTEE ON MILITIA AND POLICE

**September 10, 1992 - 11 a.m. – Open Meeting**  
General Assembly Building, House Room D, 910 Capitol Street, Richmond, Virginia. ☒

The full House Committee on Militia and Police will meet in a work session to discuss "State Police Recruitment Policies."

**Contact:** Oscar Brinson, Senior Attorney, Division of

Legislative Services, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

**September 10, 1992 - 1 p.m. - Public Hearing**  
General Assembly Building, House Room D, 910 Capitol Street, Richmond, Virginia. ☒

A public hearing which will focus on Code sections relating to firearms. Persons wishing to speak should contact Lois V. Johnson, House of Delegates, Committee Operations, General Assembly Building, Richmond, Virginia 23219.

**Contact:** Oscar Brinson, Senior Attorney, Division of Legislative Services, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

## **JOINT SUBCOMMITTEE ON POLLUTION PREVENTION**

† **September 17, 1992 - 10 a.m. - Open Meeting**  
General Assembly Building, Senate Room B, 910 Capitol Street, Richmond, Virginia. ☒

Open meeting. SJR 103.

**Contact:** Thomas C. Gilman, Senate of Virginia, P.O. Box 396, Richmond, VA 23203, telephone (804) 786-3838 or Frank Munyan, Staff Attorney, Division of Legislative Services, 2nd Floor, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

## **JOINT SUBCOMMITTEE STUDYING THE SCHOOL DROP OUTS AND WAYS TO PROMOTE THE DEVELOPMENT OF SELF-ESTEEM AMONG YOUTH AND ADULTS**

**September 9, 1992 - 10 a.m. - Open Meeting**  
General Assembly Building, Speaker's Conference Room, 6th Floor, 910 Capitol Street, Richmond, Virginia. ☒

A meeting to conduct an intervention, retrieval and evaluation work session.

**Contact:** Brenda Edwards, Research Associate, Division of Legislative Services, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

## **AD HOC STUDY OF THE COMMERCIAL USE OF SOCIAL SECURITY NUMBERS**

**September 11, 1992 - 1 p.m. - Open Meeting**  
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia. ☒

Committee will meet for organizational purposes and to review the commercial uses of Social Security numbers for transaction identification.

**Contact:** Oscar Brinson, Senior Attorney, Division of Legislative Services, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

## **JOINT SUBCOMMITTEE - LOCAL SOCIAL SERVICES DELIVERY SYSTEMS**

† **September 15, 1992 - 1 p.m. - Open Meeting**  
General Assembly Building, Senate Room B, 910 Capitol Street, Richmond, Virginia. ☒

Joint subcommittee studying the need for restructuring the Commonwealth's Local Social Services Delivery Systems. SJR 135.

**Contact:** Thomas C. Gilman, Senate of Virginia, P.O. Box 396, Richmond, VA 23203, telephone (804) 786-3838 or Jessica Bolecek, Staff Attorney, Division of Legislative Services, 2nd Floor, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

## **HOUSE OF DELEGATES COURTS OF JUSTICE SUBCOMMITTEE STUDYING TRIALS AND APPEALS OF CAPITAL CASES, PROCEDURAL SAFEGUARDS**

† **October 14, 1992 - 10 a.m. - Open Meeting**  
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia. ☒

Third meeting of this subcommittee.

**Contact:** Oscar Brinson, Senior Attorney or Frank Ferguson, Manager, Jurisprudence Section, Division of Legislative Services, 2nd Floor, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

## **JOINT SUBCOMMITTEE STUDYING VIRGINIA PUBLIC PROCUREMENT ACT**

† **September 24, 1992 - 1:30 p.m. - Open Meeting**  
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia. ☒

† **October 22, 1992 - 1:30 p.m. - Open Meeting**  
Virginia Polytechnic Institute and State University, Old Dominion Ballroom, Squires Center, Blacksburg, Virginia.

The subcommittee will hold its second and third meetings of the interim to receive testimony from agencies dealing with procurement.

**Contact:** Edie Conley, Staff Attorney, Division of Legislative Services, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

# Calendar of Events

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## JOINT SUBCOMMITTEE STUDYING THE FUNDING REQUIREMENTS OF THE VIRGINIA UNEMPLOYMENT COMPENSATION ACT

**September 14, 1992 - 1:30 p.m.** – Open Meeting  
Senate Room A, General Assembly Building, 910 Capitol Street, Richmond, Virginia. ☒

Joint Legislative Subcommittee Studying the Funding Requirements of the Virginia Unemployment Compensation Act. (SJR 14)

**Contact:** Thomas C. Gilman, Senate of Virginia, P.O. Box 396, Richmond, VA 23203, telephone (804) 786-3838, or Arlen Bolstad, Staff Attorney, Division of Legislative Services, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

## VIRGINIA CODE COMMISSION

**September 16, 1992 - 9:30 a.m.** – Open Meeting  
General Assembly Building, Sixth Floor Conference Room, Richmond, Virginia. ☒

The Commission will continue with its revision of the election laws (Title 24.1 of the Code of Virginia).

**Contact:** Joan W. Smith, Registrar of Regulations, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

† **October 20, 1992 - 3 p.m.** – Open Meeting  
**October 21, 1992 - 9:30 a.m.** – Open Meeting  
**October 22, 1992 - 9:30 a.m.** – Open Meeting  
Virginia Beach, Virginia.

The Commission will continue with its discussion of competitive negotiable bidding for the Code of Virginia and a proposed code of administrative regulations; complete its revision of Title 24.1; and other general business.

**Contact:** Joan W. Smith, Registrar of Regulations, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

## VIRGINIA COMMISSION ON YOUTH

**September 22, 1992 - 1 p.m.** – Public Hearing  
Mary Washington College, 1301 College Avenue, Dodd Auditorium, Fredericksburg, Virginia. ☒ (Interpreter for deaf provided upon request)

A public hearing to solicit testimony relating to Juvenile Crime and Youth Prevention Programs. The Juvenile Crime testimony will be used as part of the study from HJR 36 on Serious Juvenile Offenders and the Youth Prevention Programs testimony will be used as background for the oversight of the Comprehensive

Services Act for At-Risk Youth and Families (HB 935 and SB 171). A separate time slot has been set aside for each topic. The time slots are: 1 p.m-3 p.m Juvenile Crime and 4 p.m-6 p.m Youth Prevention Programs.

**Contact:** Mary Simmons, Staff Assistant, Commission on Youth, General Assembly Bldg., Suite 517 B, 910 Capitol St., Richmond, VA 23219, telephone (804) 371-2481.

## CHRONOLOGICAL LIST

### OPEN MEETINGS

#### September 8

† Emergency Planning Committee, Local - County of Montgomery/Town of Blacksburg  
Higher Education for Virginia, State Council of Nursing Home Administrators, Board of

#### September 9

† Conservation and Recreation, Department of - Upper James Scenic River Advisory Board  
† Dentistry, Board of  
Emergency Planning Committee, Local - City of Alexandria  
Nursing Home Administrators, Board of  
† Optometry, Board of  
School Drop Outs and Ways to Promote the Development of Self Esteem Among Youth and Adults - Joint Subcommittee Studying

#### September 10

Agriculture and Committee on Health, Welfare and Institutions Subcommittee, Committee on Air Pollution Control, Department of Architects, Board for Capital Financing, Commission on  
† Chesapeake Bay Commission  
† Child Day-Care Council  
Contractors, Board for - Complaints Committee  
Labor and Industry, Department of Medicine, Board of Militia and Police, Housing Committee on Nursing Home Administrators, Board of Transportation Safety Board Voluntary Formulary Board, Virginia College of William and Mary - Board of Visitors  
† Waterworks and Wastewater Works Operators, Board for  
Youth and Family Services, Board of Youth and Family Services, Department of - State Management Team of the Comprehensive Services Act for At-Risk Youth and Families

#### September 11

† Chesapeake Bay Commission  
Commercial Use of Social Security Numbers, Ad Hoc Study of

# Calendar of Events

† Dillon Rule and Local Government, Governor's Advisory Commission on  
Information Management, Council on  
Land Evaluation Advisory Council, State  
Mental Health, Mental Retardation and Substance Abuse Services, Department of  
- State Human Rights Committee  
Waste Management Facility Operators, Board for  
College of William and Mary  
- Board of Visitors

## September 14

† Audit and Review Commission, Joint Legislative Subcommittee Studying  
Funding Requirements of the Virginia Unemployment Compensation Act  
† Governor's Commission on Violent Crime  
- Inmate productivity Subcommittee  
Health, State Board of  
Library Board  
† Medical Assistance Services, Department of (Board of)  
Psychology, Board of  
- Examination Committee  
Valley ASAP Board  
† Virginia Administrative Process Act, Joint Legislative Audit and Review Commission Study Subcommittee on the

## September 15

Agriculture and Consumer Services, Department of  
- Virginia Marine Products Board  
ASAP Policy Board - Rockbridge  
Health, State Board of  
† Historic Resources, Department of (Board of) and State Review Board  
Labor and Industry, Department of  
Marine Resources Commission  
† Medical Assistance Services, Department of (Board of)  
Shenandoah Scenic River Advisory Board  
† Social Services Delivery Systems, Local - Joint Subcommittee  
Virginia Resources Authority

## September 16

† Clean Air Act, 1990 - Joint Subcommittee  
† Community Colleges, State Board for  
† Forestry, Department of  
- Reforestation of Timberlands Board  
† Historic Preservation Foundation, Virginia  
Medicine, Board of  
Professional Counselors, Board of  
Real Estate Board  
Social Services, State Board of  
† Transportation, Department of (Commonwealth Transportation Board)  
Virginia Code Commission  
Virginia Racing Commission

## September 17

Alcoholic Beverage Control Board  
† ASAP Policy Board - Rockingham/Harrisonburg  
† Auctioneers Board  
† Community Colleges, State Board for  
† Dentistry, Board of  
† Governor's Commission on Violent Crime  
- Full Task Force on Violent Crime  
† Human Services Information and Referral Advisory Council, Statewide  
Labor and Industry, Department of  
- Virginia Apprenticeship Council  
Medicine, Board of  
- Joint Committees on Acupuncture  
† Pollution Prevention, Joint Subcommittee on  
Psychology, Board of  
Social Services, State Board of  
† Soil and Water Conservation Board, Virginia  
† Transportation, Department of (Commonwealth Transportation Board)

## September 18

† Aging, Department for the  
- Long-Term Care Council  
Conservation and Recreation, Department of  
- Falls of the James Scenic River Advisory Board  
† Dentistry, Board of  
Medicine, Board of  
Residential Facilities for Children, Interdepartmental Regulation of

## September 19

† Dentistry, Board of

## September 21

† Accountancy, Board for  
Emergency Planning Committee, Local  
- Prince William County, Manassas City, and Manassas Park  
† Hearing Aid Specialists, Board for  
† Nursing, Board of

## September 22

† Aging, Department for the  
- Long-Term Care Ombudsman Program Advisory Council  
† Contractors, Board for  
† General Services, Department of  
- Virginia Public Buildings Board  
Health Care, Joint Commission  
Health Services Cost Review Council, Virginia  
Housing Study Commission, Virginia  
Labor and Industry, Department of  
† Polygraph Examiners Advisory Board  
† Nursing, Board of

## September 23

Hazardous Materials Training Committee  
† Housing Development Authority, Virginia  
Housing Study Commission, Virginia  
Interagency Coordinating Council (VICC) Early Intervention, Virginia

# Calendar of Events

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Mental Health, Mental Retardation and Substance Abuse Services Board, State

† Nursing, Board of

Rehabilitative Services, Board of

- Finance Committee

- Legislative Committee

- Program and Evaluation Committee

## September 24

† Agriculture and Consumer Services, Department of

- Virginia Pesticide Control Board

Chesapeake Bay Local Assistance Board

† Contractors, Board for

- Recovery Fund Committee

Emergency Planning Committee, Local - Fairfax County, City of Fairfax, and the Towns of Herndon and Vienna

† Virginia Public Procurement Act, Joint Subcommittee Studying

Youth and Family Services, Department of

- State Management Team of the Comprehensive Services Act for At-Risk Youth and Families

## September 25

Acquired Immunodeficiency Syndrome - AIDS, Joint Subcommittee Studying

Architects, Professional Engineers, Land surveyors and Landscape architects, Board of

- Virginia Board for Interior Designers

## September 28

Alcoholic Beverage Control Board

Business License Tax on Nonprofit Hospitals, Colleges and Universities, Subcommittee Studying

† Governor's Commission on Violent Crime

- Criminal Justice/Law Enforcement Subcommittee

Professional Soil Scientists, Board for

## September 29

Local Government, Commission on

## September 30

Agriculture and Consumer Services, Board of Compensation Board

Local Government, Commission on

† Medical Assistance Services, Department of (Board of)

† Waste Management, Department of (Virginia Waste Management Board)

## October 1

† Governor's Commission on Violent Crime  
- Crime Prevention Subcommittee

Medicine, Board of

Emergency Planning Committee, Local - Chesterfield County

## October 2

Medicine, Board of

## October 3

Medicine, Board of

† Visually Handicapped, Department for the (Board for)

## October 4

Medicine, Board of

## October 5

Local Government, Commission on

Waste Management Facility Operators, Board for

## October 6

Hopewell Industrial Safety Council

† Innovative Technology (CIT) Review Committee, Center for

## October 7

† Environment, Council on the

Goose Creek Scenic River Advisory Board

## October 8

Youth and Family Services, Board of

Youth and Family Services, Department of

- State Management Team of the Comprehensive Services Act for At-Risk Youth and Families

## October 9

† Dentistry, Board of

Geology, Board for

## October 13

† Governor's Commission on Violent Crime

- Inmate Productivity Subcommittee

## October 14

Alcoholic Beverage Control Board

† Trials and Appeals of Capital Cases, Procedural Safeguards, House of Delegates Courts of Justice Subcommittee Studying

## October 19

Water Control Board, State

## October 21

† Governor's Commission on Violent Crime

- Inmate Productivity Subcommittee

Water Control Board, State

Code Commission, Virginia

## October 22

Code Commission, Virginia

† Virginia Public Procurement Act, Joint Subcommittee Studying

† Waste Management, Department of (Virginia Waste Management Board)

Youth and Family Services, Department of

- State Management Team of the Comprehensive Services Act for At-Risk Youth and Families

## October 23

Water Control Board, State

# Calendar of Events

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**October 26**

Alcoholic Beverage Control Board  
Commerce, Board of  
Water Control Board, State

**October 27**

Health Services Cost Review Council, Virginia

**October 29**

† Emergency Response Council, Virginia

**November 4**

Water Control Board, State

**November 5**

† Emergency Planning Committee, Local - Chesterfield  
County

**November 6**

Medicine, Board of  
- Advisory Board on Physical Therapy  
Water Control Board, State

**November 13**

Library Board

**December 3**

† Emergency Planning Committee, Local - Chesterfield  
County

**September 29**

Health, State Board of

**September 30**

Agriculture and Consumer Services, Board of  
Health, State Board of

**October 5**

Local Government, Commission on

**October 7**

Health, State Board of

**October 21**

† Youth, Virginia Commission on

**October 22**

Health, State Board of

**October 26**

Uses of Camp Pendleton, Joint Subcommittee Studying

**October 27**

Health, State Board of

**October 28**

Alcoholic Beverage Control, Board of

## PUBLIC HEARINGS

**September 9**

Water Control Board, State

**September 10**

Militia and Police, House Committee on

**September 14**

Agriculture, House Committee on  
Housing and Community Development, Department of  
† Housing and Community Development, Board of

**September 15**

† Air Pollution Control, Department of (State Air  
Pollution Control Board)  
Waste Management, Department of

**September 16**

Virginia Racing Commission  
Waste Management, Department of

**September 22**

Health, State Board of  
Youth, Virginia Commission on

**September 28**

Health, State Board of

## Calendar of Events

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