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CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED

The table printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Spring 2001 VAC Supplement includes final regulations published through *Virginia Register* Volume 17, Issue 11, dated February 12, 2001). Emergency regulations, if any, are listed, followed by the designation "emer," and errata pertaining to final regulations are listed. Proposed regulations are not listed here. The table lists the sections in numerical order and shows action taken, the volume, issue and page number where the section appeared, and the effective date of the section.

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 1. Administration			
1 VAC 17-20-10	Amended	17:24 VA.R. 3556	9/12/01
1 VAC 17-20-40	Amended	17:24 VA.R. 3557	9/12/01
1 VAC 17-20-70	Amended	17:24 VA.R. 3557	9/12/01
1 VAC 17-20-110	Amended	17:24 VA.R. 3557	9/12/01
1 VAC 17-20-180	Amended	17:24 VA.R. 3557	9/12/01
1 VAC 17-20-210	Amended	17:24 VA.R. 3557	9/12/01
1 VAC 17-20-250	Amended	17:24 VA.R. 3558	9/12/01
1 VAC 17-20-270	Amended	17:24 VA.R. 3558	9/12/01
1 VAC 17-20-280	Amended	17:24 VA.R. 3558	9/12/01
1 VAC 17-20-310	Amended	17:24 VA.R. 3558	9/12/01
1 VAC 30-60-10 et seq.	Repealed	17:19 VA.R. 2731	7/4/01
1 VAC 30-70-10 et seq.	Repealed	17:19 VA.R. 2731	7/4/01
Title 2. Agriculture			
2 VAC 15-20-81	Amended	17:14 VA.R. 2179	3/1/01
Title 4. Conservation and Natural Resources			
4 VAC 15-20-80	Amended	17:19 VA.R. 2729	7/4/01
4 VAC 15-20-160	Amended	17:19 VA.R. 2729	7/4/01
4 VAC 15-40-20	Amended	17:19 VA.R. 2729	7/4/01
4 VAC 15-40-150	Repealed	17:19 VA.R. 2729	7/4/01
4 VAC 15-40-280	Amended	17:19 VA.R. 2729	7/4/01
4 VAC 15-50-90	Amended	17:19 VA.R. 2729	7/4/01
4 VAC 15-90-20	Amended	17:19 VA.R. 2729	7/4/01
4 VAC 15-90-21	Added	17:19 VA.R. 2729	7/4/01
4 VAC 15-90-70	Amended	17:19 VA.R. 2729	7/4/01
4 VAC 15-90-80	Amended	17:19 VA.R. 2730	7/4/01
4 VAC 15-90-85	Added	17:19 VA.R. 2730	7/4/01
4 VAC 15-90-100	Amended	17:19 VA.R. 2730	7/4/01
4 VAC 15-90-110	Amended	17:19 VA.R. 2730	7/4/01
4 VAC 15-90-141	Amended	17:19 VA.R. 2730	7/4/01
4 VAC 15-90-160	Amended	17:19 VA.R. 2730	7/4/01
4 VAC 15-90-170	Amended	17:19 VA.R. 2730	7/4/01
4 VAC 15-90-190	Amended	17:19 VA.R. 2730	7/4/01
4 VAC 15-90-195	Amended	17:19 VA.R. 2730	7/4/01
4 VAC 15-90-200	Amended	17:19 VA.R. 2730	7/4/01
4 VAC 15-90-210	Amended	17:19 VA.R. 2730	7/4/01
4 VAC 15-90-220	Amended	17:19 VA.R. 2730	7/4/01
4 VAC 15-90-240	Amended	17:19 VA.R. 2730	7/4/01
4 VAC 15-110-75	Amended	17:19 VA.R. 2730	7/4/01
4 VAC 15-190-60	Added	17:19 VA.R. 2729	7/4/01
4 VAC 15-240-20	Amended	17:19 VA.R. 2730	7/4/01
4 VAC 15-240-31	Amended	17:19 VA.R. 2730	7/4/01
4 VAC 15-240-90	Amended	17:19 VA.R. 2730	7/4/01
4 VAC 15-270-20	Amended	17:19 VA.R. 2729	7/4/01
4 VAC 15-290-140	Amended	17:19 VA.R. 2729	7/4/01

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 15-320-100	Amended	17:19 VA.R. 2729	7/4/01
4 VAC 20-40-20	Amended	17:18 VA.R. 2576	5/1/01
4 VAC 20-70-120	Amended	18:5 VA.R. 726	12/1/01
4 VAC 20-252-70	Amended	17:12 VA.R. 2024	1/26/01
4 VAC 20-252-90	Amended	17:12 VA.R. 2024	1/26/01
4 VAC 20-252-100	Amended	17:12 VA.R. 2024	1/26/01
4 VAC 20-252-110	Amended	17:12 VA.R. 2025	1/26/01
4 VAC 20-252-140	Amended	17:12 VA.R. 2025	1/26/01
4 VAC 20-270-40	Amended	17:14 VA.R. 2179	3/1/01
4 VAC 20-270-40	Amended	17:18 VA.R. 2576	5/1/01
4 VAC 20-380-20	Amended	17:23 VA.R. 3455	7/1/01
4 VAC 20-380-50	Amended	17:23 VA.R. 3455	7/1/01
4 VAC 20-450-30	Amended	17:18 VA.R. 2576	5/1/01
4 VAC 20-510-20	Amended	18:5 VA.R. 726	1/1/02
4 VAC 20-561-10 through 4 VAC 20-561-50	Added	17:16 VA.R. 2332	8/16/01
4 VAC 20-610-30	Amended	17:23 VA.R. 3456	7/1/01
4 VAC 20-620-10 emer	Amended	18:5 VA.R. 740	11/1/01-12/1/01
4 VAC 20-620-20 emer	Amended	18:5 VA.R. 740	11/1/01-12/1/01
4 VAC 20-620-30	Amended	17:14 VA.R. 2180	3/1/01
4 VAC 20-620-40 emer	Amended	18:5 VA.R. 740	11/1/01-12/1/01
4 VAC 20-620-50	Amended	17:14 VA.R. 2180	3/1/01
4 VAC 20-620-70	Amended	17:14 VA.R. 2180	3/1/01
4 VAC 20-620-70	Amended	17:20 VA.R. 2880	6/1/01
4 VAC 20-670-20	Amended	18:1 VA.R. 31	9/15/01
4 VAC 20-670-25	Added	17:18 VA.R. 2577	5/1/01
4 VAC 20-670-30	Amended	18:1 VA.R. 31	9/15/01
4 VAC 20-670-40	Amended	18:1 VA.R. 31	9/15/01
4 VAC 20-720-20	Amended	18:3 VA.R. 354	10/1/01
4 VAC 20-720-40 through 4 VAC 20-720-80	Amended	18:3 VA.R. 354-357	10/1/01
4 VAC 20-751-10	Amended	17:16 VA.R. 2333	4/1/01
4 VAC 20-751-20	Amended	17:16 VA.R. 2333	4/1/01
4 VAC 20-890-10 emer	Amended	17:20 VA.R. 2932	5/25/01-6/24/01
4 VAC 20-890-20 emer	Amended	17:20 VA.R. 2932	5/25/01-6/24/01
4 VAC 20-890-25 emer	Amended	17:20 VA.R. 2932	5/25/01-6/24/01
4 VAC 20-890-25	Amended	17:23 VA.R. 3457	7/1/01
4 VAC 20-890-30	Amended	17:16 VA.R. 2333	4/1/01
4 VAC 20-890-40 emer	Amended	17:20 VA.R. 2933	5/25/01-6/24/01
4 VAC 20-910-30	Amended	17:14 VA.R. 2181	3/1/01
4 VAC 20-910-45	Amended	17:18 VA.R. 2577	5/1/01
4 VAC 20-910-45	Amended	18:3 VA.R. 357	10/1/01
4 VAC 20-950-30	Amended	17:14 VA.R. 2181	3/1/01
4 VAC 20-950-45	Amended	17:14 VA.R. 2181	3/1/01
4 VAC 20-950-45	Amended	17:16 VA.R. 2334	4/1/01
4 VAC 20-950-45 emer	Amended	17:18 VA.R. 2673	4/24/01-5/23/01
4 VAC 20-950-45	Amended	17:20 VA.R. 2880	5/25/01
4 VAC 20-950-45	Amended	18:3 VA.R. 357	10/1/01
4 VAC 20-970-30	Amended	18:5 VA.R. 727	1/1/02
4 VAC 20-995-20	Amended	17:12 VA.R. 2025	1/26/01
4 VAC 20-995-20	Amended	17:14 VA.R. 2182	3/1/01
4 VAC 20-1040-20	Amended	17:20 VA.R. 2881	5/26/01
4 VAC 25-90-10 through 4 VAC 25-90-100	Amended	17:20 VA.R. 2882-2885	7/18/01
4 VAC 25-90-120	Repealed	17:20 VA.R. 2885	7/18/01
4 VAC 25-90-270	Repealed	17:20 VA.R. 2885	7/18/01
4 VAC 25-90-300	Repealed	17:20 VA.R. 2885	7/18/01
4 VAC 25-90-340	Repealed	17:20 VA.R. 2885	7/18/01
4 VAC 25-90-360	Repealed	17:20 VA.R. 2885	7/18/01

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 25-90 (Forms)	Added	17:21 VA.R. 3119	--
4 VAC 25-100-10 et seq.	Repealed	17:20 VA.R. 2885	7/18/01
4 VAC 25-101-10 through 4 VAC 25-101-220	Added	17:20 VA.R. 2886	7/18/01
4 VAC 25-101 (Forms)	Added	17:21 VA.R. 3119	--
4 VAC 25-130 (Forms)	Amended	17:23 VA.R. 3473	--
Title 5. Corporations			
5 VAC 5-10-10 et seq.	Repealed	17:18 VA.R. 2577	6/1/01
5 VAC 5-20-10 through 5 VAC 5-20-280	Amended	17:18 VA.R. 2581-2587	6/1/01
5 VAC 5-30-10 through 5 VAC 5-30-70	Added	17:22 VA.R. 3312-3315	7/1/01
Title 6. Criminal Justice and Corrections			
6 VAC 20-200-10 through 6 VAC 20-200-180	Amended	17:19 VA.R. 2731-2735	7/4/01
Title 8. Education			
8 VAC 20-110-10	Amended	17:12 VA.R. 2026	3/28/01
8 VAC 20-110-20	Repealed	17:12 VA.R. 2026	3/28/01
8 VAC 20-110-40	Amended	17:12 VA.R. 2026	3/28/01
8 VAC 20-110-50	Amended	17:12 VA.R. 2026	3/28/01
8 VAC 20-110-60	Repealed	17:12 VA.R. 2026	3/28/01
8 VAC 20-110-70	Repealed	17:12 VA.R. 2026	3/28/01
8 VAC 20-110-140	Repealed	17:12 VA.R. 2026	3/28/01
8 VAC 20-160-10	Amended	18:5 VA.R. 728	12/19/01
8 VAC 20-160-30	Amended	18:5 VA.R. 728	12/19/01
8 VAC 20-160-40	Amended	18:5 VA.R. 729	12/19/01
8 VAC 20-540-10 et seq.	Repealed	17:16 VA.R. 2334	5/23/01
8 VAC 20-541-10 through 8 VAC 20-541-60	Added	17:16 VA.R. 2335-2342	5/23/01
8 VAC 20-650-10 through 8 VAC 20-650-20 emer	Added	17:14 VA.R. 2202	3/7/01-3/6/02
Title 9. Environment			
9 VAC 5-40-240	Amended	18:4 VA.R. 586	1/1/02
9 VAC 5-40-250	Amended	18:4 VA.R. 586	1/1/02
9 VAC 5-40-310	Amended	18:4 VA.R. 587	1/1/02
9 VAC 5-40-311	Amended	18:4 VA.R. 587	1/1/02
9 VAC 5-40-890	Amended	18:4 VA.R. 588	1/1/02
9 VAC 5-50-400	Amended	17:15 VA.R. 2248	6/1/01
9 VAC 5-60-60	Amended	17:15 VA.R. 2248	6/1/01
9 VAC 5-60-90	Amended	17:15 VA.R. 2248	6/1/01
9 VAC 5-60-100	Amended	17:15 VA.R. 2249	6/1/01
9 VAC 5-80-310 through 9 VAC 5-80-350	Amended	17:20 VA.R. 2887-2890	7/18/01
9 VAC 5-80-355	Repealed	17:20 VA.R. 2891	7/18/01
9 VAC 5-210-10 through 9 VAC 5-210-160	Added	17:16 VA.R. 2342-2344	7/1/01
9 VAC 15-30-20	Amended	17:21 VA.R. 3029	8/1/01
9 VAC 15-30-40 through 9 VAC 15-30-110	Amended	17:21 VA.R. 3030-3031	8/1/01
9 VAC 15-30-130	Amended	17:21 VA.R. 3031	8/1/01
9 VAC 15-30-150	Repealed	17:21 VA.R. 3031	8/1/01
9 VAC 15-30-160	Amended	17:21 VA.R. 3031	8/1/01
9 VAC 15-30-170	Amended	17:21 VA.R. 3031	8/1/01
9 VAC 20-15-10 through 9 VAC 20-15-160	Added	17:16 VA.R. 2344-2346	7/1/01
9 VAC 20-60-18	Amended	18:3 VA.R. 359	11/21/01
9 VAC 20-70 Appendices I through VI	Repealed	18:3 VA.R. 377-388	11/21/01
9 VAC 20-70-10	Amended	18:3 VA.R. 359	11/21/01
9 VAC 20-70-41	Repealed	18:3 VA.R. 361	11/21/01
9 VAC 20-70-50 through 9 VAC 20-70-75	Amended	18:3 VA.R. 362-363	11/21/01
9 VAC 20-70-81	Amended	18:3 VA.R. 363	11/21/01
9 VAC 20-70-90	Amended	18:3 VA.R. 363	11/21/01
9 VAC 20-70-111	Amended	18:3 VA.R. 364	11/21/01
9 VAC 20-70-112	Amended	18:3 VA.R. 364	11/21/01
9 VAC 20-70-113	Amended	18:3 VA.R. 365	11/21/01
9 VAC 20-70-150 through 9 VAC 20-70-230	Amended	18:3 VA.R. 366-376	11/21/01

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 20-70-240	Repealed	18:3 VA.R. 376	11/21/01
9 VAC 20-70-250	Amended	18:3 VA.R. 376	11/21/01
9 VAC 20-70-260	Amended	18:3 VA.R. 377	11/21/01
9 VAC 20-70-280	Repealed	18:3 VA.R. 377	11/21/01
9 VAC 20-70-290	Added	18:3 VA.R. 377	11/21/01
9 VAC 20-80-10	Amended	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-40	Amended	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-60	Amended	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-80	Amended	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-100	Amended	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-110	Amended	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-113	Added	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-115	Added	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-120	Amended	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-140 through 9 VAC 20-80-290	Amended	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-310 through 9 VAC 20-80-340	Amended	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-360 through 9 VAC 20-80-380	Amended	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-400	Amended	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-450	Added	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-460	Added	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-470	Amended	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-480	Amended	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-485	Added	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-500 through 9 VAC 20-80-560	Amended	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-620 through 9 VAC 20-80-650	Amended	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-670	Amended	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-700	Amended	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-730	Amended	17:16 VA.R. 2349	5/23/01
9 VAC 20-80-750 through 9 VAC 20-80-790	Amended	17:16 VA.R. 2349	5/23/01
Appendices 2.1 and 2.2	Added	17:16 VA.R. 2349	5/23/01
Appendix 4.1	Repealed	17:16 VA.R. 2349	5/23/01
Appendix 5.1	Amended	17:16 VA.R. 2349	5/23/01
Appendices 5.2 and 5.3	Repealed	17:16 VA.R. 2349	5/23/01
Appendix 5.5	Amended	17:16 VA.R. 2349	5/23/01
Appendix 5.6	Added	17:16 VA.R. 2349	5/23/01
Appendices 7.4 and 9.1	Amended	17:16 VA.R. 2349	5/23/01
9 VAC 20-130-10 through 9 VAC 20-130-70	Amended	17:21 VA.R. 3033-3037	8/1/01
9 VAC 20-130-80	Repealed	17:21 VA.R. 3037	8/1/01
9 VAC 20-130-90	Amended	17:21 VA.R. 3037	8/1/01
9 VAC 20-130-110 through 9 VAC 20-130-150	Amended	17:21 VA.R. 3037-3040	8/1/01
9 VAC 20-130-160	Repealed	17:21 VA.R. 3040	8/1/01
9 VAC 20-130-165	Added	17:21 VA.R. 3040	8/1/01
9 VAC 20-130-170	Repealed	17:21 VA.R. 3040	8/1/01
9 VAC 20-130-175	Added	17:21 VA.R. 3040	8/1/01
9 VAC 20-130-180	Amended	17:21 VA.R. 3041	8/1/01
9 VAC 20-130-190	Amended	17:21 VA.R. 3041	8/1/01
9 VAC 20-130-220	Amended	17:21 VA.R. 3041	8/1/01
9 VAC 20-130-230	Amended	17:21 VA.R. 3041	8/1/01
9 VAC 20-130-240	Repealed	17:21 VA.R. 3041	8/1/01
9 VAC 20-130 (Forms)	Added	17:26 VA.R. 3758-3759	--
9 VAC 20-190-10 through 9 VAC 20-190-80	Added	18:3 VA.R. 389-390	11/21/01
9 VAC 25-15-10 through 9 VAC 25-15-160	Added	17:16 VA.R. 2347-2349	7/1/01
9 VAC 25-31-10	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-30	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-50	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-100	Amended	17:13 VA.R. 2076	4/11/01

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-31-110	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-120	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-170	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-220	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-280	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-370	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-390	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-410	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-110-10	Amended	17:16 VA.R. 2350	8/1/01
9 VAC 25-110-20	Amended	17:16 VA.R. 2351	8/1/01
9 VAC 25-110-40	Repealed	17:16 VA.R. 2351	8/1/01
9 VAC 25-110-50	Repealed	17:16 VA.R. 2351	8/1/01
9 VAC 25-110-60	Amended	17:16 VA.R. 2351	8/1/01
9 VAC 25-110-70	Amended	17:16 VA.R. 2351	8/1/01
9 VAC 25-110-70	Amended	17:21 VA.R. 3044	8/1/01
9 VAC 25-110-80	Amended	17:16 VA.R. 2353	8/1/01
9 VAC 25-115-10 through 9 VAC 25-115-50	Amended	17:16 VA.R. 2367-2380	7/24/01
9 VAC 25-192-50	Amended	17:21 VA.R. 3044	8/1/01
9 VAC 25-192-60	Amended	17:21 VA.R. 3045	8/1/01
9 VAC 25-210-10	Amended	17:21 VA.R. 3049	8/1/01
9 VAC 25-210-20	Repealed	17:21 VA.R. 3052	8/1/01
9 VAC 25-210-30	Repealed	17:21 VA.R. 3052	8/1/01
9 VAC 25-210-40	Repealed	17:21 VA.R. 3052	8/1/01
9 VAC 25-210-45	Added	17:21 VA.R. 3052	8/1/01
9 VAC 25-210-50 through 9 VAC 25-210-110	Amended	17:21 VA.R. 3052-3063	8/1/01
9 VAC 25-210-80	Erratum	17:24 VA.R. 3604	--
9 VAC 25-210-115	Added	17:21 VA.R. 3063	8/1/01
9 VAC 25-210-120 through 9 VAC 25-210-180	Amended	17:21 VA.R. 3064-3067	8/1/01
9 VAC 25-210-185	Added	17:21 VA.R. 3067	8/1/01
9 VAC 25-210-190 through 9 VAC 25-210-260	Amended	17:21 VA.R. 3067-3069	8/1/01
9 VAC 25-260-50	Amended	17:16 VA.R. 2381	*
9 VAC 25-260-55	Added	17:16 VA.R. 2381	*
9 VAC 25-430-20	Amended	17:25 VA.R. 3657	9/26/01
9 VAC 25-430-30	Amended	17:25 VA.R. 3657	9/26/01
9 VAC 25-430-60	Amended	17:25 VA.R. 3657	9/26/01
9 VAC 25-650-10 through 9 VAC 25-650-200	Added	18:4 VA.R. 590-604	12/5/01
9 VAC 25-660-10 through 9 VAC 25-660-100	Added	17:22 VA.R. 3316-3327	10/1/01
9 VAC 25-670-10 through 9 VAC 25-670-100	Added	17:22 VA.R. 3328-3344	10/1/01
9 VAC 25-680-10 through 9 VAC 25-680-100	Added	17:21 VA.R. 3070-3087	8/1/01
9 VAC 25-680-30	Erratum	17:24 VA.R. 3604	--
9 VAC 25-680-50	Erratum	17:24 VA.R. 3604	--
9 VAC 25-680-100	Erratum	17:24 VA.R. 3604	--
9 VAC 25-690-10 through 9 VAC 25-690-100	Added	17:21 VA.R. 3088-3107	8/1/01
9 VAC 25-690-30	Erratum	17:24 VA.R. 3604	--
9 VAC 25-690-40	Erratum	17:24 VA.R. 3604	--
Title 10. Finance and Financial Institutions			
10 VAC 5-10-10	Amended	17:22 VA.R. 3345	7/1/01
10 VAC 5-20-30	Amended	17:22 VA.R. 3346	6/27/01
Title 11. Gaming			
11 VAC 10-60 (Forms)	Amended	17:15 VA.R. 2259	--
11 VAC 10-130-10	Amended	17:19 VA.R. 2736	5/7/01
11 VAC 10-130-60	Amended	17:19 VA.R. 2736	5/7/01
11 VAC 10-130-70	Amended	17:19 VA.R. 2737	5/7/01

* 30 days after notice in *Virginia Register* of EPA approval

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 12. Health			
12 VAC 5-218-10 through 12 VAC 5-218-90 emer	Added	18:4 VA.R. 634-637	11/1/01-10/31/02
12 VAC 30-10-20	Amended	17:19 VA.R. 2737	8/1/01
12 VAC 30-10-160	Amended	17:13 VA.R. 2077	4/11/01
12 VAC 30-10-1000	Added	17:19 VA.R. 2741	7/4/01
12 VAC 30-20-80	Amended	17:13 VA.R. 2077	4/11/01
12 VAC 30-20-290 through 12 VAC 30-20-490	Added	17:19 VA.R. 2741	7/4/01
12 VAC 30-20-500 through 12 VAC 30-20-560	Added	17:19 VA.R. 2741	7/4/01
12 VAC 30-30-10	Amended	17:13 VA.R. 2077	4/11/01
12 VAC 30-30-10	Amended	17:19 VA.R. 2737	8/1/01
12 VAC 30-30-20	Amended	17:13 VA.R. 2081	4/11/01
12 VAC 30-30-20	Amended	17:18 VA.R. 2588	7/1/01
12 VAC 30-30-20	Amended	17:18 VA.R. 2589	7/1/01
12 VAC 30-30-40	Amended	17:13 VA.R. 2082	4/11/01
12 VAC 30-30-50	Amended	17:13 VA.R. 2082	4/11/01
12 VAC 30-40-80	Amended	17:13 VA.R. 2087	4/11/01
12 VAC 30-40-100	Amended	17:13 VA.R. 2083	4/11/01
12 VAC 30-40-220	Amended	17:18 VA.R. 2590	7/1/01
12 VAC 30-40-220	Amended	17:18 VA.R. 2593	7/1/01
12 VAC 30-40-220	Erratum	17:21 VA.R. 3124	--
12 VAC 30-40-240	Amended	17:13 VA.R. 2083	4/11/01
12 VAC 30-40-250	Amended	17:13 VA.R. 2085	4/11/01
12 VAC 30-40-280	Amended	17:13 VA.R. 2085	4/11/01
12 VAC 30-40-290	Amended	17:13 VA.R. 2085	4/11/01
12 VAC 30-40-350	Amended	17:13 VA.R. 2087	4/11/01
12 VAC 30-50-210	Amended	18:4 VA.R. 605	12/5/01
12 VAC 30-50-300	Amended	17:12 VA.R. 2026	6/1/01**
12 VAC 30-50-490	Added	17:18 VA.R. 2595	7/1/01
12 VAC 30-50-530	Amended	17:12 VA.R. 2026	6/1/01**
12 VAC 30-70-140	Repealed	17:19 VA.R. 2741	7/4/01
12 VAC 30-70-141	Repealed	17:19 VA.R. 2741	7/4/01
12 VAC 30-70-142	Repealed	17:19 VA.R. 2741	7/4/01
12 VAC 30-70-143	Repealed	17:19 VA.R. 2741	7/4/01
12 VAC 30-70-144	Repealed	17:19 VA.R. 2741	7/4/01
12 VAC 30-70-145	Repealed	17:19 VA.R. 2741	7/4/01
12 VAC 30-80-110	Amended	17:18 VA.R. 2597	7/1/01
12 VAC 30-90-19	Added	17:18 VA.R. 2623	7/1/01
12 VAC 30-90-20	Amended	17:18 VA.R. 2624	7/1/01
12 VAC 30-90-29	Added	17:18 VA.R. 2624	7/1/01
12 VAC 30-90-30	Amended	17:18 VA.R. 2625	7/1/01
12 VAC 30-90-31	Amended	17:18 VA.R. 2626	7/1/01
12 VAC 30-90-33	Amended	17:18 VA.R. 2626	7/1/01
12 VAC 30-90-34	Amended	17:18 VA.R. 2628	7/1/01
12 VAC 30-90-35	Amended	17:18 VA.R. 2630	7/1/01
12 VAC 30-90-36	Amended	17:18 VA.R. 2630	7/1/01
12 VAC 30-90-37	Amended	17:18 VA.R. 2632	7/1/01
12 VAC 30-90-38	Amended	17:18 VA.R. 2632	7/1/01
12 VAC 30-90-39	Amended	17:18 VA.R. 2633	7/1/01
12 VAC 30-90-40	Amended	17:18 VA.R. 2633	7/1/01
12 VAC 30-90-41	Amended	17:18 VA.R. 2633	7/1/01
12 VAC 30-90-42	Repealed	17:18 VA.R. 2635	7/1/01
12 VAC 30-90-43	Repealed	17:18 VA.R. 2636	7/1/01
12 VAC 30-90-50	Amended	17:18 VA.R. 2636	7/1/01
12 VAC 30-90-51	Amended	17:18 VA.R. 2636	7/1/01

** Effective date changed in 17:17 VA.R. 2443.

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-90-55	Amended	17:18 VA.R. 2637	7/1/01
12 VAC 30-90-60	Amended	17:18 VA.R. 2638	7/1/01
12 VAC 30-90-65	Amended	17:18 VA.R. 2638	7/1/01
12 VAC 30-90-70	Amended	17:18 VA.R. 2638	7/1/01
12 VAC 30-90-80	Amended	17:18 VA.R. 2639	7/1/01
12 VAC 30-90-110	Amended	17:18 VA.R. 2639	7/1/01
12 VAC 30-90-120	Amended	17:18 VA.R. 2639	7/1/01
12 VAC 30-90-123	Amended	17:18 VA.R. 2640	7/1/01
12 VAC 30-90-130	Repealed	17:18 VA.R. 2640	7/1/01
12 VAC 30-90-130	Repealed	17:19 VA.R. 2741	7/4/01
12 VAC 30-90-131	Repealed	17:18 VA.R. 2640	7/1/01
12 VAC 30-90-131	Repealed	17:19 VA.R. 2741	7/4/01
12 VAC 30-90-132	Repealed	17:18 VA.R. 2640	7/1/01
12 VAC 30-90-132	Repealed	17:19 VA.R. 2741	7/4/01
12 VAC 30-90-133	Repealed	17:18 VA.R. 2641	7/1/01
12 VAC 30-90-133	Repealed	17:19 VA.R. 2741	7/4/01
12 VAC 30-90-135	Repealed	17:18 VA.R. 2641	7/1/01
12 VAC 30-90-135	Repealed	17:19 VA.R. 2741	7/4/01
12 VAC 30-90-136	Added	17:18 VA.R. 2641	7/1/01
12 VAC 30-90-160	Amended	17:18 VA.R. 2641	7/1/01
12 VAC 30-90-165	Added	17:18 VA.R. 2641	7/1/01
12 VAC 30-90-170	Amended	17:18 VA.R. 2642	7/1/01
12 VAC 30-90-221	Amended	17:18 VA.R. 2642	7/1/01
12 VAC 30-90-240	Amended	17:18 VA.R. 2642	7/1/01
12 VAC 30-90-250	Amended	17:18 VA.R. 2643	7/1/01
12 VAC 30-90-253	Amended	17:18 VA.R. 2643	7/1/01
12 VAC 30-90-260	Repealed	17:18 VA.R. 2643	7/1/01
12 VAC 30-90-264	Amended	17:18 VA.R. 2643	7/1/01
12 VAC 30-90-266	Amended	17:18 VA.R. 2646	7/1/01
12 VAC 30-90-270	Amended	17:18 VA.R. 2646	7/1/01
12 VAC 30-90-272	Amended	17:18 VA.R. 2646	7/1/01
12 VAC 30-90-280	Amended	17:18 VA.R. 2648	7/1/01
12 VAC 30-110-630	Amended	17:13 VA.R. 2096	4/11/01
12 VAC 30-110-650	Amended	17:13 VA.R. 2096	4/11/01
12 VAC 30-110-660	Amended	17:13 VA.R. 2096	4/11/01
12 VAC 30-110-670	Amended	17:13 VA.R. 2096	4/11/01
12 VAC 30-110-700	Amended	17:13 VA.R. 2097	4/11/01
12 VAC 30-110-710	Amended	17:13 VA.R. 2097	4/11/01
12 VAC 30-110-720	Amended	17:13 VA.R. 2088	4/11/01
12 VAC 30-110-730	Amended	17:13 VA.R. 2090	4/11/01
12 VAC 30-110-740	Repealed	17:13 VA.R. 2091	4/11/01
12 VAC 30-110-741	Added	17:13 VA.R. 2091	4/11/01
12 VAC 30-110-744	Added	17:13 VA.R. 2091	4/11/01
12 VAC 30-110-747	Added	17:13 VA.R. 2091	4/11/01
12 VAC 30-110-751	Added	17:13 VA.R. 2091	4/11/01
12 VAC 30-110-760	Amended	17:13 VA.R. 2091	4/11/01
12 VAC 30-110-780	Amended	17:13 VA.R. 2091	4/11/01
12 VAC 30-110-790	Amended	17:13 VA.R. 2091	4/11/01
12 VAC 30-110-800	Amended	17:13 VA.R. 2091	4/11/01
12 VAC 30-110-810	Amended	17:13 VA.R. 2091	4/11/01
12 VAC 30-110-813	Added	17:13 VA.R. 2092	4/11/01
12 VAC 30-110-815	Added	17:13 VA.R. 2092	4/11/01
12 VAC 30-110-820	Repealed	17:13 VA.R. 2092	4/11/01
12 VAC 30-110-830	Amended	17:13 VA.R. 2092	4/11/01
12 VAC 30-110-840	Amended	17:13 VA.R. 2092	4/11/01
12 VAC 30-110-850	Amended	17:13 VA.R. 2092	4/11/01

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-110-853	Added	17:13 VA.R. 2092	4/11/01
12 VAC 30-110-856	Added	17:13 VA.R. 2093	4/11/01
12 VAC 30-110-860	Amended	17:13 VA.R. 2093	4/11/01
12 VAC 30-110-870	Amended	17:13 VA.R. 2093	4/11/01
12 VAC 30-110-880	Amended	17:13 VA.R. 2093	4/11/01
12 VAC 30-110-890	Repealed	17:13 VA.R. 2093	4/11/01
12 VAC 30-110-900	Amended	17:13 VA.R. 2093	4/11/01
12 VAC 30-110-910	Amended	17:13 VA.R. 2094	4/11/01
12 VAC 30-110-920	Amended	17:13 VA.R. 2094	4/11/01
12 VAC 30-110-921	Added	17:13 VA.R. 2094	4/11/01
12 VAC 30-110-930	Amended	17:13 VA.R. 2094	4/11/01
12 VAC 30-110-940	Amended	17:13 VA.R. 2094	4/11/01
12 VAC 30-110-950	Amended	17:13 VA.R. 2094	4/11/01
12 VAC 30-110-960	Amended	17:13 VA.R. 2095	4/11/01
12 VAC 30-110-970	Amended	17:13 VA.R. 2095	4/11/01
12 VAC 30-110-980	Amended	17:13 VA.R. 2095	4/11/01
12 VAC 30-110-990	Amended	17:13 VA.R. 2095	4/11/01
12 VAC 30-110-1010	Amended	17:13 VA.R. 2095	4/11/01
12 VAC 30-110-1011	Added	17:13 VA.R. 2095	4/11/01
12 VAC 30-120-210 emer	Amended	18:5 VA.R. 743	10/17/01-10/16/02
12 VAC 30-120-211 through 12 VAC 30-120-215 emer	Added	18:5 VA.R. 745-751	10/17/01-10/16/02
12 VAC 30-120-220 emer	Amended	18:5 VA.R. 752	10/17/01-10/16/02
12 VAC 30-120-230 emer	Amended	18:5 VA.R. 755	10/17/01-10/16/02
12 VAC 30-120-240 emer	Amended	18:5 VA.R. 758	10/17/01-10/16/02
12 VAC 30-120-241 through 12 VAC 30-120-249 emer	Added	18:5 VA.R. 760-771	10/17/01-10/16/02
12 VAC 30-120-250 emer	Amended	18:5 VA.R. 771	10/17/01-10/16/02
12 VAC 30-120-251 through 12 VAC 30-120-255 emer	Added	18:5 VA.R. 772-777	10/17/01-10/16/02
12 VAC 30-120-258 emer	Added	18:5 VA.R. 777	10/17/01-10/16/02
12 VAC 30-120-259 emer	Added	18:5 VA.R. 778	10/17/01-10/16/02
12 VAC 30-120-700 through 12 VAC 30-120-790	Added	17:18 VA.R. 2597-2622	7/1/01
12 VAC 30-120-770	Erratum	17:21 VA.R. 3124	--
12 VAC 30-141-10 et seq. emer	Added	17:25 VA.R. 3660-3670	8/1/01-7/31/02
12 VAC 30-141-100 emer	Amended	17:26 VA.R. 3757	8/22/01-7/31/02
12 VAC 35-110	Repealed	18:3 VA.R. 391	11/21/01
12 VAC 35-115-10 through 12 VAC 35-115-250	Added	18:3 VA.R. 392-414	11/21/01
12 VAC 35-115-50	Erratum	17:22 VA.R. 3371	--
12 VAC 35-115-70	Erratum	17:22 VA.R. 3371	--
12 VAC 35-120	Repealed	18:3 VA.R. 414	11/21/01
12 VAC 35-130	Repealed	18:3 VA.R. 415	11/21/01
Title 13. Housing			
13 VAC 10-40-30	Amended	17:22 VA.R. 3347	6/20/01
13 VAC 10-40-110	Amended	17:22 VA.R. 3347	6/20/01
13 VAC 10-40-130	Amended	17:22 VA.R. 3347	6/20/01
13 VAC 10-40-190	Amended	17:22 VA.R. 3347	6/20/01
13 VAC 10-40-230	Amended	17:22 VA.R. 3347	6/20/01
13 VAC 10-180-10	Amended	17:17 VA.R. 2444	4/9/01
13 VAC 10-180-40	Amended	17:17 VA.R. 2444	4/9/01
13 VAC 10-180-60	Amended	17:17 VA.R. 2444	4/9/01
13 VAC 10-180-70	Amended	17:17 VA.R. 2452	4/9/01
13 VAC 10-180-90	Amended	17:17 VA.R. 2452	4/9/01
13 VAC 10-180-100	Amended	17:17 VA.R. 2452	4/9/01
Title 14. Insurance			
14 VAC 5-170-20	Amended	17:24 VA.R. 3559	9/1/01
14 VAC 5-170-30	Amended	17:24 VA.R. 3559	9/1/01
14 VAC 5-170-70	Amended	17:24 VA.R. 3559	9/1/01
14 VAC 5-170-90	Amended	17:24 VA.R. 3559	9/1/01

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
14 VAC 5-170-105	Amended	17:24 VA.R. 3562	9/1/01
14 VAC 5-170-120	Amended	17:24 VA.R. 3563	9/1/01
14 VAC 5-170-130	Amended	17:24 VA.R. 3565	9/1/01
14 VAC 5-170-150	Amended	17:24 VA.R. 3566	9/1/01
14 VAC 5-170-180	Amended	17:24 VA.R. 3566	9/1/01
Appendix D	Added	17:24 VA.R. 3566	9/1/01
14 VAC 5-215 (Forms)	Amended	17:19 VA.R. 2753-2758	7/4/01
14 VAC 5-300-90	Amended	17:22 VA.R. 3347	8/1/01
14 VAC 5-300-130	Amended	17:16 VA.R. 2382	5/1/01
14 VAC 5-330-10	Repealed	18:3 VA.R. 415	12/31/01
Title 16. Labor and Employment			
16 VAC 25-60-50	Repealed	18:5 VA.R. 729	12/31/01
16 VAC 25-60-60	Repealed	18:5 VA.R. 730	12/31/01
16 VAC 25-60-70	Repealed	18:5 VA.R. 731	12/31/01
16 VAC 25-85-1904.0 through 16 VAC 25-85-1904.09	Amended	18:5 VA.R. 731	1/1/02
16 VAC 25-85-1904.10 (c)	Amended	18:5 VA.R. 731	1/1/02
16 VAC 25-85-1904.11	Amended	18:5 VA.R. 731	1/1/02
16 VAC 25-85-1904.13 through 16 VAC 25-85-1904.28	Amended	18:5 VA.R. 731	1/1/02
16 VAC 25-85-1904.29 except (b)(7)(vi) second sentence	Amended	18:5 VA.R. 731	1/1/02
16 VAC 25-85-1904.30 through 1904.46	Amended	18:5 VA.R. 731	1/1/02
16 VAC 25-85-1904.10 (a)&(b)	Amended	18:5 VA.R. 731	1/1/03
16 VAC 25-85-1904.12	Amended	18:5 VA.R. 731	1/1/03
16 VAC 25-85-1904.29 (b)(7)(vi) second sentence	Amended	18:5 VA.R. 731	1/1/03
16 VAC 25-90-1910.1030	Amended	17:23 VA.R. 3459	9/15/01
16 VAC 25-90-1910.1043	Amended	17:23 VA.R. 3458	9/15/01
16 VAC 25-175-1926.750 through 16 VAC 25-175-1926.759	Amended	18:5 VA.R. 732	1/18/02
16 VAC 25-175-1926.760 (d) & (e)	Amended	18:5 VA.R. 732	1/18/02
16 VAC 25-175-1926.761	Amended	18:5 VA.R. 732	1/18/02
16 VAC 25-175-1926.500	Amended	18:5 VA.R. 732	1/18/02
Title 17. Libraries and Cultural Resources			
17 VAC 15-20-20 through 17 VAC 15-20-50	Amended	17:14 VA.R. 2183	5/1/01
17 VAC 15-20-70 through 17 VAC 15-20-120	Amended	17:14 VA.R. 2183	5/1/01
17 VAC 15-20-150 through 17 VAC 15-20-170	Amended	17:14 VA.R. 2183	5/1/01
17 VAC 15-30-10 et seq.	Repealed	17:14 VA.R. 2183	5/1/01
17 VAC 15-40-10 et seq.	Repealed	17:14 VA.R. 2183	5/1/01
17 VAC 15-50-20 through 17 VAC 15-50-50	Amended	17:14 VA.R. 2184	5/1/01
17 VAC 15-50-70	Amended	17:14 VA.R. 2184	5/1/01
17 VAC 15-50-90 through 17 VAC 15-50-110	Amended	17:14 VA.R. 2184	5/1/01
17 VAC 15-50-130	Amended	17:14 VA.R. 2184	5/1/01
17 VAC 15-50-140	Repealed	17:14 VA.R. 2184	5/1/01
17 VAC 15-50-150	Amended	17:14 VA.R. 2184	5/1/01
17 VAC 15-50-160	Amended	17:14 VA.R. 2184	5/1/01
Title 18. Professional and Occupational Licensing			
18 VAC 5-20-10 et seq.	Repealed	17:14 VA.R. 2184	4/25/01
18 VAC 5-21-10 through 18 VAC 5-21-170	Amended	17:14 VA.R. 2184-2198	4/25/01
18 VAC 30-10-10	Amended	17:20 VA.R. 2921	7/18/01
18 VAC 30-10-20	Amended	17:20 VA.R. 2921	7/18/01
18 VAC 30-10-30	Amended	17:20 VA.R. 2921	7/18/01
18 VAC 30-10-40	Amended	17:20 VA.R. 2921	7/18/01
18 VAC 30-10-60	Amended	17:20 VA.R. 2921	7/18/01
18 VAC 30-10-70	Amended	17:20 VA.R. 2921	7/18/01
18 VAC 30-10-80	Amended	17:20 VA.R. 2921	7/18/01
18 VAC 30-10-100	Amended	17:20 VA.R. 2921	7/18/01
18 VAC 30-20-10	Amended	17:16 VA.R. 2383	5/23/01

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 30-20-80	Amended	17:16 VA.R. 2383	5/23/01
18 VAC 30-20-160	Amended	17:16 VA.R. 2383	5/23/01
18 VAC 30-20-300	Added	17:16 VA.R. 2384	5/23/01
18 VAC 30-20-310	Added	17:16 VA.R. 2384	5/23/01
18 VAC 30-20-320	Added	17:16 VA.R. 2384	5/23/01
18 VAC 50-22-10 through 18 VAC 50-22-60	Amended	17:21 VA.R. 3108-3113	9/1/01
18 VAC 50-22-80	Amended	17:21 VA.R. 3113	9/1/01
18 VAC 50-22-100 through 18 VAC 50-22-270	Amended	17:21 VA.R. 3113-3115	9/1/01
18 VAC 50-30-10	Amended	17:26 VA.R. 3756	11/1/01
18 VAC 50-30-20	Amended	17:26 VA.R. 3756	11/1/01
18 VAC 50-30-40	Amended	17:26 VA.R. 3756	11/1/01
18 VAC 50-30-50	Amended	17:26 VA.R. 3756	11/1/01
18 VAC 50-30-50	Erratum	18:4 VA.R. 658	--
18 VAC 50-30-90	Amended	17:26 VA.R. 3756	11/1/01
18 VAC 50-30-90	Erratum	18:4 VA.R. 658	--
18 VAC 50-30-200	Amended	17:26 VA.R. 3756	11/1/01
18 VAC 60-10-10 through 18 VAC 60-10-40	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 60-10-60	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 60-10-70	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 60-10-80	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 60-10-100	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 60-20-10 emer	Amended	18:5 VA.R. 780	12/1/01-10/30/02
18 VAC 60-20-250 through 18 VAC 60-20-330 emer	Added	18:5 VA.R. 780-782	12/1/01-10/30/02
18 VAC 65-10-10	Amended	17:21 VA.R. 3116	8/1/01
18 VAC 65-10-20	Amended	17:21 VA.R. 3116	8/1/01
18 VAC 65-10-30	Amended	17:21 VA.R. 3116	8/1/01
18 VAC 65-10-40	Amended	17:21 VA.R. 3116	8/1/01
18 VAC 65-10-60	Amended	17:21 VA.R. 3116	8/1/01
18 VAC 65-10-70	Amended	17:21 VA.R. 3116	8/1/01
18 VAC 65-10-80	Amended	17:21 VA.R. 3116	8/1/01
18 VAC 65-10-100	Amended	17:21 VA.R. 3116	8/1/01
18 VAC 75-10-10	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 75-10-20	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 75-10-30	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 75-10-40	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 75-10-60	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 75-10-70	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 75-10-80	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 75-10-100	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 85-10-10	Amended	17:21 VA.R. 3116	8/1/01
18 VAC 85-10-20	Amended	17:21 VA.R. 3116	8/1/01
18 VAC 85-10-30	Amended	17:21 VA.R. 3116	8/1/01
18 VAC 85-10-40	Amended	17:21 VA.R. 3116	8/1/01
18 VAC 85-10-60	Amended	17:21 VA.R. 3116	8/1/01
18 VAC 85-10-70	Amended	17:21 VA.R. 3116	8/1/01
18 VAC 85-10-80	Amended	17:21 VA.R. 3116	8/1/01
18 VAC 85-10-100	Amended	17:21 VA.R. 3116	8/1/01
18 VAC 85-20-131	Amended	18:4 VA.R. 607	12/5/01
18 VAC 85-40-61	Added	17:13 VA.R. 2097	4/11/01
18 VAC 85-50-10	Amended	17:21 VA.R. 3116	8/1/01
18 VAC 85-50-58	Added	17:13 VA.R. 2098	4/11/01
18 VAC 85-50-101	Amended	17:21 VA.R. 3117	8/1/01
18 VAC 85-50-130	Amended	17:21 VA.R. 3117	8/1/01
18 VAC 85-50-140	Amended	17:21 VA.R. 3117	8/1/01
18 VAC 85-50-150	Amended	17:21 VA.R. 3117	8/1/01
18 VAC 85-80-10	Amended	17:17 VA.R. 2452	6/6/01

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18 VAC 85-80-70	Amended	17:17 VA.R. 2452	6/6/01
18 VAC 85-80-71	Added	17:17 VA.R. 2452	6/6/01
18 VAC 85-80-72	Added	17:17 VA.R. 2452	6/6/01
18 VAC 85-80-80	Amended	17:17 VA.R. 2452	6/6/01
18 VAC 85-101-150	Amended	17:17 VA.R. 2452	6/6/01
18 VAC 85-101-151	Added	17:17 VA.R. 2452	6/6/01
18 VAC 85-101-152	Added	17:17 VA.R. 2452	6/6/01
18 VAC 85-110-100	Amended	18:4 VA.R. 607	12/5/01
18 VAC 85-110-150	Amended	17:17 VA.R. 2452	6/6/01
18 VAC 85-110-155	Added	17:17 VA.R. 2452	6/6/01
18 VAC 85-110-160	Amended	17:17 VA.R. 2452	6/6/01
18 VAC 85-120-10 et seq.	Added	17:17 VA.R. 2453	6/6/01
18 VAC 90-10-10	Amended	17:20 VA.R. 2921	7/18/01
18 VAC 90-10-20	Amended	17:20 VA.R. 2921	7/18/01
18 VAC 90-10-30	Amended	17:20 VA.R. 2921	7/18/01
18 VAC 90-10-40	Amended	17:20 VA.R. 2921	7/18/01
18 VAC 90-10-60	Amended	17:20 VA.R. 2921	7/18/01
18 VAC 90-10-70	Amended	17:20 VA.R. 2921	7/18/01
18 VAC 90-10-80	Amended	17:20 VA.R. 2921	7/18/01
18 VAC 90-10-100	Amended	17:20 VA.R. 2921	7/18/01
18 VAC 90-20-210	Amended	17:20 VA.R. 2921	7/18/01
18 VAC 90-30-50	Amended	17:13 VA.R. 2098	4/11/01
18 VAC 90-30-110	Amended	17:13 VA.R. 2098	4/11/01
18 VAC 90-40-60	Amended	17:13 VA.R. 2098	4/11/01
18 VAC 90-40-70	Amended	17:13 VA.R. 2098	4/11/01
18 VAC 95-10-10 through 18 VAC 95-10-40	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 95-10-60	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 95-10-70	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 95-10-80	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 95-10-100	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 105-10-10 through 18 VAC 105-10-40	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 105-10-60	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 105-10-70	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 105-10-80	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 105-10-100	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 105-20-60	Amended	17:17 VA.R. 2453	6/6/01
18 VAC 110-10-10	Amended	17:21 VA.R. 3118	8/1/01
18 VAC 110-10-20	Amended	17:21 VA.R. 3118	8/1/01
18 VAC 110-10-30	Amended	17:21 VA.R. 3118	8/1/01
18 VAC 110-10-40	Amended	17:21 VA.R. 3118	8/1/01
18 VAC 110-10-60	Amended	17:21 VA.R. 3118	8/1/01
18 VAC 110-10-70	Amended	17:21 VA.R. 3118	8/1/01
18 VAC 110-10-80	Amended	17:21 VA.R. 3118	8/1/01
18 VAC 110-10-100	Amended	17:21 VA.R. 3118	8/1/01
18 VAC 112-10-10 through 18 VAC 112-10-120	Added	18:5 VA.R. 733	12/19/01
18 VAC 112-20-10	Amended	17:25 VA.R. 3657	9/12/01
18 VAC 112-20-10 emer	Amended	18:3 VA.R. 429	11/1/01-10/31/02
18 VAC 112-20-90	Amended	17:25 VA.R. 3658	9/12/01
18 VAC 112-20-130 emer	Amended	18:3 VA.R. 430	11/1/01-10/31/02
18 VAC 112-20-131 emer	Added	18:3 VA.R. 430	11/1/01-10/31/02
18 VAC 112-20-135 emer	Amended	18:3 VA.R. 431	11/1/01-10/31/02
18 VAC 112-20-136 emer	Added	18:3 VA.R. 431	11/1/01-10/31/02
18 VAC 112-20-140 emer	Amended	18:3 VA.R. 431	11/1/01-10/31/02
18 VAC 115-10-10	Amended	18:1 VA.R. 32	10/24/01
18 VAC 115-10-20	Amended	18:1 VA.R. 32	10/24/01
18 VAC 115-10-30	Amended	18:1 VA.R. 32	10/24/01

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 115-10-40	Amended	18:1 VA.R. 32	10/24/01
18 VAC 115-10-60	Amended	18:1 VA.R. 32	10/24/01
18 VAC 115-10-70	Amended	18:1 VA.R. 32	10/24/01
18 VAC 115-10-80	Amended	18:1 VA.R. 32	10/24/01
18 VAC 115-10-100	Amended	18:1 VA.R. 32	10/24/01
18 VAC 115-60-20	Amended	17:18 VA.R. 2651	6/20/01
18 VAC 115-60-40	Amended	17:18 VA.R. 2651	6/20/01
18 VAC 115-60-50	Amended	17:18 VA.R. 2651	6/20/01
18 VAC 115-60-120	Amended	17:18 VA.R. 2651	6/20/01
18 VAC 115-60-150	Amended	17:18 VA.R. 2651	6/20/01
18 VAC 125-20-10	Amended	17:12 VA.R. 2026	3/28/01
18 VAC 125-20-30	Amended	17:12 VA.R. 2027	3/28/01
18 VAC 125-20-30	Amended	17:18 VA.R. 2652	6/20/01
18 VAC 125-20-43	Added	17:12 VA.R. 2027	3/28/01
18 VAC 125-20-120	Amended	17:18 VA.R. 2652	6/20/01
18 VAC 125-20-121	Added	17:18 VA.R. 2653	6/20/01
18 VAC 125-20-122	Added	17:18 VA.R. 2653	6/20/01
18 VAC 125-20-123	Added	17:18 VA.R. 2653	6/20/01
18 VAC 125-20-130	Amended	17:18 VA.R. 2654	6/20/01
18 VAC 125-20-160	Amended	17:18 VA.R. 2654	6/20/01
18 VAC 140-10-10	Amended	17:21 VA.R. 3118	8/1/01
18 VAC 140-10-20	Amended	17:21 VA.R. 3118	8/1/01
18 VAC 140-10-30	Amended	17:21 VA.R. 3118	8/1/01
18 VAC 140-10-40	Amended	17:21 VA.R. 3118	8/1/01
18 VAC 140-10-60	Amended	17:21 VA.R. 3118	8/1/01
18 VAC 140-10-70	Amended	17:21 VA.R. 3118	8/1/01
18 VAC 140-10-80	Amended	17:21 VA.R. 3118	8/1/01
18 VAC 140-10-100	Amended	17:21 VA.R. 3118	8/1/01
18 VAC 140-20-100	Amended	17:14 VA.R. 2198	4/25/01
18 VAC 140-20-105	Added	17:14 VA.R. 2198	4/25/01
18 VAC 140-20-106	Added	17:14 VA.R. 2199	4/25/01
18 VAC 140-20-110	Amended	17:14 VA.R. 2199	4/25/01
18 VAC 140-20-160	Amended	17:14 VA.R. 2199	4/25/01
18 VAC 150-10-10 through 18 VAC 150-10-40	Amended	17:24 VA.R. 3567	9/12/01
18 VAC 150-10-60	Amended	17:24 VA.R. 3567	9/12/01
18 VAC 150-10-70	Amended	17:24 VA.R. 3567	9/12/01
18 VAC 150-10-80	Amended	17:24 VA.R. 3567	9/12/01
18 VAC 150-10-100	Amended	17:24 VA.R. 3567	9/12/01
Title 19. Public Safety			
19 VAC 30-40-30	Amended	17:15 VA.R. 2252	5/9/01
19 VAC 30-70-160	Amended	17:15 VA.R. 2252	5/9/01
19 VAC 30-70-530	Amended	17:15 VA.R. 2255	5/9/01
19 VAC 30-150-5	Added	17:15 VA.R. 2257	5/9/01
19 VAC 30-150-10	Amended	17:15 VA.R. 2257	5/9/01
19 VAC 30-150-20	Repealed	17:15 VA.R. 2257	5/9/01
19 VAC 30-150-30	Amended	17:15 VA.R. 2257	5/9/01
19 VAC 30-150-50	Amended	17:15 VA.R. 2257	5/9/01
19 VAC 30-160-5	Added	17:15 VA.R. 2257	5/9/01
19 VAC 30-160-20	Repealed	17:15 VA.R. 2257	5/9/01
19 VAC 30-160-30	Amended	17:15 VA.R. 2257	5/9/01
19 VAC 30-160-40	Amended	17:15 VA.R. 2257	5/9/01
19 VAC 30-160-45	Added	17:15 VA.R. 2257	5/9/01
19 VAC 30-165-10 et seq.	Amended	17:15 VA.R. 2258	5/9/01
Title 20. Public Utilities and Telecommunications			
20 VAC 5-309-10	Amended	17:18 VA.R. 2657	7/1/01
20 VAC 5-309-15	Added	17:18 VA.R. 2657	7/1/01

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20 VAC 5-309-20	Amended	17:18 VA.R. 2657	7/1/01
20 VAC 5-309-30	Amended	17:18 VA.R. 2657	7/1/01
20 VAC 5-309-40	Amended	17:18 VA.R. 2657	7/1/01
20 VAC 5-309-50	Amended	17:18 VA.R. 2658	7/1/01
20 VAC 5-309-70	Amended	17:18 VA.R. 2658	7/1/01
20 VAC 5-309-90 through 20 VAC 5-309-180	Added	17:18 VA.R. 2658-2660	7/1/01
20 VAC 5-312-10 through 20 VAC 5-312-110	Added	17:22 VA.R. 3351-3364	8/1/01
20 VAC 5-312-10	Amended	18:4 VA.R. 613	10/10/01
20 VAC 5-312-70	Amended	18:4 VA.R. 614	10/10/01
20 VAC 5-312-80	Amended	18:4 VA.R. 615	10/10/01
20 VAC 5-325-10 through 20 VAC 5-325-110	Added	17:23 VA.R. 3464-3466	7/1/01
20 VAC 5-400-10 through 20 VAC 5-400-60	Repealed	18:4 VA.R. 619-628	10/17/01
20 VAC 5-400-100 through 20 VAC 5-400-170	Repealed	18:4 VA.R. 629	10/17/01
20 VAC 5-400-190	Repealed	18:4 VA.R. 630	10/17/01
20 VAC 5-400-200	Repealed	18:4 VA.R. 632	10/17/01
20 VAC 5-401-10 through 20 VAC 5-401-50	Added	18:4 VA.R. 619-620	10/17/01
20 VAC 5-403-10 through 20 VAC 5-403-70	Added	18:4 VA.R. 621-627	10/17/01
20 VAC 5-405-10 through 20 VAC 5-405-130	Added	18:5 VA.R. 735-736	10/23/01
20 VAC 5-409-10 through 20 VAC 5-409-70	Added	18:4 VA.R. 627-628	10/17/01
20 VAC 5-411-10 through 20 VAC 5-411-90	Added	18:4 VA.R. 628-629	10/17/01
20 VAC 5-413-10 through 20 VAC 5-413-40	Added	18:4 VA.R. 629	10/17/01
20 VAC 5-415-10	Added	18:4 VA.R. 629	10/17/01
20 VAC 5-415-20	Added	18:4 VA.R. 629	10/17/01
20 VAC 5-419-10 through 20 VAC 5-419-40	Added	18:4 VA.R. 630-632	10/17/01
20 VAC 5-421-10	Added	18:4 VA.R. 632	10/17/01
20 VAC 5-421-20	Added	18:4 VA.R. 632	10/17/01
Title 21. Securities and Retail Franchising			
21 VAC 5-10 (Forms)	Amended	17:20 VA.R. 2925	7/1/01
21 VAC 5-20-10	Amended	17:20 VA.R. 2925	7/1/01
21 VAC 5-20-30	Amended	17:20 VA.R. 2925	7/1/01
21 VAC 5-20-40	Amended	17:20 VA.R. 2925	7/1/01
21 VAC 5-20-60 through 21 VAC 5-20-80	Amended	17:20 VA.R. 2925	7/1/01
21 VAC 5-20-85	Added	17:20 VA.R. 2925	7/1/01
21 VAC 5-20-90	Amended	17:20 VA.R. 2926	7/1/01
21 VAC 5-20-120	Amended	17:20 VA.R. 2926	7/1/01
21 VAC 5-20-130	Amended	17:20 VA.R. 2926	7/1/01
21 VAC 5-20-155	Added	17:20 VA.R. 2926	7/1/01
21 VAC 5-20-220	Amended	17:20 VA.R. 2926	7/1/01
21 VAC 5-20-240	Amended	17:20 VA.R. 2926	7/1/01
21 VAC 5-20-280	Amended	17:20 VA.R. 2926	7/1/01
21 VAC 5-20-290	Amended	17:20 VA.R. 2931	7/1/01
21 VAC 5-30-30	Repealed	17:20 VA.R. 2931	7/1/01
21 VAC 5-30-60	Repealed	17:20 VA.R. 2931	7/1/01
21 VAC 5-30-80	Amended	17:20 VA.R. 2931	7/1/01
21 VAC 5-30-90	Amended	17:20 VA.R. 2931	7/1/01
21 VAC 5-80-10	Amended	17:20 VA.R. 2931	7/1/01
21 VAC 5-80-30 through 21 VAC 5-80-70	Amended	17:20 VA.R. 2931	7/1/01
21 VAC 5-80-90 through 21 VAC 5-80-110	Amended	17:20 VA.R. 2931	7/1/01
21 VAC 5-80-160	Amended	17:20 VA.R. 2931	7/1/01
21 VAC 5-80-200	Amended	17:20 VA.R. 2931	7/1/01
21 VAC 5-80-210	Amended	17:20 VA.R. 2931	7/1/01
Title 22. Social Services			
22 VAC 20-30-10 through 22 VAC 20-30-60	Amended	17:23 VA.R. 3466-3468	***

*** Effective date suspended in 18:1 VA.R. 32.

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
22 VAC 20-30-70	Repealed	17:23 VA.R. 3468	***
22 VAC 20-30-80 through 22 VAC 20-30-140	Amended	17:23 VA.R. 3468-3469	***
22 VAC 20-30-150	Added	17:23 VA.R. 3469	***
22 VAC 40-71-10 emer	Amended	17:24 VA.R. 3568	10/9/01-10/8/02
22 VAC 40-71-20 emer	Amended	17:24 VA.R. 3571	10/9/01-10/8/02
22 VAC 40-71-30 emer	Amended	17:24 VA.R. 3572	10/9/01-10/8/02
22 VAC 40-71-50 emer	Amended	17:24 VA.R. 3572	10/9/01-10/8/02
22 VAC 40-71-60 emer	Amended	17:24 VA.R. 3572	10/9/01-10/8/02
22 VAC 40-71-80 emer	Amended	17:24 VA.R. 3573	10/9/01-10/8/02
22 VAC 40-71-90 emer	Amended	17:24 VA.R. 3573	10/9/01-10/8/02
22 VAC 40-71-110 emer	Amended	17:24 VA.R. 3573	10/9/01-10/8/02
22 VAC 40-71-130 emer	Amended	17:24 VA.R. 3574	10/9/01-10/8/02
22 VAC 40-71-150 through 22 VAC 40-71-180 emer	Amended	17:24 VA.R. 3574-3579	10/9/01-10/8/02
22 VAC 40-71-210 emer	Amended	17:24 VA.R. 3579	10/9/01-10/8/02
22 VAC 40-71-270 emer	Amended	17:24 VA.R. 3579	10/9/01-10/8/02
22 VAC 40-71-275 emer	Added	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-280 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-290 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-310 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-330 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-360 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-410 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-440 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-450 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-460 emer	Amended	17:24 VA.R. 3581	10/9/01-10/8/02
22 VAC 40-71-480 emer	Amended	17:24 VA.R. 3581	10/9/01-10/8/02
22 VAC 40-71-490 emer	Amended	17:24 VA.R. 3581	10/9/01-10/8/02
22 VAC 40-71-530 through 22 VAC 40-71-600 emer	Amended	17:24 VA.R. 3582-3584	10/9/01-10/8/02
22 VAC 40-71-630 through 22 VAC 40-71-700 emer	Amended	17:24 VA.R. 3584-3589	10/9/01-10/8/02
22 VAC 40-130-10 et seq.	Withdrawn	17:17 VA.R. 2456	--
22 VAC 40-230-10 et seq.	Repealed	17:18 VA.R. 2660	6/20/01
22 VAC 40-480-10 et seq.	Repealed	17:18 VA.R. 2661	6/20/01
22 VAC 40-560	Repealed	18:5 VA.R. 736	12/19/01
22 VAC 40-690-10	Amended	17:18 VA.R. 2661	9/1/01
22 VAC 40-690-15	Added	17:18 VA.R. 2662	9/1/01
22 VAC 40-690-20	Amended	17:18 VA.R. 2662	9/1/01
22 VAC 40-690-30	Amended	17:18 VA.R. 2662	9/1/01
22 VAC 40-690-35	Added	17:18 VA.R. 2663	9/1/01
22 VAC 40-690-40	Amended	17:18 VA.R. 2663	9/1/01
22 VAC 40-690-50	Repealed	17:18 VA.R. 2664	9/1/01
22 VAC 40-690-55	Added	17:18 VA.R. 2664	9/1/01
22 VAC 40-690-55	Erratum	17:21 VA.R. 3124	--
22 VAC 40-690-60	Amended	17:18 VA.R. 2664	9/1/01
22 VAC 40-690-65	Added	17:18 VA.R. 2664	9/1/01
22 VAC 40-690-70	Repealed	17:18 VA.R. 2664	9/1/01
22 VAC 40-705-10 emer	Amended	18:5 VA.R. 784	1/1/02-12/31/02
22 VAC 40-705-40 through 22 VAC 40-705-90 emer	Amended	18:5 VA.R. 786-790	1/1/02-12/31/02
22 VAC 40-705-110 through 22 VAC 40-705-160 emer	Amended	18:5 VA.R. 790-794	1/1/02-12/31/02
22 VAC 40-705-180 emer	Amended	18:5 VA.R. 794	1/1/02-12/31/02
22 VAC 40-705-190 emer	Amended	18:5 VA.R. 794	1/1/02-12/31/02
22 VAC 40-730-10 emer	Amended	17:13 VA.R. 2103	4/1/01-3/31/02
22 VAC 40-730-10	Erratum	17:25 VA.R. 3679	--
22 VAC 40-730-40 through 22 VAC 40-730-100 emer	Amended	17:13 VA.R. 2103-2104	4/1/01-3/31/02
22 VAC 40-790	Repealed	18:5 VA.R. 736	12/19/01
22 VAC 40-900-10 et seq.	Repealed	17:18 VA.R. 2671	6/20/01
22 VAC 40-901-10 through 22 VAC 40-901-30	Added	17:18 VA.R. 2671	6/20/01

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 24. Transportation and Motor Vehicles			
24 VAC 20-70-30 emer	Amended	18:3 VA.R. 433	9/21/01-9/20/02
24 VAC 30-40	Repealed	18:3 VA.R. 416	11/21/01
24 VAC 30-41-10 through 24 VAC 30-41-760	Added	18:3 VA.R. 416-427	11/21/01
24 VAC 30-61-20	Amended	17:17 VA.R. 2456	6/6/01
24 VAC 30-61-40	Amended	17:17 VA.R. 2456	6/6/01
24 VAC 30-71-160	Amended	18:5 VA.R. 737	12/19/01
24 VAC 30-240-10	Amended	17:18 VA.R. 2671	5/1/01
24 VAC 30-260-10 et seq.	Repealed	17:25 VA.R. 3658	7/26/01
24 VAC 30-280-10	Amended	17:13 VA.R. 2099	2/15/01
24 VAC 30-280-20 through 24 VAC 30-280-70	Added	17:13 VA.R. 2099-2102	2/15/01
24 VAC 30-370-10 et seq.	Repealed	17:24 VA.R. 3567	9/12/01
24 VAC 30-440-10 et seq.	Repealed	17:14 VA.R. 2200	3/6/01
24 VAC 30-450-10 et seq.	Amended	17:14 VA.R. 2200	3/6/01
24 VAC 30-460-10	Repealed	17:14 VA.R. 2201	3/6/01
24 VAC 30-520-10	Amended	17:25 VA.R. 3658	7/26/01
24 VAC 30-520-20	Amended	17:25 VA.R. 3658	7/26/01
24 VAC 30-540-10	Added	17:23 VA.R. 3472	6/29/01
24 VAC 30-540-20	Added	17:23 VA.R. 3472	6/29/01
24 VAC 30-540-30	Added	17:23 VA.R. 3472	6/29/01
24 VAC 30-540-40	Added	17:23 VA.R. 3472	6/29/01
24 VAC 30-561-10	Amended	17:18 VA.R. 2672	5/2/01

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

† Indicates entries since last publication of the *Virginia Register*

TITLE 3. ALCOHOLIC BEVERAGES

ALCOHOLIC BEVERAGE CONTROL BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Alcoholic Beverage Control Board intends to consider amending regulations entitled: **3 VAC 5-20. Advertising.** The purpose of the proposed action is to (i) implement the changes suggested in the most recent periodic review; (ii) address the possible removal of some of the differences in advertising allowed between spirits, wine and beer; (iii) consider adding amphitheaters to those places where billboard advertising is allowed; and (iv) consider expanding the ability of manufacturers and wholesalers to provide certain promotional items and service items to retailers.

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

Statutory Authority: §§ 4.1-111 and 4.1-320 of the Code of Virginia.

Public comments may be submitted until 5 p.m., January 2, 2002.

Contact: Sara M. Gilliam, Assistant Secretary, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4440, FAX (804) 213-4411 or e-mail smgillm@abc.state.va.us.

VA.R. Doc. No. R02-74; Filed November 13, 2001, 9:52 a.m.

TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

STATE BOARD OF JUVENILE JUSTICE

† Notice of Intended Regulatory Action

Extension of Public Comment Period

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Juvenile Justice intends to consider amending regulations entitled: **6 VAC 35-140. Standards for Juvenile Residential Facilities.** The purpose of the proposed action is to provide standards for post-dispositional detention in accordance with the 2000 Appropriations Act, item 476 A 3 and to reinstate certain historical standards that conform closely to nationally accepted standards.

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

Statutory Authority: §§ 16.1-309.9, 66-10 and 66-25.1 of the Code of Virginia.

The public comment period is extended until January 4, 2002.

Contact: Donald R. Carignan, Regulatory Coordinator, 700 E. Franklin St., 4th Floor, P.O. Box 1110, Richmond, VA 23208-1110, telephone (804) 371-0743 or FAX (804) 371-0773.

VA.R. Doc. No. R02-43; Filed November 8, 2001, 4:49 p.m.

† Notice of Intended Regulatory Action

Extension of Public Comment Period

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Juvenile Justice intends to consider promulgating regulations entitled: **6 VAC 35-160. Regulations Governing Juvenile Record Information and the Virginia Juvenile Justice Information System.** The purpose of the proposed action is to establish standards for the form and content of information submitted to the Virginia Juvenile Justice Information System, protect the integrity and the confidentiality of the information, and ensure the security and dissemination of information in accordance with law.

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

Statutory Authority: §§ 16.1-223 and 66-10 of the Code of Virginia.

The public comment period is extended until January 4, 2002.

Contact: Donald R. Carignan, Regulatory Coordinator, 700 E. Franklin St., 4th Floor, P.O. Box 1110, Richmond, VA 23208-1110, telephone (804) 371-0743 or FAX (804) 371-0773.

VA.R. Doc. No. R02-42; Filed November 9, 2001, 10:42 a.m.

TITLE 12. HEALTH

STATE BOARD OF HEALTH

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 that the State Board of Health intends to consider promulgating regulations entitled: **12 VAC 5-218. Rules and Regulations Governing Outpatient Data Reporting.** The purpose of the proposed action is to make emergency regulations addressing this matter into permanent regulations. The intended regulations are required by Virginia law, and will

Notices of Intended Regulatory Action

collect aggregate information on outpatient surgical procedures.

The agency does not intend to hold a public hearing on the proposed regulation after publication in the Virginia Register.

Statutory Authority: §§ 32.1-276.6 of the Code of Virginia.

Public comments may be submitted until December 7, 2001.

Contact: Ivy Cole, Director, OIM, Department of Health, 1500 E. Main St., Richmond, VA 23230, telephone (804) 786-6272 or FAX (804) 692-0698.

VA.R. Doc. No. R02-51; Filed October 16, 2001, 3:36 p.m.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled: **12 VAC 30-120-220. Waivered Services (Home- and Community-Based Care Services for Individuals with Mental Retardation)**. The purpose of the proposed action is to provide new requirements and restrict the application of the previously existing regulations to a small population of individuals for this community-based care program for persons with mental retardation in response to requirements from the Centers for Medicare and Medicaid Services, recommendations from the Governor's and Secretary's Task Force, and mandates from the 2000 General Assembly session.

The agency does not intend to hold a public hearing on the proposed regulation after publication in the Virginia Register.

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

Public comments may be submitted until December 19, 2001, to Tammy Whitlock, Manager, Division of Long Term Care and QA, Department of Medical Assistance Services, 600 East Broad Street, 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) 786-7959.

VA.R. Doc. No. R02-53; Filed October 17, 2001, 2:48 p.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF DENTISTRY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Dentistry intends to consider amending regulations entitled: **18 VAC 60-20.**

Regulations Governing the Practice of Dentistry and Dental Hygiene. The purpose of the proposed action is to promulgate regulations for the registration and profiling of oral and maxillofacial surgeons and for the certification of such persons who want to perform certain cosmetic procedures. The new regulations will replace emergency regulations in effect from December 1, 2001, to November 30, 2002.

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

Statutory Authority: § 54.1-2400 and Chapter 27 (§ 54.1-2700 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until December 19, 2001.

Contact: Sandra Reen, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906 or FAX (804) 662-9943.

VA.R. Doc. No. R02-55; Filed October 23, 2001, 1:42 p.m.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Funeral Directors and Embalmers intends to consider amending regulations entitled: **18 VAC 65-20. Regulations of the Board of Funeral Directors and Embalmers.** The purpose of the proposed action is to (i) modify the requirements for a change of ownership, (ii) provide additional access to licensure by endorsement, (iii) clarify the scope of practice for courtesy card holders, and (iv) require persons who handle remains with a surface transportation and removal service registration to have OSHA training. Other recommendations for the preparation room and its equipment and for documentation of embalming came from a task force on the inspection process. During the development of regulations, the board intends to receive comment on the need to require continuing education renewal and on the definition of a branch establishment. It will also consider any other issues raised during public comment on the Notice of Intended Regulatory Action.

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

Statutory Authority: Chapter 28 (§ 54.1-2800 et seq.) of 54.1 of the Code of Virginia.

Public comments may be submitted until 5 p.m., January 2, 2002.

Contact: Elizabeth Young Tisdale, Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907, FAX (804) 662-9943, or e-mail etisdale@dhp.state.va.us.

VA.R. Doc. No. R02-73; Filed November 9, 2001, 2:11 p.m.

Notices of Intended Regulatory Action

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Funeral Directors and Embalmers intends to consider amending regulations entitled: **18 VAC 65-30. Regulations for Preneed Funeral Planning.** The purpose of the proposed action is to correctly define appointee and designee and to eliminate a confusing and unnecessary requirement for a number to be placed on the preneed contract. It will also consider any other issues raised during public comment.

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

Statutory Authority: Chapter 28 (§ 54.1-2800 et seq.) of 54.1 of the Code of Virginia.

Public comments may be submitted until 5 p.m., December 5, 2001.

Contact: Elizabeth Young Tisdale, Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907, FAX (804) 662-9943, or e-mail etisdale@dhp.state.va.us.

VA.R. Doc. No. R02-46; Filed October 16, 2001, 4:35 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Funeral Directors and Embalmers intends to consider amending regulations entitled: **18 VAC 65-40. Resident Trainee Program for Funeral Service.** The purpose of the proposed action is to specify that information and training about preneed funeral contracts must be included in the resident trainee program. It will also consider any other issues raised during public comment on the Notice of Intended Regulatory Action.

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

Statutory Authority: Chapter 28 (§ 54.1-2800 et seq.) of 54.1 of the Code of Virginia.

Public comments may be submitted until 5 p.m., December 5, 2001.

Contact: Elizabeth Young Tisdale, Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907, FAX (804) 662-9943, or e-mail etisdale@dhp.state.va.us.

VA.R. Doc. No. R02-47; Filed October 16, 2001, 4:35 p.m.

BOARD OF MEDICINE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Medicine intends to consider amending regulations entitled: **18 VAC 85-20. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, and Chiropractic.** The purpose of the proposed action is to amend the regulations concerning

the use of certain anesthesia for outpatient surgery in physicians' office.

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

Statutory Authority: § 54.1-2400 and Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on December 19, 2001.

Contact: William L. Harp, M.D., Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, e-mail wharp@dhp.state.va.us.

VA.R. Doc. No. R02-69; Filed October 30, 2001, 10:57 a.m.

BOARD OF OPTOMETRY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Optometry intends to consider amending regulations entitled: **18 VAC 105-20. Regulations of the Virginia Board of Optometry.** The purpose of the proposed action is to revise certain requirements of licensure by endorsement, to reduce the burden of reinstatement, to add some miscellaneous fees consistent with other boards, and to clarify certain provisions related to the provision of prescriptions for contact lenses, the use of professional designations and continuing education. The board recommended increasing by two the number of continuing education hours but expanding the scope of course work for which optometrists may receive credit. It will also consider establishment of an inactive license and any other issues raised during public comment.

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

Statutory Authority: Chapter 32 (§ 54.1-3200 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until 5 p.m., December 5, 2001.

Contact: Elizabeth A. Carter, Ph.D., Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910, FAX (804) 662-7098 or e-mail ecarter@dhp.state.va.us.

VA.R. Doc. No. R02-49; Filed October 16, 2001, 4:36 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Optometry intends to consider amending regulations entitled: **18 VAC 105-30. Regulations on Certification of Optometrists to Use Therapeutic Pharmaceutical Agents.** The purpose of the proposed action is to specify that some of the required hours of continuing education be directed to the use of therapeutic pharmaceutical agents, to require licensees who have allowed TPA certification to lapse to submit a reinstatement

Notices of Intended Regulatory Action

application with evidence of continued competency, and to revise the fees for consistency with the principles established by the department. It will also consider any other issues raised during the public comment period.

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

Statutory Authority: Chapter 32 (§ 54.1-3200 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until 5 p.m., December 5, 2001.

Contact: Elizabeth A. Carter, Ph.D., Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910, FAX (804) 662-7098 or e-mail ecarter@dhp.state.va.us.

VA.R. Doc. No. R02-50; Filed October 16, 2001, 4:36 p.m.

BOARD OF VETERINARY MEDICINE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Veterinary Medicine intends to consider amending regulations entitled: **18 VAC 150-20. Regulations Governing the Practice of Veterinary Medicine**. The purpose of the proposed action is to address issues that have arisen during the periodic review of regulations, to update facility requirements, and to clarify certain provisions that have been confusing or problematic to licensees and applicants.

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

Statutory Authority: Chapter 38 (§ 54.1-3800 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until 5 p.m., December 5, 2001.

Contact: Elizabeth A. Carter, Ph.D., Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910, FAX (804) 662-7098 or e-mail ecarter@dhp.state.va.us.

VA.R. Doc. No. R02-50; Filed October 16, 2001, 4:35 p.m.

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to consider amending regulations entitled: **22 VAC 40-705. Child Protective Services**. The purpose of the proposed action is to implement Chapter 500, 2000 Acts of

Assembly (House Bill 1360) that requires a statewide child protective services differential response system.

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

Statutory Authority: §§ 63.1-25, 63.1-248.3 and 63.1-248.6 of the Code of Virginia.

Public comments may be submitted until December 19, 2001.

Contact: Betty Jo Zarris, CPS Policy Consultant, Department of Social Services, 730 E. Broad St., 2nd Floor, Richmond, VA 23219, telephone (804) 692-1220 or FAX (804) 692-2215.

VA.R. Doc. No. R02-54; Filed October 17, 2001, 2:15 p.m.

PROPOSED REGULATIONS

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.

TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

STATE BOARD OF JUVENILE JUSTICE

Title of Regulation: **6 VAC 35-60. Minimum Standards for Virginia Delinquency Prevention and Youth Development Act Grant Programs (amending 6 VAC 35-60-10, 6 VAC 35-60-40, 6 VAC 35-60-170, 6 VAC 35-60-215, 6 VAC 35-60-290, 6 VAC 35-60-320, 6 VAC 35-60-330, 6 VAC 35-60-390, 6 VAC 35-60-410, 6 VAC 35-60-450, 6 VAC 35-60-500, 6 VAC 35-60-580, and 6 VAC 35-60-600; adding 6 VAC 35-60-225, 6 VAC 35-60-236, 6 VAC 35-60-237, 6 VAC 35-60-415, and 6 VAC 35-60-575; repealing 6 VAC 35-60-20, 6 VAC 35-60-30, 6 VAC 35-60-280, 6 VAC 35-60-400, 6 VAC 35-60-440, 6 VAC 35-60-460, 6 VAC 35-60-480, 6 VAC 35-60-490, 6 VAC 35-60-495, and 6 VAC 35-60-605).**

Statutory Authority: §§ 66-10, 66-27 and 66-28 of the Code of Virginia.

Public Hearing Date: January 9, 2002 - 9 a.m.

Public comments may be submitted until February 1, 2002.
(See Calendar of Events section
for additional information)

Agency Contact: Donald Carignan, Regulatory Coordinator, Board of Juvenile Justice, 700 Centre, 700 E. Franklin St., 4th Floor, Richmond, VA 23219, telephone (804) 371-0743, FAX (804) 371-0773 or e-mail carigndr@djj.va.state.us.

Basis: The general authority of the Board of Juvenile Justice to promulgate regulations for Virginia's juvenile justice system is found in § 66-10 of the Code of Virginia, which states that "[t]he Board shall have the following powers and duties: ... (6) To promulgate such regulations as may be necessary to carry out the provisions of this title and other laws of the Commonwealth administered by the Director or the Department."

The specific authority of the board to promulgate regulations governing Delinquency Prevention And Youth Development Act Grant Programs is found in § 66-28 of the Code of Virginia: "[t]he Board shall prescribe policies governing applications for grants pursuant to this chapter and standards for the operation of programs developed and implemented under the grants."

Purpose: This regulation establishes operating standards for Virginia's offices on youth. Consistent with §§ 66-27 and 66-28 of the Code of Virginia, the goal of the regulation is "to promote efficiency and economy in the delivery of youth services and to provide support to localities seeking to respond positively to the growing rate of juvenile delinquency."

The purpose of the proposed revisions is, first, to provide evaluation measures of the operations of offices on youth, as directed in item 475 B of the 2000 Appropriation Act: "The Department shall develop standards for the operations of Offices on Youth. Included in these standards shall be the establishment of goals, quantifiable objectives and measures for evaluation of program effectiveness for each Office on Youth receiving funding from the Commonwealth."

At the same time, the regulation implements a change in emphasis for offices on youth adopted by Chapter 277 of the 2000 Acts of the General Assembly. The amendments introduced in Chapter 277 emphasized the Office on Youth's planning and coordination role in its community.

Substance: The amendments repeal standards that merely restate requirements set out in the Code of Virginia. Chapter 3 of Title 66, the Delinquency Prevention and Youth Development Act, includes detailed requirements for localities that apply for youth development grants and for their youth services citizens boards. That chapter also includes instructions governing the grant application and funding processes.

In addition, in keeping with the instructions in item 475 B of the 2000 Appropriation Act, various requirements are spelled out more fully to increase accountability and to provide a more comprehensive basis for evaluating the effectiveness of programs.

Issues: During the NOIRA comment period department staff convened a work group including representatives from offices on youth across the state. Proposed amendments were circulated to all offices on youth. Issues that were addressed through the process are summarized below.

The department's process for monitoring offices on youth has changed due to organizational and operational changes within the agency (see 6 VAC 35-60-410). The requirements in 6 VAC 35-60-500 for distributing annual reports has been modified to reflect changes in program focus and department organization. In response to concerns that department personnel need to visit offices on youth in person, the amended regulation requires one on-site visit per year.

A number of new standards would govern direct service programs and services operated by offices on youth. The definition of what constitutes "direct services" was hammered out in discussions with office on youth representatives. Many of the requirements closely track existing standards that apply to nonresidential programs and services in the juvenile justice system. When some offices on youth complained that not all "nonresidential standards" are applicable to office on youth programs, a list of applicable standards was included so that there should be no confusion as to what is required.

The new standards governing direct service programs include 6 VAC 35-60-680 (limitation of contact with juveniles), 6 VAC 35-60-690 (medical emergencies), 6 VAC 35-60-700

(juveniles' rights), 6 VAC 35-60-710 (juveniles' participation in research), 6 VAC 35-60-720 (case management requirements), 6 VAC 35-60-730 (incident documentation and reporting), 6 VAC 35-60-740 (child abuse and neglect), 6 VAC 35-60-750 (programs' physical setting), 6 VAC 35-60-760 (individual service or contact plan), 6 VAC 35-60-770 (emergencies and safety in juveniles' homes), 6 VAC 35-60-780 (supervision of juveniles), 6 VAC 35-60-790 (meals when a program spans traditional mealtimes), 6 VAC 35-60-800 (fire safety), 6 VAC 35-60-810 (first-aid kits), 6 VAC 35-60-820 (delivery of medication), 6 VAC 35-60-830 (physical and mechanical restraint), and 6 VAC 35-60-840 (procedural requirements for time-out). In addition, background checks are required by 6 VAC 35-60-236 and 6 VAC 35-60-237.

Offices on youth are required to provide for an evaluation of program effectiveness in their annual plans (6 VAC 35-60-415).

6 VAC 35-60-450 details the elements to be considered in a community needs assessment.

The requirements for biennial operating plans are replaced by standards for annual plans.

There are no known advantages or disadvantages to private citizens or businesses in implementing the revised regulation.

The primary advantages to the Commonwealth (and its localities) in adopting the revisions will be an enhanced level of accountability of offices on youth, using structured assessments and evaluations to identify the more effective strategies, programs and services.

The primary advantages to offices on youth is a clearer focus and mission, enabling the offices to concentrate on their primary responsibility of coordinating, planning and assessing various prevention strategies.

There are no known significant disadvantages to the department, the offices on youth, or the localities of the Commonwealth in adopting the proposed revisions.

The department projects no significant fiscal impact on localities as a result of the proposed amendments, and estimates that the fiscal impact on agency activities related to offices on youth will be minimal (potentially a savings of perhaps \$1,000 per year).

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 G of the Administrative Process Act and Executive Order Number 25 (98). Section 2.2-4007 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The proposed amendments will (i) require background checks for volunteers and full-time employees at offices on youth, (ii) require that the elements in community youth development and delinquency needs and resources assessment be updated based on a four-year cycle, (iii) require offices on youth to provide an assessment for program effectiveness in their annual plans, (iv) change the way monitoring reviews on offices on youth are done, (v) require training for volunteers and staff, (vi) repeal the requirement that youth programs provide help for court service units, and (vii) establish a number of standards that would govern direct service programs and services operated by offices on youth.

Estimated economic impact. These regulations establish standards for offices on youth in delivery of youth services such as mentoring and tutoring and providing support to localities seeking to respond to juvenile delinquency.

The proposed amendments will require background checks for volunteers who provide one-on-one services to youth outside of a group setting and for full-time employees at offices on youth. The purpose of this requirement is to determine if the volunteers and employees are involved in criminal acts or other circumstances that would compromise the integrity of the program, or the safety of the youth or families with whom they come in contact. A background check may cost from \$25 to \$100. According to the agency, most localities report that employee background checks have been done in current practice. Also, the agency believes that approximately two thirds of offices have been doing the background checks for the volunteers who had unsupervised contact with juveniles while the remaining programs have not. There are about 55 ongoing programs providing direct services such as mentoring and tutoring. Most programs provide these services in a public place without leaving the volunteer and the juvenile unsupervised. Of about 500 volunteers, it is not known how many will be required to go through the background check. Thus, the amount of additional costs associated with the proposed background checks is not known. Further, some programs are able to have the background checks provided through local police or sheriff's department, or through the Department of Human Services. Thus, some of these programs do not incur background check costs while others do. The proposed volunteer background check may reduce the number of volunteers due to the costs associated and because some potential volunteers may object to sharing the information necessary to conduct the checks. On the other hand, the proposed requirement is likely to help increase the safety of juveniles when they are vulnerable.

The elements to be considered in community's youth development and delinquency needs and resources assessment which include youth attitudes and behavior, youth service agencies' opinions, an analysis of public opinion, and available current archival data will be required to be updated over a four-year cycle. Currently, the overall community plan with all four elements is done once every six years. The proposed change will require that one element of the plan be updated every year. Thus, all four components will be completely updated every four years instead of six.

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A four-year cycle is proposed because of limited staffing at offices on youth and the potential administrative costs. The agency indicates that offices on youth often have only one staff member and this makes it difficult to update all elements of the assessment every year. Also, the administrative costs in preparing, conducting, and assessing the new information increases with the frequency of update. The agency believes that the proposed four-year cycle will keep a balance between administration of current programs and services and administration of planning and evaluation without overloading the requirements for on-going assessment. In addition, the most critical component of an overall needs assessment, the survey of youth attitudes and behaviors, is particularly difficult for several reasons. First, the cost of a validated instrument necessary for this critical element varies from \$1.00 to \$15.00 per survey. Second, the most suitable way to administer this instrument is through a local school system. School systems are reported to be often reluctant to take part because it takes time away from standards of learning preparation and classroom instruction, and the survey results may seem to reflect badly on the school system if students report drug use, fear of violence at school, etc. According to the agency, infusing the current plan with the new information from one component each year should be sufficient.

Although more frequently updated survey of youth attitudes and behaviors is likely to introduce additional costs to the programs, the costs of updating other three components are not expected to be large. For example, the youth service agencies' survey costs are believed to be minimal because the surveys do not have to be prepared every time but may only need to be updated through on-line communication. Thus, the majority of the costs to youth service agencies are likely to be the information retrieval costs to respond to the survey.

Overall, the agency expects the costs of conducting the surveys and collecting information to increase by about half of the current costs, but does not have dollar estimates for the additional amounts. On the other hand, the proposed periodic update every four years is an improvement over the current regime. Youth development and delinquency prevention planning are likely to improve when based on more recent information.

Pursuant to changes in the statute, offices on youth will be required to provide an assessment of program effectiveness. The purpose of the change is to identify the programs that are not effective and stop ineffective programs, and to identify which programs work and recommend them to other localities. Offices will be asked to provide a plan for measuring each goal and each objective in their annual plans. The offices will use some staff time for information retrieval, analysis, and evaluation. The annual additional cost to 41 offices on youth cannot be estimated with accuracy, but are unlikely to be substantial.

The proposed amendments will change the way monitoring of offices on youth is done. The purpose of the monitoring review is to monitor an office's progress toward the goals and objectives listed in its annual plan. Currently, three regional offices generate on-site status reports, which requires nine people to conduct two on-site visits to each office on youth

annually. The proposed change will allow monitoring visits to be done by one central office staff visiting the site or by meeting with directors during regional meetings. This will eliminate half of the current on-site visits to the offices on youth. This change is expected to provide cost savings in travel expenses from regional offices to local offices on youth. About 41 visits to offices on youth will be eliminated annually. The agency expects to reduce its travel expenses by about \$1,000 per year. In addition, there is likely to be some staff timesavings from this change because one person could complete the review at the regional meeting instead of three. According to the agency, estimated net savings in staff time is approximately 174 hours per year. The services of these staff are likely to be assigned to other responsibilities within the agency.

The effectiveness of the monitoring review is not expected to decline because of this change. The agency indicated that the substance of this particular review is a conversation, which can take place on-site or off-site equally well. Currently, few if any programs or services are delivered at the office on youth offices; for those that are, the once-a-year visits provide sufficient opportunity for direct observation of the facilities. Otherwise, the conversations with the office on youth director might focus on the characteristics of youth served by various programs, the levels of participation being achieved, the contents of the overall plan, the processes that might be used to analyze community attitudes, the methods to be used to evaluate programs, identifying issues with local boards, and discussing training needs. According to the agency, all such matters can be discussed in virtually any venue, and lose little if anything from being conducted "off-site."

Moreover, the proposed changes will require staff and volunteer to have training for the positions and duties they perform. This new requirement will introduce training requirements for about 82 employees and 500 volunteers. The training costs are likely to vary depending on the positions they are assigned. The training programs tend not to be extensive and costs are primarily in terms of staff providing the training. There are currently some training requirements and the agency believes that the additional training costs would be small. The proposed training requirement is likely to increase efficiency in the way the services are provided and provide the authority to the agency to follow up what training is provided to the staff and volunteers at these programs. According to the agency, this is the most significant aspect. The training of volunteers may also help mitigate the risk at these facilities. For example, a detailed job description provided during the training is likely to improve employee's understanding of job responsibilities and reduce potential misconducts. The training of volunteers and staff is consistent with good management procedures.

The proposed amendment will repeal the requirement that the youth programs provide help for court service units. Types of services provided by youth programs to court service units include shoplifting diversion programs for first offenders, community service programs, day camps for at-risk youth, and anger management groups, etc. Approximately 40 programs fall into the "delinquency prevention" category, but this number may be higher since there are programs that would be appropriate for both delinquent and nondelinquent

youth. According to the agency, the current requirement that the youth programs provide help for court service units contradicts with the objectives of these programs to provide planning, collaboration, and coordination of services for youth and families in localities. In effect, the offices on youth were to have a planning role for all youth services/needs in a community. While other agencies have parts of this responsibility; i.e., court service units provide services/rehabilitation to delinquent youth, departments of social services provide assistance to child abuse victims, etc., there wasn't an agency in a "hub of the wheel" position in terms of youth and family needs in communities. The offices on youth were to provide this overall planning role. With 51% of the offices' work plan objectives supporting court service unit juveniles, the planning and collaboration role did not receive the necessary focus. The repeal of this requirement is expected to free some resources for the programs that have been providing help to court service units. The programs are expected to use these resources to improve and enhance the planning and coordination role they serve in localities.

Finally, a number of standards will be established that would govern direct service programs and services operated by offices on youth. Many of the requirements closely track existing standards that apply to nonresidential programs and services in the juvenile justice system. The new standards governing direct service programs are related to limitation of contact with juveniles, qualifications of program personnel, medical emergencies, juvenile's rights, juveniles participation in research, case management requirements, confidentiality of records, incident documentation and reporting, reporting of child abuse and neglect, programs' physical setting, individual service or contact plan, emergencies and safety in juveniles' homes, supervision of juveniles, meals when a program spans traditional mealtimes, fire safety, first-aid kits, delivery of medication, physical and mechanical restraint, and procedural requirements for time-out.

Most of the proposed standards are clarifications in nature and have been implemented in practice. For example, staff hired as nurses have been required to document their qualifications and this will continue, programs already have medical emergency standards in place, and current standards on juveniles rights or participation in research are not significantly different than what is proposed. However, some of the proposed standards are new and may introduce additional costs and benefits.

Two of these standards are related to reporting of incidents and suspected child abuse and neglect. Currently, direct service programs operated by the offices on youth are not required to report these types of incidents. This amendment will establish the requirement to report incidents and suspected child abuse and neglect for the programs operated by the offices on youth. The cost of reporting an incident or abuse typically involves a telephone call to the agency and a fax of a reporting form, or a telephone call to the Department of Social Services Child Protective Services which may cost about \$2 per incident, depending on telephone tolls. On annual basis, the agency expects no more than one or two critical incidents or reports of abuse and neglect. The main benefit of the proposed change is to protect youth in nonresidential programs and protect programs as well by

establishing good monitoring and reporting practices that may impact overall risk management.

Supervisors of juveniles in alternative day treatment will be required to train in CPR and first-aid in accordance with the proposed amendments. This type training is typically provided by local Red Cross Chapters or similar entities and costs about \$25 to \$30 per person. Certifications typically last for three years. According to the agency, less than 100 supervisors may need CPR and first-aid training. Thus, the proposed training requirement may increase costs of facilities providing direct services by less than \$830 to \$1,000 per year. The expected benefit is the protection afforded to youths in such programs who may need emergency care.

Programs that span traditional meal times that do not provide lunches currently will be required to do so. The standard, which applies currently to other nonresidential programs, will require that if a program spans traditional meal times, the program provide lunch. This proposed change may increase meal related costs for some programs, but is also likely to better meet nutrition needs of the youth in these programs. The agency does not know whether any program that currently span traditional meal times is not providing lunch.

Businesses and entities affected. The proposed regulations will affect 41 offices on youth and the juveniles receiving services from these offices. The exact number of juveniles that may be affected is not known because there is no reporting requirement for the number of juveniles, and some programs do not run direct service programs at all. The agency estimates that roughly 2,500 juveniles are provided direct services by the offices on youth per year.

Localities particularly affected. The proposed regulations apply throughout the Commonwealth.

Projected impact on employment. Although most of the changes appear to have the potential to increase the demand for labor, at least one requirement is likely to have the opposite impact. For example, proposals to increase the update frequency of community plans, to assess program effectiveness, to provide staff and volunteer training, CPR and first-aid training, are likely to increase the demand for labor while modifying the way monitoring reviews are done is expected to reduce it. With the available information, it is not known what the net impact on demand for labor will be. Thus, no conclusive statement can be made on the net impact on employment.

Effects on the use and value of private property. The proposed amendments are not likely to have a significant impact on the use and value of private property.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The department concurs in the economic impact analysis conducted by the Department of Planning and Budget relative to proposed changes in Minimum Standards for Virginia Delinquency Prevention and Youth Development Act Grant Programs (6 VAC 35-60).

Summary:

The proposed amendments provide substantial guidance regarding the operations of offices on youth, stating many

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requirements in precise detail to increase accountability and to provide a more comprehensive basis for evaluating the effectiveness of programs.

Amendments implement the legislated shift in emphasis for offices on youth adopted by the 2000 Session of the General Assembly. Offices on youth are to focus more on planning and coordination and less on direct service delivery. However, when offices on youth do provide direct services, the amendments set new standards for such services that are consistent with requirements for other nonresidential services in the juvenile justice system.

6 VAC 35-60-10. Definitions.

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

"Alternative day treatment" or "structured day programs" means nonresidential programs that provide services, which may include counseling, supervision, recreation, and education to referred juveniles at a central facility.

~~"Biennial Operating Annual Plan" means a written plan, covering two a single fiscal years year, setting forth measurable goals and objectives for developing, coordinating, and evaluating youth services. The Biennial Operating Annual Plan is to be based primarily on the six-year Delinquency Prevention and Youth Development Plan an assessment of the community's needs.~~

"Background check" means steps taken to ascertain whether various records on a person include criminal acts or other circumstances that would be detrimental to juveniles or their families or to the integrity of a program, in addition to a driving record check where applicable to job function.

"Counseling" means the planned use of interpersonal relationships to promote behavioral change or social adjustment.

~~"Delinquency Prevention and Youth Development Plan" means a document, developed every six years, which analyzes the problems, opportunities and conditions of youth and concludes with a plan of action to meet identified needs.~~

"Department" means the Department of Juvenile Justice.

"Direct service programs or services" means programs or services in which Office on Youth staff or, assigned Youth Services Citizen Board members or both providing substantial Office on Youth volunteers, are the primary providers of a service involving ongoing person-to-person contact with youth or families or both for purposes of instructional or skills development training.

"Individual service or contact plan" means a written plan of action developed and modified at intervals to meet the needs of each juvenile. It specifies short-term and long-term goals, the methods and time frames for reaching the goals and the individuals responsible for carrying out the plan.

"Local governing body" means a city council or county board of supervisors. Any Youth Services Citizen Board and Office on Youth that provides services to more than one

governmental jurisdiction must have the endorsement and support of all affected governing bodies.

"Locality" means the city, county or combination thereof served by an Office on Youth Services Citizen Board.

"Monitoring review" means the written report completed by the department's prevention specialist based on an on-site review of the progress made toward goals and objectives identified in the Office on Youth's Annual Plan.

"Office on Youth" means the staff and the place of business of the staff of the Youth Services Citizen Board local entity funded by the authority of the Delinquency Prevention and Youth Development Act (Chapter 3 (§ 66-26 et seq.) of Title 66 of the Code of Virginia).

~~"On-site status report" means the semi-annual written report completed by the department's regional office staff based on a visit to the office on youth to review progress on the office's Biennial Operating Plan.~~

"Sponsoring locality" means the locality that is the fiscal agent or administrator of the grant.

"Supervision" means visiting or making other contact with or about, or providing treatment, rehabilitation or services to, a juvenile as required by the court, court service unit staff, or a designated referral source.

"Time-out" means a systematic behavior management technique designed to reduce or eliminate inappropriate behavior by temporarily removing a juvenile from contact with people or other reinforcing stimuli.

"Volunteer" means any individual or group who of their own free will and without any financial gain provides goods or services to the program without compensation.

"Youth needs assessment" means an objective assessment of the community's youth development and delinquency prevention needs and resources.

"Youth Services Citizen Board" means the board appointed by the county or city governing body or combination thereof in accordance with § 66-34 of the Code of Virginia.

PART II.

YOUTH SERVICES CITIZEN BOARD ADMINISTRATION.

6 VAC 35-60-20. Ordinance required. (Repealed.)

~~The Youth Services Citizen Board shall be established by an ordinance or resolution of the governing body or bodies of one or more localities in accordance with §§ 66-29 and 66-34 of the Code of Virginia, and shall derive its authority from and be administered by the local governing body or bodies.~~

6 VAC 35-60-30. Appointment of Youth Services Citizen Board members. (Repealed.)

~~The members of the Youth Services Citizen Board, a majority of whom shall be citizens who are not employed by government or service agencies and who are not elected government officials, shall be appointed by the local governing body or bodies. At least one member shall be below the age of 18 years.~~

6 VAC 35-60-40. Terms.

Youth Services Citizen Board members shall be appointed for a term of no less than three years and not more than five years and may be reappointed; appointments shall be staggered for continuity. *At least one Youth Services Citizen Board member shall be below the age of 18 years at the time of appointment.* Youth members shall serve one-year terms and may be reappointed as eligible.

6 VAC 35-60-170. Implementation of strategies.

The Office on Youth shall implement the strategies to accomplish the goals and objectives as established and authorized in the ~~Biennial Operating~~ Annual Plan.

6 VAC 35-60-215. ~~Personnel qualifications~~ Staffing requirements.

The Youth Services Citizen Board, if a policy making board, or the city manager or county administrator, with the advice of the Youth Services Citizen Board if an advisory board, shall establish (i) the number of staff; (ii) a written job description for each position; and (iii) the minimum knowledge, skills and abilities required for each position.

6 VAC 35-60-225. Staff and volunteer qualifications and training.

A. *Staff and volunteers shall be qualified and trained for the positions and duties to which they are assigned.*

B. *Staff and volunteers who provide professional services shall be appropriately licensed or qualified as required by law.*

6 VAC 35-60-236. Volunteer background check.

Where available, Offices on Youth shall follow the sponsoring locality's policies and procedures to secure background checks for volunteers. In the absence of such local policies, Offices on Youth shall develop a policy to ascertain, for all volunteers who provide one-on-one services to youth outside a group setting, whether there are criminal acts or other circumstances that would be detrimental to the safety of the youth or families with whom they come in contact.

6 VAC 35-60-237. Employee background check.

Offices on Youth shall follow the sponsoring locality's policies and procedures in securing background checks for full-time Office on Youth staff. In the absence of such sponsoring locality's policy covering background checks for employees, the Office on Youth shall develop a policy to ascertain whether there are any criminal acts or other circumstances that would be detrimental to the safety of the youth or families with whom they come in contact or that would compromise the integrity of the program.

6 VAC 35-60-280. ~~Statewide procedures and guidelines.~~ (Repealed.)

~~A copy of the statewide procedures and guidelines manual developed by the Department of Juvenile Justice shall be maintained in each Office on Youth and shall be followed when applicable procedures and policies are not provided by the local governing body or developed and approved by the Youth Services Citizen Board.~~

6 VAC 35-60-290. Training program.

A program of training with defined objectives relating to the job description, ~~and the Biennial Operating Annual Plan and the Delinquency Prevention and Youth Development Plan~~ shall be written annually for each *full-time* position established for the Office on Youth.

6 VAC 35-60-320. Budget review.

The Youth Services Citizen Board shall review and comment on the proposed annual operating budget of the ~~Youth Services Citizen Board and the~~ Office on Youth.

6 VAC 35-60-330. Budget submission.

The sponsoring locality shall submit annually to the Department of Juvenile Justice the approved operating budget for the ~~Youth Services Citizen Board and~~ Office on Youth showing appropriated revenue and projected expenses for the coming year.

6 VAC 35-60-390. ~~Quarterly~~ Semi-annual review.

The Youth Services Citizen Board shall review, at least ~~quarterly~~ *twice a year*, income and disbursements of the ~~Youth Services Citizen Board and~~ Office on Youth.

6 VAC 35-60-400. ~~Semi-annual~~ documentation. (Repealed.)

~~The director of the Office on Youth shall provide the Department of Juvenile Justice, at least semi-annually, documentation to evaluate the accomplishment of the Biennial Operating Plan.~~

6 VAC 35-60-410. ~~On-site status report~~ monitoring review.

The director of the Office on Youth shall circulate or distribute copies of the ~~on-site status report~~ *monitoring review* received from the department's ~~regional program manager~~ *prevention specialist* to all members of the Youth Services Citizen Board and the city manager or county administrator of the *sponsoring locality* within 45 calendar days of its receipt.

6 VAC 35-60-415. Evaluation.

The Office on Youth shall provide for an evaluation of program effectiveness in the annual plan.

6 VAC 35-60-440. ~~Needs assessment every six years.~~ (Repealed.)

~~The Office on Youth shall assess the needs of youth in the jurisdiction at least every six years after the initial assessment, which shall be completed within the first two years of operation.~~

6 VAC 35-60-450. Needs assessment contents.

The assessment of the *community's youth development and delinquency prevention needs of youth and resources* shall include but not be limited to:

1. A detailed compilation of the problems, needs, opportunities and conditions of youth in the community that is received by the regional office; and based on:
 - a. *Youth-service agencies' opinions;*

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- b. An analysis of public opinion;
- c. An analysis of youth attitudes and behaviors; and
- d. An analysis of available current archival data.

At least one of the above components shall be updated each year with the resulting updated information being incorporated into the Annual Plan. All four components shall be updated over a four-year cycle.

2. A comprehensive inventory of current programs and resources ~~impacting on~~ affecting youth, including:

- a. Identifying information;
- b. Program descriptions;
- c. Clientele served; and
- d. Fee requirements.

6 VAC 35-60-460. ~~Plan based on needs assessment. (Repealed.)~~

~~The Youth Services Citizen Board and the Office on Youth, in conjunction with other youth serving agencies, including the court service unit, shall develop and approve the plan for their locality or localities based upon the written Delinquency Prevention and Youth Development Needs Assessment.~~

6 VAC 35-60-480. ~~Distribution of needs assessment and plan. (Repealed.)~~

~~The Youth Services Citizen Board shall submit a signed copy of both the written six-year Delinquency Prevention and Youth Development Needs Assessment and the resulting plan to the local governing body or bodies and the Virginia Department of Juvenile Justice within 60 days of Youth Services Citizen Board approval.~~

~~Article 2.
Biennial Operating Plan.~~

6 VAC 35-60-490. ~~Focus of plan. (Repealed.)~~

~~The Youth Services Citizen Board and the Office on Youth shall develop a written Biennial Operating Plan with 75% of the objectives based on the Delinquency Prevention and Youth Development Plan, and a majority of the objectives based on the needs of juveniles as identified by the court service unit. The Biennial Operating Plan shall set forth goals, objectives and strategies for the Youth Services Citizen Board and Office on Youth.~~

6 VAC 35-60-495. ~~Service population. (Repealed.)~~

~~A majority of the services provided through the Biennial Operating Plan objectives shall address the needs of juveniles who are eligible to receive services through the juvenile court service unit.~~

6 VAC 35-60-500. ~~Annual reports.~~

Annually, the Youth Services Citizen Board shall submit a written report to the local governing body and send copies to the ~~regional office Prevention Specialist~~ of the Virginia Department of Juvenile Justice, ~~the director of the court service unit, and the juvenile judges,~~ regarding progress toward accomplishing the ~~Delinquency Prevention and Youth~~

~~Development Plan and the Biennial Operating meeting the goals and objectives identified in the Annual Plan.~~

~~Article 3.
Direct Service Programs.~~

~~PART V.
STANDARDS FOR DIRECT SERVICE PROGRAMS.~~

~~Article 1.
General Requirements of Direct Service Programs and Services.~~

6 VAC 35-60-575. ~~Applicability of nonresidential standards.~~

~~Direct service programs operated by Offices on Youth shall comply with the following Standards for Nonresidential Services Available to Juvenile and Domestic Relations District Courts, as applicable to the direct service program:~~

- ~~6 VAC 35-150-450 (limitation of contact with juveniles);~~
- ~~6 VAC 35-150-460 (qualifications of program personnel);~~
- ~~6 VAC 35-150-470 (medical emergencies affecting youth in a program);~~
- ~~6 VAC 35-150-490 (juveniles' rights);~~
- ~~6 VAC 35-150-500 (juvenile participation in research);~~
- ~~6 VAC 35-150-510 (case management requirements);~~
- ~~6 VAC 35-150-520 (confidentiality of records);~~
- ~~6 VAC 35-150-530 (documentation and reporting of certain incidents);~~
- ~~6 VAC 35-150-540 (reporting of suspected child abuse and neglect);~~
- ~~6 VAC 35-150-550 (physical setting in which the program is conducted);~~
- ~~6 VAC 35-150-560 (individual service or contact plan);~~
- ~~6 VAC 35-150-580 (emergencies and safety in juveniles' homes);~~
- ~~6 VAC 35-150-620 (supervision of juveniles in alternative day treatment and structured day programs);~~
- ~~6 VAC 35-150-630 (meals in alternative day treatment program);~~
- ~~6 VAC 35-150-640 (fire safety);~~
- ~~6 VAC 35-150-650 (first-aid kits in alternative day programs);~~
- ~~6 VAC 35-150-660 (delivery of medication);~~
- ~~6 VAC 35-150-680 (physical and mechanical restraint); and~~
- ~~6 VAC 35-150-690 (uses of time-out).~~

6 VAC 35-60-580. ~~Documented need required.~~

~~The need for the Office on Youth to operate a direct service program shall be documented and be included in the Delinquency Prevention and Youth Development Plan and Biennial Operating Annual Plan. If there is a documented~~

need for the Office on Youth to operate a direct service program, the Biennial Operating Annual Plan shall specify: *the description of services to be provided including target populations and an evaluation plan.*

- ~~1. The range of services to be provided, which may include individual, group or family counseling; immediate, intensive, problem specific, in-home interventions to children and their families; parenting skills training; and other services;~~
- ~~2. How these services will be made available to juveniles and their families including eligibility criteria, methods to be used, the number and type of contacts anticipated, and the factors to be considered in determining or adjusting the appropriate level and number of contacts;~~
- ~~3. Who will provide the service;~~
- ~~4. Documentation and record management requirements; and~~
- ~~5. That the service cannot be provided by existing agencies.~~

The department shall be notified in writing of any plan to change a direct service program or service included in an Office on Youth's Annual Plan.

6 VAC 35-60-600. Records management.

~~When a program~~ *If an Office on Youth provides direct services, the director of the Office on Youth shall develop written policy and procedure to shall, at a minimum, ensure that:*

- ~~1. Juveniles' records are kept confidential;~~
- ~~2. Information is released only in conformity with law;~~
- ~~3. 2. Records are destroyed as prescribed in regulations issued by the Virginia State Library Board; and~~
- ~~4. 3. All services are provided by individuals who are appropriately licensed or certified (when appropriate to the level of service delivered), or are otherwise qualified to provide the service.~~

6 VAC 35-60-605. Approval of direct services. (Repealed.)

~~Direct services provided by the Office on Youth shall:~~

- ~~1. Be certified under applicable regulations; or~~
- ~~2. In the absence of applicable regulations, be individually approved by the department's regional office to operate on a provisional basis for not more than two years, pending promulgation of appropriate regulations by the board.~~

VA.R. Doc. No. R01-270; Filed November 8, 2001, 12:11 p.m.

Title of Regulation: 6 VAC 35-150. Standards for Nonresidential Services Available to Juvenile and Domestic Relations District Courts (amending 6 VAC 35-150-10, 6 VAC 35-150-55, 6 VAC 35-150-70, 6 VAC 35-150-80, 6 VAC 35-150-90, 6 VAC 35-150-100, 6 VAC 35-150-110, 6 VAC 35-150-120, 6 VAC 35-150-130, 6 VAC 35-150-140, 6 VAC 35-150-150, 6 VAC 35-150-160, 6 VAC 35-150-

165, 6 VAC 35-150-175, 6 VAC 35-150-180, 6 VAC 35-150-200, 6 VAC 35-150-210, 6 VAC 35-150-220, 6 VAC 35-150-230, 6 VAC 35-150-240, 6 VAC 35-150-250, 6 VAC 35-150-260, 6 VAC 35-150-270, 6 VAC 35-150-280, 6 VAC 35-150-290, 6 VAC 35-150-300, 6 VAC 35-150-310, 6 VAC 35-150-320, 6 VAC 35-150-330, 6 VAC 35-150-335, 6 VAC 35-150-340, 6 VAC 35-150-350, 6 VAC 35-150-370, 6 VAC 35-150-380, 6 VAC 35-150-390, 6 VAC 35-150-400, 6 VAC 35-150-410, 6 VAC 35-150-420, 6 VAC 35-150-440, 6 VAC 35-150-450, 6 VAC 35-150-460, 6 VAC 35-150-490, 6 VAC 35-150-500, 6 VAC 35-150-510, 6 VAC 35-150-520, 6 VAC 35-150-530, 6 VAC 35-150-540, 6 VAC 35-150-620, 6 VAC 35-150-630, 6 VAC 35-150-640, 6 VAC 35-150-650, 6 VAC 35-150-670, 6 VAC 35-150-680, 6 VAC 35-150-690, 6 VAC 35-150-700, 6 VAC 35-150-710, and 6 VAC 35-150-720; adding 6 VAC 35-150-35; repealing 6 VAC 35-150-360).

Statutory Authority: §§ 16.1-233, 16.1-309.2 and 66-10 of the Code of Virginia.

Public Hearing Date: January 9, 2002 - 9 a.m.
Public comments may be submitted until February 1, 2002.
(See Calendar of Events section for additional information)

Agency Contact: Donald Carignan, Regulatory Coordinator, Board of Juvenile Justice, 700 Centre, 700 E. Franklin St., 4th Floor, Richmond, VA 23219, telephone (804) 371-0743, FAX (804) 371-0773 or e-mail carigndr@djj.state.va.us.

Basis: The general authority of the Board of Juvenile Justice to promulgate regulations for Virginia's juvenile justice system is found in § 66-10 of the Code of Virginia, which states that "The Board shall have the following powers and duties: ... (6) To promulgate such regulations as may be necessary to carry out the provisions of this title and other laws of the Commonwealth administered by the Director or the Department."

The specific legal authority for regulations governing court services units is § 16.1-233 C of the Code of Virginia, which directs that "[t]he State Board shall establish minimum standards for court service staffs and related support personnel and promulgate regulations pertaining to their appointment and function to the end that uniform services, insofar as is practical, will be available to juvenile and domestic relations district courts throughout the Commonwealth."

The specific legal authority of the board to promulgate regulations governing community-based programs available to the juvenile courts is found in § 16.1-309.9 A of the Code of Virginia, which directs that "[t]he State Board of Juvenile Justice shall develop, promulgate and approve standards for the development, implementation and evaluation of the range of community-based programs, services and facilities authorized by this article."

Purpose: The proposed amendments are intended to ensure, to the greatest extent possible, that uniform services will be available to juvenile and domestic relations district courts throughout the Commonwealth. Thus, the amendments clarify that the standards contained in this regulation establish statewide policies governing the operation of court service units and nonresidential programs and require court service

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units to make consistent use of the automated statewide intake system, the manual of standard operating procedures, and the department's risk assessment instruments.

Other amendments clarify requirements for nonresidential community-based programs to provide statewide minimum protections for juveniles and staff and ensure uniform service levels.

Substance: This regulation is essential to protect the public safety by providing for the supervision of delinquent juveniles. The regulation includes standards for both state-operated and locally-operated court service units, to ensure that "uniform services, insofar as is practical, will be available to juvenile and domestic relations district courts throughout the Commonwealth." The regulation provides guidance for processing alleged delinquent juveniles at intake, detaining delinquents, and supervising probationers and parolees in the community. The proposed amendments include provisions for taking into account the juvenile's risk of offending when developing a supervision plan.

The regulation further protects the public safety by establishing standards for the development, implementation, operation and evaluation of the nonresidential community-based programs and services such as those established by the Virginia Juvenile Community Crime Control Act (§ 16.1-309.2 et seq. of the Code of Virginia). Such VJCCCA programs provide supervision and services to juveniles who are before the court or before a juvenile intake officer, with the goal of preventing those juveniles from further penetrating the juvenile justice system.

New 6 VAC 35-150-35 clarifies that "these standards individually and collectively establish 'programmatic and fiscal policies' governing the operation of court service units and nonresidential programs for which the department is responsible, as provided for by § 66-10 of the Code of Virginia." Consequently, in many standards throughout the regulation, the phrase "written policy, procedure and practice shall provide" will be deleted.

New language at 6 VAC 35-150-270 and 6 VAC 35-150-290 takes into account the development of the department's statewide database, commonly referred to as the Juvenile Tracking System.

6 VAC 35-150-350 (B) and (G) are amended to require that a supervision plan be completed within 30 days following disposition. It had been reported that some supervision plans were being delayed due to varying interpretations of the standard.

6 VAC 35-150-420 is amended to modify the requirements of a probation officer's contact with a juvenile when the juvenile is committed to the department to encourage the development of meaningful rather than pro forma contacts.

Many requirements throughout the regulation must now be met in accordance with standard operating procedures.

6 VAC 35-150-440 is amended to simplify the requirements for a background check of personnel in programs to which a juvenile might be referred for services when the program's main focus is other than juvenile treatment (for example, to various agencies to do community service).

Issues: The revisions to the regulation will tighten requirements for state operated court services to operate in accordance with standard procedures approved by the department. The agency regards this as a significant advantage to the efficiency and effectiveness of agency operations. Some court service units may view some of the requirements as a disadvantage to their local autonomy.

The primary advantages to the agency will be (i) greater consistency on a statewide basis for certain services made available to the Juvenile and Domestic Relations District Courts of the Commonwealth and (ii) enhanced ability to monitor compliance with requirements and better manage resources.

A continuing issue is the relation of standard operating procedures to this regulation, and the degree to which each of these should govern court service unit operations. The proposed regulation seeks to strike a balance between the administrative flexibility that comes with greater emphasis on the standard operating procedures, and the enhancement of minimum service levels that comes when requirements are spelled out in the regulation. So, for example, 6 VAC 35-150-55 permits but does not require a system of "weighting" probation officers' caseloads based on risk and other factors, while other standards require compliance with approved procedures (e.g., 6 VAC 35-150-335 regarding informal supervision and 6 VAC 35-150-350 regarding supervision plans).

There continues to be a tension between the need for local flexibility and statewide uniformity. For example, with respect to records management and case management, amended 6 VAC 35-150-140 no longer permits separate unit procedures for records management. Similarly, 6 VAC 35-150-510 does not establish a statewide format for recordkeeping, but requires that each program keep its own records according to a consistent internal system that complies with broad statewide guidelines.

The requirement for background checks, particularly of persons who are otherwise licensed, or who have minimal contact with juveniles, continues to be an issue. Although there is potentially an adverse impact on smaller organizations or those that rely heavily on volunteers, and on therapists and other professionals who are not associated with an agency, the proposed regulation continues to require background checks as a "due diligence" measure to protect children in the juvenile justice system. The agency expects to receive further comment on this topic when the proposed regulation is published.

The agency has identified no advantage or disadvantage to individual members of the public or to the public at large (including business entities) in either retaining the regulation in its present form or adopting the proposed amendments. In either case the regulation ensures a minimum level of service for juvenile and domestic relations district courts and adequate supervision of delinquent juveniles in their communities.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in

accordance with § 2.2-4007 G of the Administrative Process Act and Executive Order Number 25 (98). Section 2.2-4007 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The Board of Juvenile Justice proposes to (i) remove the phrase "written policy, procedure and practice shall provide" from the regulations, (ii) require the intake officer to make entries into the Juvenile Tracking System, (iii) clarify that the supervision plan for juveniles must be completed within 30 days after disposition, (iv) repeal the requirement to develop and implement a family involvement plan for a juvenile within 30 days of arrival at the facility, (v) repeal the requirement to prepare a report on the family's progress toward planned goals at least quarterly, (vi) remove the time requirements for a probation officer's contact with juvenile and the family, and (vii) clarify the requirements for background checks.

Estimated economic impact. In accordance with §§ 16.1-233 C and 16.1-309.9 A of the Code of Virginia, these regulations set minimum standards for court service staff and related support personnel to provide uniform services to juvenile and domestic relations district courts and also establish standards for the development, implementation, operation and evaluation of the nonresidential community-based programs and services.

Court service unit practices have been surveyed since 1997, and a manual of operating procedures has been developed. The proposed amendments update the standards to these new procedures to achieve uniform services across court service units.

The current language includes the phrase "written policy, procedure and practice shall provide" in many standards throughout the regulation. This language has been interpreted by some citizens and regulated entities in such a way that the Board of Juvenile Justice, the Department of Juvenile Justice (the agency), or the individual court service units must adopt a separate policy statement for each standard while in practice the language in the regulation was itself the agency's policy and repeated verbatim in order to meet this requirement. In other words, a separate policy statement was expected to be developed on the same subject as the regulation while the regulation itself was the agency's policy. The proposed language clarifies that the language on the standards in the regulation individually and collectively establishes policies governing the operation of court service units and nonresidential programs. Thus, it will be clarified that the regulation itself establishes policies for the standards, and a separate policy statement is redundant.

However, the proposed amendment will remove the requirement to develop a policy for the programs and services under Part III of the regulation, which cover programs and

services contracted by the court service units, or to which juveniles are referred before the court or before an intake officer. There are about 200 nonresidential programs in 27 different categories, which include various outreach and recreational programs. The agency's audit team is required to make two monitoring visits each year and a periodic review on a biennial basis to these programs. The policies developed by these programs are separate, vary from program to program, and serve as a benchmark to compare with the actual practice. Without these policies the audit team will not have a benchmark to assess the practices of these programs. This may reduce the accountability of these programs.

While it may be appropriate to remove the phrase "written policy, procedure and practice shall provide" from the standards that are court service unit specific, it would potentially create an array of oversight problems for locally operated programs. Program policies, procedures, and practices are what the agency uses to determine if local programs are in compliance with the standards. Without them, the agency will have no way of knowing what the local program intends to do to meet a standard, or how they intend to accomplish it. The proposed amendment to repeal this phrase throughout the regulation will introduce ambiguity on what these programs would be practicing, and how the certification inspector could tell if it was accurate since it has not been stated in writing. Having the policy and procedures in writing is likely to improve compliance if these programs are monitored based on what they state they will do. Therefore, DPB believes that retaining this rule for locally operated programs regulated under part III of the regulation is likely to provide some economic benefits.

Another proposed amendment will require the intake officer to make all required entries into the agency's Juvenile Tracking System, and the court service unit staff to ascertain the pertinent information on the system and enter additional information into the system. The required information includes the identification number, name, address, social security number, information on the charge, and related demographic data. The objective of this amendment is to incorporate the current practice into regulations. The proposed system was implemented five years ago and has been being used since then. Approximately 200 computers used by the probation officers were upgraded to meet the new network standards. The staff has been entering this information into the system. Thus, the proposed changes will not introduce additional costs associated with establishing a new system to meet this requirement. However, there is likely to be some additional system upgrade and maintenance costs associated with this proposed change. The ongoing benefits of the system are that it serves as an efficient tool to identify the criminal history of a juvenile and to provide background information both of which are critical to make a decision on a case. Prior to using the Juvenile Tracking System, entering the data was taking about 45 minutes to three hours and data entry had to be repeated for each offense by the same juvenile. The tracking system is more efficient because it takes less time to enter the data, it preserves the old information preventing the entry of the same information repeatedly, it is more accurate, and allows information retrieval statewide. Statewide tracking of juveniles is likely to improve public safety efforts. Moreover, the system provides a monitoring mechanism to track the

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actions of staff personnel, which may help improve employee efficiency. Overall productivity gains from the proposed system are expected to outweigh the costs associated with system upgrade and maintenance.

Another proposed amendment will clarify that a supervision plan for juveniles must be completed within 30 days following disposition which is the time the court makes a finding and orders probation. According to the agency, some court service units have been interpreting the current language as "after receiving the case" to refer to the case's assignment to a probation officer, and have been arguing that the time requirement did not apply until the case was assigned. The result of this interpretation of the language was that some juveniles were not placed under supervision until some time past the 30 days after disposition referenced in the regulation. The proposed amendment will clarify that the 30-day requirement begins when the court makes a finding and orders probation. This will affirm that the juveniles are timely placed under supervision and a plan is developed. Supervision plan is a necessary tool to assist the juvenile. Without a supervision plan what will happen to the juvenile and what is expected are not known. For example, youths who have not met with their probation officers and have not signed rules of probation are in the community unsupervised by probation staff. Probation rules typically address curfews, school attendance, employment issues, and prohibitions regarding contact with victims. Contact with a probation officer is critical, because reporting schedules family meetings, and the expectations of parental cooperation, the development of restitution schedules and other court ordered services such as counseling and drug testing have to be established and monitored by Court Service Unit staff. Thus, ensuring that a supervision plan will be present in 30 days after disposition is likely to accelerate and enhance the expected benefits from probation.

In addition, the current time requirement to develop and implement a family involvement plan within 30 days of committed youth's arrival at the facility will be deleted. A family involvement plan is prepared and implemented by a probation officer for juveniles when the youth resides or is expected to return to the family home. This plan allows the family to understand what the juvenile has been going through, and helps integrate the juvenile back to community. The agency indicated that the current requirement to develop and implement a family involvement plan immediately after the commitment is not suitable for juveniles with long term sentences. For example, the current language may require the development and implementation of family involvement plan for a juvenile who will return home seven years later when the sentence is served. The proposed amendment will leave the timing of the development and implementation plan to the discretion of the probation officer who will follow the approved procedures of the agency. The proposed amendment is likely to save some additional staff time from not implementing the plan very early in the process and probably avoiding significant updates over the course of the juveniles commitment. No significant costs are expected from this proposed change.

Similarly, the proposed amendment will remove the time requirement to prepare a report on the family's progress

toward planned goals at least once every 90 days during the time when juvenile is housed under the direct state care. The planned goals are those that would be developed under the family involvement plan. According to the agency, updating the goals every 90 days is not necessary for juveniles with long sentences. Besides, with the proposed changes to the timing of the family involvement plan there will be no plan and goals to report during the early stages of the sentence. This may represent additional staff time saving from eliminating the reporting requirements for the juveniles who are at the beginning of their long sentences.

The time requirements of a probation officer's contact with a juvenile and the family during the youth's commitment will be removed from the regulations. The current language requires that the staff contact the correctional center treatment staff at least every 30 days, meet with the juvenile at least every 90 days, and contact the youth's family at least monthly to provide services and support consistent with the family involvement plan. The proposed amendment will remove the time requirements for the contact with the juvenile and the family from the regulations. However, the proposed change is not expected to have a significant impact because the guidelines included in the court services manual contain the same timelines as the current regulations and the current practice is likely to continue. A direct result of this amendment is that the agency will have more flexibility in changing the current policy established in guideline documents for a probation officer's contact with a juvenile and the family.

Finally, another proposed amendment clarifies that when an agency or program provides direct services or supervision to juveniles, all employees and volunteers who provide such direct service or supervision shall undergo a thorough background check; when an agency or program refers juveniles to other service providers, the referring agency shall require the service provider to document that all persons who provide services or supervision through one-to-one contact with juveniles have undergone a background check. When the juveniles were referred to programs whose main focus was other than juvenile treatment such as agencies providing community service, the requirement for background checks on persons in these programs who might have incidental but direct contact with juveniles was jeopardizing the referral process. According to the agency, the proposed amendments are clarifications and do not depart from the current practice. The new language assigns the responsibility to court service units when a juvenile is referred to service providers and allows the court service units to accept a letter verifying the background check.

Businesses and entities affected. There are 32 state and three locally operated court service units, and approximately 1,341 programs that provides services to youth including group homes, shelter homes, crisis homes, and non-residential programs throughout the Commonwealth. Currently, these programs serve about 20,742 youth.

Localities particularly affected. The proposed regulations apply throughout Virginia.

Projected impact on employment. There is not sufficient information to project the net impact on employment.

Effects on the use and value of private property. The proposed regulations are not expected to have significant impact on the use and value of private property.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Department of Juvenile Justice concurs with the findings of the Economic Impact Analysis prepared by the Department of Planning and Budget, with one possible exception.

DPB notes that there may be some economic benefits to retaining the phrase "written policy, procedure and practice" in the standards that apply to locally operated programs. The Department of Juvenile Justice does not believe the phrase is necessary either to provide guidance to the local programs, nor to the agency's personnel who monitor compliance with these regulations. The department will, however, consider comments from the public and from the regulated community and will not delete the disputed language if there is substantial agreement with the DPB analysis from the public and the programs subject to this regulation.

Otherwise, the department agrees with the Economic Impact Analysis.

Summary:

The proposed amendments accommodate changes in agency operations since the regulation was adopted in 1997, such as the automated statewide intake system, the manual of standard operating procedures, and the development of risk assessment instruments for use by court service unit personnel.

Other amendments clarify that the standards contained in this regulation individually and collectively establish statewide policies governing the operation of court service units and nonresidential programs for which the department is responsible.

The proposed amendments also establish standards for the development, implementation, operation and evaluation of the nonresidential community-based programs and services such as those established by the Virginia Juvenile Community Crime Control Act (§ 16.1-309.2 et seq. of the Code of Virginia). This revision clarifies the regulatory requirements for background checks of persons who provide direct supervision or direct service to juveniles in varying situations.

6 VAC 35-150-10. Definitions.

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

"Agency" means any governmental entity of the Commonwealth or any unit of local government including counties, cities, towns and regional governments and the departments thereof, and including any entity, whether public or private, with which any of the foregoing has entered into a contractual relationship for the provision of services as described in this chapter.

"Alternative day services" or "structured day treatment" means nonresidential programs that provide services, which

may include counseling, supervision, recreation, and education, to juveniles at a central facility.

"Approved procedures" means (i) standard procedures issued by the Department of Juvenile Justice, which apply to all state operated court service units and which may be voluntarily observed by locally operated court service units; or (ii) variants to the standard procedures approved by the director or his designee for individual state operated court service units; or (iii) procedures for locally operated court service units approved in accordance with local policies.

"Behavior management" means the planned and systematic use of various techniques selected according to group and individual differences of juveniles and designed to teach awareness of situationally appropriate behavior, strengthen desirable behavior, and reduce or eliminate undesirable behavior.

"Board" means the Board of Juvenile Justice.

"Case record" means written or electronic information regarding one person, and the person's family if applicable.

"Counseling" means the planned use of interpersonal relationships to promote behavioral change or social adjustment.

"Counselor" means an individual who provides counseling.

"Department" means the Department of Juvenile Justice.

"Diversion" means the provision of programs and services, consistent with the protection of the public safety, to youth who can be cared for or treated through alternatives to the juvenile justice system as provided for in § 16.1-227 of the Code of Virginia.

"Electronic monitoring" means the use of electronic devices to verify a person's compliance with certain judicial orders or conditions of release from incarceration, or short term sanction for noncompliance with rules of probation or parole.

"Human research" means any medical or psychological investigation designed to develop or contribute to general knowledge by using human subjects who may be exposed to possible physical or psychological injury as a consequence of participation as subjects and which departs from the application of established and accepted methods appropriate to meet the subjects' needs.

"Individual service plan" means a written plan of action developed, and modified at intervals, to meet the needs of each juvenile. It specifies short-term and long-term goals, the methods and times frames for reaching the goals and the individuals responsible for carrying out the plan.

"Intake" means the process for screening complaints and requests alleged to be within the jurisdiction of the juvenile and domestic relations district court.

"Intake officer" means the probation officer who is authorized to perform the intake function.

"Intensive supervision" means frequent contacts, strict monitoring of behavior, and counseling provided to predispositional or postdispositional youth who are at high risk of committing new offenses.

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"*Juvenile*," "*youth*" or "*child*" means a person less than 18 years of age.

"*Local plan*" means a document or set of documents prepared by one or more localities pursuant to § 16.1-309.3 D of the Code of Virginia, describing a range of community-based sanctions and services addressing individual juvenile offenders' needs and local juvenile crime trends.

"*Mechanical restraint*" means equipment used to physically restrain or control a person's behavior, such as handcuffs, shackles or straightjackets.

"*Nonresidential services*" means services that are not part of a residential program, including those provided by a residential program to nonresidents.

"*Outreach detention*" means intensive supervision of youth who might otherwise be in secure detention.

"*Parole*" means supervision of an individual released from commitment to the department as provided for by § 16.1-293 of the Code of Virginia.

"*Physical restraint*" means the application of approved techniques by trained program staff to control the actions of juveniles by means of physical contact.

"*Probation*" means a court-ordered disposition placing an individual under the supervision of a probation officer.

"*Program*" means the planned application of staff and resources to achieve the stated mission for working with juveniles identified in Article 12.1 (§ 16.1-309.2 et seq.) of Chapter 11 of Title 16.1 of the Code of Virginia.

"*Provider*" means an agency, organization or association that runs a program or service.

"*Shall*" means an obligation to act is imposed.

"*Substance abuse assessment and testing*" means a qualified professional's assessment and evaluation of the nature of, and the factors that contribute to, individual or family problems associated with substance abuse, and recommendations for treatment and related services.

"*Supervision*" means visiting or making other contact with, or providing treatment, rehabilitation or services to a juvenile as required by the court or an intake officer.

"*Supervision plan*" means a written plan of action, updated as needed, to provide supervision and treatment for a specific individual. It specifies needs, goals, methods, time frames, and who is responsible for each step. A single supervision plan may include, as appropriate, specific plans for supervision during probation and parole, and for treatment of a youth and services for the youth's family during commitment.

"*Surveillance officer*" means a person, other than a probation or parole officer, who makes contact with a juvenile under supervision to verify the juvenile's presence at work, school, home, etc. A surveillance officer may be an employee of a court service unit or other service provider, or a properly trained and supervised volunteer.

"*Tamper*" means any accidental or purposeful alteration to electronic monitoring equipment that interferes with or weakens the monitoring system.

"*Time-out*" means a systematic behavior management technique designed to reduce or eliminate inappropriate behavior by temporarily removing a juvenile from contact with people or other reinforcing stimuli.

"*Unit*" or "*CSU*" means court service unit.

"*Volunteer*" means any individual or group who of their own free will and without any financial gain provides goods or services to the program without compensation.

6 VAC 35-150-35. Establishment of policy.

The standards embodied in this regulation pursuant to § 16.1-233 C of the Code of Virginia also establish, individually and collectively, "programmatic and fiscal policies" that the board is directed to develop pursuant to § 66-10 of the Code of Virginia. Nothing in this regulation shall be construed to limit the board's authority to establish additional or separate programmatic and fiscal policies for court service units or other nonresidential programs in accordance with § 66-10 of the Code of Virginia.

6 VAC 35-150-55. Probation officers' caseload.

~~The average caseload for probation officers in the unit shall not exceed 30 cases be determined in accordance with approved procedures, which may provide for weighting of cases based on the frequency and intensity of contacts indicated by an assessment of the juvenile's risk of reoffending, case complexity, geographical dispersion of cases and other factors.~~

6 VAC 35-150-70. Court service unit director and staff.

~~Consistent with policies and procedures of the department or the locality, as applicable, the court service unit director shall:~~

- ~~1. Plan, coordinate, and direct all services, programs, and personnel of the unit;~~
- ~~2. With involvement of the staff, set specific written unit goals and objectives and communicate these to all staff;~~
- ~~3. Request and manage the spending of state and local budget allocations;~~
- ~~4. Provide required financial, managerial and programmatic reports;~~
- ~~5. Coordinate the unit's relations with the court, the public, other agencies and the press;~~
- ~~6. Ensure that there is supervision for all staff, as provided for in job descriptions and consistent with performance evaluations;~~
- ~~7. Ensure availability of appropriate staff to respond to emergencies; and~~
- ~~8. Ensure that there are unit procedures for processing complaints about staff or services.~~

A. For every employee and volunteer in the unit there shall be a current position description indicating the minimum

qualifications required and the incumbent's duties and responsibilities.

B. A performance plan and a performance evaluation shall be completed annually for each employee in accordance with approved procedures.

6 VAC 35-150-80. Background checks.

~~Written policy, procedure and practice shall provide that~~ All new unit employees and auxiliary personnel, including volunteers, shall undergo a preemployment check of references; criminal history checks with the automated Virginia Criminal Information Network (VCIN), the National Criminal Information Center (NCIC), and the Department of Motor Vehicles (DMV); and fingerprint checks by the State Police and the FBI; those who have direct contact with youth shall also undergo a child protective services registry check.

6 VAC 35-150-90. Training.

~~Written policy, procedure and practice shall provide that:~~

~~1- A.~~ All staff employees, volunteers and interns shall receive documented orientation and annual training appropriate to their duties and to address any needs identified by the individual and the supervisor;

~~2- B.~~ All full-time employees who provide direct services to juveniles and their families shall receive 40 hours of training annually;

~~3- C.~~ All clerical staff shall receive at least 20 hours of training annually; and

~~4. All volunteers and interns shall receive documented orientation and training appropriate to their duties.~~

6 VAC 35-150-100. Personnel policies and operating procedures.

~~All court service units shall have and make available to all staff shall have access to policies and approved procedures approved by their parent governmental authority in the following areas governing:~~

1. Recruitment and selection;
2. Grievance and appeal;
- ~~3. Annual employee evaluation;~~
4. 3. Confidential individual employee personnel records;
- ~~5- 4. Discipline;~~
- ~~6- 5. Equal employment opportunity;~~
- ~~7- 6. Leave and benefits;~~
- ~~8- 7. Resignations and terminations;~~
- ~~9- 8. Orientation;~~
- ~~10. Position qualifications;~~
- ~~11. Job descriptions;~~
- ~~12- 9. Promotion;~~
- ~~13- 10. Probationary period; and~~

~~14- 11. Competitive salary.~~

6 VAC 35-150-110. Volunteers.

~~If volunteers are used, written policy, procedure and practice shall provide that:~~

~~1- They A.~~ Volunteers shall comply with all applicable board regulations, policies and department and unit approved procedures;

~~2- B.~~ One or more designated persons shall coordinate volunteer services; and

~~3- C.~~ Volunteers shall be registered with the department for liability insurance purposes.

6 VAC 35-150-120. Reportable incidents.

~~Written policy, procedure and practice shall provide that~~ When an event or incident occurs which that is required by department procedures to be reported, staff shall report the event or incident as required by and in accordance with department procedures.

6 VAC 35-150-130. Research.

~~Written policy, procedure and practice shall provide that:~~

~~1- A.~~ Youth shall not be used as subjects of human research unless the unit specifically permits except when approved procedures permit human research in accord with Chapter 5.1 (§ 32.1-162.16 et seq.) of Title 32.1 of the Code of Virginia and department policy.

~~2- B.~~ The testing of medicines or drugs for experimentation or research is prohibited.

6 VAC 35-150-140. Records management.

~~Written policy, procedure and practice shall provide that:~~

~~1- The unit shall have a system for indexing all case records;~~

~~2- A.~~ Case records shall be indexed and kept up to date; and uniform in content and arrangement within the unit; in accordance with approved procedures.

~~3- B.~~ Juvenile case records shall be kept in a secure location accessible only to authorized staff;

~~4- C.~~ All records shall be maintained and disposed of in accordance with The Library of Virginia requirements as provided for in department regulations and approved procedures;

~~5- D.~~ Any disclosure or release of information shall be in accordance with the Code of Virginia; and applicable federal regulations (i.e., 42 CFR Part 2, Confidentiality of Alcohol and Drug Abuse Patient Records) and approved procedures.

~~6- E.~~ The case records of youth placed in any postdispositional residential care shall contain:

- a- 1. Social history;
- b- 2. Order or agreement concerning the placement;
- c- 3. Dates of acceptance and placement;
- d- 4. Reason for placement;

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- e. 5. Financial and tuition arrangements, if appropriate; and
- f. 6. Supervision and visitation agreements.

6 VAC 35-150-150. Reports for the court.

~~Written policy, procedure and practice shall provide that~~ All reports prepared for the court shall be prepared and reviewed in accordance with ~~unit approved~~ procedures and, except for transfer reports and addenda to previously submitted reports, shall contain the following identifying information:

1. Full name of subject;
2. Social Security Number;
3. Address;
4. Race;
5. Date of birth (must be verified);
6. Sex;
7. Parents or guardians (for juveniles only);
8. Author; and
9. Date of report.

6 VAC 35-150-160. Social history.

A. A social history shall be prepared for each juvenile placed on probation supervision with the court service unit or committed to the department *within timelines established by approved procedures*.

~~B. Written policy, procedure and practice shall provide that when a juvenile is placed on probation without benefit of a predisposition report, the social history shall be completed within 60 days of receiving the case following disposition.~~

~~C. Written policy, procedure and practice shall require that B.~~ A current social history shall be prepared upon written request from other units when accompanied by a court order. An existing social history that is not more than 12 months old may be used provided an addendum is prepared updating all changed information.

~~D. Written policy, procedure and practice shall provide that C.~~ Social history reports shall be in written form and include at least the following information:

1. Identifying information as listed in 6 VAC 35-150-150.
2. Court history--specific description of past, present and pending petitions and dispositions.
3. Police or prosecutor's version of the instant offense, when available, for all juveniles who are committed to the department.
4. Victim impact information, when ordered by the court.
5. An accurate and up-to-date offense history.
6. Previous contacts with the unit, including diversion and informal resolution at intake, and known contacts with other agencies or treatment services in the community.
7. Subject: physical description; behavioral description; medical, educational, psychological information (as

applicable); educational and other known handicaps or disabilities (if applicable); peer relationships, including gang affiliation; response to authority; employment status; and whether the subject has a driver's license.

8. Family: parents/custodians/guardians--ages, marital status, court record, employment status, economic status, level of education, health, interpersonal relationships. Siblings--ages, court record, level of education.

9. Home and neighborhood: Physical description of home and neighborhood, family's and officer's view of neighborhood impact on subject, and length of residence.

10. Assessment of the subject's strengths and weaknesses and, if applicable, the subject's family.

11. Recommendations may be included if permitted by the court.

~~E. Written policy, procedure and practice shall provide that D.~~ Adults' social history reports, if ordered by the court, may be in a modified format as provided for in ~~unit~~ procedures *approved by the court service unit director after consultation with the judge or judges of the court*.

6 VAC 35-150-165. Custody investigations.

If the unit performs custody investigations upon order of the court, ~~written policy, procedure and practice shall provide that~~ such investigations shall be completed in conformance with "Guidelines for Custody Investigations" (1995) jointly promulgated by the State Board of Juvenile Justice and the State Board of Social Services.

6 VAC 35-150-175. Suitable quarters.

A. The CSU director annually shall review the unit's needs for suitable quarters, utilities and furnishings and request from the appropriate governing body the resources to meet these needs.

~~B. Written policy, procedure and practice shall provide that~~ Intake, probation and parole officers shall have access to private office space so equipped that conversations may not be overheard from outside the office.

6 VAC 35-150-180. Prohibited financial transactions.

~~Written policy, procedure and practice shall provide that~~ The unit shall not collect or disburse support payments, fines, or restitution.

6 VAC 35-150-200. Security and emergency procedures.

~~Written~~ *In accordance with approved procedures, the unit policy, procedure and practice shall provide for implement*.

1. Safety and security precautions for the office environment, to include at least fire, bomb threat, hostage and medical emergency situations; and
2. Safety and security precautions for staff making field visits to juveniles and their families.

6 VAC 35-150-210. Physical force.

~~Written policy, procedure and practice shall provide that:~~

~~1- A. Physical force shall be used only to protect self or others; and.~~

~~2- B. Each use of physical force shall be reported in writing to the CSU director.~~

6 VAC 35-150-220. Searches of youth.

~~Written policy, procedure and practice shall provide that:~~

~~1. Only staff who have received training in the conduct of searches, as approved by the department, may search juveniles; and~~

~~2. Searches of juveniles may be conducted only when permitted by and in accordance with the unit's written guidelines.~~

Searches of individuals may be conducted only in accordance with approved procedures and only by staff who have received training approved by the department.

6 VAC 35-150-230. Weapons.

~~Written policy, procedure and practice shall provide that:~~

~~1- If A. A probation officer carries may obtain authorization to carry a weapon in the performance of his duties, he may do so only when he is authorized as provided by § 16.1-237 H of the Code of Virginia and when he is in compliance with a written policy promulgated by the department concerning the training, carrying and use of weapons, and which shall include requirements for only in accordance with approved procedures that require at least: firearms safety training, a psychological or mental health assessment, the successful completion of department approved training with annual department approved training thereafter, and written notification to the department that the probation officer will carry a weapon; and approval by the court service unit director and the individual to whom the director reports.~~

~~2- B. All court service unit staff authorized to carry weapons shall have received training approved by the department regarding the limited circumstances when weapons may be carried and used as required by law and liability insurance coverage.~~

6 VAC 35-150-240. Arrest of youth by staff.

~~The court service unit director shall develop a written policy either prohibiting or permitting the arrest of juveniles by probation officers. If arrests are permitted, written policy, procedure and practice shall require that:~~

~~1. When possible, any arrest action should be preceded by conference between the probation officer and the supervisor; and~~

~~2. If an arrest is necessary, probation officers trained in proper arrest procedures should make the arrest only when law enforcement personnel are not available and when the safety of staff, the juvenile or the public may be in danger.~~

Probation officers shall exercise their arrest powers only in accordance with approved procedures.

6 VAC 35-150-250. Absconders.

~~Written policy, procedure and practice shall require that Unit staff shall cooperate with department personnel and state and local law-enforcement authorities to help locate and recover juveniles who fail to report for probation or parole supervision or who escape or run away from a juvenile correctional center, detention home or other juvenile placement.~~

6 VAC 35-150-260. Transportation of detained juveniles.

~~Written policy, procedure and practice shall provide that:~~

~~1- A. Detained juveniles shall be transported in accord with "Guidelines for Transporting Juveniles in Detention" (June 13, 1991) issued by the board in accord with § 16.1-254 of the Code of Virginia.~~

~~2- B. When the CSU is responsible for the transportation of youth to special placements, staff shall make transportation arrangements appropriate to the security risk posed by the juvenile.~~

~~3- C. Routine transportation of juveniles in postdispositional detention shall be the responsibility of the parents or the program providing service to the juvenile.~~

6 VAC 35-150-270. Intake duties.

~~Written policy, procedure and practice shall provide that When making an intake determination as provided for by the Code of Virginia, whether in person or by telephone or interactive video conferencing, the intake officer shall, in accordance with approved procedures:~~

~~1. Explain the steps and options in the intake process to each person present, including their constitutional and statutory rights;~~

~~2. Make all required entries into the department's Juvenile Tracking System;~~

~~2- 3. Consult with available parents, guardians, legal custodian or other person standing in loco parentis to determine the appropriate placement, unless a court has ordered detention; and~~

~~3- 4. Notify the juvenile's parents, guardians, legal custodian or other person standing in loco parentis in cases involving the juvenile's detention.~~

6 VAC 35-150-280. Medical and psychiatric emergencies at intake.

~~Written policy, procedure and practice shall provide that If during the intake interview the intake officer suspects that the youth requires emergency medical or psychiatric care, the intake officer shall:~~

~~1. Immediately contact the youth's parents or legal guardians to advise them of the emergency and any responsibilities they may have; and~~

~~2. Before placing a youth in a more restrictive setting, the intake officer shall arrange for the youth to receive the needed emergency care.~~

Proposed Regulations

6 VAC 35-150-290. Intake communication with detention.

~~Written policy, procedure and practice shall provide that~~
When CSU staff facilitate the detention process, they shall:

- ~~1. Query the Juvenile Tracking System to ascertain all pertinent information on the juvenile who is being detained, and complete the Juvenile Alert Screen on the Juvenile Tracking System; and~~
- ~~2. Give detention staff, by telephone or in writing or by entry into the Juvenile Tracking System, no later than the time the juvenile arrives at the detention facility, the reason for detention and the instant offenses, and the following information when available and applicable: medical information; parents' names, addresses and phone numbers; prior record as regards sexual offenses, violence against persons or arson; suicide attempts; and gang affiliation.~~

6 VAC 35-150-300. Predispositionally placed youth.

~~A. Written policy, procedure and practice shall provide that In accordance with approved procedures, a representative of the court service unit shall make face-to-face contact with each youth placed in predispositional detention, jail or shelter care, within five days of the placement and shall make contact with the youth at least once every 10 days thereafter, either face-to-face or by telephone or videoconferencing.~~

~~B. Written policy, procedure and practice shall provide that at least every 10 days, the CSU director or designee shall make and document a review. The case of each predispositionally placed youth shall be reviewed at least every 10 days in accordance with approved procedures to determine whether there has been a material change sufficient to warrant recommending a change in placement.~~

~~C. Written policy, procedure and practice shall provide that~~
When the unit has placed or is supervising a youth in a residential facility, designated staff shall be available to the facility's staff 24 hours a day in case of emergency.

6 VAC 35-150-310. Postdispositional detention.

~~Written policy, procedure and practice shall provide that~~
When a court orders a juvenile is ordered by a court, pursuant to § 16.1-248.1 B of the Code of Virginia, into a facility that houses to be detained postdispositionally detained youth, the court service unit shall within for more than 30 days of the court order have, the court service unit shall develop a written plan with the facility to enable such youth to take part in one or more community treatment programs appropriate for their rehabilitation and available to youth in the community. The postdispositionally detained youth, which may receive the services be provided at the facility or while on temporary release status, as determined by their risk to public safety and other relevant factors.

6 VAC 35-150-320. Notice of youth's transfer.

~~Written policy, procedure and practice shall provide that~~
When court service unit staff have knowledge that a youth has been moved from one facility or program to another, they shall notify the youth's parents or guardians within 24 hours and document the notification in the youth's case record.

6 VAC 35-150-330. Removal of youth from home.

~~Written policy, procedure and practice shall provide that~~
When considering whether to remove a youth from his home for any reason other than to detain the youth, the youth's parents or guardians, if available, shall be included in making that decision.

6 VAC 35-150-335. Informal supervision.

~~Written policy, procedure and practice shall provide that~~
When unit personnel are supervising a juvenile in the absence of a court order, such supervision shall not exceed 90 days. Court service unit personnel shall not supervise any person absent a court order except as provided for in approved procedures.

6 VAC 35-150-340. Beginning supervision.

~~Written policy, procedure and practice shall provide that no later than five working days after (i) receiving the court order of probation or (ii) the juvenile's release from direct state care~~
Within the timeframes established by approved procedures for beginning supervision, a probation or parole officer shall:

- ~~1. See the subject face-to-face;~~
- ~~2. Give the subject the written rules of supervision, including any special conditions, and explain these to the subject and, when appropriate, to the subject's parents or guardians; and~~
- ~~3. Document that the rules and conditions of supervision have been given to the subject and parents, if applicable these actions in the case record.~~

6 VAC 35-150-350. Supervision plan plans.

~~A. Written policy, procedure and practice shall require that To provide for the public safety and address the needs of subjects and their families, subjects shall be supervised according to a written supervision plan, developed in accordance with approved procedures and timeframes, that describes the range and nature of field and office contact with the subject, with the parents or guardians of a juvenile subject, and with other agencies providing treatment or services.~~

~~B. Written policy, procedure and practice shall provide that the supervision plan for juvenile probation shall be written and approved, in accordance with unit procedures, within 30 days of receiving a case after disposition, after consulting with the youth and, when appropriate, the youth's family.~~

~~C. Written policy, procedure and practice shall provide that B.~~
When the youth resides in or is expected to return to the family home, the probation officer shall write, in accordance with approved procedures, develop and implement a family involvement plan within 30 days of a committed youth's arrival at the reception and diagnostic center, after consulting with the youth's family, to involve the family with the youth during the youth's commitment, to prepare for the youth's release and, when appropriate, to work to change family members' behaviors. ~~D. Written policy, procedure and practice shall provide that a and periodically report on the family's progress toward planned goals shall be sent to the facility at which the~~

juvenile is housed in direct state care at least once every 90 days.

~~E. Written policy, procedure and practice shall provide that a written supervision plan for parole shall be prepared for all committed juveniles C. At least 60 days before their prior to a juvenile's anticipated release after consulting with the subject and the juvenile correctional center staff and, when appropriate, staff of the Virginia Department of Rehabilitative Services, the Department of Correctional Education, the local school division in which the youth will be enrolled, and the youth's family from commitment, a written parole supervision plan shall be prepared in accordance with approved procedures.~~

~~F. Written policy, procedure and practice shall provide that D. A supervision plan for parole shall be prepared for all judicial review hearings for serious juvenile offenders as required by law and in accordance with the department's internal review process approved procedures.~~

~~G. Written policy, procedure and practice shall provide that E. If the court has not ordered specific conditions of supervision, a supervision plan for an adult probation subject shall be prepared within 30 days of receiving the case after disposition, after consulting with the adult and, if appropriate, his family.~~

F. At least once every 90 days, in accordance with approved procedures, each written supervision plan or family involvement plan shall be (i) reviewed with the subject individual or family and (ii) reviewed by a supervisor from both a treatment and a case management perspective to confirm the appropriateness of the plan.

6 VAC 35-150-360. Periodic review. (Repealed.)

~~A. Written policy, procedure and practice shall provide that each written supervision plan or family involvement plan shall be reviewed at least every 90 days with the subject and the subject's family, as applicable.~~

~~B. Written policy, procedure and practice shall provide that a supervisor shall review each subject's case at least once every 90 days from both a treatment and case management perspective to determine the appropriateness of the supervision plan or family involvement plan.~~

6 VAC 35-150-370. Placements in the community.

~~Written policy, procedure and practice shall provide that When the unit (i) is supervising and (ii) has placed a subject in a community facility or program, unit staff shall advise the facility or program of the subject's service needs and shall maintain contact with the subject and the facility or program staff in accordance with the supervision plan.~~

6 VAC 35-150-380. Violation of probation or parole.

~~Written policy, procedure and practice shall provide for actions to be taken When a subject violates probation or parole, unit personnel shall take action in accordance with approved procedures.~~

6 VAC 35-150-390. Transfer of case supervision to another unit.

~~A. When a subject's legal residence is not within the jurisdiction of the original court service unit, supervision cases may be transferred to another unit providing similar services in Virginia in accordance with approved procedures. Written policy, procedure and practice shall provide that within 30 days of receiving a written request to transfer supervision, the receiving unit shall respond in writing to the initiating unit either accepting or, if the subject does not reside in the jurisdiction or the proposed placement is unacceptable, refusing the transfer.~~

~~B. Written policy, procedure and practice shall provide that the receiving unit shall provide supervision services for cases that are properly transferred unless exceptional circumstances exist.~~

~~C. Written policy, procedure and practice shall provide that the sending unit shall be responsible for supervising the case, in accord with written procedures governing such circumstances, until supervision is accepted by the receiving unit.~~

~~D. The sending unit shall send the receiving unit:~~

- ~~1. A copy of the petition or warrant;~~
- ~~2. Complete social history, if applicable, or as otherwise agreed by the units involved;~~
- ~~3. Copy of the court order placing the subject under supervision, including any court-ordered special rules or conditions, and the length of time that the subject is to remain under supervision, if specified;~~
- ~~4. Signed copy of conditions of supervision or contract, or as otherwise agreed by the units;~~
- ~~5. Summary of supervision, if applicable;~~
- ~~6. For juveniles, the most recent known address of parent or guardian; and~~
- ~~7. A current copy of the juvenile's offense history.~~

6 VAC 35-150-400. Notice of release from supervision.

~~Written policy, procedure and practice shall provide that subjects and the parents or guardians of juvenile subjects shall be notified when they are released from probation or other supervision. Notice shall be by letter, copy of the court order, or an appearance in court and shall be documented in the case record. Notice of release from supervision shall be given to subjects and to the parents or guardians of juvenile subjects and appropriately documented in the case record in accordance with approved procedures.~~

6 VAC 35-150-410. Commitment information.

~~A. Written policy, procedure and practice shall provide that When a youth is transferred into direct state care, the following items either accompany or precede the youth to the reception and diagnostic center: the order of commitment, copies of clinical reports, predisposition studies, record of immunizations when available, and any other information required by the Code of Virginia or department policy.~~

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~~B. Written policy, procedure and practice shall provide that If a juvenile is transferred to the department directly from the court, in addition to ensuring the delivery of the items required in subsection A of this section, unit staff shall immediately notify the reception and diagnostic center by telephone of the youth's impending arrival.~~

6 VAC 35-150-420. Contacts during youth's commitment.

~~Written policy, procedure and practice shall provide that During the period of a youth's commitment, a designated staff person shall: *make contact with the committed youth, the youth's parents, guardians or other custodians, and the treatment staff at the youth's direct care placement as required by approved procedures. The procedures shall specify when such contact must be in-person face-to-face contact and when contacts may be made by video conferencing or by telephone.*~~

- ~~1. Contact the juvenile correctional center treatment staff at least every 30 days;~~
- ~~2. Meet with the youth at least every 90 days; and~~
- ~~3. Contact the youth's family or custodians at least monthly to provide services and support consistent with the family involvement plan unless prevented by documented exceptional circumstances.~~

6 VAC 35-150-440. Employee and volunteer background check.

~~Written policy, procedure and practice shall provide that no person shall provide services or conduct programs in direct contact with juveniles who has not had A. When an agency or program provides direct services or supervision to juveniles, all employees and volunteers who provide such direct service or supervision shall undergo a reference check, criminal history checks with the automated Virginia Criminal Information Network (VCIN) and the National Criminal Information Center (NCIC), and fingerprint checks by the State Police and the FBI, a central registry check, and a driving record check if applicable to the person's job duties, to ascertain whether there are criminal acts or other circumstances that would be detrimental to the safety of juveniles in the program.~~

~~B. When an agency or program refers juveniles to other service providers, the referring agency shall require the service provider to document that all persons who provide services or supervision through substantial one-on-one contact with juveniles have undergone a background check as required in subsection A of this section.~~

6 VAC 35-150-450. Limitation of contact with juveniles.

~~Written policy, procedure and practice shall provide that When there are indications that an individual who is providing programs or services has a physical, mental or emotional condition that might jeopardize the safety of juveniles, the program administrator or department personnel may immediately require that the individual be removed from contact with juveniles until the situation is resolved.~~

6 VAC 35-150-460. Personnel qualifications.

~~A. Written policy, procedure and practice shall provide that Staff and volunteers shall be qualified and trained for the positions and duties to which they are assigned.~~

~~B. Written policy, procedure and practice shall require that Staff and volunteers who provide professional services shall be appropriately licensed or certified or be supervised by an appropriately licensed or certified person as required by law.~~

6 VAC 35-150-490. Juveniles' rights.

~~A. Written policy, procedure and practice shall provide that Juveniles shall not be excluded from a program nor be denied access to services on the basis of race, national origin, color, creed, gender, physical handicap or sexual orientation.~~

~~B. Written policy, procedure and practice shall provide that Juveniles shall not be subjected to:~~

- ~~1. Deprivation of drinking water or food necessary to meet daily nutritional needs except as ordered by a licensed physician for a legitimate medical purpose and documented in the juvenile's record;~~
- ~~2. Any action which is humiliating, degrading or abusive;~~
- ~~3. Corporal punishment;~~
- ~~4. Unsanitary conditions;~~
- ~~5. Deprivation of access to toilet facilities;~~
- ~~6. Confinement in a room with the door so secured that the juvenile cannot open it.~~

6 VAC 35-150-500. Juvenile participation in research.

~~A. Written policy, procedure and practice shall prohibit Medical or pharmaceutical testing for experimentation or research is prohibited.~~

~~B. The program or service shall have either (i) a written policy prohibiting juveniles' participation in research or (ii) written policy, procedure and practice ensuring that juveniles' participation as subjects in human research shall be consistent with Chapter 5.1 (§ 32.1-162.16 et seq.) of Title 32.1 of the Code of Virginia, with § 16.1-305 of the Code of Virginia regarding confidentiality of juvenile records, with department policy regarding juveniles' participation in research, and with such regulations as may be promulgated by the state board regarding human research.~~

6 VAC 35-150-510. Case management requirements.

~~A. Written policy, procedure and practice shall provide that For each juvenile, a separate case record shall be kept up to date and in a uniform manner.~~

~~B. Written policy, procedure and practice shall provide that The juvenile case record shall always contain:~~

- ~~1. Identifying and demographic information on the juvenile;~~
- ~~2. Court order, placement agreement or service agreement;~~
- ~~3. Rules imposed by judge or probation officer, if applicable; and~~
- ~~4. Date of acceptance and release.~~

6 VAC 35-150-520. Confidentiality of records.

~~Written policy, procedure and practice shall provide that Juveniles' records shall be kept confidential in accordance with applicable laws and regulations.~~

6 VAC 35-150-530. Incident documentation and reporting.

~~Written policy, procedure and practice shall require that~~ When an event or incident occurs which is required by department procedures to be reported, the program or service shall document and report the event or incident as required by and in accordance with department procedures.

6 VAC 35-150-540. Child abuse and neglect.

~~Written policy, procedure and practice shall provide that~~ Any case of suspected child abuse or neglect shall be reported immediately to the local department of public welfare or social services as required by § 63.1-248.3 of the Code of Virginia and documented in the juvenile's record.

6 VAC 35-150-620. Supervision of juveniles.

~~A. Written policy, procedure and practice shall provide that~~ At all times that juveniles are on any premises where alternative day treatment or structured day programs are provided, there shall be at least one qualified person actively supervising who has a current first aid and CPR certification.

~~B. Written policy, procedure and practice shall provide that~~ Program staff are responsible for managing juveniles' behavior, and shall not delegate this responsibility to other juveniles except as part of an approved leadership training program under the supervision of qualified staff.

6 VAC 35-150-630. Meals.

~~Written policy, procedure and practice shall provide that~~ If the program spans traditional meal times, juveniles shall be provided nutritionally balanced meals.

6 VAC 35-150-640. Fire safety.

~~A. Written policy, procedure and practice shall provide that~~ Each site to which juveniles report shall have a written fire plan developed with the consultation and approval of the appropriate local fire authority and reviewed with the local fire authority at least annually and updated if necessary.

~~B. Written policy, procedure and practice shall provide that~~ At each site to which juveniles report, there shall be at least one documented fire drill each month.

~~C. Written policy, procedure and practice shall provide that~~ Each new staff member shall be trained in fire safety and emergency procedures before assuming supervision of juveniles.

6 VAC 35-150-650. First-aid kits.

~~Written policy, procedure and practice shall provide that~~ A well-stocked first-aid kit shall be available at each site to which juveniles report and in any vehicle used to transport juveniles and shall be readily accessible for minor injuries and medical emergencies.

6 VAC 35-150-670. Juveniles' medical needs.

~~Written policy, procedure and practice shall provide that~~ When necessary, program staff shall be notified of individual juveniles' medical needs or restrictions and given specific instructions for meeting these needs.

6 VAC 35-150-680. Physical and mechanical restraint.

~~A. Written policy, procedure and practice shall provide that~~ Only staff who have received department-sanctioned training may apply physical restraint, and only when a juvenile's uncontrolled behavior could result in harm to self or others and when less restrictive interventions have failed.

~~B. Written policy, procedure and practice shall provide that~~ The use of physical restraint shall be only that which is minimally necessary to protect the juvenile or others.

~~C. Written policy, procedure and practice shall provide that~~ Any application of physical restraint shall be fully documented in the juvenile's record as to date, time, staff involved, circumstances, reasons for use of physical restraint and extent of physical restraint used.

~~D. Except in electronic monitoring and outreach detention programs serving juveniles who would otherwise be placed in secure detention or when a juvenile resists being taken into lawful custody,~~ ~~written policy, procedure and practice shall provide that~~ the use of mechanical devices to restrain a juvenile's behavior is prohibited.

~~E. The use of chemical substances to restrain a juvenile's behavior is prohibited.~~

6 VAC 35-150-690. Procedural requirements for time-out.

~~A. A program that uses time-out shall have written policy, procedure and practice to provide that juveniles in time-out shall:~~

- ~~1. Be able to communicate with staff;~~
- ~~2. Have bathroom privileges according to need; and~~
- ~~3. Be served any meal scheduled during the time-out period.~~

~~B. Written policy, procedure and practice shall provide that~~ A time-out room shall not be locked nor the door secured in any way that will prohibit the juvenile from opening it.

~~C. Written policy, procedure and practice shall provide that~~ Time-out shall not be used for periods longer than 30 consecutive minutes.

6 VAC 35-150-700. Not an automatic condition of supervision.

~~Written policy, procedure and practice shall provide that~~ Electronic monitoring shall not be an automatic condition of probation, parole or predispositional supervision.

6 VAC 35-150-710. Conditions of home and parents.

~~Written policy, procedure and practice shall provide that:~~

~~4-~~ ~~A. Juveniles in an electronic monitoring program must reside in their own home or a surrogate home;~~

~~2-~~ ~~B. Before a juvenile is placed on electronic monitoring, parents or guardians must:~~

- ~~a-~~ ~~1. Give written consent, unless the electronic monitoring is ordered by a court of competent jurisdiction; and~~

Proposed Regulations

b. 2. Be fully oriented to the operation of the electronic monitoring device and program rules.

6 VAC 35-150-720. Required contacts.

~~Written policy, procedure and practice shall provide that~~ As often as required by the written supervision or service plan, designated staff or volunteers shall:

1. See each juvenile face-to-face; and
2. Contact the juvenile's parents or guardians in person or by telephone.

VA.R. Doc. No. R01-271; Filed November 8, 2001, 4:49 p.m.

TITLE 9. ENVIRONMENT

STATE AIR POLLUTION CONTROL BOARD

REGISTRAR'S NOTICE: The State Air Pollution Control Board is claiming exemptions from §§ 2.2-4007, 2.2-4013, 2.2-4014 and 2.2-4015 of the Administrative Process Act. Sections 2.2-4007 L, 2.2-4013 E, 2.2-4014 B and 2.2-4015 B of the Administrative Process Act provide that these sections shall not apply to the issuance by the State Air Pollution Control Board of variances to its regulations.

Title of Regulation: 9 VAC 5-220. Variance for Rocket Motor Test Operations at Atlantic Research Corporation Orange County Facility (adding 9 VAC 5-220-10 through 9 VAC 5-220-60).

Title of Regulation: 9 VAC 5-221. Variance for Rocket Motor Test Operations at Atlantic Research Corporation Gainesville Facility (adding 9 VAC 5-221-10 through 9 VAC 5-221-60).

Statutory Authority: § 10.1-1307 C of the Code of Virginia.

Public Hearing Date: January 3, 2002 - 2 p.m.

Public comments may be submitted until January 21, 2002. (See Calendar of Events section for additional information)

Agency Contact: Dr. Kathleen R. Sands, Policy Analyst, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4413, FAX (804) 698-4510, toll-free 1-800-592-5482 or (804) 698-4021/TTY.

Summary:

Two variances are proposed to be granted to the Atlantic Research Corporation for rocket motor test operations. One variance is for the facility in Orange County, Virginia, from the opacity standard for new sources specified in 9 VAC 5-50-80. The other variance is for the facility in Gainesville (Prince William County), Virginia, from the opacity standard for existing sources specified in 9 VAC 5-40-80. The variances are proposed to be granted in consideration of the two facilities' effective limitation of the emissions of

particulate matter from rocket motor test operations to 714 pounds per hour in lieu of the opacity limitations.

CHAPTER 220.

VARIANCE FOR ROCKET MOTOR TEST OPERATIONS AT ATLANTIC RESEARCH CORPORATION ORANGE COUNTY FACILITY.

9 VAC 5-220-10. Applicability and designation of affected facility.

The affected facility to which the provisions of this chapter apply is the Atlantic Research Corporation Orange County facility.

9 VAC 5-220-20. Definitions.

A. For the purpose of this chapter or any associated orders issued by the board, the words or terms shall have the meanings given them in subsection C of this section.

B. As used in this chapter, all terms not defined herein shall have the meanings given them in 9 VAC 5 Chapter 10 (9 VAC 5-10) and 9 VAC 5-170-140, unless otherwise required by context.

C. Terms defined.

"Atlantic Research Corporation" means the owner and operator of a rocket motor test facility located at 7499 Pine Stake Road, Culpeper, Virginia, known as the Orange County facility.

"EPA" means the United States Environmental Protection Agency.

"Facility" means the contiguous property at 7499 Pine Stake Road, Culpeper, Virginia, owned and operated by the Atlantic Research Corporation or its successors in ownership, and known as the Orange County facility.

"Order" means the order granting this variance.

"Rocket motor test operations" means static testing of solid propellant rocket motors on a fixed test stand. Such tests are conducted for the research, development, and production of rocket motors.

"VAC" and "9 VAC" mean Title 9 of the Virginia Administrative Code. This title comprises the environmental regulations for the Commonwealth of Virginia, including the regulations of the State Air Pollution Control Board.

"Variance" means 9 VAC 5 Chapter 220 (9 VAC 5-220).

9 VAC 5-220-30. Applicability of standard for visible emissions and standard for particulate matter.

A. The standard for visible emissions in 9 VAC 5-50-80 shall not apply to the rocket motor test operations at the facility.

B. No owner or other person shall cause or permit to be discharged into the atmosphere from the test rocket motor operations at the facility any particulate matter emissions in excess of 714 pounds per hour.

C. Subsections A and B of this section do not apply to operations at the facility other than rocket motor test operations.

9 VAC 5-220-40. Compliance determination, monitoring, recordkeeping, and reporting.

A. The owner shall monitor and record the time, date, and duration of each rocket motor test operation. The owner shall also monitor and record the quantities (specified in pounds) of solid propellant expended during each rocket motor test operation and shall calculate hourly totals of the quantities of propellant used in these operations.

B. The owner shall use a method acceptable to the board for calculating particulate matter emissions from the rocket motor test operations. Using this method and the hourly totals of the quantities of solid propellant expended, the owner shall calculate and record the hourly quantities (specified in pounds) of particulate matter emissions.

C. Using the information required in subsections A and B of this section, the owner shall calculate and record the hourly particulate matter emissions resulting from the rocket motor test operations to demonstrate compliance with the emission rate specified in 9 VAC 5-220-30 B.

D. The provisions of 9 VAC 5-50-40 and 9 VAC 5-50-50 apply.

9 VAC 5-220-50. Transfer of ownership.

A. The terms of this chapter are transferable to a new owner upon sale of the facility.

B. In the case of a transfer of ownership of the facility, the new owner shall comply with this chapter. The new owner shall notify the department of the change in ownership within 30 days of the transfer.

C. In the case of a name change of the facility, the owner shall comply with this chapter. The owner shall notify the department of the change in source name within 30 days of the name change.

9 VAC 5-220-60. Applicability of future regulation amendments.

Subsequent amendments to 9 VAC 5-50-80 shall not apply to rocket motor test operations at the facility unless the board amends this chapter to specifically address the applicability of the regulatory amendments to those operations at the facility.

CHAPTER 221.

VARIANCE FOR ROCKET MOTOR TEST OPERATIONS AT
ATLANTIC RESEARCH CORPORATION GAINESVILLE
FACILITY.

9 VAC 5-221-10. Applicability and designation of affected facility.

The affected facility to which the provisions of this chapter apply is the Atlantic Research Corporation Gainesville facility.

9 VAC 5-221-20. Definitions.

A. For the purpose of this chapter or any associated orders issued by the board, the words or terms shall have the meanings given them in subsection C of this section.

B. As used in this chapter, all terms not defined herein shall have the meanings given them in 9 VAC 5 Chapter 10 (9 VAC

5-10) and 9 VAC 5-170-140, unless otherwise required by context.

C. Terms defined.

"Atlantic Research Corporation" means the owner and operator of a rocket motor test facility located at 5945 Wellington Road, Gainesville, Virginia, known as the Gainesville facility.

"EPA" means the United States Environmental Protection Agency.

"Facility" means the contiguous property at 5945 Wellington Road, Gainesville, Virginia, owned and operated by the Atlantic Research Corporation or its successors in ownership, and known as the Gainesville facility.

"Order" means the order granting this variance.

"Rocket motor test operations" means static testing of solid propellant rocket motors on a fixed test stand. Such tests are conducted for the research, development, and production of rocket motors.

"VAC" and "9 VAC" mean Title 9 of the Virginia Administrative Code. This title comprises the environmental regulations for the Commonwealth of Virginia, including the regulations of the State Air Pollution Control Board.

"Variance" means 9 VAC 5 Chapter 221 (9 VAC 5-221).

9 VAC 5-221-30. Applicability of standard for visible emissions and standard for particulate matter.

A. The standard for visible emissions in 9 VAC 5-40-80 shall not apply to the rocket motor test operations at the facility.

B. No owner or other person shall cause or permit to be discharged into the atmosphere from the rocket motor test operations at the facility any particulate matter emissions in excess of 714 pounds per hour.

C. Subsections A and B of this section do not apply to operations at the facility other than rocket motor test operations.

9 VAC 5-221-40. Compliance determination, monitoring, recordkeeping, and reporting.

A. The owner shall monitor and record the time, date, and duration of each rocket motor test operation. The owner shall also monitor and record the quantities (specified in pounds) of solid propellant expended during each rocket motor test operation and shall calculate hourly totals of the quantities of propellant used in these operations.

B. The owner shall use a method acceptable to the board for calculating particulate matter emissions from the rocket motor test operations. Using this method and the hourly totals of the quantities of solid propellant expended, the owner shall calculate and record the hourly quantities (specified in pounds) of particulate matter emissions.

C. Using the information required in subsections A and B of this section, the owner shall calculate and record the hourly particulate matter emissions resulting from the rocket motor

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test operations to demonstrate compliance with the emission rate specified in 9 VAC 5-221-30 B.

D. The provisions of 9 VAC 5-40-40 and 9 VAC 5-40-50 apply.

9 VAC 5-221-50. Transfer of ownership.

A. The terms of this chapter are transferable to a new owner upon sale of the facility.

B. In the case of a transfer of ownership of the facility, the new owner shall comply with this chapter. The new owner shall notify the department of the change in ownership within 30 days of the transfer.

C. In the case of a name change of the facility, the owner shall comply with this chapter. The owner shall notify the department of the change in source name within 30 days of the name change.

9 VAC 5-221-60. Applicability of future regulation amendments.

Subsequent amendments to 9 VAC 5-40-80 shall not apply to rocket motor test operations at the facility unless the board amends this chapter to specifically address the applicability of the regulatory amendments to those operations at the facility.

VA.R. Doc. No. R02-75; Filed November 13, 2001, 11:32 a.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD FOR BRANCH PILOTS

Title of Regulation: 18 VAC 45-10. Public Participation Guidelines (amending 18 VAC 45-10-10, 18 VAC 45-10-20, 18 VAC 45-10-30, 18 VAC 45-10-50, and 18 VAC 45-10-90).

Statutory Authority: §§ 2.2-4007 and 54.1-902 of the Code of Virginia.

Public Hearing Date: December 11, 2001 - 9:30 a.m.

Public comments may be submitted until February 1, 2002.
(See Calendar of Events section for additional information)

Agency Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475 or e-mail courtney@dpor.state.va.us.

Basis: The statutory authority for the Board for Branch Pilots to promulgate the Public Participation Guidelines is found in §§ 2.2-4007 and 54.1-902 of the Code of Virginia. The board is empowered to promulgate regulations for individuals in Virginia that practice as branch pilots.

The Public Participation Guidelines implement the requirements of the Administrative Process Act by establishing procedures to be followed by the board in soliciting, receiving and considering public comments.

Purpose: 18 VAC 45-10-10, 18 VAC 45-10-20 and 18 VAC 45-10-30 would be modified to allow the board to accept requests to be placed on a notification list, and to notify PPG list members, via electronic means which would be a more cost effective and efficient way of interacting with list members. Currently, only written requests and mailed notifications are permitted. The Public Participation Guidelines are statutorily mandated and ensure the protections of the public's health, safety and welfare by documenting and formalizing the process through which the public has access to the regulatory review process. Other changes which may be necessary will be considered.

Substance: Amendments to 18 VAC 45-10-10, 18 VAC 45-10-20 and 18 VAC 45-10-30 allow the board to accept requests to be placed on a notification list, and to notify PPG list members, via electronic means. Currently, only written requests and mailed notifications are permitted. Other changes that may be necessary will be considered.

Issues: The primary advantage to the public and the agency is that the board will be able to accept requests to be placed on a notification list and to notify PPG list members via electronic means, which would be a more cost effective and efficient way of interacting with list members. There are no expected disadvantages.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 G of the Administrative Process Act and Executive Order Number 25 (98). Section 2.2-4007 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The Board for Branch Pilots (board) proposes to modify its public participation guidelines to allow the board to accept requests to be placed on the public participation notification list via electronic means, and to send regulatory notifications to list members electronically. Currently, only written requests and mailed notifications are permitted. In addition, the board proposes to add language specifying that when electronic notifications are returned as undeliverable, individuals and organizations will be deleted from the list.

Estimated economic impact. Under the Administrative Process Act, all state agencies that promulgate regulations are required to maintain public participation mailing lists containing the names of all parties that have registered an interest in a particular regulation. Membership on these lists typically includes members of the regulated community, public interest groups, law firms, and individual citizens with an interest in a particular area of regulation.

There are no clear disadvantages associated with allowing interested parties to use electronic communication rather than mail for joining the notification list and for receiving notifications. Individuals may choose to remain on the traditional mailing lists, which will continue to be maintained by the board. If electronic notification and comment becomes more prevalent, there would be a reduction in printing and mailing costs incurred by the board. In addition to the potential fiscal benefits, these changes also allow the board to increase the speed of notification and the amount of information readily available to interested parties, which will increase efficiency and may enhance public participation.

The current regulations state, "When mail is returned as undeliverable, individuals and organizations will be deleted from the (mailing) list." The proposed regulations state, "When mail or electronic notifications are returned as undeliverable, individuals and organizations will be deleted from the list." Unlike physical mail, when electronic notifications are returned as undeliverable it is not necessarily an indication that the address is no longer active; servers are frequently down for short periods (one day or less). Thus, if the proposed language is implemented, there is the strong potential that individuals and organizations will be deleted from the notification list when their e-mail accounts remain active. The individuals and organizations would not be notified that they were removed from the list and would therefore be unaware that they are missing notifications of board regulatory action. The Department of Professional and Occupational Regulations will recommend to the board at their next meeting that the pertinent language be changed to "When mail is returned as undeliverable, individuals and organizations will be deleted from the list. When electronic notifications are returned as undeliverable over more than one day, individuals and organizations will be deleted from the list." By indicating that the individuals and organizations will be deleted from the list when electronic notifications are returned as undeliverable over more than one day, the likelihood that individuals and organizations will be deleted from the notification list when their e-mail accounts remain active will be greatly diminished.

Businesses and entities affected. The proposed changes will affect individuals and organizations interested in the regulations governing individuals licensed by the Board of Branch Pilots. There are currently seven entities listed on the notification list for the board.

Localities particularly affected. Individuals and organizations throughout the Commonwealth could potentially be interested in the regulations governing individuals licensed by the Board of Branch Pilots. Individuals and organizations within localities along navigable Virginia waterways, particularly the James and Potomac Rivers, may have particular interest.

Projected impact on employment. The proposed changes to this regulation are not anticipated to have a significant effect on employment.

Effects on the use and value of private property. The proposed changes to this regulation are not anticipated to have a significant effect on the use and value of private property.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: Concur.

Summary:

The proposed amendments allow the board to accept requests to be placed on a notification list and to notify Public Participation Guidelines list members via electronic means. Currently, only written requests and mailed notifications are permitted.

18 VAC 45-10-10. Definitions.

The following words and terms, when used in this chapter, shall have the following ~~meaning~~ *meanings* unless the context clearly indicates otherwise:

"Agency" means any authority, instrumentality, officer, board, or other unit of state government empowered by the basic laws to make regulations or decide cases.

"Notification lists" means lists used by the board to notify persons pursuant to this chapter. Such lists may include electronic mailing lists or regular mailing lists maintained by the board.

"Organization" means any one or more association, advisory council, committee, corporation, partnership, governmental body or legal entity.

"Person" means one or more individuals.

18 VAC 45-10-20. ~~Mailing list~~ Notification lists.

The agency will maintain a list of persons and organizations who will be mailed the following documents, *or notified of how to obtain a copy of the documents electronically*, as they become available:

1. "Notice of Intended Regulatory Action" to promulgate, amend or repeal regulations.
2. "Notice of Comment Period" and public hearings.
3. Notice that the final regulations have been adopted.

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

18 VAC 45-10-30. Placement on the mailing list; deletion.

Any person wishing to be placed on ~~the mailing~~ *a notification list* may do so *by electronic notification or by writing the agency*. In addition, the agency, at its discretion, may add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formation or promulgation of regulations. Persons on the list will be provided all information stated in 18 VAC 45-10-20. Individuals and organizations periodically may be requested to indicate their desire to continue to receive documents or be deleted from the list. When mail ~~is~~ *or electronic notifications are* returned as undeliverable, individuals and organizations will be deleted from the list.

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18 VAC 45-10-50. Notice of intent.

At least 30 days prior to filing the "Notice of Comment Period" and proposed regulations as required by § ~~9-6-14:7.4~~ 2.2-4007 of the Code of Virginia, the agency will publish a "Notice of Intended Regulatory Action." This notice will provide for at least a 30-day comment period and shall state whether the agency intends to hold a public hearing. The agency is required to hold a hearing on the proposed regulation upon request by (i) the Governor or (ii) 25 or more persons. Further, the notice shall describe the subject matter and intent of the planned regulation. Such notice shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register of Regulations.

18 VAC 45-10-90. Applicability.

18 VAC 45-10-20, 18 VAC 45-10-30, 18 VAC 45-10-40, 18 VAC 45-10-60, and 18 VAC 45-10-70 shall apply to all regulations promulgated and adopted in accordance with § ~~9-6-14:9~~ 2.2-4012 of the Code of Virginia except those regulations promulgated in accordance with §§ ~~9-6-14:4.1~~ 2.2-4002, 2.2-4006, 2.2-4011, 2.2-4018, and 2.2-4025 of the Administrative Process Act.

V.A.R. Doc. No. R01-227; Filed November 13, 2001, 9:29 a.m.

BOARD OF MEDICINE

Title of Regulation: 18 VAC 85-50. Regulations Governing the Practice of Physician Assistants (amending 18 VAC 85-50-56 and 18 VAC 85-50-115; adding 18 VAC 85-50-35; repealing 18 VAC 85-50-170).

Statutory Authority: § 54.1-2400 and Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1 of the Code of Virginia.

Public Hearing Date: December 7, 2001 - 8 a.m.

Public comments may be submitted until February 1, 2002.

(See Calendar of Events section for additional information)

Agency Contact: William L. Harp, M.D., Executive Director, Department of Health Professions, 6606 W. Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943 or e-mail wharp@dhp.state.va.us.

Basis: Section 54.1-2400 of the Code of Virginia establishes the general powers and duties of health regulatory boards including the responsibility to promulgate regulations, levy fees, administer a licensure and renewal program, and discipline regulated professionals.

Purpose: The purpose of the proposed amendments is to clarify and simplify the requirements by reorganizing the section on fees and eliminating language that is not consistent with actual practice and requirements of the board. Amendments will assist in practitioner compliance with regulations which in turn provide the basis for licensure in order to protect the public health, safety and welfare.

Substance: The section establishing fees is moved to Part I, General Provisions; no changes are proposed to the fees but language is added to specify that fees are not refundable. Renewal rules are amended to clarify that the board requires a licensee to "verify" rather than provide documented

evidence of compliance with continuing education requirements of the national credentialing body for the profession. An amendment to the responsibilities of the physician assistant will clarify that the boards must be notified if the physician assistant is to regularly perform duties away from his supervising physician.

Issues: During its review of regulations, the Advisory Committee on Physician Assistants discussed the fact that compliance with the requirement for a chart review and signature of the supervising physician within 72 hours of services being rendered by a physician assistant is difficult to achieve. Dictation of the physician assistant assessment and orders is often not completed within 72 hours; such a short time frame causes managerial problems in settings where assistants are employed. Physicians who are overwhelmed with patient care tend to rubber stamp the chart without taking the time to actually review the care given by the assistant. Although the Board of Medicine understood the dilemma faced by busy physicians, it also believes that a longer time frame might possibly affect the health and safety of the public. While cases of an emergency or acute nature may require the immediate involvement of the physician, many patients receive their direct care from a physician assistant whose judgments and treatments should be reviewed by a supervising physician in a timely manner. Therefore, the board considered the various options for an appropriate requirement and determined that the current requirement of 72 hours for a chart review was adequate but not unnecessarily burdensome.

The current regulation states that the assistant must get board approval to perform duties away from the supervising physician. It was not the intent of the board that every single action performed by the assistant must have prior approval. The intent of the regulation is to ensure that the assistant is not practicing medicine independently of a supervising physician. Therefore, the board recommends amending the requirement to clarify that the board must know the details of the practice and must approve duties which the assistant regularly performs away from the supervising physician.

Finally, the board recommends amending the renewal regulations to clarify that the licensee must attest on the renewal form to compliance with continuing education requirements of the national credentialing body for physician assistants (NCCPA). Renewal forms and fees are sent to a lock box and automated. It is impractical and unnecessary for every assistant to actually submit the documentation. If questions arise about compliance, the board may request that documentation be provided.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 G of the Administrative Process Act and Executive Order Number 25 (98). Section 2.2-4007 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to

affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The Board of Medicine (board) proposes to clarify and simply the Regulations Governing the Practice Physician Assistants by making the following changes:

1. Incorporating the section establishing fees into Part I, General Provisions, and adding language to state the current policy of the board, which is that fees are nonrefundable unless otherwise specified;
2. Amending 18 VAC 85-50-115 B to clarify that board approval is necessary only for duties which the physician assistant regularly performs away from the supervising physician; and
3. Amending 18 VAC 85-50-56 A 2 to clarify the current policy of the board, which is that applicants must only verify, as opposed to submit documented evidence, of compliance with the continuing medical education standards established by the national credentialing body for the profession.

Estimated economic impact. The proposed amendments to this regulation do not represent any changes in the practices of the Board of Medicine or licensed physician assistants. Although these clarifications may make the regulation easier to understand and more useful for regulated community, they are not likely to have any economic effects.

Businesses and entities affected. The proposed changes to this regulation should not affect any of the 700 licensed physician assistants in Virginia, as they do not represent any changes from current practices.

Localities particularly affected. The proposed changes to this regulation will not uniquely affect any particular localities.

Projected impact on employment. The proposed changes to this regulation will not have any impact on employment in Virginia.

Effects on the use and value of private property. The proposed changes to this regulation will not have any effect on the use and value of private property in Virginia.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Board of Medicine concurs with the analysis of the Department of Planning and Budget for 18 VAC 85-50.

Summary:

The proposed amendments establish educational, examination and practice requirements for the licensure of physician assistants and provisions for renewal or reinstatement of a license, supervisory responsibilities of physicians, requirements for a written protocol, practice responsibilities for the assistant, standards for prescriptive authority, and fees to support the regulatory and disciplinary activities of the board.

18 VAC 85-50-35. Fees.

Unless otherwise provided, the following fees shall not be refundable:

1. *The initial application fee for a license, payable at the time application is filed, shall be \$130.*
2. *The biennial fee for renewal of an active license shall be \$135 and for renewal of an inactive license shall be \$70, payable in each odd-numbered year in the birth month of the licensee.*
3. *The additional fee for late renewal of licensure within one renewal cycle shall be \$50.*
4. *A restricted volunteer license shall expire 12 months from the date of issuance and may be renewed without charge by receipt of a renewal application that verifies that the physician assistant continues to comply with provisions of § 54.1-2951.3 of the Code of Virginia.*
5. *The fee for review and approval of a new protocol submitted following initial licensure shall be \$15.*
6. *The fee for reinstatement of a license pursuant to § 54.1-2921 of the Code of Virginia shall be \$2,000.*
7. *The fee for a duplicate license shall be \$5, and the fee for a duplicate wall certificate shall be \$15.*
8. *The fee for a returned check shall be \$25.*
9. *The fee for a letter of good standing/verification to another jurisdiction shall be \$10.*

18 VAC 85-50-56. Renewal of license.

A. Every licensed physician assistant intending to continue to practice shall biennially renew the license in each odd numbered year in the licensee's birth month by:

1. Returning the renewal form and fee as prescribed by the board, and
2. ~~Presenting documented evidence of~~ *Verifying* compliance with continuing medical education standards established by the NCCPA.

B. Any physician 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.

18 VAC 85-50-115. Responsibilities of the physician assistant.

A. The physician assistant shall not render independent health care and shall:

1. 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 assistant's protocol. When a physician assistant is to be supervised by an alternate supervising physician outside the scope of specialty of the supervising physician, then the physician assistant's functions shall be limited to those areas not requiring specialized clinical judgment, unless a separate

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protocol for that alternate supervising physician is approved and on file with the board.

2. Prescribe only those drugs and devices as allowed in Part V (18 VAC 85-50-130 et seq.) of this chapter.

3. Wear during the course of performing his duties identification showing clearly that he is a physician assistant.

B. If the assistant is to *regularly* 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.

C. 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; and

3. Temporary coverage may not exceed four weeks unless special permission is granted by the board.

D. 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 the protocol to act as supervising physician for that assistant. The board shall make available appropriate forms for physicians to join the protocol for an assistant employed by an institution.

2. Any such protocol as described in subdivision 1 of this subsection shall delineate the duties which said physician authorizes the assistant to perform.

3. The assistant shall, as soon as circumstances may dictate, report an acute or significant finding or change in clinical status to the supervising physician concerning the examination of the patient. The assistant shall also record his findings in appropriate institutional records.

E. Practice by a physician assistant in a hospital, including an emergency department, shall be in accordance with § 54.1-2952 of the Code of Virginia.

~~PART VI. FEES.~~

18 VAC 85-50-170. Fees. (Repealed.)

~~A. The initial application fee for a license, payable at the time application is filed, shall be \$130.~~

~~B. The biennial fee for renewal of an active license shall be \$135 and for renewal of an inactive license shall be \$70 payable in each odd-numbered year in the birth month of the licensee.~~

~~C. The additional fee for late renewal of licensure within one renewal cycle shall be \$50.~~

~~D. A restricted volunteer license shall expire 12 months from the date of issuance and may be renewed without charge by receipt of a renewal application which verifies that the physician assistant continues to comply with the provisions of § 54.1-2951.3 of the Code of Virginia.~~

~~E. The fee for review and approval of a new protocol submitted following initial licensure shall be \$15.~~

~~F. The fee for reinstatement of a license pursuant to § 54.1-2921 of the Code of Virginia shall be \$2,000.~~

~~G. The fee for a duplicate license shall be \$5, and the fee for a duplicate wall certificate shall be \$15.~~

~~H. The fee for a returned check shall be \$25.~~

~~I. The fee for a letter of good standing/verification to another jurisdiction shall be \$10.~~

NOTICE: The forms used in administering 18 VAC 85-50, Regulations Governing the Practice of Physician Assistants, are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Department of Health Professions, 6606 W. Broad Street, 4th Floor, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

Instructions for Completing a Physician Assistant Licensure Application (rev. ~~8/99~~ 7/01).

Application for a License to Practice as a Physician Assistant (rev. ~~7/98~~ 7/01).

Form #B, Activity Questionnaire (rev. ~~7/98~~ 5/01).

Form #C, Clearance from Other State Boards (rev. ~~7/98~~ 4/00).

Form #L, Certificate of Physician Assistant Education (eff. 5/01).

Form #2, Physician Assistant Invasive Procedures Protocol, (rev. ~~7/98~~ 10/01).

Renewal Notice and Application (rev. 9/00).

~~Protocol~~ Application for Employment to Practice as a Physician Assistant (rev. ~~7/98~~ 8/01).

Request for Prescriptive Authority from the PA (eff. 8/01).

VA.R. Doc. No. R01-63; Filed November 9, 2001, 2:11 p.m.



FINAL REGULATIONS

For information concerning Final Regulations, see Information Page.

Symbol Key

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

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

REGISTRAR'S NOTICE: The following regulation filed by the Marine Resources Commission is exempt from the Administrative Process Act in accordance with § 2.2-4006 A 12 of the Code of Virginia; however, the commission is required to publish the full text of final regulations.

Title of Regulation: 4 VAC 20-398. Ballast Water Discharge Reporting.

Statutory Authority: §§ 28.2-103 and 28.2-209 of the Code of Virginia.

Effective Date: November 1, 2001.

Summary:

The regulation sets forth the requirements and procedures for the distribution and filing of Ballast Water Control Report forms with the Virginia Marine Resources Commission, and establishes the guidelines governing voluntary ballast water management practices to be followed by the operators of commercial vessels in Virginia's territorial waters. The regulation adopts the federal guidelines governing voluntary ballast water management practices and the Ballast Water Control Report form that has been adopted by the United States Coast Guard as set forth in 33 CFR Part 151. This regulation fulfills the mandated requirement that the commission adopt guidelines and forms consistent with the authority conferred by Chapter 312 of the 2001 Acts of Assembly.

CHAPTER 398.

BALLAST WATER DISCHARGE REPORTING.

4 VAC 20-398-10. Purpose.

This regulation establishes the guidelines governing voluntary ballast water management practices to be followed by the operators of commercial vessels in Virginia waters. It also sets forth the requirements and procedures for the distribution and filing of ballast water control report forms with the commission.

4 VAC 20-398-20. Definitions.

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

"Ballast tank" means any tank or hold that carries ballast water regardless of design.

"Ballast water" means any water or matter taken on board a vessel, United States or foreign, to control or maintain trim,

draft, stability or stresses of the vessel, without regard to the manner in which it is carried. In order to qualify under this regulation, the ballast water must have been taken on the vessel in an area lying within 200 nautical miles of any shore or in waters less than 2,000 meters in depth.

"Ballast Water Control Report form" means the form adopted by the commission to monitor compliance with the federal guidelines. This form shall be consistent with the form adopted by the United States Coast Guard and set forth in 33 CFR Part 151, Subpart D, Appendix.

"Captain of the Port (COTP)" means the United States Coast Guard officer designated as the COTP of Hampton Roads.

"Commercial vessel" means a self-propelled ship, United States or foreign, in commerce of 300 gross tons or more. The term "commercial vessel" does not include a vessel of the United States Department of Defense or United States Coast Guard subject to the requirements of § 1103 of the National Invasive Species Act of 1996, or any vessel of the Armed Forces, as defined in 33 USC § 1322 (A)(14), that is subject to the uniform national discharge standards for vessels of the Armed Forces under 23 USC § 1322 (N).

"Commission" means the Marine Resources Commission.

"Commissioner" means the Commissioner of the Marine Resources Commission.

"EEZ" means the United States Exclusive Economic Zone.

"Exchange" means to replace the water in a ballast tank using one of the following methods:

1. Flow through exchange means to flush out ballast water by pumping in mid-ocean water at the bottom of the tank and continuously overflowing the tank from the top until three full volumes of water have been changed; this is done to minimize the number of original organisms remaining in the tank.

2. Empty/refill exchange means to flush out the ballast water taken on in ports, estuarine, or territorial waters until the tank is empty, then refilling it with mid-ocean water; masters/operators should pump out as close to 100% of the ballast water as is safe to do so.

"Federal guidelines" means the provisions of 33 CFR Part 151, Subpart D, "Ballast Water Management for Control of Nonindigenous Species in Waters of the United States."

"HRMA" means the Hampton Roads Maritime Association.

"IMO guidelines" means the International Maritime Organization Guidelines for the Control and Management of Ships' Ballast Water to Minimize the Transfer of Harmful Aquatic Organisms and Pathogens (IMO Resolution A.868 (20), adopted November 1997).

Final Regulations

"Innocent transit" means the transit of Virginia's territorial waters by a commercial vessel, United States or foreign, that is not destined to enter into or depart from a Virginia port.

"NANCPA" means the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990.

"NBIC" means the National Ballast Water Information Clearinghouse operated by the United States Coast Guard and the Smithsonian Environmental Research Center as mandated under the National Invasive Species Act of 1996.

"NISA" means the National Invasive Species Act of 1996, which reauthorized and amended the NANCPA.

"Operator" means any person who owns, operates, charters, rents or otherwise exercises control over or responsibility for a vessel.

"Territorial waters" means the Virginia waters lying within the Chesapeake Bay and its tributaries, and a belt, three nautical miles wide, that is adjacent to Virginia's coast and seaward of the mean low water mark.

4 VAC 20-398-30. Voluntary ballast water management guidelines.

A. Masters, owners, operators, or persons-in-charge of vessels equipped with ballast water tanks that operate in Virginia's territorial waters are requested to take the following voluntary precautions to minimize the uptake and release of harmful aquatic organisms, pathogens, and sediments:

1. Avoid the uptake of ballast water from areas within marine sanctuaries, marine preserves, marine parks or coral reefs.
2. Minimize or avoid uptake of ballast water in the following areas and situations:
 - a. Areas known to have infestations or populations of harmful organisms and pathogens (e.g., toxic algal blooms).
 - b. Areas near sewage outfalls.
 - c. Areas near dredging operations.
 - d. Areas where tidal flushing is known to be poor or times when a tidal stream is known to be more turbid.
 - e. During periods of darkness when bottom-dwelling organisms may rise up into the water column.
 - f. Areas where propellers may stir up the bottom sediment.
3. Clean the ballast tanks regularly to remove sediments. Dispose of the sediments in accordance with applicable regulations.
4. Discharge only the minimal amount of ballast water essential for safe vessel operations while in Virginia waters.
5. Rinse anchors and anchor chains when the anchor is retrieved to remove organisms and sediments at their place of origin.

6. Remove fouling organisms from hull, piping, and tanks on a regular basis and dispose of any removed substances in accordance with applicable regulations.

7. Maintain a ballast water management plan that was developed specifically for the vessel.

8. Train the master, operator, person-in-charge, and crew, on the application of ballast water and sediment management and treatment procedures.

B. In addition to the foregoing recommendations, vessels carrying ballast water into Virginia waters that was loaded in an area outside the EEZ are requested to employ at least one of the following ballast water management practices:

1. Exchange ballast water beyond the EEZ in an area at least 200 nautical miles from shore and in waters greater than 2,000 meters in depth before entering Virginia's territorial waters.
2. Retain the ballast water on board the vessel.
3. Use an alternative environmentally sound method of ballast water management that has been approved by the United States Coast Guard.
4. Discharge ballast water to an approved reception facility.
5. Under extraordinary circumstances, conduct a ballast water exchange within an area and agreed to by the COTP.

4 VAC 20-398-40. Mandatory filing requirements.

A. The operator, or a ship agent on behalf of the operator, of a commercial vessel that enters into Virginia's territorial waters shall file a Ballast Water Control Report form with the commission.

1. Within 72 hours of the completion of the discharge of ballast water if the commercial vessel discharges ballast water into Virginia waters, or
2. Prior to the commercial vessel's departure from Virginia waters if the commercial vessel does not discharge ballast water into Virginia waters.

B. The HRMA shall act as the commission's designated agent and shall be responsible for the receipt and compilation of all Ballast Water Control Report forms filed in Virginia in compliance with this regulation. A Ballast Water Control Report form shall be deemed to have been filed when it has been hand delivered to the HRMA, sent electronically or by facsimile transmission and received by the HRMA, or sent to the HRMA by registered or certified mail, return receipt requested.

C. For commercial vessels whose point of origin is located outside the United States EEZ and whose first port of call within the United States is within Virginia waters, submittal to the HRMA of a copy of the completed form the operator filed with the NBIC, shall be deemed compliance with the reporting requirements of this regulation.

D. The HRMA shall provide the commission with copies of all Ballast Water Control Report forms received from operators of commercial vessels and ship agents acting on behalf of operators of commercial vessels on a monthly basis. The

commission shall submit copies of the forms received with the NBIC on a quarterly basis.

4 VAC 20-398-50. Exceptions.

The operator, or ship agent of an operator, shall not be required to file a Ballast Water Control Report form if:

1. The commercial vessel's point of origin is located from within the United States EEZ,
2. The commercial vessel is engaged in innocent transit, or
3. The vessel is a passenger vessel equipped with a functioning treatment system designed to kill aquatic organisms in the ballast water.

4 VAC 20-398-60. Ballast Water Control Report form.

A. The Ballast Water Control Report adopted by the commission is consistent with the form adopted by the United States Coast Guard and set forth in 33 CFR Part 151, Subpart D, Appendix.

B. The Ballast Water Control Report form and instructions may be obtained in an electronic format from the HRMA. Report forms and instructions are also available electronically via the internet and may be downloaded through the NBIC link on the SERC web page at <http://invasions.si.edu/bwforms.htm>.

4 VAC 20-398-70. Mandatory recordkeeping requirements.

A. Unless specifically exempted from this regulation, the master, owner, operator, or person in charge of a vessel carrying ballast water into Virginia waters, after having operated outside the EEZ, shall keep records in written form that include the following information:

1. Vessel Information
 - a. Name;
 - b. Vessel type;
 - c. IMO number (official number if IMO number not issued);
 - d. Port of registry (Flag);
 - e. Owner or operator;
 - f. Gross tonnage;
 - g. Call sign; and
 - h. Agent.
2. Voyage information. Include the date and port of arrival, vessel agent, last port and country of call, and next port and country of call.
3. Total ballast water information. Include the total volume of ballast water capacity, total volume of ballast water on board, and total number of ballast water tanks in ballast.
4. Ballast water management. Include the total number of ballast tanks/holds that are to be discharged into Virginia waters or to a reception facility. If an alternative ballast water management method is used, please note the number of tanks that were managed using an alternative

method, as well as the type of method used. Indicate whether the vessel has a ballast water management plan and IMO guidelines on board, and whether the ballast water management plan is used.

5. Information on ballast water tanks to be discharged into Virginia waters or to a reception facility. Provide the origin of the ballast water, including the dates, locations, volumes and temperatures of the ballast water when loaded for each tank. Provide the particulars of ballast water exchange if conducted, including the date, location, volume exchanged, thoroughness of exchange (i.e. percent of tank volume exchanged), the sea height at the time of exchange, and the expected date, location, volume and salinity of any ballast water to be discharged into Virginia waters.

6. Certification of accurate information. Include the master, owner, operator, or responsible person in charge's printed name, title and signature attesting to the accuracy of the information and certifying compliance with the requirements of this regulation.

B. The master, owner, operator or person in charge of a commercial vessel subject to this regulation shall make the required records available to the commission for inspection upon request for a period of two years.

4 VAC 20-398-90. Enforcement and compliance monitoring.

A. Any operator of a commercial vessel who knowingly fails to file a Ballast Water Control Report form with the commission within the applicable time period set forth in this regulation, or who knowingly makes any false statement in a Ballast Water Control Report form submitted to the commission, shall be guilty of a Class 1 misdemeanor.

B. The commission may take samples of ballast water and sediment, examine documents, and make other appropriate inquiries to assess the compliance of any vessel subject to this regulation while that vessel is in Virginia waters.

<p>NOTICE: The forms used in administering 4 VAC 20-398, Ballast Water Discharge Reporting, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.</p>

FORM

Ballast Water Reporting Form (eff. 11/01).

BALLAST WATER REPORTING FORM

IS THIS AN AMENDED BALLAST REPORTING FORM? YES NO

3. BALLAST WATER USAGE AND CAPACITY

1. VESSEL INFORMATION

Vessel Name: _____

IMO Number: _____

Owner: _____

Type: _____

GT: _____

Call Sign: _____

Flag: _____

2. VOYAGE INFORMATION

Arrival Port: _____

Arrival Date: _____

Agent: _____

Last Port: _____ Country of Last Port: _____

Next Port: _____ Country of Next Port: _____

3. BALLAST WATER USAGE AND CAPACITY
Specify Units Below (m³, MT, LT, ST)

Total Ballast Water on Board:	Volume	Units	No. of Tanks in Ballast
		m ³	
Total Ballast Water Capacity:	Volume	Units	Total No. of Tanks on Ship
		m ³	

4. BALLAST WATER MANAGEMENT Total No. Ballast Water Tanks to be discharged:

Of tanks to be discharged, how many: Underwent Exchange: Underwent Alternative Management:

Please specify alternative method(s) used, if any: _____

If no ballast treatment conducted, state reason why not: _____

Ballast management plan on board? YES NO Management plan implemented? YES NO

IMO ballast water guidelines on board [res. A.868(20)]? YES NO

5. BALLAST WATER HISTORY: Record all tanks to be deballasted in port state of arrival; IF NONE, GO TO #6 (Use additional sheets as needed)

Tanks/ Holds List multiple sources/tanks separately	BW SOURCE			BW EXCHANGE				BW DISCHARGE						
	DATE DDMMYY	PORT or LAT. LONG.	VOLUME (units)	TEMP (units)	DATE DDMMYY	ENDPOINT LAT. LONG.	VOLUME (units)	% Exch	METHOD (ER/PT/ ALT)	SEA HT. (m)	DATE DDMMYY	PORT or LAT. LONG.	VOLUME (units)	SALINITY (units)
			m ³	C			m ³		ER				m ³	sg
			m ³	C			m ³		ER				m ³	sg
			m ³	C			m ³		ER				m ³	sg
			m ³	C			m ³		ER				m ³	sg
			m ³	C			m ³		ER				m ³	sg
			m ³	C			m ³		ER				m ³	sg
			m ³	C			m ³		ER				m ³	sg

6. RESPONSIBLE OFFICER'S NAME AND TITLE, PRINTED AND SIGNATURE: _____

INSTRUCTIONS FOR BALLAST WATER REPORTING FORM

(Please write in English and PRINT legibly.)

Is this an Amended Ballast Reporting Form?: Check Yes or No. Amendments should be submitted if there are any differences between actual ballast discharges and discharge information reported in a prior form. Please mark "Yes" if this form amends a previously submitted ballast reporting form. Mark "No" if this is original submission for current voyage.

SECTION 1. VESSEL INFORMATION

Vessel Name: Print the name of the vessel clearly.

IMO Number: Fill in identification number of the vessel used by the International Maritime Organization.

Owner: Write in the name of the registered owner(s) of the vessel. If under charter, enter Operator name.

Type: List specific vessel type. Use the following abbreviations: bulk (**bc**), ro-ro (**rr**), container (**cs**), tanker (**ts**), passenger (**pa**), oil/bulk ore (**ob**), general cargo (**gc**), reefer (**rf**). Write out any additional vessel types.

GT: What is the Gross Tonnage of the vessel?

Call Sign: Write in the official call sign.

Flag: Fill in the full name of the country under whose authority the ship is operating. No abbreviations please.

SECTION 2. VOYAGE INFORMATION

Arrival Port: Write in the name of your first port of call after entering the U.S. EEZ or St. Lawrence Seaway. No abbreviations.

Arrival Date: Fill in the arrival date to the above port. Please use European date format (DDMMYY).

Agent: List agent used for current port.

Last Port: Fill in the last port at which the vessel called immediately before entering the U.S. EEZ. No abbreviations please.

Country of Last Port: Fill in the last country at which the vessel called immediately before entering the U.S. EEZ. No abbreviations please.

Next Port: Fill in the port at which the vessel will call immediately after departing the current port ("Current Port"="Arrival Port" above). No abbreviations please.

Country of Next Port: Fill in the country of "Next Port" at which the vessel will call immediately after current port. No abbreviations please.

SECTION 3. BALLAST WATER**Total Ballast Water on Board:**

Volume: What was the total volume of ballast water on board upon arrival into the waters of U.S. EEZ? Do not count potable water.

Units: Please include volume units (m³, MT, LT, ST).

Number of Tanks in Ballast: Count the number of ballast tanks and holds with ballast as vessel enters waters inside the United States EEZ.

Total Ballast Water Capacity:

Volume: What is the maximum volume of ballast water used when no cargo is on board?

Units: Please include volume units (m³, MT, LT, ST).

Total Number of Tanks on Ship: Count all tanks and holds that can carry ballast water (do not include tanks that carry potable water).

SECTION 4. BALLAST WATER MANAGEMENT

Total No. of tanks to be discharged: Count only tanks and holds with ballast to be discharged into waters inside the United States EEZ or into an approved reception facility. Count all tanks and holds separately (e.g., port and starboard tanks should be counted separately).

Of tanks to be discharged, how many Underwent Exchange: Count all tanks that are to be discharged into waters of the United States or into an approved reception facility.

Of tanks to be discharged, how many Underwent Alternative Management: Count all tanks that are to be discharged into waters of the United States or an approved reception facility.

Please specify alternative method(s) used, if any: Specifically, describe methods (other than exchange) used for ballast management.

If no ballast treatment conducted, state reason why not: This applies to all tanks and holds being discharged into waters of the United States or into an approved reception facility.

Ballast Management Plan on board?: Is there a written document on board, specific to your vessel, describing the procedure for ballast management? This should include safety and exchange procedures (usually provided by vessel's owner or operator). Check Yes or No.

Management Plan implemented?: Do you follow the above management plan? Check Yes or No.

IMO Ballast Water Guidelines on board?: Is there a copy of the International Maritime Organization (IMO) Ballast Water Guidelines on board this vessel (i.e. "Guidelines for the Control and Management of Ship's Ballast Water to Minimize the Transfer Aquatic Organisms and Pathogens", [Res. A.868(20)])? Check Yes or No.

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SECTION 5. BALLAST WATER HISTORY

(Record all tanks to be deballasted in port state of arrival: If none, go to #6)

Tanks/Holds: Please list all tanks and holds that you have discharged or plan to discharge into waters of the United States or into an approved reception facility (write out, or use codes listed below table). Follow each tank across the page listing all source(s), exchange events, and/or discharge events separately. List each tank on a separate line. Port and starboard tanks with identical ballast water histories may be included on same line. Please use an additional page if necessary, being careful to include ship name, date, and IMO number at the top of each. For tanks with multiple sources: list 3 largest sources from last 30 days on separate lines. If more than 3 sources, include a 4th line for the respective tank(s) that indicated "Multiple" in port column and list the remaining tank volume not included in the 3 largest sources (i.e., total tank volume minus volume of the 3 largest sources). See example #1 on sample ballast reporting form.

-BW SOURCES-

Date: Record date of ballast water uptake. Use European format (DDMMYY).

Port or latitude/longitude: Record location of ballast water uptake, no abbreviations for ports.

Volume: Record total volume of ballast water uptake, with volume units.

Temp: Record water temperature at time of ballast water uptake, in degrees Celsius (include units).

-BW MANAGEMENT PRACTICES-

Date: Date of ballast water management practice. If exchanges occurred over multiple days, list the day when exchanges were completed. Use European format (DDMMYY).

Endpoint or latitude/longitude: Report location of ballast water management practice. If an exchange occurred over an extended distance, list the end point latitude and longitude.

Volume: Report total volume of ballast water moved (i.e., gravitated and pumped into tanks, discharged to reception facility) during management practice, with units.

% Exch.: (Note: for effective flow through exchange, this value should be at least 300%).

$$\% \text{ Exchange} = \frac{\text{Total Volume added by Refill or Flow Through}}{\text{Capacity of Ballast Tank or Hold}} \times (100\%)$$

Method: Indicate management method using code (ER = empty/refill, FT = flow through, ALT = alternative method).

Sea Ht . (m): Estimate the sea height in meters at the time of the ballast water exchange if this method was used. (Note: this is the combined height of the wind-seas and swell, and does not refer to water depth).

-BW DISCHARGES-

Date: Date of ballast water discharge. Use European format (DDMMYY).

Port or latitude/longitude: Report location of ballast water discharge, no abbreviations for ports.

Volume: Report volume of ballast water discharged, with units.

Salinity: Document salinity of ballast water at the time of discharge, with units (i.e., specific gravity (sg) or parts per thousand (ppt)).

SECTION 6. TITLE AND SIGNATURE

Responsible officer's name and title (printed) and signature: Print name and title, include signature.

SUBMISSION INSTRUCTIONS

Vessels bound for Great Lakes:

United States or Canadian Flag vessel bound for the Great Lakes

Fax the form to the COTP Buffalo 315-764-3283 at least 24 hours before the vessel arrives in Montreal, Quebec.

Any other Flag vessel bound for the Great Lakes

Fax the form to the COTP Buffalo 315-764-3283 at least 24 hours before the vessel arrives in Montreal, Quebec, or;

Complete the ballast water information section of the St. Lawrence Seaway required "Pre-entry Information from Foreign Flagged Vessels Form" and submit it in accordance with the applicable Seaway notice.

Vessels bound for the Hudson River North Of George Washington Bridge

Fax the form to the COTP New York at 718-354-4249 before the vessel enters the waters of the United States (12 miles from the baseline).

Vessels bound for all other United States Ports

Before the vessel departs from the first port of call in the waters of the United States, send the form by one of the three following methods:

Email Transfer:

Using Word 97 or Word 6.0/95 form (downloadable above):

- 1) Fill out form on your personal computer and save file to your hard drive using the "ship's call sign" +"date".doc (e.g., if the vessel's call sign is AA1A and the date of arrival was June 16, then the file should be saved as "AA1A1606.doc"). Note: use *ddmm* date format and do not include year.
- 2) Close AA1A1606.doc file.
- 3) Open your email program and address email message to ballast@serc.si.edu
- 4) Using your email program's file attachment function, attach file AA1A1606.doc to email message.
- 5) Send email message to ballast@serc.si.edu

Other electronic forms will be posted on the Clearinghouse website as they become available.

-OR-

Mail to:

National Ballast Water Clearinghouse
Smithsonian Environmental Research Center
P.O. Box 28, 647 Contees Wharf Road
Edgewater, MD 21037

-OR-

Fax to SERC: (301) 261-4319

If any information changes, send an amended form before the vessel departs the waters of the United States.

VA.R. Doc. No. R02-70; Filed November 1, 2001, 9:49 a.m.



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TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: **Restrictions on Out-of-State Hospital Coverage.**

12 VAC 30-50. Amount, Duration, and Scope of Medical and Remedial Care Services (amending 12 VAC 30-50-100, 12 VAC 30-50-105, and 12 VAC 30-50-140).

12 VAC 30-60. Standards Established and Methods Used to Assure High Quality of Care (adding 12 VAC 30-60-21).

12 VAC 30-70. Methods and Standards for Establishing Payment Rates—Inpatient Hospital Services (amending 12 VAC 30-70-420; repealing 12 VAC 30-70-120).

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

Effective Date: January 2, 2002.

Summary:

This regulatory action specifically establishes the circumstances in which DMAS will reimburse for inpatient hospital services when they are provided by hospitals outside the Commonwealth. These specific situations exactly conform to 42 CFR 431.52. This action establishes the prior authorization requirements as well as additional standards that must be met for DMAS to cover out of state hospital services.

Agency Contact: Victoria P. Simmons, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 786-7959.

Summary of Public Comments and Agency's Response: No public comments were received by the promulgating agency.

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 16:26 V.A.R. 3451-3459 September 11, 2000, with the additional changes shown below. Therefore, pursuant to § 2.2-4031 A of the Code of Virginia, the text of the final regulation is not set out at length; however, the changes from the proposed regulation are printed below.

12 VAC 30-50-100. [No change from proposed.]

12 VAC 30-50-105. [No change from proposed.]

12 VAC 30-50-140. Physician's services whether furnished in the office, the patient's home, a hospital, a skilled nursing facility or elsewhere.

A. Elective surgery as defined by the Program is surgery that is not medically necessary to restore or materially improve a body function.

B. Cosmetic surgical procedures are not covered unless performed for physiological reasons and require Program prior approval.

C. Routine physicals and immunizations are not covered except when the services are provided under the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Program and when a well-child examination is performed in a

private physician's office for a foster child of the local social services department on specific referral from those departments.

D. Outpatient psychiatric services.

1. Psychiatric services are limited to an initial availability of 26 sessions, with one possible extension (subject to DMAS' approval) of 26 sessions during the first year of treatment. The availability is further restricted to no more than 26 sessions each succeeding year when approved by DMAS. Psychiatric services are further restricted to no more than three sessions in any given seven-day period. Consistent with § 6403 of the Omnibus Budget Reconciliation Act of 1989, medically necessary psychiatric services shall be covered when prior authorized by DMAS for individuals younger than 21 years of age when the need for such services has been identified in an EPSDT screening.

2. Psychiatric services can be provided by psychiatrists or by a licensed clinical social worker, licensed professional counselor, or licensed clinical nurse specialist-psychiatric under the direct supervision of a psychiatrist.*

3. Psychological and psychiatric services shall be medically prescribed treatment which is directly and specifically related to an active written plan designed and signature-dated by either a psychiatrist or by a licensed clinical social worker, licensed professional counselor, or licensed clinical nurse specialist-psychiatric under the direct supervision of a psychiatrist.*

*Licensed clinical social workers, licensed professional counselors, and licensed clinical nurse specialists-psychiatric may also directly enroll or be supervised by psychologists as provided for in 12 VAC 30-50-150.

4. Psychological or psychiatric services shall be considered appropriate when an individual meets the following criteria:

a. Requires treatment in order to sustain behavioral or emotional gains or to restore cognitive functional levels which have been impaired;

b. Exhibits deficits in peer relations, dealing with authority; is hyperactive; has poor impulse control; is clinically depressed or demonstrates other dysfunctional clinical symptoms having an adverse impact on attention and concentration, ability to learn, or ability to participate in employment, educational, or social activities;

c. Is at risk for developing or requires treatment for maladaptive coping strategies; and

d. Presents a reduction in individual adaptive and coping mechanisms or demonstrates extreme increase in personal distress.

5. Psychological or psychiatric services may be provided in an office or a mental health clinic.

E. Any procedure considered experimental is not covered.

F. Reimbursement for induced abortions is provided in only those cases in which there would be a substantial endangerment of health or life to the mother if the fetus was carried to term.

G. Physician visits to inpatient hospital patients over the age of 21 are limited to a maximum of 21 days per admission within 60 days for the same or similar diagnoses or treatment plan and is further restricted to medically necessary authorized (for enrolled providers)/approved (for nonenrolled providers) inpatient hospital days as determined by the Program.

EXCEPTION: SPECIAL PROVISIONS FOR ELIGIBLE INDIVIDUALS UNDER 21 YEARS OF AGE: Consistent with 42 CFR 441.57, payment of medical assistance services shall be made on behalf of individuals under 21 years of age, who are Medicaid eligible, for medically necessary stays in general hospitals and freestanding psychiatric facilities in excess of 21 days per admission when such services are rendered for the purpose of diagnosis and treatment of health conditions identified through a physical examination. Payments for physician visits for inpatient days shall be limited to medically necessary inpatient hospital days.

H. (Reserved.)

I. Reimbursement shall not be provided for physician services provided to recipients in the inpatient setting whenever the facility is denied reimbursement.

J. (Reserved.)

K. For the purposes of organ transplantation, all similarly situated individuals will be treated alike. Transplant services for kidneys, corneas, hearts, lungs, and livers shall be covered for all eligible persons. High dose chemotherapy and bone marrow/stem cell transplantation shall be covered for all eligible persons with a diagnosis of lymphoma, breast cancer, leukemia, or myeloma. Transplant services for any other medically necessary transplantation procedures that are determined to not be experimental or investigational shall be limited to children (under 21 years of age). Kidney, liver, heart, and bone marrow/stem cell transplants and any other medically necessary transplantation procedures that are determined to not be experimental or investigational require preauthorization by DMAS. Cornea transplants do not require preauthorization. The patient must be considered acceptable for coverage and treatment. The treating facility and transplant staff must be recognized as being capable of providing high quality care in the performance of the requested transplant. Reimbursement for covered liver, heart, and bone marrow/stem cell transplant services and any other medically necessary transplantation procedures that are determined to not be experimental or investigational shall be a fee based upon the greater of a prospectively determined, procedure-specific flat fee determined by the agency or a prospectively determined, procedure-specific percentage of usual and customary charges. The flat fee reimbursement will cover procurement costs; all hospital costs from admission to discharge for the transplant procedure; and total physician costs for all physicians providing services during the transplant hospital stay, including radiologists, pathologists, oncologists, surgeons, etc. The flat fee reimbursement does not include pre- and post-hospitalization for the transplant procedure or pretransplant evaluation. If the actual charges are lower than the fee, the agency shall reimburse actual charges. Reimbursement for approved transplant procedures that are performed out of state will be made in the same

manner as reimbursement for transplant procedures performed in the Commonwealth. Reimbursement for covered kidney and cornea transplants is at the allowed Medicaid rate. Standards for coverage of organ transplant services are in 12 VAC 30-50-540 through 12 VAC 30-50-570.

L. Breast reconstruction/prostheses following mastectomy and breast reduction.

1. If prior authorized, breast reconstruction surgery and prostheses may be covered following the medically necessary complete or partial removal of a breast for any medical reason. Breast reductions shall be covered, if prior authorized, for all medically necessary indications. Such procedures shall be considered noncosmetic.

2. Breast reconstruction or enhancements for cosmetic reasons shall not be covered. Cosmetic reasons shall be defined as those which are not medically indicated or are intended solely to preserve, restore, confer, or enhance the aesthetic appearance of the breast.

M. [*Admitting physicians shall comply with the requirements for*] coverage of out-of-state inpatient hospital services. *Inpatient hospital services provided out of state to a Medicaid recipient who is a resident of the Commonwealth of Virginia shall only be reimbursed under at least one the following conditions. It shall be the responsibility of the hospital, when requesting prior authorization for the admission, to demonstrate that one of the following conditions exists in order to obtain authorization. Services provided out of state for circumstances other than these specified reasons shall not be covered.*

1. *The medical services must be needed because of a medical emergency;*

2. *Medical services must be needed and the recipient's health would be endangered if he were required to travel to his state of residence;*

3. *The state determines, on the basis of medical advice, that the needed medical services, or necessary supplementary resources, are more readily available in the other state;*

4. *It is general practice for recipients in a particular locality to use medical resources in another state.*

12 VAC 30-60-21. [No change from proposed.]

12 VAC 30-70-120. [No change from proposed.]

12 VAC 30-70-420. [No change from proposed.]

VA.R. Doc. No. R00-40; Filed November 1, 2001, 11:23 a.m.



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TITLE 14. INSURANCE

STATE CORPORATION COMMISSION

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

Title of Regulation: 14 VAC 5-200. Rules Governing Long-Term Care Insurance (amending 14 VAC 5-200-20 through 14 VAC 5-200-40, 14 VAC 5-200-70, 14 VAC 5-200-80, 14 VAC 5-200-160, and 14 VAC 5-200-175; adding 14 VAC 5-200-75).

Statutory Authority: §§ 12.1-13 and 38.2-5202 of the Code of Virginia.

Effective Date: February 1, 2002.

Summary:

The purpose of the revisions to the rules is to carry out those provisions of Chapter 114 of the 2001 Acts of Assembly that amended § 38.2-5202 of the Code of Virginia to permit the commission to adopt standards regarding the rating practices of insurers to consumers. In addition, these amendments clarify that advertisements must be filed with the commission, clarify the disclosure that must be made in connection with the renewability of long-term care policies, and provide that the Bureau of Insurance may amend the forms attached to these rules.

Significant revisions include the following: (i) clarification of the disclosure to be made in connection with policy renewability in 14 VAC 5-200-70 A, (ii) provision of requirements for disclosure of rating practices to the consumer in 14 VAC 5-200-75, and (iii) clarification that advertisements must be filed with the commission.

A significant change made to the final revisions from the proposed revisions is the amendment of 14 VAC 5-200-70 A in order to clarify the situations in which disclosure of a renewability provision must be made.

Agency Contact: Bob Wright, Special Projects Coordinator, Life and Health Division, Bureau of Insurance, P.O. Box 1157, Richmond, Virginia 23218, telephone (804) 371-9074 or e-mail rwright@scc.state.va.us.

AT RICHMOND, NOVEMBER 9, 2001

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS010248

Ex Parte: In the matter of
Adopting Revisions to the Rules
Governing Long-Term Care Insurance

ORDER ADOPTING REVISIONS TO RULES

WHEREAS, by order entered herein September 21, 2001, all interested persons were ordered to take notice that the Commission would consider the entry of an order subsequent to October 31, 2001, adopting revisions proposed by the Bureau of Insurance to the Commission's Rules Governing Long-Term Care Insurance, unless on or before October 31, 2001, any person objecting to the adoption of the proposed revisions filed a request for a hearing with the Clerk of the Commission;

WHEREAS, the September 21, 2001, Order also required all interested persons to file their comments in support of or in opposition to the proposed revisions on or before October 31, 2001;

WHEREAS, as of the date of this Order, no request for a hearing has been filed with the Clerk of the Commission;

WHEREAS, a comment was filed with the Clerk of the Commission on October 31, 2001, by AARP, expressing its support for the proposed revisions, but noting that the renewability provisions under 14 VAC 5-200-70 A are required, not optional as indicated in the proposed revisions;

WHEREAS, a comment was filed with the Clerk of the Commission on November 1, 2001, by the Health Insurance Association of America ("HIAA"), recommending that the Commission fully adopt the Long-Term Care Insurance Model Regulation endorsed by the National Association of Insurance Commissioners, including the rate stabilization provisions, rather than only the consumer disclosure provisions of the Model as proposed by the Bureau of Insurance;

WHEREAS, the Bureau has reviewed the comment filed by AARP and has recommended an amendment to 14 VAC 5-200-70 A in response to AARP's comment;

WHEREAS, the Bureau has reviewed the comment filed by HIAA and has recommended that there be no amendment in response to HIAA's comment, and has further recommended that the proposed revisions, as amended pursuant to the immediately preceding paragraph, be adopted; and

THE COMMISSION, having considered the proposed revisions, the filed comments, and the Bureau's response and recommendations thereto, is of the opinion that the proposed revisions as amended should be adopted;

THEREFORE, IT IS ORDERED THAT:

(1) The revisions to Chapter 200 of Title 14 of the Virginia Administrative Code entitled "Rules Governing Long-Term Care Insurance," which amend the rules at 14 VAC 5-200-20, 14 VAC 5-200-30, 14 VAC 5-200-40, 14 VAC 5-200-70, 14 VAC 5-200-80, 14 VAC 5-200-160, and 14 VAC 5-200-175, add a new rule at 14 VAC 5-200-75, add new Forms A and E, and designate current Forms A, B, and C to be Forms B, C, and D, respectively, as well as amend the newly designated Form B, and which are attached hereto and made a part hereof, should be, and they are hereby, ADOPTED to be effective February 1, 2002;

(2) AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to the Bureau of Insurance in care of Deputy

Commissioner Gerald A. Milsky, who forthwith shall give further notice of the adoption of the revisions to the rules by mailing a copy of this Order, together with a clean copy of the revised rules, to all insurers licensed by the Commission to write long-term care insurance in the Commonwealth of Virginia; and by forwarding a copy of this Order, including a copy of the attached revised rules, to the Virginia Registrar of Regulations for appropriate publication in the Virginia Register of Regulations; and

(3) The Bureau of Insurance shall file with the Clerk of the Commission an affidavit of compliance with the notice requirement of paragraph (2) above.

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 18:3 VA.R. 334-348 October 22, 2001, with the additional changes shown below. Therefore, pursuant to § 2.2-4031 A of the Code of Virginia, the text of the final regulation is not set out at length; however, the changes from the proposed regulation are printed below.

14 VAC 5-200-20. [No change from proposed.]

14 VAC 5-200-30. [No change from proposed.]

14 VAC 5-200-40. [No change from proposed.]

14 VAC 5-200-70. Required disclosure provisions.

A. Renewability. [*Except as provided in subdivision 3 of this subsection,] individual long-term care insurance policies [~~that contain renewability provisions~~] shall ~~contain~~ disclose the terms of renewability in a renewability provision.*

1. Such provision shall be appropriately captioned, shall appear on the first page of the policy, and shall clearly state ~~the duration, where limited, of renewability and the duration of the term of coverage for which the policy is issued and for which it may be renewed that the coverage is guaranteed renewable or noncancellable. [This provision shall not apply to policies which do not contain a renewability provision, and under which the right to nonrenew is reserved solely to the policyholder.]~~

2. A long-term care insurance policy or certificate, other than one where the insurer does not have the right to change the premium, shall include a statement that the premium rates may change.

[3. This subsection shall not apply to policies that do not contain a renewability provision and under which the right to renew is reserved solely to the policyholder.]

B. Riders and endorsements. Except for riders or endorsements by which the insurer effectuates a request made in writing by the insured under an individual long-term care insurance policy, all riders or endorsements added to an individual long-term care insurance policy after date of issue or at reinstatement or renewal which reduce or eliminate benefits or coverage in the policy shall require signed acceptance by the individual insured. After the date of policy issue, any rider or endorsement which increases benefits or coverage with a concomitant increase in premium during the policy term must be agreed to in writing signed by the insured, except if the increased benefits or coverage are required by law. Where a separate additional premium is charged for

benefits provided in connection with riders or endorsements, such premium charge shall be set forth in the policy, rider or endorsement.

C. Payment of benefits. A long-term care insurance policy which provides for the payment of benefits based on standards described as "usual and customary," "reasonable and customary" or words of similar import shall include a definition of such terms and an explanation of such terms in its accompanying outline of coverage.

D. Limitations. If a long-term care insurance policy or certificate contains any limitations with respect to preexisting conditions, such limitations shall appear as a separate paragraph of the policy or certificate and shall be labeled as "Preexisting Condition Limitations."

E. Other limitations or conditions on eligibility for benefits. A long-term care insurance policy or certificate containing any limitations or conditions for eligibility other than those prohibited in § 38.2-5205 A of the Code of Virginia shall set forth a description of such limitations or conditions, including any required number of days of confinement prior to receipt of benefits, in a separate paragraph of the policy or certificate and shall label such paragraph "Limitations or Conditions on Eligibility for Benefits."

F. Disclosure of tax consequences. With regard to life insurance policies which provide an accelerated benefit for long-term care, a disclosure statement is required at the time of application for the policy or rider and at the time the accelerated benefit payment request is submitted that receipt of these accelerated benefits may be taxable, and that assistance should be sought from a personal tax advisor. The disclosure statement shall be prominently displayed on the first page of the policy or rider and any other related documents.

G. Benefit triggers. Activities of daily living and cognitive impairment shall be used to measure an insured's need for long-term care and shall be described in the policy or certificate in a separate paragraph and shall be labeled "Eligibility for the Payment of Benefits." Any additional benefit triggers shall also be explained in this section. If these triggers differ for different benefits, explanation of the trigger shall accompany each benefit description. If an attending physician or other specified person must certify a certain level of functional dependency in order to be eligible for benefits, this too shall be specified.

14 VAC 5-200-75. Required disclosure of rating practices to consumer.

A. This section shall apply as follows:

1. *Except as provided in subdivision 2 of this subsection, this section applies to any long-term care policy or certificate issued in this Commonwealth on or after August 1, 2002.*

2. *For certificates issued on or after February 1, 2002, under a group long-term care insurance policy as defined in 14 VAC 5-200-40, which policy was in force on February 1, 2002, the provisions of this section shall apply on the policy anniversary on or after February 1, 2003.*

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B. Other than policies for which no applicable premium rate or rate schedule increases can be made, insurers shall provide all of the information listed in this subsection to the applicant at the time of application or enrollment, unless the method of application does not allow for delivery at that time. In such a case, an insurer shall provide all of the information listed in this section to the applicant no later than at the time of delivery of the policy or certificate.

1. A statement that the policy may be subject to rate increases in the future;

2. An explanation of potential future premium rate revisions, and the policyholder's or certificateholder's option in the event of a premium rate revision;

3. The premium rate or rate schedules applicable to the applicant that will be in effect until a request is made for an increase;

4. A general explanation for applying premium rate or rate schedule adjustments that shall include:

a. A description of when premium rate or rate schedule adjustments will be effective (e.g., next anniversary date, next billing date, etc.); and

b. The right to a revised premium rate or rate schedule as provided in subdivision 2 of this subsection if the premium rate or rate schedule is changed.

5. a. Information regarding each premium rate increase on this policy form or similar policy forms over the past 10 years for this Commonwealth or any other state that, at a minimum, identifies:

(1) The policy forms for which premium rates have been increased;

(2) The calendar years when the form was available for purchase; and

(3) The amount or percentage of each increase. The percentage may be expressed as a percentage of the premium rate prior to the increase, and may also be expressed as minimum and maximum percentages if the rate increase is variable by rating characteristics.

b. The insurer may, in a fair manner, provide additional explanatory information related to the rate increases.

c. An insurer shall have the right to exclude from the disclosure premium rate increases that only apply to blocks of business acquired from other nonaffiliated insurers or the long-term care policies acquired from other nonaffiliated insurers when those increases occurred prior to the acquisition.

d. If an acquiring insurer files for a rate increase on a long-term care policy form acquired from nonaffiliated insurers or a block of policy forms acquired from nonaffiliated insurers on or before the later of [~~the effective date of this section~~ (i) August 1, 2002, or February 1, 2003, as is applicable pursuant to subsection A,] or [(ii)] the end of a 24-month period following the acquisition of the block or policies, the acquiring insurer may exclude that rate increase from the disclosure.

However, the nonaffiliated selling company shall include the disclosure of that rate increase in accordance with subdivision 5 a of this subsection.

e. If the acquiring insurer in subdivision 5 d of this subsection files for a subsequent rate increase, even within the 24-month period, on the same policy form acquired from nonaffiliated insurers or block of policy forms acquired from nonaffiliated insurers referenced in subdivision 5 d of this subsection, the acquiring insurer shall make all disclosures required by subdivision 5 of this subsection, including disclosure of the earlier rate increase referenced in subdivision 5 d of this subsection.

C. An applicant shall sign an acknowledgement at the time of application, unless the method of application does not allow for signature at that time, that the insurer made the disclosure required under subdivisions B 1 and 5 of this section. If due to the method of application the applicant cannot sign an acknowledgement at the time of application, the applicant shall sign no later than at the time of delivery of the policy or certificate.

D. An insurer shall use Forms B and E dated February 1, 2002, or as later modified by the Bureau of Insurance, to comply with the requirements of subsections A and B of this section.

E. An insurer shall provide notice of an upcoming premium rate schedule increase to all policyholders or certificateholders, if applicable, at least 60 days prior to the implementation of the premium rate schedule increase by the insurer. The notice shall include the information required by subsection B of this section when the rate increase is implemented.

14 VAC 5-200-80. [No change from proposed.]

14 VAC 5-200-160. [No change from proposed.]

14 VAC 5-200-175. [No change from proposed.]

FORMS

[No change from proposed.]

VA.R. Doc. No. R02-31; Filed November 13, 2001, 9:55 a.m.



TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

Title of Regulation: 18 VAC 15-20-10 et seq. Virginia Asbestos Licensing Regulations (amending 18 VAC 15-20-10 through 18 VAC 15-20-90, 18 VAC 15-20-110, 18 VAC 15-20-150, 18 VAC 15-20-250, 18 VAC 15-20-270, 18 VAC 15-20-290, 18 VAC 15-20-330, 18 VAC 15-20-400 through 18 VAC 15-20-500, 18 VAC 15-20-520 through 18 VAC 15-20-610, and 18 VAC 15-20-700 through 18 VAC 15-20-880; adding 18 VAC 15-20-21, 18 VAC 15-20-101, 18 VAC 15-20-251, 18 VAC 15-20-271, 18 VAC 15-20-291,

18 VAC 15-20-331, 18 VAC 15-20-332, 18 VAC 15-20-361, 18 VAC 15-20-451 through 18 VAC 15-20-455, [18 VAC 15-20-455.1,] 18 VAC 15-20-456 through 18 VAC 15-20-459, 18 VAC 15-20-459.1 through 18 VAC 15-20-459.15, and 18 VAC 15-20-511; repealing 18 VAC 15-20-100, 18 VAC 15-20-120 through 18 VAC 15-20-140, 18 VAC 15-20-160 through 18 VAC 15-20-240, 18 VAC 15-20-260, 18 VAC 15-20-280, 18 VAC 15-20-300 through 18 VAC 15-20-320, 18 VAC 15-20-340 through 18 VAC 15-20-360, 18 VAC 15-20-370 through 18 VAC 15-20-390, 18 VAC 15-20-510, 18 VAC 15-20-620 through 18 VAC 15-20-690, and 18 VAC 15-20-890 through 18 VAC 15-20-960).

Statutory Authority: § 54.1-501 of the Code of Virginia.

Effective Date: January 2, 2002.

Summary:

The amendments revise definitions; delete the roofing, flooring and siding provisions (abolished by House Bill 951, effective July 1, 1996); clarify fees for initial approval of accredited asbestos training programs; and create a biennial renewal requirement and fee for accredited asbestos training programs. Project monitors who also hold a valid supervisor or project designer license may renew their project monitor license by completing the supervisor or project designer refresher training. Language has been added to make clear that a refresher training certificate may be used only once to renew a license. The entry standards for inspectors, management planners and project designers have been changed to allow applicants to present evidence of minimal competence. Project monitors will be required on projects involving more than 260 linear feet or 160 square feet of asbestos-containing materials. An additional option to qualify for an asbestos and analytical laboratory license has been added and performance standards for laboratory operation have been added.

In addition, the regulation has been revised to enhance clarity, delete a proposed change in the expiration date for individual licenses, and add a new section (18 VAC 15-20-455.1) to clarify which asbestos abatement projects require a project monitor.

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

Agency Contact: Tabatha Williams, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-2648.

18 VAC 15-20-10. Scope.

The purpose of this section is to identify ~~those in the asbestos industry individuals and firms~~ who need a specific Virginia asbestos license to be licensed. The following lists the types of asbestos license and those required to be licensed.

~~Asbestos Contractors~~ *Contractor's License:* Required for ~~companies~~ firms that contract with another person, for compensation, to carry out an asbestos abatement project that exceeds 10 linear or 10 square feet.

~~Asbestos RFS Contractors License:~~ Required for companies that contract with another person, for compensation, to remove nonfriable asbestos-containing roofing, flooring, or siding. This material must remain nonfriable during the entire removal process. Employees of RFS contractors are not required to be licensed, however, they must have RFS training specific to the type of nonfriable asbestos-containing material they remove (roofing, flooring, or siding).

~~Asbestos Worker~~ *Worker's License:* Required for these individuals who remove or otherwise engage in an asbestos project.*

~~Asbestos Supervisor~~ *Supervisor's License:* Required for these individuals who supervise an asbestos abatement project. The Commonwealth of Virginia National Emission Standards for Hazardous Air Pollutants (NESHAP) Program recognizes the "competent person" as an individual licensed under this classification.*

~~Asbestos Building Inspector~~ *Inspector's License:* Required for these individuals who inspect buildings to identify, classify, record, sample, test and prioritize by exposure potential asbestos-containing material.*

~~RFS Inspector License:~~ Required for those who identify the presence of asbestos-containing roofing, flooring or siding material through sampling and interpretation of testing reports prepared by a licensed asbestos analytical laboratory.

~~Asbestos Management Planners~~ *Planner's License:* Required for these individuals who prepare or update an asbestos management plan.*

~~Asbestos Project Monitors~~ *Monitor's License:* Required for these individuals who act as a project monitor on asbestos abatement sites. Project monitors who analyze Phase Contrast Microscopy (PCM) asbestos air samples on an asbestos abatement project must shall be employed by a firm that holds a valid Virginia Asbestos Analytical Laboratory license, and shall have National Institute of Occupational Safety and Health (NIOSH) 582 training, or equivalent [~~as approved by the American Industrial Hygiene Association (AIHA)~~].

~~Asbestos Analytical Laboratory License:~~ Required for laboratories ~~who~~ that analyze air or bulk samples for the presence of asbestos by Polarized Light Microscopy (PLM), PCM, or Transmission Electron Microscopy (TEM).

~~Asbestos Project Designers~~ *Designer's License:* Required for these individuals who prepare or update an asbestos abatement project design, specifications for asbestos abatement projects, and addenda to the specifications.*

Accredited Asbestos Training Program: Required for those who offer asbestos training programs to individuals seeking licensure as an asbestos worker, supervisor, inspector, management planner, project monitor or project designer.

* Employees who conduct asbestos response actions, inspections, prepare management plans or project designs for their employer, on property owned or leased by the employer, are exempt from Virginia asbestos licensure; however, they are required to meet all [OSHA and] EPA training requirements.

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PART II. DEFINITIONS AND GENERAL.

18 VAC 15-20-20. Definitions.

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

"AAR" means Asbestos Analyst Registry.

"AAT" means Asbestos Analyst Testing.

"Accredited asbestos training program" means a training program that has been approved by the board to provide training for individuals to engage in asbestos abatement, conduct asbestos inspections, prepare management plans, prepare project designs or act as a project monitor.

"Accredited asbestos training provider" means a firm or individual who has been approved by the board to offer an accredited asbestos training program.

"ACM" means asbestos-containing material.

"AHERA" means Asbestos Hazard Emergency Response Act, 40 CFR Part 763, Subpart E.

"AIHA" means American Industrial Hygiene Association.

"Approval letter" means a written notice confirming the firm or individual applicant's licensure or accreditation by the board.

"Asbestos" means ~~any material containing more than 1.0% asbestos by area as determined by microscopy.*~~ the asbestiform varieties of actinolite, amosite, anthophyllite, chrysotile, crocidolite, and tremolite.

"Asbestos Analytical Laboratory License" means an authorization issued by the ~~department~~ board to perform phase contrast, polarized light, or transmission electron microscopy on material known or suspected to contain asbestos.*

"Asbestos contractor" means any person who has met the board's requirements and has been issued an asbestos contractor's license by the board to enter into contracts to perform asbestos projects.

"Asbestos Contractor's License" means an authorization issued by the ~~department~~ board permitting a person to enter into contracts to perform an asbestos abatement project.*

"Asbestos-containing material" or "ACM" means any material or product which contains more than 1.0% asbestos ~~by area as determined by microscopy or such percentage as established by EPA final rule.~~

"Asbestos inspector" means any person who performs an ~~on-site investigation to identify, classify, record, sample, test and prioritize by exposure potential asbestos-containing materials inspection as defined in this chapter.~~

"Asbestos Inspector's License" means an authorization issued by the ~~department~~ board permitting a person to perform on-site investigations to identify, classify, record, sample, test and prioritize by exposure potential asbestos-containing materials.*

"Asbestos Management Plan" means a program designed to control or abate any potential risk to human health from asbestos.*

"Asbestos management planner" means any person preparing or updating a management plan.

"Asbestos Management Planner's License" means an authorization issued by the ~~department~~ board permitting a person to ~~develop or alter~~ prepare or update an asbestos management plan.*

"Asbestos project" or "asbestos abatement project" means an activity involving job set-up for containment, removal, encapsulation, enclosure, encasement, renovation, repair, construction or alteration of asbestos-containing materials. An asbestos project or asbestos abatement project shall not include nonfriable asbestos-containing roofing, flooring and siding material which when installed, encapsulated or removed does not become friable.*

"Asbestos project design" means any descriptive form written as instructions or drafted as a plan describing the construction of an asbestos abatement area or site, response action or work practices to be utilized on the asbestos abatement project.

"Asbestos project designer" means any person providing an asbestos project design or specifications for an asbestos abatement project.

"Asbestos Project Designer's License" means an authorization issued by the ~~department~~ board permitting a person to design an asbestos abatement project.*

"Asbestos project monitor" means any person hired by a building owner, lessee or his agent to monitor, inspect, provide visual clearance or clearance monitoring of an asbestos abatement project.

"Asbestos Project ~~Monitor~~ Monitor's License" means an authorization issued by the ~~department~~ board permitting a person to monitor an asbestos project, subject to ~~department~~ board regulations.*

"Asbestos supervisor" means any person so designated by an asbestos contractor who provides on-site supervision and direction to the workers engaged in asbestos projects.*

"Asbestos Supervisor's License" means an authorization issued by the ~~department~~ board permitting an individual to supervise and work on an asbestos project.

"Asbestos worker" means any person who engages in an asbestos abatement ~~activity~~ project.

"Asbestos Worker's License" means an authorization issued by the ~~department~~ board permitting an individual to work on an asbestos project.*

"ASHARA" means Asbestos School Hazard Abatement Reauthorization Act, 40 CFR Part 763, Subpart E.

"Board" means the Virginia ~~Asbestos Licensing~~ Board for Asbestos [~~and~~ ,] Lead [, and Home Inspectors].

"Department" means the Department of Professional and Occupational Regulation.*

~~"Demolition" means the wrecking or taking out of any load-supporting structural member of a structure or solid barrier which is known to contain or be enclosing an asbestos-containing material.~~

"Director" means the Director of the Department of Professional and Occupational Regulation.*

"Direct supervision" means a licensed or accredited inspector, management planner, project monitor or project designer, who undertakes to supervise the activities of an unlicensed inspector, management planner, project monitor or project designer, shall be physically present on the premises at all times while any unlicensed inspector, management planner, project monitor or project designer under his supervision is engaged in the activities of an inspector, management planner, project monitor or project designer.

"Employee" means all persons in the service of another under any contract of hire, express or implied, oral or written.

"Encapsulation" means the treatment of asbestos-containing material (ACM) with a material that surrounds or embeds asbestos fibers in an adhesive matrix to prevent the release of fibers, as the encapsulant creates a membrane over the surface (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant).

"Encasement" means any process by which an asbestos-containing material (ACM) is sprayed with an insulating sealer which is then mechanically fastened to the asbestos covered substrate. The insulating sealer is then covered with a sealer to give structural strength and durability.

"Enclosure" means the construction or installation over or around the asbestos-containing material (ACM) of any leak tight solid or flexible coverings, which will not deteriorate or decompose for an extended period of time, so as to conceal the ACM, contain ACM fibers, and render the ACM inaccessible.

"Environmental remediation activity" means any activity planned or carried out for the purpose of reducing or eliminating any environmental hazard, including activities necessary to train individuals in the proper or lawful conduct of such activities, which are regulated by federal or state law or regulation.

"EPA" means United States Environmental Protection Agency.

"Financial interest" means financial benefit accruing to an ~~officer or an employee individual~~ or to a member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership exceeds 3.0% of the total equity of the business; (ii) annual gross income that exceeds, or may be reasonably anticipated to exceed, \$1,000 from ownership in real or personal property or a business; (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or any combination of it, paid or provided by a business that exceeds or may be reasonably expected to exceed \$1,000 annually; (iv) ownership of real or personal property if the interest exceeds \$1,000 in value and excluding ownership in business, income, salary, other compensation, fringe benefits or benefits from the use of property.

"Friable" means that the material when dry, may be crumbled, pulverized or reduced to powder by hand pressure and includes previously nonfriable material after such previously nonfriable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.*

~~"Full approval" means approval given to a training provider for a course that has met the requirements of this chapter.~~

"Guest instructor" means an instructor who is invited to instruct a specific topic or topics in an accredited asbestos training program and whose instruction is limited to two hours per day.

"Hands-on experience" means the physical participation of students in an asbestos training class program. The physical participation includes mock sampling and inspection techniques, report preparation, writing project specifications, glovebag demonstrations and containment construction.

"Immediate family" means (i) a spouse, (ii) a sibling or step sibling, (iii) a parent or step parent, (iv) children or step children, ~~and~~ or (v) any other person residing in the same household as the ~~officer or employee individual~~.

"Inspection" means an activity undertaken to determine the presence or location, or to access the condition of, friable or nonfriable asbestos-containing material (ACM) or suspected ACM, whether by visual or physical examination, or by collecting samples of such material. This term includes reinspections of friable and nonfriable known or assumed ACM that has been previously identified. The term does not include the following:

1. Periodic surveillance of the type described in 40 CFR 763.92(b) solely for the purpose of recording or reporting a change in the condition of known or assumed ACM;
2. Inspections performed by employees or agents of federal, state, or local [~~government~~ governments] solely for the purpose of determining compliance with applicable statutes or regulations; or
3. Visual inspections solely for the purpose of determining completion of response actions.

"Instructor" means a person who instructs one or more accredited asbestos training programs, to include the principal instructor, but excluding guest instructors.

~~"Local education agency" or "LEA" shall have the meaning provided in the USEPA AHERA regulations set forth in 40 CFR 763.*~~

"NIOSH" means National Institute of Occupational Safety and Health.

"NIST" means National Institute of Standards and Technology.

"NVLAP" means National Voluntary Laboratory Accreditation Program.

"Occupied" means any area of any building designed or intended for human ~~habitation~~ occupancy for any purpose.

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~~"Officer" means any person appointed, elected or hired by any company, whether or not he receives compensation or any other emolument of office.~~

"OSHA" means the U.S. Department of Labor Occupational Safety and Health Administration.

[~~"OSHA Class III Work" means repair and maintenance operations where asbestos-containing material (ACM), including thermal system insulation and surfacing material, is likely to be disturbed.]~~

"PAT" means Proficiency Analytical Testing.

"Person" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association or any other individual or entity.*

"Preliminary review" means a review conducted by the ~~board~~ department following the submission of training materials to ascertain if the proposed [~~asbestos~~] training ~~course program~~ meets the standards established by this chapter.

~~"Primary Principal instructor" means an instructor whose main responsibility is to instruct courses accredited asbestos training programs, supervise other instructors and manage the overall [asbestos] training [course program] curriculum.*~~

"PCM" means phase contrast microscopy.

"PLM" means polarized light microscopy.

~~"RFS Contractor's License" means an authorization issued by the department permitting a person to enter into contracts to install, remove or encapsulate nonfriable asbestos-containing roofing, flooring and siding materials.~~

~~"RFS inspector" means any person performing on-site investigations to identify, classify, record or sample suspect asbestos-containing roofing, flooring or siding materials.~~

~~"RFS Inspector's License" an authorization issued by the department authorizing a person to identify the presence of asbestos-containing roofing, flooring or siding material through sampling and interpretation of testing reports prepared by a licensed asbestos analytical laboratory.*~~

"Removal" means the physical removal of ~~asbestos-containing material (ACM) and disposal of it~~ in accordance with all applicable regulations.

"Renovation" means altering in any way, one or more facility components.

"Repair" means returning damaged ~~asbestos-containing material (ACM)~~ to an undamaged condition or to an intact state so as to prevent fiber release.

"Residential buildings" means site-built homes, modular homes, condominium units, mobile homes, manufactured housing, and duplexes, or other multi-unit dwellings consisting of four units or ~~less which fewer that~~ are currently in use or intended for use only for residential purposes.

"Response action" means any method, including removal, encapsulation, enclosure ~~of~~, encasement, or operation and

~~maintenance, that remediates or protects human health and the environment from friable asbestos-containing material.~~

~~"Site" means an area established by the employer or contractor to demarcate areas where the airborne concentration of asbestos exceeds or can reasonably be expected to exceed the permissible exposure limit. The area may take the form of a temporary enclosure as defined by 29 CFR 1926.58(e)(6) or be demarcated in any manner which restricts employees from entering the area.~~

[~~"Small-scale, short-duration" (SSSD) means activities involving the removal of three linear or three square feet or less of friable asbestos-containing material (ACM) if required in the performance of another maintenance activity, replacement of asbestos-containing gaskets, installation, repair or other maintenance work through or proximate to ACM.]~~

~~"Structure" means any building or load supporting framework whether fixed or portable utilized for occupancy, storage, or conveyance of public utilities or industrial materials.~~

"Substantial change" means a change in overall ~~course curriculum~~ [~~asbestos~~] training program, materials, [~~primary principal~~] instructors, [~~training managers,~~] directors, ownership, facilities, equipment, examinations, and certificates of completion. The addition of updated regulations, exam questions or news articles shall not be considered a substantial change.

"TEM" means transmission electron microscopy.

[~~"Training manager" means the individual responsible for administering a training program and monitoring the performance of the instructors.]~~

~~"USEPA" means United States Environmental Protection Agency.~~

"Visual inspection" means a process of looking for conditions, which if not corrected during the asbestos abatement project, will lead to residual asbestos-containing dust or debris. Visual inspection includes examination of an asbestos abatement project area prior to clearance air monitoring for evidence that the project has been successfully completed as indicated by the absence of residue, dust and debris.

* Cited from § 54.1-500 of the Code of Virginia

18 VAC 15-20-21. [No change from proposed.]

PART III.

GENERAL ENTRY AND RENEWAL REQUIREMENTS.

18 VAC 15-20-30. License application.

~~A. Individual and business applicants are responsible for obtaining a current application. All requests for applications should be directed to: Application for asbestos licensure shall be made on forms provided by the department.~~

~~Assistant Director
Virginia Board for Asbestos and Lead
Virginia Department of Professional and Occupational Regulation
3600 West Broad Street
Richmond, Virginia 23230~~

B. Each individual applicant shall be at least 18 years of age.

~~B. Individuals~~ *C. Each individual applying for initial licensure as a supervisor, inspector, management planner, project designer or project monitor shall provide proof evidence of successful completion of an EPA/AHERA or board-approved initial [accredited] asbestos training course program and all subsequent EPA/AHERA or board-approved [accredited asbestos] refresher [courses training programs], relevant to the applicants applicant's discipline. If, at any time, there has been a lapse of AHERA accreditation of more than 24 months, the applicant must show successful completion within the past 12 months of an EPA/AHERA or board-approved initial asbestos training course, relevant to the applicants discipline. [The date of training completion shall be no later than 12 months before the date the department receives the application. The training certificate must indicate that the training was taken within 12 months preceding the date the department receives the application.]*

D. Each individual applying for initial licensure as a worker shall provide proof of successful completion of (i) an EPA/AHERA or board-approved initial [accredited] asbestos worker training program and all subsequent EPA/AHERA or board-approved [accredited] asbestos worker refresher training [program programs] or (ii) [proof of successful completion of] an EPA/AHERA or board-approved initial [accredited] supervisor [course asbestos training program] and all subsequent EPA/AHERA or board-approved [accredited asbestos] supervisor refresher training [program programs]. [The date of training completion shall be no later than 12 months before the date the department receives the application. The training certificate must indicate that the training was taken within 12 months preceding the date the department receives the application.]

E. Each applicant for licensure as an asbestos contractor shall submit a completed asbestos [contractors contractor] application to the department.

F. Each applicant for licensure as an asbestos analytical laboratory shall submit a completed asbestos analytical laboratory application and all documents required by this chapter to the department.

G. Each applicant for approval as an accredited asbestos training program shall submit to the board a completed accredited asbestos training program application and all documents required by this chapter.

G. H. Each application for a license shall be signed by the applicant and shall include a certification, by the applicant, that [within three years prior to the application date,] the applicant's license or other authorization to perform asbestos related work has not been suspended or revoked by any jurisdiction and that no enforcement action by any jurisdiction is pending against the applicant.

~~D. I.~~ *I. In the event disciplinary actions have been taken against the applicant, in any jurisdiction, the applicant shall submit the following information, as the board may deny an applicant's request for a license based on prior disciplinary actions which indicate that the asbestos related work may not be performed in a manner that would protect the public health, safety and welfare:*

1. A complete list of all prior disciplinary actions, including any sanctions imposed on the applicant by any jurisdiction or any state or federal court.

2. A description of any asbestos abatement or inspection activities, or both, conducted by the applicant that were terminated prior to completion, including the circumstances of the termination.

3. A copy of all reports compiled by the enforcement agency or a copy of a final report.

~~E. All applications~~ *J. Each application shall be completed according to the instructions provided by the department with the application. Incomplete applications will be returned to the applicant; fees received will shall not be refunded.*

~~Applicants who submit checks which are dishonored by the institution on which they are drawn shall pay a \$25 service fee in addition to the application fee required by this chapter.~~

18 VAC 15-20-40. Experience and [Educational Education] Verification Form (Form A) Forms.

Each application for inspector, management planner, project monitor and project designer shall include an Experience and Education Verification Form (Form A) completed by the applicant and signed by a supervisor verifying the job description of the applicant during the term of employment. The form A shall contain the name and address of the employer, a complete and concise job description, a job title, the dates of employment or dates of work performed and the signature, typewritten or printed name, address and phone number of the supervisor verifying the experience. In lieu of a verifying signature for experience, an applicant who is self employed may submit a copy of three completed inspections, management plans, project designs or project monitor reports, whichever is applicable. [A letter from a supervisor verifying the experience may be submitted in lieu of the Experience Verification Form.] If verification of a degree is required, the [Degree Education] Verification Form must shall be sent directly from the school to the department. An incomplete Form A will be returned to the applicant with an explanation for the return, and will constitute an incomplete application for licensure. Form A may be resubmitted following completion by the applicant [A letter from a supervisor verifying the experience may be submitted in lieu of the Experience Verification Form.]

18 VAC 15-20-50. Fees.

A. The fee for an initial application for or a renewal of an asbestos worker, supervisor, inspector, RFS inspector, management planner, project designer, or project monitor license shall be \$25.

B. The renewal fee for [individual licenses an asbestos worker, supervisor, inspector, management planner, project designer, or project monitor license] not renewed within 30 days after the noted its expiration date shall be \$50.

C. The fee for an initial application for or a renewal of an asbestos analytical laboratory license shall be \$40.

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D. The renewal fee for asbestos analytical laboratory licenses not renewed within 30 days after ~~the noted~~ its expiration date shall be \$65.

E. The fee for an initial *application* for or a renewal of an asbestos ~~Contractor License and RFS Asbestos Contractor~~ contractor's license shall be \$40.

F. The renewal fee for asbestos contractor licenses ~~or RFS Contractors Licenses~~ not renewed within 30 days after ~~the noted~~ its expiration date shall be \$65.

G. *The fee for an initial application for approval of an accredited asbestos training program shall be \$400 per day of training.*

H. *The renewal fee for an accredited asbestos training program shall be \$50 [per training provider].*

I. *The renewal fee for accredited asbestos training programs not renewed within 30 days after its expiration date shall be \$75 [per training provider].*

~~G.~~ J. A license not renewed within six months after the expiration date printed on the license shall not be renewed and the licensee person shall apply for a new license.

K. *All checks or money orders shall be made payable to the Treasurer of Virginia.*

H. Applicants [~~L. Persons who submit a dishonored check will be charged a \$25 service fee in addition to the required application fee.~~]

[~~M. L.~~] *Fees received shall not be refunded.*

18 VAC 15-20-60. Expiration.

~~All~~ A. *Each individual asbestos licenses license issued under this chapter shall expire one year from the last day of the month in which they are issued as indicated on the license [wherein the applicant's initial training or most recent refresher training required by 18 VAC 15-20-30 was completed in which it was issued].*

B. *Each asbestos contractor and each asbestos analytical laboratory license issued under this chapter shall expire one year from the last day of the month in which it was issued.*

C. *Each accredited asbestos training program approved prior to [the effective date of these regulations January 2, 2002] shall expire [24 months from the last day of the month in which it was approved on January 31, 2004,] and may be renewed for 24 months at a time thereafter. Each accredited asbestos training program approved after [the effective date of these regulations January 2, 2002,] shall expire 24 months from the last day of the month in which it was approved.*

18 VAC 15-20-70. Renewal application.

A. The department ~~will~~ shall mail a renewal notice to the each licensee and to each approved accredited asbestos training program at the last known address. The notice shall outline the procedures for renewal and the renewal fee amount. Failure to receive the notice shall not relieve the licensee or the approved accredited asbestos training program of the obligation to renew in a timely fashion.

B. Prior to the expiration date shown on the license or approval letter, each licensee licensed asbestos contractor, licensed asbestos analytical laboratory and approved accredited asbestos training program desiring to renew the license or approval shall return to ~~the board~~ the renewal notice and appropriate fee to the department. Should the licensee fail to receive the renewal notice, a copy of the current license may be submitted with the required fee. *Should an approved accredited asbestos training program fail to receive the renewal notice, a letter indicating the desire to renew and the applicable fee may be submitted.*

C. ~~For individual licenses, only asbestos refresher training courses approved by the board shall meet the~~ Prior to the expiration date shown on the individual's current license, the individual desiring to renew that license shall provide evidence of meeting the annual refresher training requirement for license renewal and the appropriate fee. [Asbestos refresher] courses [training programs approved by the] US [EPA under AHERA Regulations will not fulfill the renewal requirements unless the] course [training program is also a] Virginia [board approved asbestos refresher training] course [program. The board will accept any asbestos training programs that are approved by EPA/AHERA or the board.] All refresher courses must be discipline specific. Applicants for renewal shall forward proof that the annual retraining requirements and an examination has been successfully completed. A copy of the training certificate meeting the requirements outlined in 18 VAC 15-20-490 of this chapter shall accompany the renewal card notice and fee.

D. ~~If the renewal fee is not received by the department within 30 days after the expiration date noted on the license, a late renewal fee shall be required in addition to the renewal fee as stated in 18 VAC 15-20-50.~~

E. ~~Licensees failing to renew their licenses within six months after the expiration date noted on the license shall not be permitted to renew their licenses and shall apply as new applicants. Applicants shall reapply in accordance with Part III of this chapter.~~

D. Project monitors who also hold a valid Virginia asbestos supervisor or project designer license may meet the renewal training requirements by completing the supervisor refresher or project designer refresher, whichever is applicable. Project monitors who hold only a project monitor license shall complete an accredited asbestos project monitor refresher training program to meet the renewal training requirements.

E. Annual refresher training certificates shall only be used once to renew an individual license.

F. Each license and each accredited asbestos training program approval that is not renewed within 30 days of the expiration date on the license or [accreditation approval] shall be subject to late fees as established in 18 VAC 15-20-50.

G. Each license and each approved accredited asbestos training program not renewed within six months after the expiration date shall not be renewed and the licensee or approved accredited asbestos training program shall apply for a new license or new approval.

18 VAC 15-20-80. [No change from proposed.]

PART IV.
ASBESTOS WORKER AND SUPERVISOR LICENSING REQUIREMENTS.

18 VAC 15-20-90. [No change from proposed.]

18 VAC 15-20-100. [No change from proposed.]

PART V.
ASBESTOS SUPERVISOR LICENSING REQUIREMENTS.

18 VAC 15-20-101. [No change from proposed.]

PART VI.
ASBESTOS CONTRACTOR LICENSING REQUIREMENTS.

18 VAC 15-20-110 through 18 VAC 15-20-240. [No change from proposed.]

[PART VI.
RFS CONTRACTOR LICENSING REQUIREMENTS.

PART VII.
RFS INSPECTOR LICENSING REQUIREMENTS.]

PART VIII.
ASBESTOS INSPECTOR LICENSING REQUIREMENTS.

18 VAC 15-20-250. Qualifications for licensure.

A. Each individual applying to the board for licensure as an asbestos inspector shall have the following qualifications: submit a completed application, all training documents as required by 18 VAC 15-20-30 C, the appropriate fee as established in 18 VAC 15-20-50, and evidence of meeting the experience requirements as established in subsection B of this section. Evidence of experience and education shall comply with 18 VAC 15-20-40.

1. Applicants shall be at least 18 years of age;
2. The applicant must have successfully completed an asbestos inspector training course and examination approved by the board or an USEPA accredited AHERA inspector training course and examination. Applicants shall submit all training documents in accordance with 18 VAC 15-20-30 B;

3. B. The applicant shall be required to provide proof evidence of experience in performing asbestos inspections in buildings or industrial facilities, including collecting bulk samples, categorizing ACM, assessing ACM and preparing inspection reports. Experience may be gained by acting as an inspector, being in responsible charge of inspectors, or being under the direct supervision of an inspector. The amount of experience required is dependent on the applicant's formal education and is as follows:

- a. Acting as an inspector accredited (after December 17, 1987) according to AHERA or the Virginia Asbestos Licensing Program;
- b. Being in responsible charge of persons accredited as inspectors according to AHERA or the Virginia Asbestos Licensing Program; or

c. Being under the direct supervision of an inspector accredited according to AHERA or the Virginia Asbestos Licensing Program. All reports prepared by the unlicensed individual must be signed by the licensed or accredited individual in charge. The licensed or accredited individual in charge assumes responsibility for all reports prepared by the unlicensed individual.

4. 1. An applicant with a bachelor's degree in engineering, architecture, industrial hygiene, [physical] science or a related field must shall have at least six months experience as described above or have completed a minimum of five inspections. The applicant must submit the Experience and Educational Form (Form A) as noted in 18 VAC 15-20-40.

5. 2. An applicant with a two-year associate's degree in engineering, architecture, industrial hygiene, [physical] science or a related field must shall have at least 12 months experience as described above or have completed a minimum of 10 inspections. The applicant must submit the Experience and Educational Form (Form A) as noted in 18 VAC 15-20-40.

6. 3. An applicant with a high school diploma must shall have at least 24 months experience as described above or have completed a minimum of 15 inspections. The applicant must submit the Experience Verification Form (Form A) as noted in 18 VAC 15-20-40.

18 VAC 15-20-251. [No change from proposed.]

PART IX.
ASBESTOS MANAGEMENT PLANNER LICENSING REQUIREMENTS.

18 VAC 15-20-260. [No change from proposed.]

18 VAC 15-20-270. Qualifications for licensure.

A. Each individual applying to the board for licensure as an asbestos management planner shall have the following qualifications: submit a completed application, all training documents as required by 18 VAC 15-20-30 C, the appropriate fee as required by 18 VAC 15-20-50, and evidence of meeting the experience requirements established by 18 VAC 15-20-250 B and subsection B of this section. The applicant shall also meet all qualifications to be licensed as an asbestos inspector, whether or not the license is held. Evidence of experience and education shall comply with 18 VAC 15-20-40.

1. Applicants shall be at least 18 years of age.
2. The applicant must have successfully completed an asbestos management planner training course and examination approved by the board or a USEPA accredited AHERA management planner training course and examination. Applicants shall submit all training documents in accordance with 18 VAC 15-20-30 B.
3. The applicant must meet all of the qualifications to be licensed as an asbestos inspector, whether or not the asbestos inspector license is held.

4. B. The applicant is required to shall provide proof evidence of experience evaluating inspection reports, selecting response actions, analyzing the cost of response actions,

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ranking response actions, preparing operations and maintenance plans and preparing management plans. *The amount of experience required is dependent on the applicant's formal education and is as follows:*

~~B. Experience may be gained by acting as a management planner, being in responsible charge of management planners or being under the direct supervision of a management planner as follows:~~

~~1. Any experience gained after December 17, 1987, must be gained acting as a management planner accredited according to AHERA, or the Virginia Asbestos Licensing Program, being in responsible charge of persons accredited as management planners according to AHERA or being under the direct supervision of a management planner accredited according to AHERA or the Virginia Asbestos Licensing Program. All reports prepared by the unlicensed individual must be signed by the licensed or accredited person in charge, who assumes responsibility; or~~

~~2. Experience gained as an inspector as outlined in 18 VAC 15-20-250 may be substituted for the management planner experience requirements.~~

~~C. 1. An applicant with a bachelor's degree in engineering, architecture, industrial hygiene, [physical] science or a related field must shall have at least six months experience as described above or shall have completed a minimum of five management plans. The applicant must submit the Experience and Educational Verification Form (Form A) as noted in 18 VAC 15-20-40.~~

~~D. 2. An applicant with a two-year associate's degree in engineering, architecture, industrial hygiene, [physical] science or a related field must shall have at least 12 months experience as described above or shall have completed a minimum of 10 management plans. The applicant must submit the Experience and Educational Form (Form A) as noted in 18 VAC 15-20-40.~~

~~E. 3. An applicant with a high school diploma must shall have at least 24 months experience as described above or shall have completed a minimum of 15 management plans. The applicant must submit the Experience Verification Form (Form A) as noted in 18 VAC 15-20-40.~~

18 VAC 15-20-271. [No change from proposed.]

PART X IX.
ASBESTOS PROJECT DESIGNER LICENSING
REQUIREMENTS.

18 VAC 15-20-280. [No change from proposed.]

18 VAC 15-20-290. [No change from proposed.]

18 VAC 15-20-291. [No change from proposed.]

PART X I X.
ASBESTOS PROJECT MONITOR LICENSING
REQUIREMENTS.

18 VAC 15-20-300 through 18 VAC 15-20-332. [No change from proposed.]

PART X I I.
ASBESTOS ANALYTICAL LABORATORY LICENSE
LICENSING REQUIREMENTS.

18 VAC 15-20-340 through 18 VAC 15-20-360. [No change from proposed.]

18 VAC 15-20-361. Qualifications for licensure.

A. Each applicant for an asbestos analytical laboratory license shall submit a completed application, the appropriate fee as required by 18 VAC 15-20-50, and evidence of meeting the standards to perform one or more of the analyses described in subsections B, C and D of this section. Each license issued shall indicate which kind of analysis the asbestos analytical laboratory is seeking authorization to perform.

B. For authorization to analyze bulk materials using PLM, the applicant shall provide evidence that the asbestos analytical laboratory is currently NVLAP accredited for bulk asbestos fiber analysis or evidence that the asbestos analytical laboratory is AIHA accredited and proficient in the AIHA bulk asbestos program. A copy of the NVLAP Certificate of Accreditation, Scope of Accreditation and documentation of NVLAP proficiency or a copy of an AIHA accreditation certificate and proof of proficiency in the AIHA bulk program shall be submitted with the application for licensure.

C. For authorization to analyze airborne fibers using PCM:

1. For fixed laboratory sites, the applicant shall provide evidence that each facility is accredited by AIHA or that each facility has been rated "proficient" in the PAT Program's most recent round of asbestos evaluations, or the applicant shall provide evidence that each analyst is listed or has applied for listing in the Asbestos Analyst Registry (AAR) and has a performance rating of "acceptable" for the most recent Asbestos Analyst Testing (AAT) round. The applicant shall also provide evidence that each analyst has completed the NIOSH 582 training program or equivalent [as approved by the AIHA].

2. For laboratories that will be conducting on-site analysis, the applicant shall provide evidence that each on-site analyst is listed [or the applicant shall provide evidence that each analyst is listed] or has applied for listing in the AAR and has a performance rating of "acceptable" for the most recent AAT round within six months after [the implementation date of this chapter January 2, 2002, or is accredited by AIHA or has been rated "proficient" in the PAT Program's most recent round of asbestos evaluations. The applicant shall also provide evidence that each analyst has completed the NIOSH 582 training program or equivalent].

D. For licensure to analyze asbestos airborne fibers using TEM, the applicant shall provide evidence that the asbestos analytical laboratory is currently NVLAP accredited to analyze asbestos airborne fibers using TEM. A copy of the NVLAP Certificate of Accreditation, Scope of Accreditation and documentation of NVLAP proficiency shall be submitted with the application.

18 VAC 15-20-370 through 18 VAC 15-20-390. [No change from proposed.]

PART XIII XII.

GENERAL STANDARDS OF PRACTICE AND CONDUCT.

18 VAC 15-20-400. [No change from proposed.]

18 VAC 15-20-410. [No change from proposed.]

18 VAC 15-20-420. [No change from proposed.]

18 VAC 15-20-430. [No change from proposed.]

18 VAC 15-20-440. [No change from proposed.]

18 VAC 15-20-450. ~~Prohibited acts~~ Grounds for disciplinary action.

A. ~~The following may be grounds for disciplinary action by the board shall have the authority to fine any licensee or [accredited asbestos training program,] accredited asbestos training provider or instructor, and to deny renewal, suspend, revoke or deny application for any license or approval as an [accredited asbestos training program,] accredited asbestos training provider or instructor provided for under Chapter 5 (§ 54.1-500 et seq.) [or of] Title 54.1 of the Code of Virginia for.~~

~~1. The licensee, training provider, or primary instructor has violated~~ Violating or induced inducing another person to violate any of the provisions of Chapters Chapter 1, 2, 3, or 5 of Title 54.1 of the Code of Virginia, or any of the provisions of this chapter.

~~2. The licensee has obtained his~~ Obtaining a license, [approval as an accredited asbestos training program,] approval as an accredited asbestos training provider or approval as an instructor through fraudulent means.

~~3. The licensee has altered~~ Altering [a , falsifying or issuing a fraudulent] Virginia Asbestos License [issued by the] Commonwealth [board] or a training certificate issued by a an accredited asbestos training provider program.

~~4. The licensee, training provider or primary instructor violates~~ Violating any provision of AHERA or ASHARA, or any federal or state regulation pertinent to asbestos activity.

~~5. The licensee has~~ Having been found guilty by the board, an administrative body, or by a court of any material misrepresentation in the course of performing his asbestos-related operating duties.

~~6. The licensee has~~ Subject to the provisions of § 54.1-204 of the Code of Virginia, having been convicted or found guilty, regardless of adjudication in any jurisdiction of the United States, of any felony or of any misdemeanor involving lying, cheating, or stealing, or of any violation while engaged in environmental remediation activity, which resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment there being no appeal pending therefrom or the time for appeal having elapsed. Any plea of nolo contendere shall be considered a conviction for the purposes of this chapter. ~~The record of a conviction authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted, A~~

certified copy of the final order, decree or case decision by a court or regulatory agency with lawful authority to issue such order, decree or case decision shall be admissible as prima facie evidence of such conviction or discipline.

7. Failing to notify the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty of any felony or of any misdemeanor involving lying, cheating, or stealing or of any violation while engaged in environmental remediation activity which resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment.

8. Negligence, or a continued pattern of incompetence, in the practice of the discipline in which the asbestos license is held.

9. Failing or neglecting to send any information or documentation that was requested by the board or its representatives.

10. Refusing to allow state or federal representatives access to any area of an abatement site for the purpose of lawful compliance inspections.

[Any unlawful act or violation of any provision of Chapter 5 (§ 54.1-500 et seq.) of Title 54.1 of the Code of Virginia or of the regulations of the board by any asbestos supervisor or asbestos worker may be cause for disciplinary action against the asbestos contractor for whom he works if it appears to the satisfaction of the board that the asbestos contractor knew or should have known of the unlawful act or violation.]

B. Any individual or firm whose license [, approval as an accredited asbestos training program,] or approval as an accredited asbestos training provider is revoked under this section shall not be eligible to reapply for a period of one year from the effective date of the final order of revocation. The individual or firm shall meet all education, experience and training requirements, complete the application and submit the required fee for consideration as a new applicant.

PART XIII.

STANDARDS OF PRACTICE AND CONDUCT FOR LICENSED ASBESTOS CONTRACTORS.

18 VAC 15-20-451. Asbestos contractor responsibilities.

A. Licensed asbestos contractors shall comply with all requirements, procedures, standards and regulations covering any part of an asbestos project established by the U.S. Environmental Protection Agency, the U.S. Occupational Safety and Health Administration, the Virginia Department of Labor and Industry [,] and [the] Divisions of Air Pollution and Waste Management of the Department of Environmental Quality (§ 54.1-517 [of the] Code of Virginia).

B. Licensed asbestos contractors shall comply with the requirements found in § 54.1-1100 of the Code of Virginia governing the regulation of general contractors.

C. A licensed asbestos contractor shall employ only licensed asbestos supervisors and workers to perform work on any asbestos project.

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D. A licensed asbestos contractor shall ensure that a licensed asbestos supervisor is present at each job site while an asbestos project is in progress.

18 VAC 15-20-452. [No change from proposed.]

18 VAC 15-20-453. [No change from proposed.]

18 VAC 15-20-454. [No change from proposed.]

PART XIV.

STANDARDS OF PRACTICE AND CONDUCT FOR ASBESTOS PROJECT MONITORS.

18 VAC 15-20-455. [No change from proposed.]

[**18 VAC 15-20-455.1. Abatement projects that require a project monitor.**

A project monitor is required on:

1. Asbestos projects performed in buildings that are occupied or intended to be occupied upon completion of the asbestos project exceeding 260 linear feet or 160 square feet or 35 cubic feet of asbestos-containing material; or

2. Whenever the building or property owner deems it necessary to monitor asbestos projects.]

18 VAC 15-20-456. Responsibilities.

A. Asbestos project monitors shall conduct inspections of the contractor's work practices and inspections of the containment [~~each day abatement is performed~~ when the project monitor is present].

B. Asbestos project monitors shall maintain a daily log of all work performed. The daily log shall include, but not be limited to, inspection reports, air sampling data, type of work performed by the contractor, problems encountered and corrective action taken.

C. Asbestos project monitors shall take final air samples on all abatement projects, except for abatement projects in residential buildings.

D. Project monitors who analyze PCM air samples on site shall be employed by a licensed analytical laboratory and shall be listed or have applied for listing in the AAR [and rated "acceptable" or is accredited by AIHA or has been rated "proficient" in the PAT Program's most recent round of asbestos evaluations].

PART XV.

STANDARDS OF PRACTICE AND CONDUCT FOR ASBESTOS PROJECT DESIGNERS.

18 VAC 15-20-457. [No change from proposed.]

18 VAC 15-20-458. Responsibilities.

[~~A. Licensed asbestos project designers shall prepare a written project design for each asbestos abatement project, except projects conducted in residential buildings.~~

~~B.]~~ The project design shall include, but is not limited to:

1. Scope of work.
2. Order of work.

3. Work methods and practices to be used.

4. Number and type of final air samples to be taken.

PART XVI.

STANDARDS OF PRACTICE AND CONDUCT FOR ASBESTOS INSPECTORS AND MANAGEMENT PLANNERS.

18 VAC 15-20-459. [No change from proposed.]

18 VAC 15-20-459.1. [No change from proposed.]

PART XVII.

STANDARDS OF PRACTICE AND CONDUCT FOR ASBESTOS ANALYTICAL LABORATORIES.

18 VAC 15-20-459.2. [No change from proposed.]

18 VAC 15-20-459.3. Responsibilities.

A. Each asbestos analytical laboratory using PLM to analyze bulk suspect material for the presence of asbestos shall analyze the material in accordance with [~~"Interim Method for the Determination of Asbestos in Bulk Insulation Samples" found in Appendix A to Subpart F of 40 CFR Part 763 EPA 600/R-93/116 Method of Determination of Bulk Asbestos~~] or the NIOSH method 9002.

B. Each asbestos analytical laboratory using PCM to analyze air samples for the presence of airborne fibers shall use the method outlined in Appendix A of OSHA's 1926.1101 regulation or shall use the most recent version of NIOSH's 7400 method.

C. Each asbestos analytical laboratory using TEM to analyze air samples for the presence of airborne asbestos fibers shall use the method outlined in Appendix A to Subpart E of 40 CFR Part 763 or shall use the most recent version of NIOSH's 7402 method.

18 VAC 15-20-459.4. [No change from proposed.]

18 VAC 15-20-459.5. License [~~certificate~~].

A. The transfer of an asbestos analytical laboratory license is prohibited. Whenever there is any change in the controlling interest of the legal entity licensed, a new license is required.

B. A copy of the current asbestos analytical laboratory license will be on site at all times where analysis is performed, including project sites. The license shall be available for review by the department.

C. The board shall require asbestos analytical laboratories that wish to become or to remain licensed in the Commonwealth to conform to any future additional standards or regulations set forth by the EPA or accrediting entity.

D. The licensee shall permit the board to conduct periodic on-site inspections and evaluations of licensed asbestos analytical laboratory facilities. The inspections shall include, but not be limited to, equipment, procedure and protocol records, training and accreditation documentation and any other program evaluation results on file. Prior notice of such inspections is not required.

PART XVIII.
ACCREDITED ASBESTOS TRAINING PROGRAM
APPROVAL.

18 VAC 15-20-459.6. [No change from proposed.]

18 VAC 15-20-459.7. [No change from proposed.]

18 VAC 15-20-459.8. [No change from proposed.]

18 VAC 15-20-459.9. [No change from proposed.]

18 VAC 15-20-459.10. Refresher approval.

A. Refresher training programs shall be one day (8 hours) for supervisors, workers, project designers and project monitors, and one-half day (4 hours) for inspectors and management planners. The refresher training program shall review federal and state regulations; discuss changes to the regulations, if applicable, and developments in state-of-the-art procedures; and review key aspects of the initial training program.

B. Persons wishing to [~~sponsor~~ conduct] refresher training programs shall submit a training program review and audit application as established in 18 VAC 15-20-459.6.

18 VAC 15-20-459.11. Renewal of accredited asbestos training programs.

Providers of accredited asbestos training programs desiring to renew their approval shall submit the renewal notice to the department along with the following:

1. Appropriate fee.
2. [~~List~~ Name] of [the] training [~~programs~~ program] for which they are renewing.
3. Any changes made to the training [~~program(s)~~ program].
4. Dates on which the training material was last updated.
- [5. Statement indicating that the training program continues to meet the regulation requirements established in this chapter.]

18 VAC 15-20-459.12. Changes to an approved accredited asbestos training program.

Once an accredited asbestos training program has been approved, prior to the continuation of the accredited asbestos training program, substantial changes in the information required by subdivisions 1 through 5 of this section shall be submitted to the board for review and approval. The board will state its approval or disapproval of the changes by mail.

1. Training program curriculum.
2. Training program examination.
3. Training program materials.
4. [~~Primary~~ Principal] instructors [~~and work practice instructors~~].
5. Certificate of completion.

18 VAC 15-20-459.13. Transfer of approval of an accredited asbestos training program.

The transfer of the approval of an accredited asbestos training program will require a review by the following procedure:

1. The applicant for transfer shall submit an application to the department and materials for review to determine if substantial changes have been made to the program. All submissions shall be in accordance with 18 VAC 15-20-459.6.
2. Receipt of applications and deposit of fees submitted does not indicate approval of the transfer.
3. A review of the submitted materials shall be performed to determine if substantial changes have been made. A substantial change is defined as a change in training program materials, curriculum, [~~primary~~ principal] instructors or facilities at the time of transfer of the accredited asbestos training program. A complete field audit may be conducted of any applicant believed to have made a substantial change.

18 VAC 15-20-459.14. Access by the department.

Accredited asbestos training [~~program~~] providers shall permit department representatives to attend, evaluate, and monitor any accredited asbestos training program. Prior notice of attendance by agency representatives is not required.

18 VAC 15-20-459.15. Suspension or revocation of approval of an accredited asbestos training program.

A. The board may withdraw approval of any accredited asbestos training program for the following reasons:

1. The school, instructors, or training programs no longer meet the standards established in this chapter.
2. The board determines that the provider is not conducting the training in a manner that meets the requirements as set forth in this chapter.
3. Suspension or revocation of training approval in another state or by the EPA.

B. Decisions regarding withdrawal of approval shall be made by the board under the provisions of the Virginia Administrative Process Act [(~~§ 9-6.14-1~~ § 2.2-4000) et seq. of the Code of Virginia).

PART ~~XIV~~ XIX.
TRAINING PROVIDER REQUIREMENTS ACCREDITED
ASBESTOS TRAINING PROGRAM PERFORMANCE
STANDARDS.

18 VAC 15-20-460. General.

This part outlines the recordkeeping responsibilities for an individual, a business, an agency, an institution or a sponsor [~~a provider~~ an accredited asbestos training provider (training provider)] performing asbestos training under Virginia law. All records are required to be available for review by representatives of the board. Records required to be

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maintained by the training provider ~~must shall~~ be maintained at the ~~address on the Certificate of Approval of the asbestos training course. All training requirements are in accordance with ASHARA (40 CFR 763 Appendix C to Subpart E), the EPA April 1990 memorandum, or recommended EPA policy~~ physical location of the accredited asbestos training provider.

18 VAC 15-20-470. Recordkeeping.

A. For all *accredited asbestos training courses* programs approved by the board, ~~the training providers~~ provider shall keep a list of all ~~course training program~~ participants attending the *accredited asbestos training course* program. The list shall contain the following minimum information:

1. Training provider;
2. Date of training;
3. Location of training ~~course~~ program presentation;
4. Type and length of training;
5. ~~Course Training program~~ [~~director manager~~] and [~~primary principal~~] instructor;
6. ~~Course participants~~ Training program participant's name as it will appear on the Certificate of Completion to be issued by the training provider;
7. ~~Participants~~ Participant's employer, if applicable;
8. ~~Participants~~ Participant's name, address, and social security number;
9. ~~Participants~~ Participant's Virginia asbestos license number, if applicable;
10. The resulting certificate number assigned to a participant who successfully completes the *course accredited asbestos training program* when applicable and expiration date; and
11. The participant's examination score, when applicable.

B. The *course training program* participant list shall be completed by the training provider and *course training program* participants daily.

C. The *course training program* participant [~~listing list~~] shall be retained by the training provider for three years following the date of completion of the training *course* program.

[~~D.~~] ~~The course participant list shall be submitted to the board within five working days, after the last day of the course. [The training provider shall provide to the board the training program participant list as described in subsection A of this section within 24 hours of training program completion.]~~

[~~E. D.~~] The training provider shall retain all examinations completed by *course training program* participants for a period of three years.

[~~E. F.~~] Training providers shall notify the department no less than 48 hours prior to conducting an accredited asbestos training program. [~~The department will not recognize training certificates from approved training providers that fail to notify.~~]

[~~G.~~ The department will not recognize training certificates from approved training providers that fail to notify or fail to provide a training program participant list.]

18 VAC 15-20-480. Course Accredited asbestos training program outline and syllabus.

A. Prior to the start of the *accredited asbestos training course* program, the training provider shall prepare a course outline or syllabus. The outline shall contain the following minimum information:

1. ~~Course~~ Training program title and length of training;
2. Starting time of each day of training;
3. ~~Course~~ Training program section, inclusive length of training time for each section and instructor for each *course* program section;
4. Scheduled breaks and inclusive length of breaks;
5. Scheduled lunch break and inclusive length of break;
6. Scheduled hands-on training, a description of the training to be performed, length of training and name of the instructor or instructors; and
7. Examination and inclusive length of examination time.

B. The training provider shall disseminate the *course training program* outline or syllabus to all *course training program* participants. A copy of the [~~course training program~~] outline shall be retained by the training provider for a period of three years following the completion of the training *course* program.

18 VAC 15-20-490. Certificates of completion.

A. Following attendance of the *accredited asbestos training course* program and successful completion of an examination by the *course training program* participant, the training provider shall issue a Certificate of Completion to the *course training program* participant. The certificate shall contain the following minimum information:

1. Training provider's business name;
2. Training provider's business address and phone number;
3. Location of training;
4. Typewritten or printed name of *course training program* participant;
5. ~~Course~~ Training program title and length of training in hours;
6. Certificate number;
7. Inclusive *course training program* dates;
8. Examination date;
9. An expiration date one year ~~subsequent to~~ after the date of completion of the *accredited asbestos training course* program;
10. For *courses training programs* covered under 40 CFR Part 763, Subpart E, Appendix C, a statement that the person receiving the certificate has completed the requisite training for asbestos accreditation under TSCA Title II;

11. Statement of attendance and successful completion of an examination by the ~~course~~ *training program* participant; and

12. Signature and typewritten or printed name of ~~course~~ *the accredited asbestos training program* [~~director~~ *manager*] or administrator and [~~primary~~ *principal*] instructor. The signature may be a printed facsimile.

B. Changes to the Certificate of Completion shall be submitted to the board for review and approval prior to issuance to ~~course~~ *training program* participants.

18 VAC 15-20-500. Course Training program materials: ~~course~~ *training program* manuals; video instruction; training equipment.

A. All training ~~course~~ *program* participants shall be issued a ~~course~~ *training program* manual for the asbestos training ~~course~~ *program*.

~~All materials will be legible and, in the case of Virginia approved training courses, submitted for review and approval by the board at least 45 days prior to being used by a course participant in an asbestos training course.~~

~~The training provider shall retain a copy on file for a period of three years following any amendments to the manual.~~

B. Use of video instruction is permitted as a method of instruction in a ~~Virginia approved~~ *an accredited* asbestos training ~~course~~ *program*, provided that videos are not the sole and primary source of instruction unless [~~they~~ *the videos*] are interactive [~~videos~~].

~~Videos shall not be the primary source of instruction unless it is an interactive video.~~

~~All videos utilized in a Virginia approved asbestos training course shall have undergone the review and approval process required in Part XIV of this chapter.~~

Videos shall be made available to the board, if requested, during an on-site audit or inspection.

C. In no case will equipment utilized for display or part of hands-on training have been utilized on an asbestos abatement project site.

Equipment will be dedicated for training use only.

The training provider shall keep a listing of all equipment utilized for training on file.

The equipment list will contain the following minimum information:

1. Equipment brand name;
2. Equipment description; and
3. A statement of how the equipment is to be utilized in the *accredited* asbestos training ~~course~~ *program*.

The *dated* equipment list will be updated as new equipment is added as part of an *accredited* asbestos training program and ~~retained~~ *each list must be maintained* for a period of three years.

18 VAC 15-20-510. [No change from proposed.]

18 VAC 15-20-511. Instructor qualifications.

A. An approved *accredited* asbestos training program shall employ a training manager who:

1. Has a minimum of two years experience in teaching adults; or
2. Has a minimum of three years experience in the asbestos abatement industry.

B. An approved *accredited* asbestos training program shall use principal instructors who:

1. Have a minimum of 24 hours of asbestos specific training; and
2. Have a minimum of two years experience in the asbestos abatement industry, or have a minimum of two years' [*experience*] in teaching adults.

C. Documentation of all instructor qualifications shall be reviewed and approved by the board prior to the instructor teaching in an *accredited* asbestos training program.

D. Guest instructors are exempt from instructor qualifications and are limited to no more than two hours of training per day.

18 VAC 15-20-520. Number of instructors required to provide training.

A. The board strongly recommends a minimum of two instructors to teach a ~~Virginia approved~~ *an accredited* asbestos initial worker ~~course~~ *training program*.

B. ~~The board requires~~ At least two instructors shall be used for each ~~Virginia approved~~ supervisor, inspector, management planner, project designer and project monitor initial ~~course~~ *accredited* asbestos training program.

C. One instructor is adequate per [*accredited* asbestos] refresher ~~course~~ *training program*.

D. At least one instructor shall be in the ~~class~~ *classroom* and available to the students at all times during the ~~course~~ [*accredited* asbestos] *training program*.

18 VAC 15-20-530. [No change from proposed.]

18 VAC 15-20-540. [No change from proposed.]

18 VAC 15-20-550. [No change from proposed.]

18 VAC 15-20-560. [No change from proposed.]

18 VAC 15-20-570. Non-English speaking *accredited* asbestos training courses programs.

All ~~Virginia approved~~ [*accredited*] asbestos training ~~courses~~ *programs* shall be taught in English. *Accredited* asbestos worker training ~~courses~~ *programs* are exempt from this section.

18 VAC 15-20-580. Examinations.

A. All *accredited* asbestos training ~~courses~~ *approved by the board and utilized for licensure by the board* programs shall contain an examination following the instructional portion of the *accredited* asbestos training ~~course~~ *program*. This

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requirement shall apply to all ~~Virginia approved courses~~ *accredited asbestos training programs* regardless of ~~course training program~~ location.

B. Oral examinations, except for workers, are not permitted in a ~~Virginia approved an accredited~~ *asbestos training course program*. Trainers who provide worker oral examinations shall issue an answer sheet to be marked by the student. The student shall sign the answer sheet and it shall become a part of the ~~trainers training provider's required~~ recordkeeping under ~~18 VAC 15-20-470 E~~.

C. Examinations in languages other than English are [*only*] permitted in ~~accredited asbestos worker courses training programs~~ [*only*].

D. Examinations shall be given in the language of *the* [*accredited asbestos*] *training program's* [*course*] instruction.

E. Reexamination following unsuccessful completion of the examination is permitted in a ~~Virginia approved asbestos training course~~. The reexamination shall be limited to one attempt to pass following the initial examination. If the participant fails to achieve a 70% passing score after the second attempt, the participant ~~must~~ *shall* retake the *accredited asbestos training course program* before he is permitted to take a retest. The training provider shall retain [*all*] the examinations completed by the ~~course~~ [*accredited asbestos*] *training program* participant in compliance with ~~18 VAC 15-20-470 E~~ *the recordkeeping requirements of this chapter*.

18 VAC 15-20-590. Change of address, phone number or contact person.

~~Training providers approved by the board~~ *Providers of accredited asbestos training programs* are required to notify the board in writing of changes of address, phone number or [*primary-principal*] instructor within 30 business days ~~of~~ *after* changes to *any of* these items.

18 VAC 15-20-600. Termination of training.

When a ~~board approved~~ training provider ceases to conduct *any of its* training [*courses programs*], ~~the training provider~~ *it* shall notify the board in writing and give the board the opportunity to take possession of the provider's asbestos training records *relating to such* [*courses programs*].

18 VAC 15-20-610. [No change from proposed.]

~~PART XV.~~

~~TRAINING COURSE APPROVAL PROCESS.~~

18 VAC 15-20-620 through 18 VAC 15-20-690. [No change from proposed.]

~~PART XVI XX.~~

~~ACCREDITED ASBESTOS TRAINING COURSE REQUIREMENTS PROGRAM STANDARDS.~~

18 VAC 15-20-700. General.

In all of the following *accredited asbestos training course program* [*(training program)*] requirements, one day shall be equal to eight hours, *inclusive of lunch and breaks*. ~~In all refresher training course requirements one day shall be equal~~

~~to eight hours. All training courses, except project monitor, shall meet the minimum requirements set forth in ASHARA (40 CFR 763).~~

18 VAC 15-20-710. [No change from proposed.]

18 VAC 15-20-720. [No change from proposed.]

18 VAC 15-20-730. [No change from proposed.]

18 VAC 15-20-740. [No change from proposed.]

18 VAC 15-20-750. [No change from proposed.]

18 VAC 15-20-760. [No change from proposed.]

18 VAC 15-20-770. Inspector training.

A. Asbestos inspectors shall complete a three-day (24 hours) [~~accredited asbestos~~] *training course program* as outlined below. The *course training program* shall include lectures, demonstrations, four hours of hands-on training, ~~course training program~~ review and a written examination. The *accredited asbestos* inspector training *course program* shall address the following topics:

1. *Course Training program* overview.

- a. The role of the inspector in the asbestos abatement industry.
- b. A discussion of inspection requirements and criteria for AHERA, NESHAPs and state agencies.

2. Background information on asbestos.

- a. Identification of asbestos, and examples and discussion of the uses and locations of asbestos in buildings.
- b. Physical appearance of asbestos.

3. Potential health effects related to asbestos exposure.

- a. The nature of asbestos-related diseases.
- b. Routes of exposure, dose-response relationships and the lack of a safe exposure level.
- c. The synergism between cigarette smoking and asbestos exposure.
- d. Latency period for asbestos-related diseases, a discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma and cancer of other organs.

4. Functions/qualifications for inspectors.

- a. Discussions of prior experience and qualifications for inspectors and management planners.
- b. Discussions of the functions of an accredited inspector as compared to those of an accredited management planner.
- c. Discussion of the inspection process including inventory of ACM and physical assessment.

5. Legal liabilities and defenses.

- a. Responsibilities of the inspector, a discussion of comprehensive general liability policies, claims made and occurrence policies, environment and pollution liability policy clauses; state liability insurance requirements.
 - b. Bonding and relationship of insurance availability to bond availability.
6. Understanding building systems.
- a. The relationship between building systems, including: an overview of common building physical plan layout; heat, ventilation and air conditioning (HVAC) system types; physical organization; and where asbestos is found on HVAC components.
 - b. Building mechanical systems, their types and organization and where to look for asbestos on such systems.
 - c. Inspecting electrical systems, including appropriate safety precautions.
 - d. Reading building plans and as-built drawings.
7. Public/employee/building occupant relations.
- a. Notification of employee organizations about the inspection.
 - b. Signs to warn building occupants.
 - c. Tactics in dealing with occupants and the press.
 - d. Scheduling inspections to minimize disruptions.
 - e. Education of building occupants about actions being taken.
8. Preinspection planning and review of previous inspection records.
- a. Scheduling the inspection and obtaining access.
 - b. Building record review; identification of probable homogeneous areas from building plans or as-built drawings.
 - c. Consultation with maintenance or building personnel.
 - d. Review of previous inspection, sampling, and abatement records of a building.
 - e. The role of the inspector in exclusions for previously performed inspections.
9. Inspection for friable and nonfriable asbestos-containing material (ACM) and assessment of the condition of friable ACM.
- a. Procedures to follow in conducting visual inspections for friable and nonfriable ACM.
 - b. Types of building materials that may contain asbestos.
 - c. Touching materials to determine friability.
 - d. Open return air plenums and their importance in HVAC systems.
 - e. Assessing damage, significant damage, potential damage, and potential significant damage.
 - f. Amount of suspected ACM, both in total quantity and as a percentage of the total area.
 - g. Type of damage.
 - h. Accessibility.
 - i. Material's potential for disturbance.
 - j. Known or suspected causes of damage or significant damage, and deterioration as assessment factors.
10. Bulk sampling/documentation of asbestos in schools.
- a. Detailed discussion of the "Simplified Sampling Scheme for Friable Surfacing Materials" (USEPA 560/5-85-030a October 1985).
 - b. Techniques to ensure sampling in a randomly distributed manner for other than friable surfacing materials.
 - c. Techniques for bulk sampling.
 - d. Sampling equipment the inspector should use.
 - e. Patching or repair of damage done in sampling; an inspector's repair kit.
 - f. Discussion of polarized light microscopy.
 - g. Choosing an accredited laboratory to analyze bulk samples.
 - h. Quality control and quality assurance procedures.
11. Inspector respiratory protection and equipment.
- a. Classes and characteristics of respirator types.
 - b. Limitations of respirators.
 - c. Selection, inspection, donning, use, maintenance, and storage procedures for respirators.
 - d. Methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests); qualitative and quantitative fit testing procedures.
 - e. Variability between field and laboratory protection factors.
 - f. Factors that alter respirator fit (e.g., facial hair, dental work, weight loss or gain).
 - g. The components of a proper respiratory protection program.
 - h. Selection and use of personal protective clothing.
 - i. Use, storage, and handling of nondisposable clothing.
12. Recordkeeping and writing the inspection report.
- a. Labeling of samples and keying sample identification to sampling location.
 - b. Recommendations on sample labeling.
 - c. Detailing of ACM inventory.
 - d. Photographs of selected sampling areas and examples of ACM condition.

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- e. Information required for inclusion in the management plan by TSCA Title II section 203 (i)(1).
 - 13. Regulatory review.
 - a. ~~USEPA~~ EPA Worker Protection Rule found at 40 CFR Part 763, Subpart G.
 - b. TSCA Title II.
 - c. OSHA Asbestos Construction Standard (29 CFR ~~1926.58~~ 1926.1101).
 - d. OSHA respirator requirements (29 CFR 1910.134).
 - e. The friable ACM in Schools Rule found at 40 CFR Part 763, Subpart F.
 - f. Applicable state and local regulations.
 - g. Differences in federal and state requirements where they apply and the effects, if any, on public and nonpublic schools, and commercial and public buildings.
 - 14. Field trip.
 - a. [~~including a~~] Field exercise with a walk-through inspection.
 - b. On-site discussion of information gathering and determination of sampling locations.
 - c. On-site practice in physical assessment.
 - d. Classroom discussion of field exercise.
 - 15. ~~Course~~ Training program review. A review of key aspects of the *accredited asbestos* training ~~course~~ program.
- 18 VAC 15-20-780. [No change from proposed.]**
- 18 VAC 15-20-790. [No change from proposed.]**
- 18 VAC 15-20-800. Asbestos management planner training.**
- Asbestos management planners ~~seeking accreditation~~ must shall complete an *accredited asbestos* inspector training ~~course~~ program as ~~outlined above~~ provided in 18 VAC 15-20-770 and a two-day [*accredited asbestos*] management planner training ~~course~~ program. The two-day (16 hours) *accredited asbestos* training program shall include lectures, demonstrations, ~~course~~ program review, and a written examination. The *accredited asbestos* management planner training ~~course~~ program shall address the following topics:
- 1. ~~Course~~ Training program overview.
 - a. The role of the management planner.
 - b. Operations and maintenance programs.
 - c. Setting work priorities; protection of building occupants.
 - 2. Evaluation/interpretation of survey results.
 - a. Review of TSCA Title II requirements for inspection and management plans as given in section 203(i)(1) of TSCA Title II.
 - b. Summarized field data and laboratory results; comparison between field inspector's data sheet with laboratory results and site survey.
 - 3. Hazard assessment.
 - a. Amplification of the difference between physical assessment and hazard assessment.
 - b. The role of the management planner in hazard assessment.
 - c. Explanation of significant damage, damage, potential damage, and potential significant damage and use of a description (or decision tree) code for assessment of ACM; assessment of friable ACM.
 - d. Relationship of accessibility, vibration sources, use of adjoining space, air plenums and other factors to hazard assessment.
 - 4. Legal implications.
 - a. Liability; insurance issues specific to management planners.
 - b. Liabilities associated with interim control measures, in-house maintenance, repair, and removal.
 - c. Use of results from previous inspections.
 - 5. Evaluation and selection of control options.
 - a. Overview of encapsulation, enclosure, interim operations and maintenance, and removal; advantages and disadvantages of each method.
 - b. Response actions described via a decision tree or other appropriate method; work practices for each response action.
 - c. Staging and prioritizing of work in both vacant and occupied buildings.
 - d. The need for containment barriers and decontamination in response actions.
 - 6. Role of other professionals.
 - a. Use of industrial hygienists, engineers and architects in developing technical specifications for response actions.
 - b. Any requirements that may exist for an architect to sign-off on plans.
 - c. Team approach to designing of high-quality job specifications.
 - 7. Developing an operations and maintenance (O&M) plan.
 - a. Purpose of the plan.
 - b. Discussion of applicable ~~USEPA~~ guidance documents.
 - c. What actions should be taken by custodial staff: proper cleaning procedures; steam cleaning and high efficiency particulate ~~arrest~~ air (HEPA) vacuuming.
 - d. Reducing disturbance of ACM.
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- e. Scheduling O&M for off-hours; rescheduling or canceling renovation in areas with ACM.
- f. Boiler room maintenance.
- g. Disposal of ACM.
- h. In-house procedures for ACM: bridging and penetrating encapsulants, pipe fittings, metal sleeves, poly vinyl chloride (PVC), canvas, and wet wraps; muslin with straps; fiber mesh cloth; mineral wool, and insulating cement.
- i. Discussion of employee protection programs and staff training.
- j. Case study in developing an O&M plan (development, implementation process, and problems that have been experienced).

~~8. Regulatory review.~~

- ~~a. Focusing on the OSHA Asbestos Construction Standard found in 29 CFR 1926.58.~~
- ~~b. The National Emission Standard for Hazardous Air Pollutants (NESHAPS) found at 40 CFR 61, Subparts A (General Provisions) and M (National Emission Standard for Asbestos).~~
- ~~c. USEPA Worker Protection Rule found in 40 CFR 763, Subpart G; TSCA Title II.~~
- ~~d. Applicable state regulations.~~

~~9. 8. Recordkeeping for the management planner.~~

- a. Use of field inspector's data sheet along with laboratory results.
- b. On-going recordkeeping as a means to track asbestos disturbance.
- c. Procedures for recordkeeping.

~~10. 9. Assembling and submitting the management plan.~~

- a. Plan requirements in TSCA Title II section 203(l)(1).
- b. The management plan as a planning tool.

~~11. 10. Financing abatement actions.~~

- a. Economic analysis and cost estimates.
- b. Development of cost estimates.
- c. Present costs of abatement versus future operations and maintenance costs.
- d. Asbestos School Hazard Abatement Act grants and loans.

~~12. 11. A review of key aspects of the accredited asbestos training course program.~~

18 VAC 15-20-810. [No change from proposed.]

18 VAC 15-20-820. Refresher training course program.

A. Management planners shall attend [*both the management planner refresher training program of one-half day (four hours) and*] the inspector refresher ~~course training program~~

of ~~1/2 one-half day (four hours) [plus an additional 1/2 one-half day (four hours) on management planning]~~. The ~~course [management planner refresher] training program~~ shall review federal and state regulations, discuss changes, if applicable, and review developments in state-of-the-art procedures. A review of the following topics from the initial *accredited asbestos management planner training course program* shall be included in the asbestos management planner refresher training ~~course program~~:

1. Evaluation and interpretation of survey results;
2. Hazard assessment;
3. Evaluation and selection of control options; and
4. Developing an Operations and Maintenance plan.

B. The use of exercises to encourage interactive learning and participation is suggested. These exercises may take the form of reviewing inspection reports, a video or photo walk-through of a building to have a management plan prepared for and a review of reinspection or abatement reports to update or prepare a management plan to draw upon items covered in the *accredited asbestos inspector course training program* and the initial *accredited asbestos management planner course training program*.

C. A written closed-book examination will be administered covering the topics included in the asbestos ~~inspector management planner refresher course training program~~. The examination will consist of no fewer than 50 questions. The passing score will be 70% correct. Persons who pass the asbestos management planner refresher training ~~course program~~ examination will receive a Certificate of Completion as specified in ~~48 VAC 15-20-490 this chapter~~.

18 VAC 15-20-830. Asbestos project designer training.

Asbestos project designers shall complete a three-day (24 hours) [~~accredited asbestos project designer~~] training ~~course program~~ as outlined below. The three-day asbestos project designer training program shall include lectures, demonstrations, a field trip, ~~course training program review~~, and a written examination. The three-day asbestos project designer training ~~course program~~ shall address the following topics:

1. ~~Course Training program~~ overview.
 - a. The role of the project designer in the asbestos abatement industry.
 - b. Discussion of what a project design is.
2. Background information on asbestos.
 - a. Identification of asbestos; examples and discussion of the uses and locations of asbestos in buildings.
 - b. Physical appearance of asbestos.
3. Potential health effects related to asbestos exposure.
 - a. Nature of asbestos-related diseases.
 - b. Routes of exposure, dose-response relationships and the lack of a safe exposure level.

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- c. The synergistic effect between cigarette smoking and asbestos exposure.
 - d. The latency period of asbestos-related diseases; a discussion of the relationship between asbestos exposure and asbestosis, lung cancer, mesothelioma, and cancer of other organs.
4. Overview of abatement construction projects.
- a. Abatement as a portion of a renovation project.
 - b. OSHA requirements for notification of other contractors on a multi-employer site (29 CFR ~~1926.58~~ 1926.1101).
5. Safety system design specifications.
- a. Construction and maintenance of containment barriers and decontamination enclosure systems.
 - b. Positioning of warning signs.
 - c. Electrical and ventilation system lock-out.
 - d. Proper working techniques for minimizing fiber release.
 - e. Entry and exit procedures for the work area, use of wet methods, use of negative pressure exhaust ventilation equipment, use of high efficiency particulate ~~aerosol~~ air (HEPA) vacuums, proper clean-up and disposal of asbestos, work practices as they apply to encapsulation, enclosure, and repair, use of glove bags and a demonstration of glove bag use.
6. Field trip.
- a. Visit ~~an~~ a proposed abatement site or other suitable building site, including on-site discussions of abatement design.
 - b. Building walk-through inspection, and discussion following the walk-through.
7. Employee personal protective equipment.
- a. Classes and characteristics of respirator types.
 - b. Limitations of respirators, proper selection, inspection, donning, use, maintenance, and storage procedures.
 - c. Methods for field testing of the ~~face-to-facepiece~~ *facepiece-to-face* seal (positive and negative pressure fitting tests).
 - d. Qualitative and quantitative fit testing procedures.
 - e. Variability between field and laboratory protection factors, factors that alter respirator fit (e.g., facial hair, dental work and weight loss or gain).
 - f. Components of a proper respiratory protection program.
 - g. Selection and use of personal protective clothing, use, storage and handling of nondisposable clothing.
 - h. Regulations covering personal protective equipment.
8. Additional safety hazards.
- a. Hazards encountered during abatement activities and how to deal with them.
 - b. Electrical hazards, heat stress, air contaminants other than asbestos, fire and explosion hazards.
9. Fiber aerodynamics and control.
- a. Aerodynamic characteristics of asbestos fibers.
 - b. Importance of proper containment barriers.
 - c. Settling time for asbestos fibers.
 - d. Wet methods in abatement.
 - e. Aggressive air monitoring following abatement.
 - f. Aggressive air movement and negative pressure exhaust ventilation as a clean-up method.
10. Designing abatement solutions.
- a. Discussions of removal, enclosure, and encapsulation methods.
 - b. Asbestos waste disposal.
11. Budgeting/cost estimation.
- a. Development of cost estimates.
 - b. Present costs of abatement versus future operations and maintenance costs.
 - c. Setting priorities for abatement jobs to reduce cost.
12. Writing abatement specifications.
- a. Means and methods specifications versus performance specifications.
 - b. Design of abatement in occupied buildings.
 - c. Modification of guide specifications to a particular building.
 - d. Worker and building occupant health/medical considerations.
 - e. Replacement of ACM with non-asbestos substitutes.
 - f. Clearance of work area after abatement.
 - g. Air monitoring for clearance.
13. Preparing abatement drawings.
- a. Use of as-built drawings.
 - b. Use of inspection photographs and on-site reports.
 - c. Particular problems in abatement drawings.
14. Contract preparation and administration.
15. Legal/liabilities/defenses.
- a. Insurance considerations, bonding, hold harmless clauses, and use of abatement contractor's liability insurance.
 - b. Claims-made versus occurrence policies.
16. Replacement of asbestos with asbestos-free substitutes.
17. Role of other consultants.

- a. Development of technical specification sections by industrial hygienists or engineers.
 - b. The multi-disciplinary team approach to abatement design.
 - c. The use and responsibilities of a project monitor on the abatement site.
18. Occupied buildings.
- a. Special design procedures required in occupied buildings.
 - b. Education of occupants.
 - c. Extra monitoring recommendations.
 - d. Staging of work to minimize occupant exposure.
 - e. Scheduling of renovation to minimize exposure.
19. Relevant federal, state and local regulatory requirements. Procedures and standards including:
- a. Requirements of TSCA Title II;
 - b. 40 CFR *Part* 61, National Emission Standards for Hazardous Air Pollutants, Subparts A (General Provisions) and M (National Emission Standard for Asbestos);
 - c. OSHA standards for ~~permissible exposure to airborne concentrations of asbestos fibers and~~ respiratory protection (29 CFR 1910.134);
 - d. USEPA Worker Protection Rule, found at 40 CFR *Part* 763, Subpart G;
 - e. OSHA Asbestos Construction Standard found at 29 CFR ~~1926.58~~ 1926.1101; and
 - f. OSHA Hazard Communication Standard found in 29 CFR 1926.59.
20. A review of key aspects of the *accredited asbestos training course program*.

18 VAC 15-20-840. [No change from proposed.]

18 VAC 15-20-850. [No change from proposed.]

18 VAC 15-20-860. Project monitor training.

A. Asbestos abatement project monitors shall complete a five-day (40 hours) [~~accredited asbestos~~] training ~~course program~~ as outlined below. All training ~~courses programs~~ shall be approved by the ~~department board~~. The *accredited asbestos training course program* shall include ~~lecture lectures~~, demonstrations, ~~course training program~~ review, examination, and at least six hours of hands-on training which allows project monitors the experience of performing actual tasks associated with asbestos project monitoring. Those applicants who hold current [~~supervisors supervisor~~] or project [~~designers designer~~] ~~certification accreditation~~ need not complete the entire 40-hour *accredited asbestos training course program*, but may complete the 16-hour portion of the ~~course beginning at topic number 14 training program~~ described in subdivision B 1 of this section and take the examination. The comprehensive 40-hour *accredited*

asbestos project monitor training course program shall address the following topics:

1. The physical characteristics of asbestos and asbestos-containing materials.
 - a. Identification of asbestos.
 - b. Typical uses and locations in buildings, physical appearance.
 - c. A review of hazard assessment control options.
 - d. A summary of abatement control options.
2. Potential health effects related to asbestos exposure.
 - a. The nature of asbestos-related diseases.
 - b. Routes of exposure, dose-response relationships and the lack of a safe exposure level.
 - c. Synergism between cigarette smoking and asbestos exposure.
 - d. Latency period for disease; a discussion of the relationship between asbestos exposure and asbestosis, lung cancer, mesothelioma, and cancer of the other organs.
3. Employee personal protective equipment.
 - a. Classes and characteristics of respirator types.
 - b. Limitations of respirators and their proper selection, inspection, donning, use, maintenance and storage procedures.
 - c. Methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests).
 - d. Qualitative and quantitative fit testing procedures.
 - e. Variability between field and laboratory protection factors.
 - f. Factors that alter respirator fit (e.g., facial hair, dental work, weight loss or gain).
 - g. The components of a proper respiratory protection program.
 - h. Selection and uses of personal protective clothing; use, storage, and handling of nondisposable clothing.
 - i. Regulations covering personal protection equipment.
4. State of the art work practices.
 - a. Work practices for asbestos abatement activities including description of proper construction and maintenance barriers and decontamination enclosure systems.
 - b. Positioning of warning signs.
 - c. Electrical and ventilation system lock-out.
 - d. Working techniques for minimizing fiber release, use of wet methods, use of negative pressure ventilation equipment, use of high efficiency particulate air (HEPA) vacuums. Entry and exit procedures for work area.

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- e. Clean-up and disposal procedures.
 - f. Work practices for removal, encapsulation, enclosure and repair. Use of glove bags and a demonstration of glove bag use.
 - g. Emergency procedures for sudden release.
 - h. Potential exposure situations.
 - i. Transport and disposal procedures.
 - j. Recommended and prohibited work practices.
 - k. Discussion of new abatement related techniques and methodologies.
5. Personal hygiene.
- a. Entry and exit procedures for the work area; use of showers; avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the work area.
 - b. Potential exposures, such as family exposure, shall also be included.
6. Additional safety hazards as covered in OSHA CFR *Parts* 1926 and 1910 to include:
- a. Hazards encountered during the abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants other than asbestos, fire, and explosion hazards;
 - b. Scaffold and ladder hazards;
 - c. Slips, trips and falls; and
 - d. Confined spaces.
7. Medical monitoring. OSHA requirements for a pulmonary function test, chest x-rays and a medical history for each employee.
8. Respiratory protection programs and medical surveillance programs.
9. Insurance and liability issues:
- a. Contractor issues, worker's compensation coverage, and exclusions.
 - b. Third-party liabilities and defenses.
 - c. Insurance coverage and exclusions.
10. Relevant federal, state and local regulatory requirements, procedures and standards including:
- a. Requirements of TSCA Title II;
 - b. 40 CFR *Part* 61 National Emission Standards for Hazardous Air Pollutants, Subparts A (General Provisions) and M (National Emission Standards for Asbestos);
 - c. OSHA Standards for ~~permissible exposure to airborne concentrations of asbestos fibers and respiratory protection~~ (29 CFR 1910.134);
 - d. OSHA Asbestos Construction Standard (29 CFR ~~1926.58~~ 1926.1101);
 - e. OSHA Hazard Communication Standard (29 CFR 1926.59);
 - f. ~~USEPA~~ Worker Protection Rule, 40 CFR *Part* 763, ~~Subpart G~~;
 - g. Requirements of Asbestos-Containing Waste Materials, 9 VAC 20-80-640;
 - h. DOT 49 CFR *Parts* 171 and 172 Subpart H; and
 - i. Virginia asbestos licensing regulations.
- B. The material outlined below encompasses the 16-hour *accredited asbestos project monitor training course program*. Those applicants who are currently accredited as supervisors or project designers need only to complete ~~this~~ *the* 16-hour project ~~monitors course monitor training program~~ and examination. The comprehensive 40-hour project monitor training program includes the preceding topics and continues below.
1. Air monitoring.
 - a. NIOSH Asbestos Monitoring Procedure. Procedures to determine airborne concentration of asbestos fibers, including a description of aggressive sampling, sampling equipment and methods.
 - (1) Explanation of analytical methods, measures of precision, control of errors, collecting ~~measurement~~ samples, fiber counts, sampling and calibration equipment, statistics, quality control techniques in sampling.
 - (2) Review of OSHA Asbestos Regulations 29 CFR *Part* 1926, Subpart F, 1-6.
 - b. Sampling strategy.
 - (1) Why samples are taken.
 - (2) Sampling inside and outside of containment area.
 - (3) Placement of pumps.
 - c. Reasons for air monitoring.
 - d. Types of samples and interpretation of results, specifically from analysis performed by polarized light, phase-contrast, and electron microscopy analyses.
 - e. Final clearance.
 2. Overview of supervisory techniques for asbestos abatement activities to include the information covered in the *accredited asbestos supervisor's supervisor training course program*. A review of the required work practices and safety considerations.
 3. Field Trip.
 - a. Visit a proposed abatement site or other suitable building site, including on-site discussions of abatement design.
 - b. Building walk-through inspection and discussion following the walk through.
 4. Fiber aerodynamics and control.
-

- a. Aerodynamic characteristics of asbestos fibers.
 - b. Importance of proper containment barriers.
 - c. Settling time for asbestos fibers.
 - d. Wet methods in abatement.
 - e. Aggressive air monitoring following abatement.
 - f. Aggressive air movement and negative pressure exhaust ventilation as a clean-up method.
5. Project specifications. Discussion of key elements that are included in contract specifications.
- a. Means and methods specifications versus performance specifications.
 - b. Considerations for design of abatement in occupied buildings.
 - c. Worker and building occupant health/medical considerations.
 - d. Replacement of ACM with nonasbestos substitutes.
 - e. Clearance of work area after abatement.
 - f. Use of as-built drawings.
 - g. Use of inspection photographs and on-site reports.
 - h. Particular problems in abatement drawings.
6. Conducting inspections.
- a. Inspection prior to containment to assure condition of items and proper precleaning.
 - b. Inspection of containment prior to commencement of abatement to assure that containment is complete and proper.
 - c. Daily work and containment inspections.
 - d. Final visual inspection and a discussion of the ASTM E1368 method.
7. Recordkeeping and documentation.
- a. Project logs.
 - b. Inspection reports.
 - c. Waste shipment record requirements (WSR).
 - d. Recordkeeping required by federal, state or local regulations.
 - e. Recordkeeping required for insurance purposes.
8. Role of project monitor in relation to:
- a. Building owner,
 - b. Building occupants,
 - c. Abatement contractor, and
 - d. Other consultants.
9. Occupied buildings.
- a. Special procedures recommended in occupied buildings.
 - b. Extra monitoring recommendations.
10. A review of NESHAP Guidance Documents.
- ~~a. Common Questions on the Asbestos NESHAP.~~
 - ~~b. Asbestos NESHAP: Regulated Asbestos-containing Materials Guidance (EPA 340/1-90-018).~~
 - ~~c. Asbestos NESHAP: Adequately Wet Guidance (EPA 340/1-90-019).~~
11. A review of key aspects of the *accredited asbestos training course program*.
12. Examination.
- 18 VAC 15-20-870. [No change from proposed.]**
- 18 VAC 15-20-880. Refresher training *course program*.**
- A. [*The*] *accredited asbestos project monitor refresher training program* shall be one day (eight hours) [*in length*] . The ~~*course training program*~~ shall review federal and state regulations, discuss changes to the regulations, if applicable, and review developments in state-of-the-art procedures. A review of the following topics from the initial *accredited asbestos project monitor training course program* shall be included in the asbestos project monitor refresher training ~~*course program*~~:
- 1. State-of-the-art work practices;
 - 2. Occupied buildings;
 - 3. Employee personal protective equipment;
 - 4. Fiber aerodynamics and control; and
 - 5. Recordkeeping and documentation.
- B. The use of exercises to encourage interactive learning and participation is suggested. These exercises may take the form of reviewing inspection reports, a video or photo walk-through of a building to determine a sampling strategy, a review of a mock-up abatement area to determine that containment is adequate, or review of a mock-up abatement area where a visual inspection may be performed.
- C. A written closed-book examination will be administered covering the topics included in the asbestos project monitor refresher ~~*courses training program*~~. The examination will consist of no fewer than 50 questions. The passing score will be 70% correct. Persons who pass the asbestos project monitor refresher training ~~*course program*~~ examination will receive a Certificate of Completion as specified in ~~18 VAC 15-20-490~~ *this chapter*.

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18 VAC 15-20-890 through 18 VAC 15-20-960. [No change from proposed.]

NOTICE: The forms used in administering 18 VAC 15-20, Virginia Asbestos Licensing Regulations, are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

**PART XVII.
FEE SCHEDULE.**

FORMS

[~~Application for Asbestos Contractor License (Revised 1/97).~~

~~Application for Asbestos Licensing.~~

~~Application for Training Course Approval.~~

~~Asbestos Licensing Application, Form A.~~

~~Verification of Degree Granted.~~

~~Instruction Sheets.~~

Asbestos License Application Instructions, 33AINS (eff. 10/30/01).

Asbestos License Application, 33ALIC (eff. 10/30/01).

Experience Verification, 33AEXPED (eff. 10/30/01).

Education Verification, 33AEXPED (eff. 10/30/01).

Virginia Asbestos Licensing Consumer Information Sheet, 33ACIS (eff. 10/30/01).

Inspector/Project Designer Contractor Disclosure Form, 33ADIS (eff. 10/30/01).

Asbestos Contractor License Application, 33ACON (eff. 10/30/01).

Asbestos Analytical Laboratory License Application, 33ALAB (eff. 10/30/01).

Asbestos Training Program Review and Audit Application, 33ACRS (eff. 10/30/01); w/instructions, 33ACRSRQ (eff. 10/30/01).]

VA.R. Doc. No. R00-185; Filed November 8, 2001, 9:20 a.m.



FORMS

TITLE 9. ENVIRONMENT

VIRGINIA WASTE MANAGEMENT BOARD

EDITOR'S NOTICE: The following form has been revised by the Virginia Waste Management Board. The form is available for public inspection at the Virginia Waste Management Board, Department of Environmental Quality, 629 East Main Street, Richmond, VA 23219. Copies of the form may be obtained from Cindy Berndt, Department of Environmental Quality, 629 East Main Street, Richmond, VA 23219, telephone (804) 698-4378.

Title of Regulation: **9 VAC 20-130. Regulations for the Development of Solid Waste Management Plans.**

FORMS

Locality Recycling Rate Report, DEQ Form 50-30 (~~eff. 8/24/04~~ rev. 10/12/01).

STATE WATER CONTROL BOARD

EDITOR'S NOTICE: The following forms have been revised or added by the State Water Control Board. The forms are available for public inspection at the State Water Control Board, Department of Environmental Quality, 629 East Main Street, Richmond, VA 23219. Copies of the forms may be obtained from Cindy Berndt, Department of Environmental Quality, 629 East Main Street, Richmond, VA 23219, telephone (804) 698-4378.

Title of Regulation: **9 VAC 25-31. Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation.**

FORMS

VPDES Sewage Sludge Permit Application Form with instructions (rev. 2000).

Application Form 1--General Information, Consolidated Permits Program, EPA Form 3510-1 (June 1980).

~~National Pollutant Discharge Elimination System Application for Permit to Discharge Wastewater, Standard Form A--Municipal, EPA Form 7550-22 (7-73).~~

~~Virginia Pollutant Discharge Elimination System (VPDES) Application for a Permit to Discharge Wastewater, Short Form A, EPA Form 7550-6 (1-73).~~

Virginia State Water Control Board Fish Farm Questionnaire (July 1996).

Application Form 2A--NPDES Form 2A Application for Permit to Discharge Municipal Wastewater, EPA Form 3510-2A (eff. 1/99).

Application Form 2C--Wastewater Discharge Information, Consolidated Permits Program, EPA Form 3510-2C (rev. February 1985).

Application Form 2D--New Sources and New Dischargers: Application for Permit to Discharge Process Wastewater, EPA Form 3510-2D (September 1986).

Application Form 2E--Facilities Which Do Not Discharge Process Wastewater, EPA Form 3510-2E (September 1986).

Form 2F NPDES, Application for Permit to Discharge Stormwater, Discharges Associated with Industrial Activity, EPA Form 3510-2F (November 1990).

Local Government Ordinance Form (eff. 2000).



GENERAL NOTICES/ERRATA

STATE CORPORATION COMMISSION

November 2, 2001

Bureau of Insurance

November 1, 2001

ADMINISTRATIVE LETTER 2001-10

TO: All Entities Licensed by and/or Reporting to the Bureau of Insurance

RE: Executive Order Blocking Property and Prohibiting Transactions With Persons Who Permit, Threaten to Commit, or Support Terrorism

In response to the terrorist attacks in New York, Pennsylvania, and at the Pentagon on September 11, 2001, President Bush issued an executive order, effective September 24, 2001, which provides that all property and interests in property of the persons and entities described in the Executive Order or listed in the Annex to the Order that are either in the United States or that come into the United States, or that come within the possession or control of United States persons are blocked. This includes, but is not limited to, the making or receiving of any contribution of funds, goods, or services to or for the benefit of those persons or entities described in the Order, or listed in the Annex to the Order, or otherwise determined to be subject to the Order.

The purpose of this administrative letter is to advise all entities regulated by, or reporting to, the Bureau of Insurance to become familiar with their obligations under the Executive Order. I am requesting that all insurers provide copies of this administrative letter to their appointed agents in Virginia and, most importantly, to any of their employees or representatives responsible for the payment of claims or benefits to policyholders, claimants, or beneficiaries, as well as policy loans and loan payments. All companies should review their records for any information that may be relevant to the Executive Order.

Companies should also review the United States Department of the Treasury, Office of Foreign Assets Control, web site, www.treas.gov/ofac, which contains the Executive Order, the annex to the Order, and other valuable information. The web site will also provide additional updated information regarding the Order and the Annex, as it becomes available. Special notice should be taken of the web site document titled Foreign Assets Control Regulations and the Insurance Industry. This document explains the obligations of the insurance industry under the Executive Order and provides instructions for ensuring compliance. Questions regarding the Executive Order should be directed to the Office of Foreign Assets Control. Entities found to have violated this Executive Order may be subject to sanction.

/s/ Alfred W. Gross
Commissioner of Insurance

ADMINISTRATIVE LETTER 2001-11

TO: All Health Maintenance Organizations Licensed in Virginia

RE: 14 VAC 5-210-80 B 2 - Notice of Termination upon Loss of Eligibility for Coverage

The purpose of this Administrative Letter is to inform all Health Maintenance Organizations (HMOs) how the requirement in 14 VAC 5-210-80 B 2 will be enforced by the Bureau of Insurance (the Bureau).

14 VAC 5-210-80 B 2 states:

No health maintenance organization shall terminate coverage for services provided under a contract without giving the subscriber written notice of termination which shall be effective at least 31 days from the date of mailing or, if not mailed, from the date of delivery, except that:

(a) For termination due to non-payment of premium, the grace period as required in 14 VAC 5-210-100 B 17 of this chapter shall apply; and

(b) For termination due to activities which endanger the safety and welfare of the health maintenance organization or its employees or providers, immediate notice of termination may be given.

In the majority of cases, it is the contractholder's responsibility to inform the HMO when there is a change in a subscriber's eligibility status. The conditions for termination of eligibility, such as divorce, death, change in student status or termination of employment, are disclosed in the Evidence of Coverage (EOC) issued to the subscriber. It is the Bureau's position that the requirements in 14 VAC 5-210-80 B 2 relating to the deferral of the termination date for 31 days from the date of mailing or delivery of notice of termination are not applicable to circumstances pertaining to loss of eligibility for coverage resulting from status changes. Therefore, the Bureau will not require that an HMO delay the termination date as described in 14 VAC 5-210-80 B when a change in a subscriber's status results in loss of eligibility under the terms disclosed in his or her EOC. This position relates solely to the circumstances described above, and is in no way intended to permit carriers to administratively change any conditions specified in the EOC relating to eligibility for or termination of coverage.

The Bureau may have disapproved forms from HMOs that did not include a provision for a written notice of termination effective at least thirty-one (31) days from the date of the notice or its mailing for loss of eligibility described above. Any carrier that has received a disapproval of forms for this reason may contact this office for prompt reconsideration of its filings.

Questions or comments regarding this letter, as well as requests for reconsideration of previous disapprovals as described above, may be directed to: Edward Whyte, Senior Insurance Market Examiner, Forms and Rates Section, Life

and Health Division, Bureau of Insurance, P.O. Box 1157,
Richmond, VA 23218, telephone (804) 371-9594.

/s/ Alfred W. Gross
Commissioner of Insurance

VIRGINIA CODE COMMISSION

Notice to State Agencies

Mailing Address: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, FAX (804) 692-0625.

Forms for Filing Material for Publication in *The Virginia Register of Regulations*

All agencies are required to use the appropriate forms when furnishing material for publication in *The Virginia Register of Regulations*. The forms may be obtained from: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

Internet: Forms and other Virginia Register resources may be printed or downloaded from the Virginia Register web page: <http://legis.state.va.us/codecomm/register/regindex.htm>

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 OBJECTIONS - RR08

ERRATA

STATE BOARD OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

Title of Regulation: **12 VAC 35-115. Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation and Substance Abuse Services.**



Publication: 18:3 VA.R. 391-414 October 22, 2001

Correction to Final Regulation:

Page 413, 12 VAC 35-115-250 E 1 c, delete "the effective date of these regulations" and insert "November 21, 2001,"


CALENDAR OF EVENTS

Symbol Key

-  Location accessible to persons with disabilities
-  Teletype (TTY)/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. If you are unable to find a meeting notice for an organization in which you are interested, please check the Commonwealth Calendar at www.vipnet.org or contact the organization directly.


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) 698-1500 or Senate Information and Constituent Services at (804) 698-7410 or (804) 698-7419/TTY , or visit the General Assembly web site's Legislative Information System (<http://leg1.state.va.us/lis.htm>) and select "Meetings."

VIRGINIA CODE COMMISSION

EXECUTIVE

BOARD OF AGRICULTURE AND CONSUMER SERVICES

December 6, 2001 - 9 a.m. -- Open Meeting

Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia. 

New board members will participate in an orientation on Wednesday, December 5, 2001, at 1 p.m. The board will meet on December 6 to discuss issues related to Virginia agriculture and consumer services. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Roy Seward at least five days before the meeting date so that suitable arrangements can be made.

Contact: Roy E. Seward, Board Secretary, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Richmond, VA 23219, telephone (804) 786-3538, FAX (804) 371-2945, e-mail jknight@vdacs.state.va.us.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

March 14, 2002 - 10 a.m. -- Public Hearing


Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia.

February 8, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Agriculture and Consumer Services intends to amend regulations entitled: **2 VAC 5-400. Rules and Regulations for the Enforcement of the Virginia Fertilizer Law.** The purpose of the proposed amendments is to ensure that: (i) regulated products are properly formulated and labeled; (ii) the manufacturer's recommendations for use of these regulated products are in accordance with methods and

procedures that enhance the safety, quality and quantity of the food supply for both humans and animals; (iii) guidelines are established for the methods used to provide verification of labeling claims for regulated products; and (iv) assessments against the manufacturer of a product is deficient when compared to its guarantee, or that is not properly labeled and thus has caused a negative economic impact on a consumer, are paid to the consumer when he may be identified. The amendments also include changes needed to make the regulation compatible with the 1994 changes to the Virginia Fertilizer Act.

Statutory Authority: § 3.1-106.4 of the Code of Virginia.

Contact: J. Alan Rogers, Program Manager, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23218, telephone (804) 786-2476, FAX (804) 786-1571 or (804) 828-1120/TTY 

* * * * *

March 14, 2002 - 10 a.m. -- Public Hearing

Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia.

February 8, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 that the State Board of Agriculture and Consumer Services intends to amend regulations entitled: **2 VAC 5-610. Rules Governing the Solicitation of Contributions.** The purpose of the proposed regulatory action is to amend the regulation to conform with amendments to the Virginia Solicitation of Contributions Law relating to (i) the annual registration process and exemption to such registration, (ii) rules governing a professional solicitor, and (iii) general provisions relating to disclosure requirements by for-profit organizations and the use of private mailboxes by the regulated entities.

Statutory Authority: § 57-66 of the Code of Virginia.

Contact: Andy Alvarez, Program Manager, Office of Consumer Affairs, Department of Agriculture and Consumer Services, 1100 Bank St., Suite 1101, Richmond, VA 23219,

telephone (804) 786-1381, FAX (804) 786-5112, toll-free 1-800-9963 or 1-800-828-1120/TTY ☎

Consumer Affairs Advisory Committee

† **December 3, 2001 - 9:30 a.m.** -- Open Meeting
Washington Building, 1100 Bank Street, Second Floor, Board Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The advisory committee communicates the views and interests of Virginians on issues related to the Department of Agriculture and Consumer Services' consumer education and fraud prevention programs and their availability to citizens. Members will review the consumer education outreach efforts for the past six months and assist with planning for events in 2002. The committee will make recommendations for appointment to the citizen member positions whose terms are due to expire December 31, 2001, and will elect a chairperson for 2002. The members will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs accommodations in order to participate at the meeting should contact Evelyn A. Jez at least five days before the meeting date so that suitable arrangements can be made.

Contact: Evelyn A. Jez, Consumer Affairs Specialist, Department of Agriculture and Consumer Services, 1100 Bank St., Suite 1101, Richmond, VA, telephone (804) 786-1308, FAX (804) 786-5112, toll-free (800) 552-9963, (800) 828-1120/TTY ☎

Virginia Corn Board

December 13, 2001 - 9 a.m. -- Open Meeting
Parker Ridge, 6311 Courthouse Road, Providence Forge, Virginia. ♿

A meeting to hear and approve previous meeting minutes, review checkoff revenues, and the financial status resulting from the sale of the 2001 Virginia corn crop. Reports will be heard from the chairman, board member representation to the U.S. Grains Council, the National Corn Growers Association, and the Virginia Corn Growers Association. In addition, the nomination and election of 2002 officers will take place at this meeting. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Philip Hickman at least five days before the meeting date so that suitable arrangements can be made.

Contact: Philip T. Hickman, Program Director, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 1005, Richmond, VA 23219, telephone (804) 371-6157, FAX (804) 371-7786.

Virginia Soybean Board

† **December 3, 2001 - 1 p.m.** -- Open Meeting
Radisson Fort Magruder Hotel and Conference Center, 6945 Pocahontas Trail, Williamsburg, Virginia. ♿

A meeting to discuss checkoff revenues resulting from the sale of the 2001 Virginia soybean crop and approve previous meeting minutes. Fairly good growing conditions coupled with low prices will be a major topic of discussion. In addition, reports will be heard from the Chairman, the Program Director, United Soybean Board representative, and the Virginia Soybean Association. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs accommodations in order to participate at the meeting should contact Philip T. Hickman at least five days before the meeting date so that suitable arrangements can be made.

Contact: Philip T. Hickman, Program Director, Department of Agriculture and Consumer Services, 1100 Bank St., Room 1005, Richmond, VA 23219, telephone (804) 371-6157, FAX (804) 371-7786.

STATE AIR POLLUTION CONTROL BOARD

December 7, 2001 - 9 a.m. -- Public Hearing
Department of Environmental Quality, 600 East Main Street, Lower Level, Conference Room, Richmond, Virginia.

December 24, 2001 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled: **Regulations for the Control and Abatement of Air Pollution (Rev. G00)**.

9 VAC 5-40. Existing Stationary Sources (repealing 9 VAC 5-40-160 through 9 VAC 5-40-230).

9 VAC 5-50. New and Modified Stationary Sources (repealing 9 VAC 5-50-160 through 9 VAC 5-50-230).

9 VAC 5-60. Hazardous Air Pollutants (adding 9 VAC 5-60-200 through 9 VAC 5-60-270 and 9 VAC 5-60-300 through 9 VAC 5-60-370).

The purpose of the proposed amendments is to (i) reduce the number of regulated pollutants to those regulated under the federal program, and (ii) exempt from applicability those sources that are subject to a federal hazardous air pollutant standard. This action will integrate the state's program more logically with the federal Clean Air Act and transfers the standards from 9 VAC 5-40 and 9 VAC 5-50 into 9 VAC 5-60.

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Contact: Dr. Kathleen Sands, Policy Analyst, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4413, FAX (804) 698-4510, toll-free 1-800-592-5482 or (804) 698-4021/TTY ☎

† **December 18, 2001 - 7 p.m.** -- Public Hearing
Frances Redwood Center, Arvonnia, Virginia. ♿ (Interpreter for the deaf provided upon request)

A public hearing to receive comments on the proposed draft permit for Tenaska Virginia II Partners, L.P. to

Calendar of Events

construct and operate a combined cycle power plant 1.5 miles southeast of New Canton, near Route 670 in Buckingham County.

Contact: S. Margaret Key, State Air Pollution Control Board, 7705 Timberlake Rd., Lynchburg, VA 24502, telephone (434) 582-5120, e-mail smkey@deq.state.va.us.

* * * * *

December 21, 2001 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled: **9 VAC 5-80. Permits for Stationary Sources (Rev. D00)**. The purpose of the proposed amendments is to (i) revise the emission reduction offset ratio, (ii) provide for state-only permit terms and conditions, (iii) clarify the regulation's applicability, and (iv) make the regulation consistent with the other new source review regulations.

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Contact: Karen G. Sabasteanski, Policy Analyst, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426, FAX (804) 698-4510, toll-free 1-800-592-5482 or (804) 698-4021/TTY ☎

* * * * *

† **January 3, 2002 - 2 p.m.** -- Public Hearing
Department of Environmental Quality, Northern Virginia Regional Office, 13901 Crown Court, Woodbridge, Virginia.

January 21, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 that the State Air Pollution Control Board intends to adopt regulations entitled: **9 VAC 220. Variance for Rocket Motor Test Operations at Atlantic Research Corporation Orange County Facility; 9 VAC 5-221. Variance for Rocket Motor Test Operations at Atlantic Research Corporation Gainesville Facility**. Two variances are proposed to be granted to the Atlantic Research Corporation for rocket motor test operations. One variance is for the facility in Orange County, Virginia, from the opacity standard for new sources specified in 9 VAC 5-50-80. The other variance is for the facility in Gainesville (Prince William County), Virginia, from the opacity standard for existing sources specified in 9 VAC 5-40-80. The variances are proposed to be granted in consideration of the two facilities' effective limitation of the emissions of particulate matter from rocket motor test operations to 714 pounds per hour in lieu of the opacity limitations.

Statutory Authority: § 10.1-1307 C of the Code of Virginia.

Contact: Dr. Kathleen R. Sands, Policy Analyst, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone

(804) 698-4413, FAX (804) 698-4510, toll-free 1-800-592-5482 or (804) 698-4021/TTY ☎

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January 7, 2002 - Public comments may be submitted this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled: **9 VAC 5-91. Regulation for the Control of Motor Vehicle Emissions in Northern Virginia (Rev. MG)**. The purpose of the proposed amendments is to conform the regulation to state law and federal Clean Air Act requirements for the testing of emissions from motor vehicles located or primarily operated in Northern Virginia.

Statutory Authority: § 46.2-1180 of the Code of Virginia.

Public comments may be submitted until November 13, 2001, to Director, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240.

Contact: Mary E. Major, Environmental Program Manager, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4423, FAX (804) 698-4510, toll-free 1-800-592-5482 or (804) 698-4021/TTY ☎

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS

December 5, 2001 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Certified Interior Designers Section. Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail apelsla@dpor.state.va.us.

December 13, 2001 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the department at least 10 days prior to the meeting so that

suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail apelsla@dpor.state.va.us.

ART AND ARCHITECTURAL REVIEW BOARD

December 7, 2001 - 10 a.m. -- Open Meeting
Science Museum of Virginia, 2500 West Broad Street, Forum Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A monthly meeting to review projects submitted by state agencies.

Contact: Richard L. Ford, AIA, Chairman, Art and Architectural Review Board, 1011 E. Main St., Room 221, Richmond, VA 23219, telephone (804) 643-1977, FAX (804) 643-1981, (804) 786-6152/TTY ☎

VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

† **December 11, 2001 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A meeting to consider proposed regulations for home inspectors.

Contact: David Dick, Assistant Director, Virginia Board for Asbestos, Lead, and Home Inspectors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail asbestos@dpor.state.va.us.

COMPREHENSIVE SERVICES FOR AT-RISK YOUTH AND FAMILIES

State Executive Council

December 19, 2001 - 9 a.m. -- Open Meeting
Department of Social Services, 730 East Broad Street, Lower Level, Training Room 1, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. An agenda will be posted on the web (<http://www.csa.state.va.us>) a week prior to the meeting.

Contact: Alan G. Saunders, Director, Comprehensive Services for At-Risk Youth and Families, 1604 Santa Rosa Rd., Suite 137, Richmond, VA 23229, telephone (804) 662-9815, FAX (804) 662-9831, e-mail AGS992@central.dss.state.va.us.

VIRGINIA AVIATION BOARD

† **December 11, 2001 - 3 p.m.** -- Open Meeting
† **December 12, 2001 - 9 a.m.** -- Open Meeting
Wyndham Hotel, Richmond Airport, 4700 South Laburnum Avenue, Richmond, Virginia. ♿

A regular bimonthly meeting. Applications for state funding will be presented to the board and others matters of interest to the Virginia aviation community will be discussed. Individuals with disabilities should contact Carolyn Toth 10 days prior to the meeting if assistance is needed.

Contact: Carolyn Toth, Administrative Assistant, Virginia Aviation Board, 5702 Gulfstream Rd., Richmond, VA 23250, telephone (804) 236-3637, FAX (804) 236-3625, toll-free (800) 292-1034, (804) 236-3624/TTY ☎, e-mail toth@doav.state.va.us.

BOARD FOR BARBERS AND COSMETOLOGY

December 3, 2001 - 8:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A general business meeting to consider adoption of proposed regulations.

Contact: Karen W. O'Neal, Regulatory Programs Coordinator, Board for Barbers and Cosmetology, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail oneal@dpor.state.va.us.

BOARD FOR THE BLIND AND VISION IMPAIRED

† **January 15, 2002 - 1 p.m.** -- Open Meeting
Department for the Blind and Vision Impaired, 397 Azalea Avenue, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The Board for the Blind and Vision Impaired is an advisory board responsible for advising the Governor, the Secretary of Health and Human Resources, the Commissioner, and the General Assembly in the delivery of public services to the blind and the protection of their rights. The board also reviews and comments on policies, budget and request for appropriations for the department. At this regular meeting, the board will review information regarding department activities and operations, review expenditures from the board's endowment fund, and discuss other issues raised for the board members.

Contact: Katherine C. Proffitt, Administrative Staff Assistant, Department for the Blind and Vision Impaired, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3145, FAX (804) 371-3145, toll-free (800) 622-2155, (804) 371-3140/TTY ☎, e-mail proffikc@dbvi.state.va.us.

Calendar of Events

BOARD FOR BRANCH PILOTS

NOTE: CHANGE IN MEETING TIMES

December 4, 2001 - 8 a.m. -- Open Meeting

December 5, 2001 - 8 a.m. -- Open Meeting

December 11, 2001 - 9 a.m. -- Canceled

December 12, 2001 - 9 a.m. -- Canceled

Virginia Pilot Association, 3329 Shore Drive, Virginia Beach, Virginia. (Interpreter for the deaf provided upon request)

Meetings to conduct examinations and renewals. Persons who desire to participate in a meeting and require special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY, e-mail branchpilots@dpor.state.va.us.

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† **December 11, 2001 - 9:30 a.m.** -- Public Hearing
Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia. (Interpreter for the deaf provided upon request)

† **February 1, 2002** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board for Branch Pilots intends to amend regulations entitled: **18 VAC 45-10. Public Participation Guidelines.** The proposed amendments allow the board to accept requests to be placed on a notification list, and to notify PPG list members, via electronic means. Other changes which may be necessary will be considered.

Statutory Authority: §§ 2.2-4007 and 54.1-902 of the Code of Virginia.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY, e-mail branchpilots@dpor.state.va.us.

December 11, 2001 - 9:30 a.m. -- Open Meeting
Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia. (Interpreter for the deaf provided upon request)

A meeting to conduct board business. Persons who desire to participate in the meeting and require special accommodations or interpreter services should contact the department at least 10 days prior to this meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY, e-mail branchpilots@dpor.state.va.us.

CEMETERY BOARD

† **February 26, 2002 - 9:30 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A general business meeting.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA, telephone (804) 367-8552, FAX (804) 367-2475, e-mail oneal@dpor.state.va.us.

CHARITABLE GAMING COMMISSION

December 18, 2001 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A commission meeting; agenda to be announced.

Contact: Frances C. Jones, Administrative Staff Assistant, Charitable Gaming Commission, 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 786-3014, FAX (804) 786-1079, e-mail jones@cgc.state.va.us.

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

† **December 10, 2001 - 10 a.m.** -- Open Meeting
James Monroe Building, Main Level, 101 North 14th Street, Conference Room C, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to conduct general business including review of local Chesapeake Bay Preservation Area programs and to consider final adoption of amendments to the Chesapeake Bay Preservation Area Designation and Management Regulations. Public comment will be taken during the meeting. Following lunch, the board will receive presentations from the agriculture and forestry industries on what they are doing to protect the environment.

Contact: Carolyn J. Elliott, Administrative Assistant, Chesapeake Bay Local Assistance Board, James Monroe Bldg., 17th Floor, 101 N. 14th St., Richmond, VA 23219, telephone (804) 371-7505, FAX (804) 225-2447, toll-free (800) 243-7229, (800) 243-7229/TTY, e-mail celliott@cblad.state.va.us.


CHILD DAY-CARE COUNCIL

December 7, 2001 - Public comments may be submitted until this date.


Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Child Day-Care Council intends to amend regulations entitled: **22 VAC 15-10. Public Participation Guidelines.** The purpose of the proposed amendments is to provide for electronic transmission of information and make changes for clarity, especially regarding the responsibilities of the Child Day-Care Council and Department of Social Services.

Statutory Authority: § 63.1-202.1 of the Code of Virginia.


Contact: Arlene Kasper, Program Development Consultant, Division of Licensing Programs, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1791 or FAX (804) 692-2370.

† **December 13, 2001 - 9 a.m.** -- Open Meeting
Theater Row Building, Department of Social Services, 730 East Broad Street, Conference Room 1, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss issues and concerns that impact child day centers, camps, school age programs and preschools/nursery schools. Public comment period will be at noon. Please call ahead for possible changes in meeting time.

Contact: Arlene Kasper, Program Development Consultant, Child Day-Care Council, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1791, FAX (804) 692-2370, toll-free 1-800-828-1120/TTY 


COMMONWEALTH COMPETITION COUNCIL

† **January 2, 2002 - 10 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting.

Contact: Peggy R. Robertson, Executive Assistant, Commonwealth Competition Council, 1500 E. Franklin St., Richmond, VA 23219, telephone (804) 786-0240, FAX (804) 786-1594, e-mail competition@state.va.us.

COMPENSATION BOARD


† **December 18, 2001 - 11 a.m.** -- Open Meeting
Compensation Board, 202 North 9th Street, 10th Floor, Richmond, Virginia. 

A monthly board meeting.

Contact: Cindy P. Waddell, Administrative Staff Assistant, Compensation Board, P.O. Box 710, Richmond, VA 23218, telephone (804) 786-0786, FAX (804) 371-0235, e-mail cwaddell@scb.state.va.us.

DEPARTMENT OF CONSERVATION AND RECREATION

Chippokes Plantation Farm Foundation Board


† **December 3, 2001 - 11:30 a.m.** -- Open Meeting
Smithfield Station, 415 South Church Street, Smithfield, Virginia.  (Interpreter for the deaf provided upon request)

A general business meeting.

Contact: Donna Steward Sharits, Development Manager, Department of Conservation and Recreation, James Monroe Bldg., 101 N. 14th St., 11th Floor, Richmond, VA 23219,

telephone (804) 786-3692, FAX (804) 371-8500, e-mail dsharits@dcr.state.va.us.

Falls of the James Scenic River Advisory Board


December 6, 2001 - Noon -- Open Meeting
Richmond City Hall, 900 East Broad Street, 5th Floor, Planning Commission Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Discussion of river issues. Requests for an interpreter for the deaf should be made two weeks prior to the meeting date.

Contact: Richard Gibbons, Environmental Program Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 756-4132, FAX (804) 371-7899, e-mail rgibbons@dcr.state.va.us.

Board on Conservation and Development of Public Beaches


NOTE: CHANGE IN MEETING DATE

† **January 15, 2002 - 10 a.m.** -- Open Meeting
Hampton City Council Chambers, City Hall, 22 Lincoln Street, Hampton, Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting. Requests for interpreter for the deaf should be made two weeks prior to meeting.

Contact: Leon E. App, Acting Deputy Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-6124, FAX (804) 786-6141, e-mail leonapp@dcr.state.va.us.


Virginia Soil and Water Conservation Board

December 12, 2001 - 9 a.m. -- Open Meeting
Sheraton Norfolk Waterside, 777 Waterside Drive, Norfolk, Virginia. 

A regular business meeting to include a joint meeting with the Virginia Association of Soil and Water Conservation Districts Board of Directors. Requests for an interpreter for the deaf should be made two weeks prior to the meeting.

Contact: Leon E. App, Acting Deputy Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-6124, FAX (804) 786-6141, e-mail leonapp@dcr.state.va.us.

Virginia State Parks Foundation


December 3, 2001 - 10 a.m. -- Open Meeting
Twin Lakes State Park, Cedar Crest Conference Center, Route 2, Green Bay, Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting. Requests for an interpreter for the deaf should be made two weeks prior to the meeting.


Contact: Leon E. App, Acting Deputy Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-6124, FAX (804) 786-6141, e-mail leonapp@dcr.state.va.us.


Calendar of Events

BOARD FOR CONTRACTORS


† **December 7, 2001 - 9 a.m.** -- Open Meeting
Holiday Inn Select, Koger South, 1021 Koger Center Boulevard, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting of the board to address policy and procedural issues and other matters that may require board action. The meeting is open to the public; however, a portion of the board's business may be discussed in closed meeting. The department fully complies with the Americans for Disabilities Act. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Eric L. Olson.


Contact: Eric L. Olson, Assistant Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail olson@dpor.state.va.us.

† **December 8, 2001 - 9 a.m.** -- Open Meeting
Holiday Inn Select, Koger South, 1021 Koger Center Boulevard, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the chairman's committee to discuss policy and procedural issues and other matters which may require board action. The department fully complies with the Americans for Disabilities Act. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Eric L. Olson.


Contact: Eric L. Olson, Assistant Director, Board for Contractors, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail olson@dpor.state.va.us.

BOARD OF CORRECTIONS

† **December 11, 2001 - 10 a.m.** -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. 


A meeting of the Liaison Committee to discuss criminal justice matters that may be presented to the full board.

Contact: Barbara Reyes, Executive Secretary, Board of Corrections, 6900 Atmore Dr., Richmond VA 23225, telephone (804) 674-3288, FAX (804) 674-3509, e-mail reyesbb@vadoc.state.va.us.

† **December 11, 2001 - 1 p.m.** -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. 


A meeting of the Correctional Services and Policy/Regulations Committee to discuss matters that may be presented to the full board.

Contact: Barbara Reyes, Executive Secretary, Board of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3288, FAX (804) 674-3509, e-mail reyesbb@vadoc.state.va.us.

† **December 12, 2001 - 8:30 a.m.** -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. 

A meeting of the Administration Committee to discuss matters that may be presented to the full board.

Contact: Barbara Reyes, Executive Secretary, Board of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3288, FAX (804) 674-3509, e-mail reyesbb@vadoc.state.va.us.


† **December 12, 2001 - 10 a.m.** -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. 

A meeting to discuss correctional matters that are brought before the full board.


Contact: Barbara Reyes, Executive Secretary, Board of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3288, FAX (804) 674-3509, e-mail reyesbb@vadoc.state.va.us.

BOARD OF COUNSELING

Ad Hoc Committee on Substance Abuse Assistants and Counselors

December 7, 2001 - 10 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. 

A meeting of the Ad Hoc Committee on Substance Abuse Assistants and Counselors to continue its work of developing regulations for the certification of substance abuse counseling assistants and amending requirements for certified substance abuse counselors. Public comment will be received at the beginning of the meeting.

Contact: Evelyn B. Brown, Executive Director, Board of Counseling, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9912, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail ebrown@dhp.state.va.us.

CRIMINAL JUSTICE SERVICES BOARD

December 4, 2001 - 8:30 a.m. -- Open Meeting
Virginia State Police Academy, 7700 Midlothian Turnpike, Room 105, Richmond, Virginia.

A meeting of the Committee on Reciprocity to review other state licensing requirements to determine if reciprocity agreements may be signed.

Contact: Judith Kirkendall, Regulatory Coordinator, Criminal Justice Services Board, Eighth St. Office Bldg., 805 E. Broad St., 10th Floor, Richmond, VA 23219, telephone (804) 786-8003, FAX (804) 786-0410, e-mail jkirkendall@dcjs.state.va.us.

December 4, 2001 - 10 a.m. -- Open Meeting
Virginia State Police Academy, 7700 Midlothian Turnpike, Room 105, Richmond, Virginia.

A meeting of the Private Security Services Board.

Contact: Judith Kirkendall, Regulatory Coordinator, Criminal Justice Services Board, Eighth St. Office Bldg., 805 E. Broad St., 10th Floor, Richmond, VA 23219, telephone (804) 786-8003, FAX (804) 786-0410, e-mail jkirkendall@dcjs.state.va.us.


NOTE: CHANGE IN MEETING LOCATION

December 13, 2001 - 9 a.m. -- Public Hearing
Richmond Marriott Hotel, 500 East Broad Street, Capitol Ballroom, Salons 1 and 2, Richmond, Virginia.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Criminal Justice Services Board intends to amend regulations entitled: **6 VAC 20-60. Rules Relating to Compulsory Minimum Training Standards for Dispatchers.** Current minimum training standards were not developed with data from a job task analysis. In November 1998 a job task analysis was conducted statewide to gather data relevant to the job of dispatcher. Minimum training standards were revised based on this data and advisory input.

Statutory Authority: § 9.1-102 of the Code of Virginia.


Contact: Judith Kirkendall, Job Task Analysis Administrator, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-8003 or FAX (804) 786-0410.

December 13, 2001 - 11 a.m. -- Open Meeting
Richmond Marriott Hotel, 500 E. Broad Street, Capitol Ballroom, Salons 1 and 2, Richmond, Virginia. 


A meeting to include the director's report, the report from the Committee on Training, an ICJIS Report, grant considerations, and other pertinent issues relating to public safety. This is the last meeting of 2001.

Contact: Christine Wiedemer, Administrative Staff Assistant to the Director, Criminal Justice Services Board, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-8718, FAX (804) 786-8981, e-mail cwiedemer@dcjs.state.va.us.


BOARD OF DENTISTRY

† **December 7, 2001 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. 


A meeting of the Regulatory/Legislative Committee to consider proposed amendments to its regulations and any other issues as presented on the agenda.

Contact: Sandra Reen, Executive Director, Board of Dentistry, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail sandra_reen@dhp.state.va.us.

DESIGN-BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD

December 20, 2001 - 11 a.m. -- Open Meeting
Virginia War Memorial, 621 S. Belvidere Street, Auditorium, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A monthly meeting to review requests submitted by localities to use design/build or construction management-type contracts. Please contact the Division of Engineering and Buildings to confirm the meeting.

Contact: Freddie M. Adcock, Administrative Assistant, Department of General Services, 805 E. Broad St., Room 101, Richmond, VA 23219, telephone (804) 786-3263, FAX (804) 371-7934, (804) 786-6152/TTY , e-mail fadcock@dgs.state.va.us.

BOARD OF EDUCATION

December 4, 2001 - 9:30 a.m. -- Open Meeting
Henrico County School Board Office, 3820 Nine Mile Road, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A working session of the Accountability Advisory Committee. Public comment will not be received. Persons requesting the services of an interpreter for the deaf should do so in advance.

Contact: Ms. Cam Harris, Department of Education, P.O. Box 2120, 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2102, FAX (804) 225-2524.

December 7, 2001 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Education intends to amend regulations entitled: **8 VAC 20-21. Licensure Regulations for School Personnel.** The purpose of the proposed amendments is to conform the regulations to several recent changes in the Code of Virginia, to add a fourth option for obtaining a division superintendent license, and to expand the licensure and license renewal requirements.

Statutory Authority: § 22.1-298 of the Code of Virginia.

Contact: Dr. Thomas Elliott, Assistant Superintendent, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 371-2522 or FAX (804) 225-2524.

January 10, 2002 - 9 a.m. -- Open Meeting
The Library of Virginia, 800 East Broad Street, Main Floor Conference Room, Richmond, Virginia.

† **January 28, 2002 - 9:30 a.m.** -- Open Meeting
Richmond area; location to be announced.

A work session of the Advisory Board for Teacher Education and Licensure. No public comment will be

Calendar of Events

received. Persons requesting the services of an interpreter for the deaf should do so in advance.

Contact: Dr. Margaret N. Roberts, Office of Policy, Board of Education, P. O. Box 2120, James Monroe Bldg., 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

† **February 28, 2002 - 9 a.m.** -- Open Meeting
Richmond area; location to be announced.

A regular business meeting. Public comment will be received. Persons requesting the services of an interpreter for the deaf should do so in advance.

Contact: Dr. Margaret N. Roberts, Office of Policy, Board of Education, P.O. Box 2120, James Monroe Bldg., 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

DEPARTMENT OF ENVIRONMENTAL QUALITY

† **December 3, 2001 - 7 p.m.** -- Public Hearing
Regional Library, Kings Highway, King George, Virginia. (Interpreter for the deaf provided upon request)

A public hearing to receive comments on a draft permit amendment for the Old King George Sanitary Landfill.

Contact: Geoff Christe, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4283, e-mail gxchriste@deq.state.va.us.

† **December 4, 2001 - 7 p.m.** -- Open Meeting
Auburn High School, 4163 Riner Road, Auditorium, Riner, Virginia.

A meeting on the development of a fecal coliform TMDL for an approximate 5.68 mile segment of Mill Creek in Montgomery County.

Contact: Jay Roberts, Department of Environmental Quality, 3019 Peters Creek Rd., Roanoke, VA 24019, telephone (540) 562-6785, e-mail jaroberts@deq.state.va.us.

† **December 5, 2001 - 7 p.m.** -- Public Hearing
Charlotte County Courthouse Building, Charlotte Courthouse, Virginia. (Interpreter for the deaf provided upon request)

A public hearing to receive comments on a draft permit amendment for the Charlotte County Sanitary Landfill.

Contact: Geoff Christe, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4283, e-mail gxchriste@deq.state.va.us.

† **December 6, 2001 - 7 p.m.** -- Open Meeting
Burnt Chimney Elementary School, 80 Burnt Chimney Road, Gymnasium, Burnt Chimney, Virginia. (Interpreter for the deaf provided upon request)

A meeting on the development of a fecal coliform bacteria TMDL for an approximately 27.97 mile segment of Gills Creek located in Franklin County.

Contact: Jay Roberts, Department of Environmental Quality, 3019 Peters Creek Rd., Roanoke, VA 24019, telephone (540) 562-6785, e-mail jaroberts@deq.state.va.us.

† **December 6, 2001 - 7 p.m.** -- Open Meeting
Bristol, Virginia Utilities Board, 300 Lee Street, Auditorium, Bristol, Virginia. (Interpreter for the deaf provided upon request)

A meeting on the development of a fecal coliform bacteria TMDL for an approximate 5.52 mile segment of Little Creek in Bristol and Washington Counties.

Contact: Nancy T. Norton, Department of Environmental Quality, P.O. Box 1688, Abingdon, VA 24212, telephone (640) 676-4807, e-mail ntnorton@deq.state.va.us.

† **December 12, 2001 - 7 p.m.** -- Public Hearing
Massanutten Regional Library, South Main Street, Harrisonburg, Virginia. (Interpreter for the deaf provided upon request)

A public hearing to receive comments on a draft permit amendment for the Harrisonburg Sanitary Landfill located between Ramblewood Road and Interstate 81 in Harrisonburg.

Contact: Geoff Christe, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4283, e-mail gxchriste@deq.state.va.us.

† **December 13, 2001 - 7 p.m.** -- Public Hearing
Bath County Public Library, Warm Springs, Virginia. (Interpreter for the deaf provided upon request)

A public hearing to receive comments on a draft permit amendment for the Bath County Sanitary Landfill located approximately one mile northwest of Warm Springs off of State Route 611.

Contact: Geoff Christe, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4283, e-mail gxchriste@deq.state.va.us.

† **December 18, 2001 - 7 p.m.** -- Public Hearing
Smyth-Bland Regional Library, 118 Sheffey Street, Public Meeting Room, Marion, Virginia. (Interpreter for the deaf provided upon request)

A public hearing to receive comments on a draft permit amendment to incorporate the groundwater monitoring plan into the Smyth County Landfill permit.

Contact: James Bernard, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4222, e-mail jfbernard@deq.state.va.us.

VIRGINIA FIRE SERVICES BOARD

† **December 6, 2001 - 9 a.m.** -- Open Meeting
Radisson Fort Magruder, 6945 Pocahontas Trail, Williamsburg, Virginia. (Interpreter for the deaf provided upon request)

Meetings of the following committees:

Committee on Fire Education and Training - 9 a.m.

Committee on Administration and Policy - 10 minutes after the conclusion of Fire Education and Training Committee
Committee on Fire Prevention and Control - 10 minutes after the conclusion of Administration and Policy Committee
Committee on Finance - 10 minutes after the conclusion of Fire Prevention and Control Committee

Contact: Christy L. King, Clerk to the Board, Virginia Fire Services Board, James Monroe Bldg., 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220, FAX (804) 371-0219, e-mail cking@vdfp.state.va.us.

† **December 7, 2001 - 9 a.m.** -- Open Meeting
Radisson Fort Magruder, 6945 Pocahontas Trail, Williamsburg, Virginia. (Interpreter for the deaf provided upon request)

Contact Christy King for details.

Contact: Christy L. King, Clerk to the Board, Virginia Fire Services Board, James Monroe Bldg., 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220, FAX (804) 371-0219, e-mail cking@vdfp.state.va.us.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

December 4, 2001 - 1 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia.

A meeting to hold formal hearings. There will not be a public comment period.

Contact: Cheri Emma-Leigh, Administrative Staff Assistant, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA, telephone (804) 662-9907, FAX (804) 662-9523, e-mail CEmma-Leigh@dhp.state.va.us.

December 12, 2001 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia.

A meeting of the Special Conference Committee to hold informal hearings. There will not be a public comment period.

Contact: Cheri Emma-Leigh, Administrative Staff Assistant, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA, telephone (804) 662-9907, FAX (804) 662-9523, e-mail CEmma-Leigh@dhp.state.va.us.

STATE BOARD OF HEALTH

December 7, 2001 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to adopt regulations entitled: **12 VAC 5-615. Authorized Onsite Soil Evaluator Regulations.** These regulations will set forth a program by which the agency may accept private site evaluations and designs, in compliance with the board's regulations for onsite sewage systems, designed and certified by an authorized onsite soil evaluator (AOSE)

or a licensed professional engineer (PE) in consultation with an AOSE.

Statutory Authority: §§ 32.1-163.5 and 32.1-164 of the Code of Virginia.

Contact: Donald J. Alexander, Director, Division Onsite Sewage Water Services, Department of Health, Office of Environmental Health Services, P.O. Box 2448, Room 115, Richmond, VA 23218, telephone (804) 786-1620 or FAX (804) 225-4003.

December 21, 2001 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to adopt regulations entitled: **12 VAC 5-120. Regulations for Testing Children for Elevated Blood-Lead Levels.** The purpose of the proposed regulations is to establish a protocol, based on 1997 guidelines from the federal Centers for Disease Control and Prevention, for testing children for elevated blood-lead levels and reporting laboratory results to the department.

Statutory Authority: § 32.1-46.1 of the Code of Virginia.

Contact: Clayton Pape, Director, Lead Safe Program, Department of Health, 1500 E. Main St., Richmond, VA 23219, telephone (804) 225-4463, FAX (804) 371-6031 or toll-free 1-800-668-7987.

December 21, 2001 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to adopt regulations entitled: **12 VAC 5-475. Regulations Implementing the Virginia Organ and Tissue Donor Registry.** These regulations will create a statewide organ and tissue donor registry that will maintain limited information on Virginians who are willing to donate their organs, eyes and tissues for transplantation or research.

Statutory Authority: § 32.1-292.2 of the Code of Virginia.

Contact: Eileen Guertler, Director, Virginia Transplant Council, Department of Health, 1500 E. Main St., Richmond, VA 23219, telephone (804) 786-5589 or FAX (804) 786-0892.

December 21, 2001 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to amend regulations entitled: **12 VAC 5-520. Regulations Governing the Dental Scholarship and Loan Repayment Program.** The purpose of the proposed action is to provide for administration of the dentist loan repayment program, which was recently established as a

Calendar of Events

complement to the existing scholarship program. The repayment program will provide incentives for dentists to practice in underserved areas of Virginia.

Statutory Authority: §§ 32.1-122.9 and 32.1-122.9:1 of the Code of Virginia.

Contact: Karen Day, Department of Health, 1500 E. Main St., Richmond, VA 23219, telephone (804) 371-4000 or (804) 371-4004.

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† **January 18, 2002** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to repeal regulations entitled: **12 VAC 5-65. Rules and Regulations Governing Emergency Medical Services Do Not Resuscitate Program**, and adopt regulations entitled: **12 VAC 5-66. Regulations Governing Durable Do Not Resuscitate Orders**. The proposed regulation establishes a Durable Do Not Resuscitate (DDNR) Order that follows the patient throughout the entire health care setting.


Statutory Authority: § 54.1-2987.1 of the Code of Virginia.

Contact: David E. Cullen, Jr., Regulation and Compliance Manager, 1538 E. Parham Rd., Richmond, VA 23228, telephone (804) 371-3500, FAX (804) 371-3543, toll-free 1-800-523-6019.


DEPARTMENT OF HEALTH PROFESSIONS

† **December 5, 2001 - 1 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. 


A meeting to consider a recommendation from the Ad Hoc Committee on Release of the Complaint Form. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth A. Carter, Ph.D., Deputy Executive Director, Board of Health Professions, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7691, FAX (804) 662-9504, (804) 662-7197/TTY , e-mail ecarter@dhp.state.va.us.


Health Practitioners' Intervention Program Committee

December 14, 2001 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A meeting to review reports, policies, and procedures. The committee will meet in open session for general discussion of the program, and may meet in executive session to consider specific requests from applicants or participants in the program.

Contact: John W. Hasty, Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9424, FAX (804) 662-9114, (804) 662-9197/TTY 

BOARD FOR HEARING AID SPECIALISTS

† **December 10, 2001 - 8:30 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A general business meeting to consider adoption of proposed regulations.


Contact: Karen W. O'Neal, Regulatory Programs Coordinator, Board for Hearing Aid Specialists, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail oneal@dpor.state.va.us.

DEPARTMENT OF HISTORIC RESOURCES


State Review Board and Historic Resources Board

† **December 5, 2001 - 10 a.m.** -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Auditorium, Richmond, Virginia. 

A quarterly meeting to consider proposed nominations to the Virginia Landmarks Register and to the National Register of Historic Places. Register preliminary applications, state highway markers, and historic preservation easements will also be considered.

Contact: Marc C. Wagner, Register Manager, Department of Historic Resources, 2801 Kensington Ave., Richmond, VA 23221, telephone (804) 367-2323, FAX (804) 367-2391, (804) 367-2386/TTY , e-mail mwagner@dhr.state.va.us.

HOPEWELL INDUSTRIAL SAFETY COUNCIL

† **January 8, 2002 - 9 a.m.** -- Open Meeting
† **February 5, 2002 - 9 a.m.** -- Open Meeting
† **March 5, 2002 - 9 a.m.** -- Open Meeting
Hopewell Community Center, 100 West City Point Road, Hopewell, Virginia.  (Interpreter for the deaf provided upon request)

A Local Emergency Preparedness committee meeting as required by SARA Title III.

Contact: Robert Brown, Emergency Services Coordinator, Hopewell Industrial Safety Council, 300 N. Main St., Hopewell, VA telephone (804) 541-2298.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† **December 11, 2001 - 9 a.m.** -- Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. 

A regular meeting of the Board of Commissioners to review and, if appropriate, approve the minutes from the prior

monthly meeting; consider for approval and ratification mortgage loan commitments under its various programs; review the authority's operations for the prior month; and consider such other matters and take such other actions as they may deem appropriate. Various committees of the Board of Commissioners, including the Programs Committee, the Operations Committee, the Policy Committee, and the Committee of the Whole, may also meet during the day preceding the regular meeting and before and after the regular meeting and may 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) 343-5540, FAX (804) 783-6701, toll-free (800) 968-7837, (804) 783-6705/TTY ☎

BOARD OF JUVENILE JUSTICE

† **January 9, 2002 - 9 a.m.** -- Public Hearing
Department of Juvenile Justice, 700 East Franklin Street, 4th Floor, Richmond, Virginia.

† **February 1, 2002** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Juvenile Justice intends to amend regulations entitled: **6 VAC 35-60. Minimum Standards for Virginia Delinquency Prevention and Youth Development Act Grant Programs.** The amendments implement legislative directions (i) to establish standards for offices on youth addressing goals, objectives, and measures for evaluating effectiveness; and (ii) to shift the focus of those offices from direct service to coordination, planning and evaluation of youth services.

Statutory Authority: §§ 66-10, 66-27 and 66-28 of the Code of Virginia.

Contact: Donald R. Carignan, Regulatory Coordinator, Department of Juvenile Justice, P.O. Box 1110, 700 E. Franklin St., Richmond, VA 23208-1110, telephone (804) 371-0743 or FAX (804) 371-0773.

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† **January 9, 2002 - 9 a.m.** -- Public Hearing
Department of Juvenile Justice, 700 East Franklin Street, Richmond, Virginia.

† **February 1, 2002** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Juvenile Justice intends to amend regulations entitled: **6 VAC 35-150. Standards for Nonresidential Services Available to Juvenile and Domestic Relations District Courts.** The amendments set statewide policy for court service units; require court service units to adhere to standard operating

procedure to ensure uniformity of services; and permit greater flexibility in tailoring the level of services to the degree of risk presented by each case.

Statutory Authority: §§ 16.1-233 C, 16.1-309.2 et seq., and 66-10 of the Code of Virginia.

Contact: Donald R. Carignan, Regulatory Coordinator, Department of Juvenile Justice, P.O. Box 1110, 700 E. Franklin St., Richmond, VA 23208-1110, telephone (804) 371-0743 or FAX (804) 371-0773.

† **January 9, 2002 - 9:30 a.m.** -- Open Meeting
Department of Juvenile Justice, 700 East Franklin Street, 4th Floor, Richmond, Virginia. ♿

The Secure Services Committee and Non-secure Services Committee will receive certification audit reports. Upon the conclusion of committee business the full board will meet to take certification action and receive public comment on proposed amendments to regulations.

Contact: Donald Carignan, Regulatory Coordinator, State Board of Juvenile Justice, P.O. Box 1110, Richmond, VA 23208-1110, telephone (804) 371-0743, e-mail carigndr@djj.state.va.us.

DEPARTMENT OF LABOR AND INDUSTRY

Virginia Apprenticeship Council

December 13, 2001 - 9:30 a.m. -- Open Meeting
Confederate Hills Recreation Building, 302 Lee Avenue, Highland Springs, Virginia. ♿ (Interpreter for the deaf provided upon request)

A general meeting of the Exemption from Examination Subcommittee.

Contact: Beverley Donati, Assistant Program Manager, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2382, FAX (804) 786-8418, (804) 786-2376/TTY ☎, e-mail bgd@doli.state.va.us.

December 13, 2001 - 10 a.m. -- Open Meeting
Confederate Hills Recreation Building, 301 Lee Avenue, Highland Springs, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly meeting.

Contact: Beverley Donati, Assistant Program Manager, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2382, FAX (804) 786-8418, (804) 786-2376/TTY ☎, e-mail bgd@doli.state.va.us.

THE LIBRARY OF VIRGINIA

January 25, 2002 - 7:30 a.m. -- Open Meeting
The Library of Virginia, 800 East Broad Street, Richmond, Virginia. ♿

Calendar of Events

Meetings of the board to discuss matters pertaining to the Library of Virginia and the board. Committees of the board will meet as follows:

7:30 a.m. - Executive Committee, Conference Room B.

8:15 a.m. - Public Library Development Committee, Orientation Room;
Publications and Educational Services Committee, Conference Room B;
Records Management Committee, Conference Room C.

9:30 a.m. - Archival and Information Services Committee, Orientation Room;
Collection Management Services Committee, Conference Room B;
Legislative and Finance Committee, Conference Room C.

10:30 a.m. - Library Board, Conference Room 2M.

Contact: Jean H. Taylor, Executive Secretary to the Librarian, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219-2000, telephone (804) 692-3535, FAX (804) 692-3594, (804) 692-3976/TTY ☎, e-mail jtaylor@lva.lib.va.us.

MARINE RESOURCES COMMISSION

December 18, 2001 - 9:30 a.m. -- Open Meeting
Marine Resources Commission, 2600 Washington Avenue, 4th Floor, Newport News, Virginia. ♿

A monthly meeting.

Contact: Ginny Chappell, Commission Secretary, Marine Resources Commission, 2600 Washington Ave., Newport News, VA 23607, telephone (757) 247-2206, FAX (757) 247-2020, toll-free (800) 541-4646, (757) 247-2292/TTY ☎, e-mail gchappell@mrc.state.va.us.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

December 7, 2001 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **12 VAC 30-110. Eligibility and Appeals (Married and Institutionalized Individuals Eligibility and Patient Pay)**. The purpose of the proposed amendments is to amend the hardship rule definition used to determine Medicaid eligibility for institutionalized individuals who have spouses living in the community.

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

Public comments may be submitted until December 7, 2001, to Pat Sykes, Manager, Policy Division, Department of Medical Assistance Services, 600 East Broad Street, 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) 786-7959 or FAX (804) 786-1680.

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December 7, 2001 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to adopt regulations entitled: **12 VAC 30-150. Uninsured Medical Catastrophe Fund**. The purpose of the proposed regulation is to establish the requirements and criteria by which DMAS will administer the Uninsured Medical Catastrophe Fund.

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

Public comments may be submitted until December 7, 2001, to Jack Quigley, Division of Program Operations, Department of Medical Assistance Services, 600 East Broad Street, 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) 786-7959 or FAX (804) 786-1680.

BOARD OF MEDICINE

† **December 7, 2001 - 8 a.m.** -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Medicine intends to amend regulations entitled: **18 VAC 85-50. Regulations Governing the Practice of Physician Assistants**. The purpose of the proposed amendments is to clarify certain sections of the regulation pertaining to responsibilities of the physician assistant.

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

Public comments may be submitted until February 1, 2002.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail wharp@dhp.state.va.us.

December 7, 2001 - 8 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ♿

A meeting of the Executive Committee held in open and closed session to review disciplinary files requiring administrative action, adopt amendments or take regulatory action as presented, and act on other issues that may come before the board. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908,

FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail wharp@dhp.state.va.us.

December 7, 2001 - 1:15 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, Richmond, Virginia.

A panel of the board will convene, pursuant to §§ 2.2-4020 and 54.1-2400 of the Code of Virginia, to inquire into allegations that a practitioner may have violated laws governing the practice of medicine. The panel will meet in open and closed sessions pursuant to § 2.2-3711 A 7 and A 15 of the Code of Virginia. Public comment will not be received.

Contact: Peggy Sadler/Renee Dixon, Staff, Board of Medicine, 6606 W. Broad St., Richmond, VA, telephone (804) 662-7332, FAX (804) 662-9517, (804) 662-7197/TTY ☎, e-mail Peggy.Sadler@dhp.state.va.us.

Informal Conference Committee

December 12, 2001 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, Richmond, Virginia.

December 13, 2001 - 9:15 a.m. -- Open Meeting
Holiday Inn Select, 2801 Plank Road, Fredericksburg, Virginia.

December 19, 2001 - 8:45 a.m. -- Open Meeting
Clarion Hotel, 3315 Ordway Drive, N.W. Roanoke, Virginia.

December 20, 2001 - 9 a.m. -- Open Meeting
Williamsburg Marriott, 50 Kingsmill Road, 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 the Code of Virginia. Public comment will not be received.

Contact: Peggy Sadler/Renee Dixon, Staff, Board of Medicine, 6606 W. Broad St., Richmond, VA, telephone (804) 662-7332, FAX (804) 662-9517, (804) 661-7197/TTY ☎, e-mail peggy.sadler@dhp.state.va.us.

STATE BOARD OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

December 4, 2001 - 4 p.m. -- Public Hearing
Southwest Virginia Higher Education Center, 1 Partnership Circle, Virginia Highlands Community College Campus, Abingdon, Virginia.

December 4, 2001 - 5 p.m. -- Public Hearing
Chesapeake City Hall Council Chamber, 306 Cedar Road, Chesapeake, Virginia.

December 5, 2001 - 4 p.m. -- Public Hearing
Augusta County Government Center, 4801 Lee Highway, Verona, Virginia.

December 5, 2001 - 6 p.m. -- Public Hearing
Fairfax County Government Center, 12000 Government Center Parkway, Fair, Virginia. (Interpreter for the deaf provided upon request)

December 6, 2001 - 5 p.m. -- Public Hearing
Hollins Branch Library, 6624 Peters Creek Road, Roanoke, Virginia.

December 11, 2001 - 6 p.m. -- Public Hearing
Dumbarton Area Library, 6800 Staples Mill Road, Richmond, Virginia.

January 5, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Mental Health, Mental Retardation and Substance Abuse Services Board intends to repeal regulations entitled: **12 VAC 35-102. Rules and Regulations for the Licensure of Facilities and Providers of Mental Health, Mental Retardation and Substance Abuse**; repeal regulations entitled: **12 VAC 35-170. Regulations for the Certification of Case Management**; and adopt regulations entitled: **12 VAC 35-105. Rules and Regulations for the Licensing of Facilities and Providers of Mental Health, Mental Retardation and Substance Abuse Services**. The purpose of the proposed action is to repeal two regulations and replace them with a new regulation to provide specific standards governing the administration, clinical services, support functions and physical environment of a licensed provider organization that are designed to protect the health, safety and welfare of clients receiving services. The new regulation will update certain requirements to reflect current practice and technology, clarify provisions, and incorporate recent statutory changes.

Statutory Authority: §§ 37.1-179.1 and 37.1-182 of the Code of Virginia.

Contact: Leslie Anderson, Office of Licensing, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 371-6885, FAX (804) 692-0077.

December 5, 2001 - 6 p.m. -- Public Hearing
J. Sargent Reynolds Community College, Corporate Center, North Run Business Park, 1630 East Parham Road, Richmond, Virginia.

December 24, 2001 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Mental Health, Mental Retardation and Substance Abuse Services intends to amend regulations entitled: **12 VAC 35-200. Regulations for Respite and Emergency Care Admission to Mental Retardation Facilities**. The purpose of the proposed action is to revise the maximum length of stay for respite and emergency care admissions, clarify the case management community services board's

Calendar of Events

responsibility for assuring discharges, and update provisions consistent with current practice and statutory requirements.

Statutory Authority: §§ 37.1-10 and 37.1-65.2 of the Code of Virginia.

Contact: Cynthia Smith, Office of Mental Retardation Services, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-0946 or FAX (804) 692-0077

December 24, 2001 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Mental Health, Mental Retardation and Substance Abuse Services intends to repeal regulations entitled:

12 VAC 35-20. Mandatory Standards for the Certification of First Offender Drug Abuse Diversion and Education Program.

12 VAC 35-140. Mandatory Standards for Community Mental Health Programs.

12 VAC 35-150. Mandatory Standards for Community Mental Retardation Programs.


12 VAC 35-160. Mandatory Standards for Community Substance Abuse Programs.

The purpose of the proposed action is to repeal regulations that are outdated and duplicate the function and intent of the existing licensing regulations.


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

Contact: Wendy V. Brown, Policy Analyst, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 225-2252 or FAX (804) 371-0092.

STATE MILK COMMISSION

December 12, 2001 - 10:30 a.m. -- Open Meeting
Department of Forestry, 900 Natural Resources Drive, Room 3301, Charlottesville, Virginia. 

A regular meeting to consider industry issues, distributor licensing, base transfers, and reports from staff. The commission will also review a request to repeal subdivisions b, c, and d of subsection 6 of 2 VAC 15-20-100, Regulations for the Control and Supervision of Virginia's Milk Industry.


Contact: Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, Ninth St. Office Bldg., 202 N. Ninth St., Room 915, Richmond, VA 23219, telephone (804) 786-2013, FAX (804) 786-3779, (804) 786-2013/TTY , e-mail ewilson@smc.state.va.us.

BOARD OF NURSING


January 4, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Nursing intends to amend regulations entitled: **18 VAC 90-30. Regulations Governing the Licensure of Nurse Practitioners;** and **18 VAC 90-40. Regulations Governing Prescriptive Authority for Nurse Practitioners.** The purpose of the proposed action is to establish continuing competency requirements for renewal of a license or prescriptive authority for nurse practitioners and to authorize the Executive Director to grant extensions for compliance in accordance with regulations.


Statutory Authority: §§ 54.1-103, 54.1-2400, 54.1-2912.1 and 54.1-2957.01 of the Code of Virginia.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 West Broad Street, 4th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY , e-mail nursebd@dhp.state.va.us.


Special Conference Committee

December 4, 2001 - 8:30 a.m. -- Open Meeting
December 5, 2001 - 8:30 a.m. -- Open Meeting
December 6, 2001 - 8:30 a.m. -- Open Meeting
December 10, 2001 - 8:30 a.m. -- Open Meeting
December 11, 2001 - 8:30 a.m. -- Open Meeting
December 18, 2001 - 8:30 a.m. -- Open Meeting
February 7, 2002 - 8:30 a.m. -- Open Meeting
February 11, 2002 - 8:30 a.m. -- Open Meeting
February 12, 2002 - 8:30 a.m. -- Open Meeting
February 19, 2002 - 8:30 a.m. -- Open Meeting
† February 21, 2002 - 8:30 a.m. -- Open Meeting
† February 26, 2002 - 8:30 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Rooms 3 and 4, Richmond, Virginia. 

A Special Conference Committee, comprised of two or three members of the Virginia Board of Nursing, will conduct informal conferences with licensees or certificate holders. Public comment will not be received.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY , e-mail nursebd@dhp.state.va.us.


VIRGINIA OUTDOORS FOUNDATION

December 4, 2001 - 10 a.m. -- Open Meeting
December 5, 2001 - 9 a.m. -- Open Meeting
State Capitol, House Room 2, Richmond, Virginia. 


A regularly scheduled meeting of the Board of Trustees to discuss the business of the foundation and accept conservation easements. Public input will be accepted after the regular business meeting.

Contact: Tamara A. Vance, Executive Director, Virginia Outdoors Foundation, 203 Governor Street, Richmond, VA 23219, telephone (804) 225-2147.


VIRGINIA BOARD FOR PEOPLE WITH DISABILITIES

December 5, 2001 - 9 a.m. -- Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular quarterly meeting of the board. During this meeting the Wheat Award recipient will be announced. Public comment is welcome.

Contact: Glendora Reed Swain, Administrative Assistant, Virginia Board for People with Disabilities, 202 N. 9th St., 9th Floor, Richmond, VA 23219, telephone (804) 786-0116, FAX (804) 786-1118, toll-free (800) 846-4464, (800) 846-4464/TTY , e-mail reedgr@vbpd.state.va.us.

BOARD OF PHARMACY

† **December 5, 2001 - 9 a.m.** -- Open Meeting
† **December 11, 2001 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. 

The Special Conference Committee will discuss disciplinary matters. Public comments will not be received.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9911, FAX (804) 662-9313, e-mail pharmbd@dhp.state.va.us.


December 21, 2001 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Pharmacy intends to amend regulations entitled: **18 VAC 110-20. Regulations Governing the Practice of Pharmacy.** The amendments are required in order to comply with Chapter 876 of the 2000 Acts of Assembly requiring the board to promulgate regulations for approval of innovative programs (pilot projects) in pharmacy for which some waiver of law or regulation would be necessary. The proposed regulations replace emergency regulations that became effective on January 10, 2000, and are identical to those regulations.

Statutory Authority: §§ 54.1-2400 and 54.1-3307.2 of the Code of Virginia.


Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9911, FAX (804) 662-9313.

BOARD OF PHYSICAL THERAPY

† **December 7, 2001 - 2 p.m.** -- Open Meeting
Sheraton Richmond West, 6624 West Broad Street, Richmond, Virginia. 


A meeting to discuss the reduction of fees.

Contact: Annie B. Artis, Administrative Staff Assistant, Board of Physical Therapy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9924, FAX (804) 662-9523, e-mail ann.artis@dhp.state.va.us.

† **January 18, 2002 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. 

A regular board meeting.


Contact: Annie B. Artis, Administrative Staff Assistant, Board of Physical Therapy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9924, FAX (804) 662-9523, e-mail ann.artis@dhp.state.va.us.

† **January 18, 2002 - Noon** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. 


An informal conference to be held before the Special Conference Committee.

Contact: Annie B. Artis, Administrative Staff Assistant, Board of Physical Therapy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9924, FAX (804) 662-9523, e-mail ann.artis@dhp.state.va.us.

POLYGRAPH EXAMINERS ADVISORY BOARD

December 12, 2001 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail polygraph@dpor.state.va.us.

VIRGINIA RACING COMMISSION

December 19, 2001 - 9:30 a.m. -- Open Meeting
Tyler Building, 1300 East Main Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A monthly meeting with a segment for public participation. The commission will hear a report from Colonial Downs.

Calendar of Events

Contact: William H. Anderson, Policy Analyst Senior, Virginia Racing Commission, 10700 Horsemen's Rd., New Kent, VA 23214, telephone (804) 966-7404, FAX (804) 966-7418, e-mail Anderson@vrc.state.va.us.

REAL ESTATE APPRAISER BOARD

† **February 5, 2002 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.

A general business meeting.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, e-mail reboard@dpor.state.va.us.

REAL ESTATE BOARD

† **December 5, 2001 - 4 p.m.** -- Open Meeting
† **February 13, 2002 - 4 p.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.

A general business meeting of the Continuing Education Committee.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, e-mail reboard@dpor.state.va.us.

† **December 6, 2001 - 8:30 a.m.** -- Open Meeting
† **February 14, 2002 - 8:30 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.

A general business meeting of the Fair Housing Committee.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, e-mail reboard@dpor.state.va.us.

December 6, 2001 - 9 a.m. -- Open Meeting
† **February 14, 2002 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.

A general business meeting. The board will consider the adoption of proposed regulations.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, e-mail reboard@dpor.state.va.us.

VIRGINIA RESOURCES AUTHORITY

December 11, 2001 - 9 a.m. -- Open Meeting
† **January 8, 2002 - 9 a.m.** -- Open Meeting
† **February 12, 2002 - 9 a.m.** -- Open Meeting

Virginia Resources Authority, 707 East Main Street, 2nd Floor Conference Room, Richmond, Virginia.

A regular meeting of the Board of Directors to (i) review and, if appropriate, approve the minutes from the most recent monthly meeting; (ii) review the authority's operations for the prior month; (iii) review applications for loans submitted to the authority for approval; (iv) consider loan commitments for approval and ratification under its various programs; (v) approve the issuance of any bonds; (vi) review the results of any bond sales; and (vii) consider such other matters and take such other actions as it may deem appropriate. Various committees of the Board of Directors may also meet immediately before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting and any committee meetings will be available at the offices of the authority one week prior to the date of the meeting. Any person who needs any accommodation in order to participate in the meeting should contact the authority at least 10 days before the meeting so that suitable arrangements can be made.

Contact: Bonnie McRae, Executive Assistant, Virginia Resources Authority, 707 E. Main St., Suite 1350, Richmond, VA 23219, telephone (804) 644-3100, FAX (804) 644-3109, e-mail bhoyle@vra.state.va.us.

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY BOARD OF DIRECTORS

† **December 11, 2001 - 10 a.m.** -- Open Meeting
Department of Business Assistance, 707 East Main Street,
3rd Floor, Richmond, Virginia. ☎

A meeting to review applications for loans submitted to the authority for approval and to conduct general business of the board. Time of the meeting is subject to change depending upon the agenda of the board.

Contact: Scott E. Parsons, Executive Director, Department of Business Assistance, P.O. Box 446, Richmond, VA 23218-0446, telephone (804) 371-8254, FAX (804) 225-3384, e-mail sparsons@dba.state.va.us.

DEPARTMENT OF SOCIAL SERVICES

December 7, 2001 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to repeal regulations entitled:

22 VAC 40-32. Aid to Families with Dependent Children (AFDC) Program - Determining AFDC Eligibility When Only Dependent Child Receives Foster Care Benefits.

22 VAC 40-290. Earned Income Disregards/Student Earnings in the Aid to Families with Dependent Children (AFDC) Program.

22 VAC 40-300. Lump Sum Ineligibility Period in the Aid to Families with Dependent Children (AFDC) Program.

22 VAC 40-310. Maximum Resource Limit in the Aid to Families with Dependent Children (AFDC) Program.

22 VAC 40-320. Disclosure of Information to Law-Enforcement Officers in the Aid to Families with Dependent Children (AFDC) Program.

22 VAC 40-350. Real Property Disposition Period in the Aid to Families with Dependent Children (AFDC) Program.

22 VAC 40-360. Definition of a Home in the Aid to Families with Dependent Children (AFDC) and General Relief (GR) Programs.

22 VAC 40-370. Job Training Partnership Act (JTPA) Income Disregards in the Aid to Families with Dependent Children (AFDC) Program.

22 VAC 40-380. Disregard of Certain Income Received by Indian Tribes in the Aid to Families with Dependent Children (AFDC) Program.

22 VAC 40-390. Persons and Income Required to be Considered When Evaluating Eligibility for Assistance in the Aid to Families with Dependent Children (AFDC) Program.

22 VAC 40-420. Aid to Families with Dependent Children: Unemployed Parent Demonstration (AFDC-UPDEMO) Project.

22 VAC 40-430. Treatment of Casual and Inconsequential Income in the Aid to Families with Dependent Children (AFDC) Program.

22 VAC 40-440. Aid to Families with Dependent Children (AFDC) Program Allocation of Income.

22 VAC 40-450. Lump Sum Payments in the Aid to Families with Dependent Children (AFDC) Program.

22 VAC 40-460. Deeming of Stepparent Income in the Aid to Families with Dependent Children (AFDC) Program.

22 VAC 40-490. Aid to Families with Dependent Children (AFDC) Program - Deprivation Due to the Incapacity of a Parent.

22 VAC 40-500. Work-Related Child Care Expenses Disregarded in the Aid to Families with Dependent Children (AFDC) Program.

22 VAC 40-510. Aid to Families with Dependent Children (AFDC) Program - Entitlement Date.

22 VAC 40-520. Aid to Families with Dependent Children (AFDC) Program – Disregarded Income and Resources.

22 VAC 40-530. Aid to Families with Dependent Children (AFDC) Program - Deprivation Due to Continued Absence.

22 VAC 40-550. Aid to Families with Dependent Children Program - Unemployed Parent (AFDC-UP) Program.

22 VAC 40-580. Aid to Families with Dependent Children (AFDC) – Elimination of Monthly Reporting.

22 VAC 40-590. Aid to Families with Dependent Children - Earned Income Tax Credit (EITC) Disregard.

22 VAC 40-610. Aid to Families with Dependent Children (AFDC) Program - Exclusion of Children Receiving Adoption Assistance and Foster Care Maintenance Payment.

22 VAC 40-620. Aid to Families with Dependent Children (AFDC) Program - Fifth Degree Specified Relative.

22 VAC 40-650. Aid to Families with Dependent Children (AFDC) Program - Disqualification for Intentional Program Violation.

22 VAC 40-750. Grant Diversion.

22 VAC 40-760. Employment Services Program Policy.

The Board of Social Services proposes to repeal 28 regulations that apply to the now obsolete Aid to Families with Dependent Children (AFDC) program. The Temporary Assistance for Needy Families (TANF) program has replaced the AFDC program and all rules regarding this program have been consolidated into one regulation, 22 VAC 40-295, Temporary Assistance for Needy Families, which is currently in the promulgation process.

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

Contact: Mark L. Golden, TANF Program Consultant, 730 E. Broad St, Richmond, VA 23219, telephone (804) 692-1735 or FAX (804) 692-1704.

December 7, 2001 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to amend regulations entitled: **22 VAC 40-330. Collection of Overpayments in the Refugee Other Assistance Programs.** This regulation provides rules for collecting payment of funds erroneously paid to recipients of AFDC and Refugee Other Assistance Programs. The regulation is being amended so that the regulation only applies to Refugee Other Assistance Programs and not AFDC.

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

Contact: Mark L. Golden, TANF Program Consultant, 730 E. Broad St, Richmond, VA 23219, telephone (804) 692-1735 or FAX (804) 692-1704.

December 7, 2001 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services

Calendar of Events

intends to amend regulations entitled: **22 VAC 40-340. Protective Payments in the Refugee Other Assistance Programs.** This regulation is being amended by removing references to AFDC. Provisions regarding protective payments will be included in the comprehensive regulation, Temporary Assistance for Needy Families, 22 VAC 40-295.

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

Contact: Mark L. Golden, TANF Program Consultant, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1735 or FAX (804) 692-1704.


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January 4, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to amend regulations entitled: **22 VAC 40-880. Child Support Enforcement Program.** The purpose of the proposed action is to update selected sections of the current child support enforcement regulation impacted by recent state and federal legislation.

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


Contact: Bill Brownfield, Manager, Division of Child Support Enforcement, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-2401.

January 18, 2002 - 10 a.m. -- Open Meeting
Department of Social Services, 730 East Broad Street, 8th Floor, Conference Room, Richmond, Virginia. 

A regular meeting of the Family and Children's Trust Fund Board of Trustees. Contact the Office of the Family and Children's Trust Fund for more information.

Contact: Nan McKenney, Executive Director, State Board of Social Services, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1823, FAX (804) 692-1869.


COUNCIL ON TECHNOLOGY SERVICES

December 6, 2001 - 1:30 p.m. -- Open Meeting
110 South 7th Street, 3rd Floor, Executive Conference Room, Richmond, Virginia. 

A regular monthly meeting of the Enterprise Architecture Workgroup.

Contact: Paul Lubic, Information Technology Manager, Council on Technology Services, 110 S. 7th St., Suite 135, Richmond, VA 23219, telephone (804) 371-0004, FAX (804) 371-2795, e-mail plubic@ntp.state.va.us.


DEPARTMENT OF TECHNOLOGY PLANNING

† December 12, 2001 - 10 a.m. -- Open Meeting
Crowne Plaza Hotel, 555 East Canal Street, Richmond, Virginia. 

A regular business meeting of the Wireless E-911 Services Board.


Contact: Steve Marzolf, Public Safety Communications Coordinator, Department of Technology Planning, 110 S. 7th St., Suite 135, Richmond, VA, telephone (804) 371-0015, e-mail smarzolf@ntp.state.va.us.

COMMONWEALTH TRANSPORTATION BOARD

† December 19, 2001 - 2 p.m. -- Open Meeting
Virginia Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia. 

A work session of the Commonwealth Transportation Board and the Department of Transportation staff.


Contact: Cathy M. Ghidotti, Assistant Secretary to the Board, Commonwealth Transportation Board, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-6675, FAX (804) 786-6683, e-mail ghidotti_cm@vdot.state.va.us.

† December 20, 2001 - 10 a.m. -- Open Meeting
Virginia Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia. 


A monthly meeting of the Commonwealth Transportation Board 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 5 minutes. Large groups are asked to select one individual to speak for the group. The board reserves the right to amend these conditions. Separate committee meetings may be held on call of the chairman. Contact VDOT Public Affairs at (804) 786-2715 for schedule.

Contact: Cathy M. Ghidotti, Assistant Secretary to the Board, Commonwealth Transportation Board, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-6675, FAX (804) 786-6683, e-mail ghidotti_cm@vdot.state.va.us.


BOARD OF VETERINARY MEDICINE

December 3, 2001 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

Informal conferences and disciplinary hearings of the Special Conference Committee. These are public meetings, but public comment will not be received.

Contact: Terri H. Behr, Administrative Assistant, Board of Veterinary Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9915, FAX (804) 662-7098, (804) 662-7197/TTY , e-mail terri.behr@dhp.state.va.us.

VIRGINIA WAR MEMORIAL FOUNDATION

† January 8, 2002 - Noon -- Open Meeting
Virginia War Memorial, 621 South Belvidere Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting. Public comments will be heard.

Contact: Sandra H. Williams, Associate Director, Department of General Services, 621 S. Belvidere St., Richmond, VA 23220, telephone (804) 786-2060, FAX (804) 786-6652, (804) 786-6152/TTY ☎, e-mail swilliams@vawarmemorial.state.va.us.

VIRGINIA WASTE MANAGEMENT BOARD

December 27, 2001 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Virginia Waste Management Board intends to amend regulations entitled: **9 VAC 20-160, Voluntary Remediation Regulations**. The purpose of the proposed action is the amendment of the Voluntary Remediation Regulations. Review of the regulations has indicated a need for updating to include current sampling and analysis methods and deletion of obsolete language.

Statutory Authority: § 10.1-1429.1 of the Code of Virginia

Public comments may be submitted until 5 p.m. on December 27, 2001.

Contact: Melissa Porterfield, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone: 804-698-4238, or e-mail: msporterfi@deq.state.va.us.

December 13, 2001 - 10 a.m. -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. ♿

A meeting of the advisory committee established to assist in the development of regulations for the transportation of solid and medical wastes on state waters.

Contact: Dan Gwinner, Virginia Waste Management Board, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4218, e-mail dsgwinner@deq.state.va.us.

January 4, 2002 - 1:30 p.m. -- Public Hearing
Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Roanoke, Virginia. ♿
(Interpreter for the deaf provided upon request)

January 7, 2002 - 1:30 p.m. -- Public Hearing
Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, Virginia. ♿ (Interpreter for the deaf provided upon request)

January 8, 2002 - 10 a.m. -- Public Hearing
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Virginia Waste Management Board intends to amend regulations entitled: **9 VAC 20-120, Regulated Medical Waste Management Regulations**. The purpose of the proposed action is to consider amendment of the regulation to include, but not be

limited to, the issue of storage of separately accumulated objects for personal hygiene, the issue of temporary storage and such other issues which may result from public comment on the NOIRA or activities of the technical advisory committee established to assist in the development of any proposal.

Statutory Authority: § 10.1-1402 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on January 23, 2002.

Contact: John E. Ely, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4249, FAX (804) 698-4327, e-mail jeely@deq.state.va.us.

STATE WATER CONTROL BOARD

† **December 3, 2001 - 7 p.m.** -- Public Hearing
Fluvanna Middle School, Route 15, South of Palmyra, Auditorium, Fluvanna County, Virginia. ♿ (Interpreter for the deaf provided upon request)

A public hearing to receive comments on a proposed Virginia Water Protection Permit for East Coast Transport, Inc. to construct and operate a water supply intake and raw water transmission pipeline. The activity location is on the James River 4,500 feet downstream of the Route 15 bridge in Buckingham County and along a pipeline with stream crossings of Holman, Martins, Raccoon, South Fork Cunningham and North Fork Cunningham Creeks and small tributaries thereof along a route from the James River north along Route 15 until the intersection of the Dominion Virginia Power right-of-way to the Tenaska Virginia Partners plant in Fluvanna County.

Contact: Joseph P. Hassell, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4072, FAX (804) 698-4347, e-mail jphassell@deq.state.va.us.

† **December 4, 2001 - 10 a.m.** -- Open Meeting
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. ♿

A meeting of the advisory committee assisting in the development of a regulation for a General VPDES Permit for discharges of storm water from small municipal storm sewer systems.

Contact: Burt Tuxford, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4086, FAX (804) 698-4032, e-mail brtuxford@deq.state.va.us.

December 10, 2001 - 2 p.m. -- Public Hearing
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.

January 11, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to promulgate regulations entitled: **9 VAC 25-720. Water**

Calendar of Events

Quality Management Planning Public Participation Guidelines Regulation, and repeal regulations entitled:

9 VAC 25-420. James River 3(C) Wastewater Management Plan Peninsula Area.

9 VAC 25-430. Roanoke River Basin Water Quality Management Plan.

9 VAC 25-440. Upper Roanoke River Subarea Water Quality Management Plan .

9 VAC 25-450. Upper James River Basin Water Quality Management Plan.

9 VAC 25-452. Upper James-Jackson River Subarea Water Quality Management Plan.

9 VAC 25-460. Metropolitan/Regional Water Quality Management Plan for Northern Neck Planning District (No. 17).

9 VAC 25-470. York River Basin Water Quality Management Plan.

9 VAC 25-480. Tennessee and Big Sandy River Basins Water Quality Management Plan

9 VAC 25-490. Rappahannock Area Development Commission (RADCO) 208 Areawide Waste Treatment Management Plan and Potomac-Shenandoah River Basin 303(E) Water Quality Management Plan.

9 VAC 25-500. State Water Quality Management Plan for the Fifth Planning District.

9 VAC 25-510. Water Quality Management Plan for the Southwest Virginia 208 Planning Area.

9 VAC 25-520. Water Quality Management Plan for the First Tennessee-Virginia Development District.

9 VAC 25-530. Water Quality Management Plan for the Hampton Roads Planning Area (Planning Districts 20 & 21).

9 VAC 25-540. Water Quality Management Plan for the New River Basin.

9 VAC 25-550. Small Coastal River Basins and Chesapeake Bay Virginia Eastern Shore Portion Water Quality Management Plan.

9 VAC 25-560. Potomac-Shenandoah River Basin Water Quality Management Plan.

9 VAC 25-570. Richmond-Crater Interim Water Quality Management Plan.

9 VAC 25-572. Water Quality Management Plans.

The purpose of the proposed action is to establish, among other planning items, the procedures for public participation during TMDL development, submittal of proposed TMDLs to EPA and inclusion of approved TMDLs and TMDL implementation plans in the water quality management plans. The action will also include repeal of existing water quality management plans.

Statutory Authority: § 62.1-44.15 of the Code of Virginia.

Contact: Charles Martin, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone 804-698-4462, FAX 804-698-4136, e-mail chmartin@deq.state.va.us.

† **December 14, 2001 - 9:30 a.m.** -- Open Meeting

† **January 23, 2002 - 9:30 a.m.** -- Open Meeting

Department of Environmental Quality, 806 Westwood Office Park, Fredericksburg, Virginia. 

A meeting of the advisory committee assisting in the development of the reissuance of the General VPDES Permit for Discharges from Petroleum Contaminated Sites.

Contact: Richard Ayers, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4075, e-mail rwayers@deq.state.va.us.

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January 8, 2002 - 2 p.m. -- Public Hearing
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.

January 9, 2002 - 2 p.m. -- Public Hearing
Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Roanoke, Virginia.

January 31, 2002 - Public comments may be submitted until this date.


Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **9 VAC 25-260. Water Quality Standards**. The purpose of the proposed action is to update surface water criteria for ammonia in freshwater, provide new alternative indicators for assessing bacterial water quality, and update contact recreational use designations for primary and secondary or seasonal uses, etc.

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


Contact: Eleanore Daub, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4111, e-mail emdaub@deq.state.va.us.

VIRGINIA BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

December 13, 2001 - 8:30 a.m. -- Open Meeting


Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5W, Richmond, Virginia. 

A meeting to conduct routine business. A public comment period will be held at the beginning of the meeting.


Contact: Christine Martine, Acting Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2648, FAX (804) 367-6128, (804) 367-9753/TTY , e-mail waterwasteoper@dpor.state.va.us.


INDEPENDENT

VIRGINIA RETIREMENT SYSTEM


December 19, 2001 - 3 p.m. -- Open Meeting
VRS Headquarters, 1200 East Main Street, Richmond, Virginia. 

A regular meeting of the Investment Advisory Committee.

Contact: Darla K. Glazier, Office Manager, Virginia Retirement System, P.O. Box 2500, Richmond, VA 23218, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY , e-mail dglazier@vrs.state.va.us.


December 20, 2001 - 9 a.m. -- Open Meeting
VRS Headquarters, 1200 East Main Street, Richmond, Virginia. 

A regular meeting of the Board of Trustees.

Contact: Darla K. Glazier, Office Manager, Virginia Retirement System, P.O. Box 2500, Richmond, VA 23218, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY , e-mail dkestner@vrs.state.va.us.

LEGISLATIVE

VIRGINIA CODE COMMISSION

† December 13, 2001 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, 6th Floor, Speaker's Conference Room, Richmond, Virginia. 

A meeting to (i) approve the final Title 63.1 recodification report; (ii) receive reports from the Administrative Law Advisory Committee, (iii) discuss the commission's 2002 work plan, and (iv) conduct any other business that may come before the commission. Public comment will be received.

Contact: Jane Chaffin, Registrar of Regulations, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591 FAX (804) 692-0625, e-mail jchaffin@leg.state.va.us.


CONSUMER ADVISORY BOARD OF THE VIRGINIA ELECTRIC UTILITY RESTRUCTURING ACT

December 4, 2001 - 9:30 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia.


A regular meeting. Individuals requiring interpreter services or other special accommodations should contact Senate Committee Operations at least seven days prior to the meeting.

Contact: Tommy Gilman, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450.


SPECIAL TASK FORCE STUDYING FAITH-BASED COMMUNITY SERVICE GROUPS WHO MAY PROVIDE ASSISTANCE TO MEET SOCIAL NEEDS

† December 5, 2001 - 1 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 

A regular meeting. Questions about the agenda should be addressed to Gayle Vergara, Division of Legislative Services, (804) 786-3591.


Contact: Hudaidah F. Bhimdi, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY 

JOINT COMMISSION ON TECHNOLOGY AND SCIENCE

† December 12, 2001 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 


The final meeting of the Privacy Advisory Committee. For more information, see jcots.state.va.us.

Contact: Mitchell Goldstein, Director, Joint Commission on Technology and Science, 910 Capitol St., Richmond, VA, telephone (804) 786-3591, e-mail jcots@leg.state.va.us.

† December 13, 2001 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Appropriations Conference Room, Richmond, Virginia. 

The final meeting of the Infrastructure Advisory Committee. Please see jcots.state.va.us for more information.

Contact: Mitchell Goldstein, Director, Joint Commission on Technology and Science, 910 Capitol St., Richmond, VA, telephone (804) 786-3591, e-mail jcots@state.va.us.

† December 18, 2001 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 

A meeting to finalize the legislative agenda.

Contact: Mitchell Goldstein, Director, Joint Commission on Technology and Science, 910 Capitol St., Richmond, VA, telephone (804) 786-3591, e-mail jcots@state.va.us.

JOINT SUBCOMMITTEE TO STUDY FUNDING OF UNFUNDED TRANSPORTATION PROJECTS IN HAMPTON ROADS

December 10, 2001 - 10 a.m. -- Open Meeting
City of Newport News City Hall, 2400 Washington Avenue, Council Chamber, Newport News, Virginia.

A regular meeting. Individuals requiring interpreter services or other special accommodations should contact Senate Committee Operations at least seven days prior to the meeting.

Calendar of Events

Contact: Tommy Gilman, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY ☎

U.S. ROUTE 460 COMMUNICATIONS COMMITTEE

† **December 18, 2001- 10 a.m.** -- Open Meeting
Hampton Roads District VDOT Office, 1700 North Main Street, Suffolk, Virginia. 📍

A regular meeting. Questions about the agenda should be addressed to Alan Wambold, Division of Legislative Services, (804) 786-3591.

Contact: Hudaidah F. Bhimdi, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

COMMISSION ON THE FUTURE OF VIRGINIA'S ENVIRONMENT

† **December 3, 2001 - 10 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, 3rd Floor West Conference Room, Richmond, Virginia.

A regular meeting of the Subcommittee on Erosion and Sediment Control and Stormwater Management Issues. Questions regarding the meeting should be directed to Martin G. Farber, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other special accommodations should contact Senate Committee Operations at least seven days prior to the meeting.

Contact: Tommy Gilman, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY ☎

CHRONOLOGICAL LIST

OPEN MEETINGS

December 3

- † Agriculture and Consumer Services, Department of
 - Consumer Affairs Advisory Committee
 - Virginia Soybean Board
- † Barbers and Cosmetology, Board for
- † Conservation and Recreation, Department of
 - Chippokes Plantation Farm Foundation
 - Virginia State Parks Foundation
- † Veterinary Medicine, Board of
 - Special Conference Committee
- † Virginia's Environment, Commission on the Future of
 - Subcommittee on Erosion and Sediment Control and Stormwater Management Issues

December 4

- Branch Pilots, Board for
- Electric Utility Restructuring Act, Consumer Advisory Board of the Virginia
- † Criminal Justice Services Board
 - Private Security Services Advisory Board
 - Committee on Reciprocity
- Education, Board of
 - Accountability Advisory Committee

- † Environmental Quality, Department of
- Funeral Directors and Embalmers, Board of
- Nursing, Board of
 - Special Conference Committee
- Outdoors Foundation, Virginia
- † Water Control Board, State

December 5

- Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for
 - Certified Interior Designers Section
- Branch Pilots, Board for
- † Faith-Based Community Service Groups Who May Provide Assistance to Meet Social Needs, Special Task Force Studying
- † Health Professions, Board of
- † Historic Resources, Department of
 - State Review Board and Historic Resources Board
- Nursing, Board of
 - Special Conference Committee
- Outdoors Foundation, Virginia
- People with Disabilities, Virginia Board for
- † Pharmacy, Board of
 - Special Conference Committee
- † Real Estate Board
 - Continuing Education Committee

December 6

- Agriculture and Consumer Services, Board of
- Conservation and Recreation, Department of
 - Falls of the James Scenic River Advisory Board
- † Environmental Quality, Department of
- † Fire Services Board, Virginia
 - Administration and Policy Committee
 - Finance Committee
 - Fire Education and Training Committee
 - Fire Prevention and Control Committee
- Nursing, Board of
 - Special Conference Committee
- † Real Estate Board
 - Fair Housing Committee
- Technology Services, Council on
 - Enterprise Architecture Workgroup

December 7

- Art and Architectural Review Board
- † Contractors, Board for
- † Counseling, Board of
 - Ad Hoc Committee on Substance Abuse Assistants and Counselors
- † Dentistry, Board of
 - Regulatory/Legislative Committee
- † Fire Services Board
- † Medicine, Board of
 - Executive Committee
- † Physical Therapy, Board of

December 8

- † Contractors, Board for

December 10

- † Chesapeake Bay Local Assistance Board
- † Hearing Aid Specialists, Board for
- Nursing, Board of
 - Special Conference Committee

† Unfunded Transportation Projects in Hampton Roads,
Joint Subcommittee to Study Funding of

December 11

† Asbestos, Lead and Home Inspectors, Virginia Board for
 † Aviation Board, Virginia
 Branch Pilots, Board for
 † Corrections, Board of
 - Correctional Services/Policy and Regulations
 Committee
 - Liaison Committee
 † Housing Development Authority, Virginia
 - Board of Commissioners
 Nursing, Board of
 - Special Conference Committee
 † Pharmacy, Board of
 - Special Conference Committee
 Resources Authority, Virginia
 † Small Business Financing Authority, Virginia

December 12

† Aviation Board, Virginia
 Conservation and Recreation, Department of
 - Virginia Soil and Water Conservation Board
 † Corrections, Board of
 - Administration Committee
 Funeral Directors and Embalmers, Board of
 - Special Conference Committee
 † Medicine, Board of
 - Informal Conference Committee
 Milk Commission, State
 Polygraph Examiners Advisory Board
 † Technology Planning, Department of
 - Wireless E-911 Services Board
 † Technology and Science, Joint Commission on
 - Privacy Advisory Committee

December 13

Agriculture and Consumer Services, Department of
 - Virginia Corn Board
 Architects, Professional Engineers, Land Surveyors,
 Certified Interior Designers and Landscape Architects,
 Board for
 † Child Day-Care Council
 † Code Commission, Virginia
 Criminal Justice Services Board
 Labor and Industry, Department of
 - Virginia Apprenticeship Council
 Medicine, Board of
 - Informal Conference Committee
 † Technology and Science, Joint Commission on
 - Infrastructure Advisory Committee
 Waste Management Board, Virginia
 Waterworks and Wastewater Works Operators, Virginia
 Board for

December 14

Health Professions, Department of
 - Health Practitioners' Intervention Program Committee
 † Water Control Board, State

December 18

Charitable Gaming Commission
 † Compensation Board
 Marine Resources Commission
 Nursing, Board of
 - Special Conference Committee

† Technology and Science, Joint Commission on
 † U.S. Route 460 Communications Committee

December 19

At-Risk Youth and Families, Comprehensive Services for
 - State Executive Council
 † Medicine, Board of
 - Informal Conference Committee
 Racing Commission, Virginia
 Retirement System, Virginia
 - Investment Advisory Committee
 † Transportation Board, Commonwealth

December 20

Design-Build/Construction Management Review Board
 † Medicine, Board of
 - Informal Conference Committee
 Retirement System, Virginia
 - Board of Trustees
 † Transportation Board, Commonwealth

January 2, 2002

† Competition Council, Commonwealth

January 8

† Hopewell Industrial Safety Council
 † Resources Authority, Virginia
 - Board of Directors
 † War Memorial Foundation, Virginia
 - Board of Trustees

January 9

† Juvenile Justice, State Board of

January 10

Education, Board of

January 15

† Blind and Vision Impaired, Department for the
 † Conservation and Recreation, Department of
 - Board on Conservation and Development of Public
 Beaches

January 18

† Physical Therapy, Board of
 - Special Conference Committee
 Social Services, State Board of
 - Family and Children's Trust Fund Board of Trustees

January 23

† Water Control Board, State

January 25

Library of Virginia
 - Archival and Information Services Committee
 - Collection Management Services Committee
 - Executive Committee
 - Legislative and Finance Committee
 - Publications and Educational Services Committee
 - Public Library Development Committee
 - Records Management Committee

January 28

† Education, Board of
 - Advisory Board for Teacher Education and Licensure

February 5

† Real Estate Appraiser Board

February 7

† Nursing, Board of
 - Special Conference Committee

February 11

† Nursing, Board of
 - Special Conference Committee

Calendar of Events

February 12

- † Nursing, Board of
 - Special Conference Committee
- † Resources Authority, Virginia
 - Board of Directors

February 13

- † Real Estate Board
 - Continuing Education Committee

February 14

- † Real Estate Board
 - Fair Housing Committee

February 19

- † Nursing, Board of
 - Special Conference Committee

February 21

- † Nursing, Board of
 - Special Conference Committee

February 26

- † Cemetery Board
- † Nursing, Board of
 - Special Conference Committee

February 28

- † Education, Board of

March 5

- † Hopewell Industrial Safety Council

January 7

- Waste Management Board, Virginia

January 8

- † Waste Management Board, Virginia
- Water Control Board, State

January 9

- † Juvenile Justice, Board of
- Water Control Board, State

March 14

- Agriculture and Consumer Services, Department of

PUBLIC HEARINGS

December 3

- † Environmental Quality, Department of
- † Water Control Board, State

December 4

- Mental Health, Mental Retardation and Substance Abuse Services, State Board of

December 5

- † Environmental Quality, Department of
- Mental Health, Mental Retardation and Substance Abuse Services, State Board of

December 6

- Mental Health, Mental Retardation and Substance Abuse Services, State Board of

December 7

- Air Pollution Control Board, State
- † Medicine, Board of

December 10

- Water Control Board, State

December 11

- † Branch Pilots, Board for
- Mental Health, Mental Retardation and Substance Abuse Services, State Board of

December 12

- † Environmental Quality, Department of

December 13

- Criminal Justice Services Board
- † Environmental Quality, Department of

December 18

- † Air Pollution Control Board, State
- † Environmental Quality, Department of

January 3, 2002

- † Air Pollution Control Board, State

January 4

- Waste Management Board, Virginia