
TABLE OF CONTENTS

CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED

Cumulative Table.....1299

PETITIONS FOR RULEMAKING

BOARD OF ACCOUNTANCY

Board of Accountancy Regulations. (18 VAC 5-21)1308

BOARD OF PSYCHOLOGY

Regulations Governing the Practice of Psychology. (18 VAC 125-20).....1308

NOTICES OF INTENDED REGULATORY ACTION

TITLE 1. ADMINISTRATION

Department of the Treasury.....1309

TITLE 9. ENVIRONMENT

State Air Pollution Control Board1309

State Water Control Board1315

TITLE 11. GAMING

Virginia Racing Commission.....1317

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

Real Estate Board.....1317

TITLE 22. SOCIAL SERVICES

Child Day-Care Council.....1317

State Board of Social Services1318

PROPOSED REGULATIONS

TITLE 2. AGRICULTURE

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Standards for Classification of Real Estate as Devoted to Agricultural Use and to Horticultural Use Under the Virginia Land Use Assessment Law (amending 2 VAC 5-20-10, 2 VAC 5-20-20, and 2 VAC 5-20-40)1320

TITLE 16. LABOR AND EMPLOYMENT

VIRGINIA WORKERS' COMPENSATION COMMISSION

Rules of the Virginia Workers' Compensation Commission (amending 16 VAC 30-50-30).....1324

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF MEDICINE

Regulations Governing the Practice of Physician Assistants (amending 18 VAC 85-50-10, 18 VAC 85-50-40, 18 VAC 85-50-101, 18 VAC 85-50-110, and 18 VAC 85-50-115; adding 18 VAC 85-50-59).....1330

BOARD OF VETERINARY MEDICINE

Regulations Governing the Practice of Veterinary Medicine (adding 18 VAC 150-20-135).....1335

FINAL REGULATIONS

TITLE 4. CONSERVATION AND NATURAL RESOURCES

DEPARTMENT OF CONSERVATION AND RECREATION

Virginia State Parks Regulations (amending 4 VAC 5-30-200).1338

MARINE RESOURCES COMMISSION

Pertaining to Restrictions on Oyster Harvest (amending 4 VAC 20-720-20 and 4 VAC 20-720-40 through 4 VAC 20-720-80).1339

TITLE 10. FINANCE AND FINANCIAL INSTITUTIONS

STATE CORPORATION COMMISSION

Payday Lending (adding 10 VAC 5-200-75).1344

TITLE 12. HEALTH

STATE BOARD OF HEALTH

Notice of Change of Effective Date

Rules and Regulations Governing Emergency Medical Services. (12 VAC 5-30).....1345

Virginia Emergency Medical Services Regulations. (12 VAC 5-31).....1345

TITLE 14. INSURANCE

STATE CORPORATION COMMISSION

Suspension of Effective Date

Rules Governing Long-Term Care Insurance (amending 14 VAC 5-200-20, 14 VAC 5-200-30, 14 VAC 5-200-40, 14 VAC 5-200-60, 14 VAC 5-200-75, 14 VAC 5-200-150, and 14 VAC 5-200-200; adding 14 VAC 5-200-77 and 14 VAC 5-200-153).....1345

Table of Contents

TITLE. 16. LABOR AND EMPLOYMENT

DEPARTMENT OF LABOR AND INDUSTRY

Safety and Health Codes Board

Administrative Regulation for the Virginia Occupational Safety and Health Program (amending 16 VAC 25-60-190, 16 VAC 25-60-290 and 16 VAC 25-60-320). 1346

Federal Identical Recording and Reporting Occupational Injuries and Illnesses (29 CFR Part 1904) (amending 16 VAC 25-85-1904.10). 1349

Federal Identical General Industry Standards (29 CFR Part 1910) - Exit Routes, Emergency Action Plans and Fire Prevention Plans (amending 16 VAC 25-90-1910.35 through 16 VAC 25-90-1910.38, 16 VAC 25-90-1910.119, 16 VAC 25-90-1910.120, 16 VAC 25-90-1910.157, 16 VAC 25-90-1910.268, 16 VAC 25-90-1910.272, 16 VAC 25-90-1910.1047, 16 VAC 25-90-1910.1050, and 16 VAC 25-90-1910.1051; adding 16 VAC 25-90-1910.33, 16 VAC 25-90-1910.34 and 16 VAC 25-90-1910.39). 1349

Federal Identical Shipyard Employment Standards (29 CFR Part 1915) (amending 16 VAC 25-100-1915.5, 16 VAC 25-100-1915.14, 16 VAC 25-100-1915.15, Appendix A to Subpart B, 16 VAC 25-100-1915.35, 16 VAC 25-100-1915.134, 16 VAC 25-100-1915.152, 16 VAC 25-100-1915.158, 16 VAC 25-100-1915.159, 16 VAC 25-100-1915.160, Appendices A and B to Subpart I, 16 VAC 25-100-1915.1001, Appendix C to 16 VAC 25-100-1915.1001; adding 16 VAC 25-100-1915.4, 16 VAC 25-100-1915.51, 16 VAC 25-100-1915.53, 16 VAC 25-100-1915.71, 16 VAC 25-100-1915.72, 16 VAC 25-100-1915.73, 16 VAC 25-100-1915.74, 16 VAC 25-100-1915.75, 16 VAC 25-100-1915.77, 16 VAC 25-100-1915.92, 16 VAC 25-100-1915.97, 16 VAC 25-100-1915.112, 16 VAC 25-100-1915.115, 16 VAC 25-100-1915.116, 16 VAC 25-100-1915.118, 16 VAC 25-100-1915.131, 16 VAC 25-100-1915.163, 16 VAC 25-100-1915.165, 16 VAC 25-100-1915.172, 16 VAC 25-100-1915.181). 1350

Federal Identical Construction Industry Standards (29 CFR Part 1926) - Safety Standards for Signs, Signals and Barricades (amending 16 VAC 25-175-1926.200 through 16 VAC 25-175-1926.203). 1351

TITLE. 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF VETERINARY MEDICINE

Regulations Governing the Practice of Veterinary Medicine (amending 18 VAC 150-20-10, 18 VAC 150-20-30, 18 VAC 150-20-70, 18 VAC 150-20-75, 18 VAC 150-20-100, 18 VAC 150-20-110, 18 VAC 150-20-120 through 18 VAC 150-20-140, 18 VAC 150-20-180 through 18 VAC 150-20-200, and 18 VAC 150-20-210; adding 18 VAC 150-20-171, 18 VAC 150-20-172, and 18 VAC 150-20-181; repealing 18 VAC 150-20-205). 1351

TITLE. 22. SOCIAL SERVICES

DEPARTMENT OF REHABILITATIVE SERVICES

Policies and Procedures for Administering the Commonwealth

Neurotrauma Initiative Trust Fund (adding 22 VAC 30-50-10 through 22 VAC 30-50-110). 1352

GOVERNOR

EXECUTIVE ORDERS

Declaration of a State of Emergency in the Commonwealth of Virginia Due to Severe Ice Conditions. (38-2002) 1355

The Virginia Water Supply Initiative. (39-2002) 1355

Improving Services for Virginia's Veterans. (40-2002) 1356

GENERAL NOTICES/ERRATA

STATE CORPORATION COMMISSION

Bureau of Insurance

ADMINISTRATIVE LETTERS

14 VAC 5-190: Rules Governing the Reporting of Cost and Utilization Data Relating to Mandated Benefits and Mandated Providers - Notification of Additional Reporting Requirements for the 2002 Reporting Period. (2002-14) 1357

Filing Procedures for Compliance with the Provisions of the Terrorism Risk Insurance Act of 2002. (2002-15) 1358

DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice of New Data Concerning Toxics 1362

VIRGINIA CODE COMMISSION

Notice to State Agencies 1362

Forms for Filing Material for Publication in *The Virginia Register of Regulations*. 1362

CALENDAR OF EVENTS

EXECUTIVE

Open Meetings and Public Hearings 1363

INDEPENDENT

Open Meetings and Public Hearings 1384

INDEPENDENT

Notice to Subscribers 1386

CHRONOLOGICAL LIST

Open Meetings 1387

Public Hearings 1389

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 Fall 2002 VAC Supplement includes final regulations published through *Virginia Register* Volume 18, Issue 24, dated August 12, 2002). 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 4. Conservation and Natural Resources			
4 VAC 15-20-160	Amended	19:1 VA.R. 102	10/23/02
4 VAC 15-30-40	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-30-40	Amended	19:7 VA.R. 1074	11/25/02
4 VAC 15-320-20	Repealed	19:5 VA.R. 805	1/1/03
4 VAC 15-320-25	Added	19:5 VA.R. 805	1/1/03
4 VAC 15-320-30	Repealed	19:5 VA.R. 805	1/1/03
4 VAC 15-320-40	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-320-50	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-330-10	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-330-100	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-330-120	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-330-160	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-330-190	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-340-60	Amended	19:5 VA.R. 806	1/1/03
4 VAC 15-350-30	Amended	19:5 VA.R. 806	1/1/03
4 VAC 15-360-10	Amended	19:5 VA.R. 806	1/1/03
4 VAC 15-370-10	Repealed	19:5 VA.R. 807	1/1/03
4 VAC 15-370-30	Repealed	19:5 VA.R. 807	1/1/03
4 VAC 15-370-50	Amended	19:5 VA.R. 807	1/1/03
4 VAC 15-370-51	Added	19:5 VA.R. 807	1/1/03
4 VAC 15-370-70	Added	19:5 VA.R. 807	1/1/03
4 VAC 15-370-80	Added	19:5 VA.R. 807	1/1/03
4 VAC 15-380-10	Repealed	19:5 VA.R. 807	1/1/03
4 VAC 15-380-20	Repealed	19:5 VA.R. 807	1/1/03
4 VAC 15-380-30	Amended	19:5 VA.R. 807	1/1/03
4 VAC 15-380-40	Amended	19:5 VA.R. 807	1/1/03
4 VAC 15-380-50	Amended	19:5 VA.R. 807	1/1/03
4 VAC 15-380-60	Repealed	19:5 VA.R. 807	1/1/03
4 VAC 15-380-70	Amended	19:5 VA.R. 807	1/1/03
4 VAC 15-380-80 through 4 VAC 15-380-130	Added	19:5 VA.R. 807	1/1/03
4 VAC 15-390-10	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-11	Added	19:5 VA.R. 808	1/1/03
4 VAC 15-390-20	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-30	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-50	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-70	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-90	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-100	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-110	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-130	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-140	Added	19:5 VA.R. 808	1/1/03
4 VAC 15-390-150	Added	19:5 VA.R. 808	1/1/03
4 VAC 15-390-160	Added	19:5 VA.R. 808	1/1/03
4 VAC 15-400-20	Amended	19:5 VA.R. 808	1/1/03

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 15-400-30	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-400-50	Added	19:5 VA.R. 808	1/1/03
4 VAC 15-420-10 through 4 VAC 15-420-120	Added	19:5 VA.R. 808	1/1/03
4 VAC 15-430-10 through 4 VAC 15-430-220	Added	19:5 VA.R. 809	1/1/03
4 VAC 15-440-10 through 4 VAC 15-440-60	Added	19:5 VA.R. 809	1/1/03
4 VAC 20-430-20	Amended	19:3 VA.R. 432	10/1/02
4 VAC 20-562-10 through 4 VAC 20-562-50 emer	Added	18:25 VA.R. 3570	8/16/02-8/30/02
4 VAC 20-610-60	Amended	18:25 VA.R. 3548	8/1/02
4 VAC 20-670-30	Amended	18:25 VA.R. 3550	8/1/02
4 VAC 20-720-10 emer	Amended	19:8 VA.R. 1256	11/27/02-12/26/02
4 VAC 20-720-20	Amended	19:3 VA.R. 432	10/1/02
4 VAC 20-720-20 emer	Amended	19:8 VA.R. 1256	11/27/02-12/26/02
4 VAC 20-720-40	Amended	19:3 VA.R. 433	10/1/02
4 VAC 20-720-40 emer	Amended	19:8 VA.R. 1257	11/27/02-12/26/02
4 VAC 20-720-50 through 4 VAC 20-720-80	Amended	19:3 VA.R. 434-436	10/1/02
4 VAC 20-720-50 emer	Amended	19:8 VA.R. 1257	11/27/02-12/26/02
4 VAC 20-720-70 emer	Amended	19:8 VA.R. 1258	11/27/02-12/26/02
4 VAC 20-720-80	Amended	19:5 VA.R. 809	11/1/02
4 VAC 20-720-110 emer	Amended	19:8 VA.R. 1258	11/27/02-12/26/02
4 VAC 20-752-20	Amended	19:1 VA.R. 102	9/1/02
4 VAC 20-754-10 emer	Amended	19:5 VA.R. 811	10/27/02-11/25/02
4 VAC 20-754-20 emer	Amended	19:5 VA.R. 811	10/27/02-11/25/02
4 VAC 20-754-30 emer	Amended	19:1 VA.R. 137	8/28/02-9/27/02
4 VAC 20-754-30 emer	Amended	19:5 VA.R. 811	10/27/02-11/25/02
4 VAC 20-754-30	Amended	19:3 VA.R. 440	9/26/02
4 VAC 20-754-30	Amended	19:8 VA.R. 1193	11/27/02
Title 6. Criminal Justice and Corrections			
6 VAC 35-60-10	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-20	Repealed	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-30	Repealed	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-40	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-170	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-215	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-225	Added	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-236	Added	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-237	Added	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-280	Repealed	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-290	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-320	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-330	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-390	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-400	Repealed	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-410	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-415	Added	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-440	Repealed	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-450	Amended	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-460	Repealed	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-480	Repealed	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-490	Repealed	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-495	Repealed	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-500	Amended	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-575	Added	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-580	Amended	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-600	Amended	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-605	Repealed	18:25 VA.R. 3552	11/1/02

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 9. Environment			
9 VAC 5-40-90	Amended	19:6 VA.R. 996	2/1/03
9 VAC 5-40-120	Amended	19:6 VA.R. 996	2/1/03
9 VAC 5-50-90	Amended	19:6 VA.R. 997	2/1/03
9 VAC 5-50-120	Amended	19:6 VA.R. 997	2/1/03
9 VAC 5-50-400	Amended	19:6 VA.R. 998	2/1/03
9 VAC 5-50-410	Amended	19:6 VA.R. 998	2/1/03
9 VAC 5-50-420	Amended	19:6 VA.R. 1003	2/1/03
9 VAC 5-60-60	Amended	19:6 VA.R. 1003	2/1/03
9 VAC 5-60-90	Amended	19:6 VA.R. 1003	2/1/03
9 VAC 5-60-100	Amended	19:6 VA.R. 1003	2/1/03
9 VAC 5-60-120 through 9 VAC 5-60-180	Amended	19:3 VA.R. 441-454	12/1/02
9 VAC 5-91-380	Amended	19:3 VA.R. 455	12/1/02
9 VAC 5-220-10 through 9 VAC 5-220-60	Added	19:3 VA.R. 456	12/1/02
9 VAC 5-221-10 through 9 VAC 5-221-60	Added	19:3 VA.R. 456	12/1/02
9 VAC 5-510-10 through 9 VAC 5-510-250	Added	19:3 VA.R. 457-466	12/1/02
9 VAC 5-510-170	Erratum	19:7 VA.R. 1119	--
9 VAC 10-10-10	Amended	19:8 VA.R. 1194	1/29/03
9 VAC 10-10-20	Amended	19:8 VA.R. 1195	1/29/03
9 VAC 10-10-30	Amended	19:8 VA.R. 1195	1/29/03
9 VAC 10-10-40	Repealed	19:8 VA.R. 1197	1/29/03
9 VAC 20-60-1285	Erratum	18:25 VA.R. 3607	--
9 VAC 20-150-30	Amended	19:6 VA.R. 1008	11/13/02
9 VAC 20-150-40	Amended	19:6 VA.R. 1008	11/13/02
9 VAC 20-150-80	Amended	19:6 VA.R. 1008	11/13/02
9 VAC 20-150-100	Amended	19:6 VA.R. 1008	11/13/02
9 VAC 20-150-110	Amended	19:6 VA.R. 1008	11/13/02
9 VAC 20-150-130	Amended	19:6 VA.R. 1008	11/13/02
9 VAC 25-31-50	Amended	18:25 VA.R. 3552	9/25/02
9 VAC 25-31-100	Amended	18:25 VA.R. 3553	9/25/02
9 VAC 25-180-10	Amended	19:4 VA.R. 629	12/4/02
9 VAC 25-180-20	Amended	19:4 VA.R. 629	12/4/02
9 VAC 25-180-40	Amended	19:4 VA.R. 629	12/4/02
9 VAC 25-180-50	Amended	19:4 VA.R. 629	12/4/02
9 VAC 25-180-55	Added	19:4 VA.R. 629	12/4/02
9 VAC 25-180-60	Amended	19:4 VA.R. 629	12/4/02
9 VAC 25-180-70	Amended	19:4 VA.R. 630	12/4/02
9 VAC 25-260-5	Amended	18:20 VA.R. 2658	1/15/03*
9 VAC 25-260-140	Amended	18:24 VA.R. 3289	**
9 VAC 25-260-140	Erratum	18:25 VA.R. 3607	--
9 VAC 25-260-155	Amended	18:24 VA.R. 3289	**
9 VAC 25-260-160	Amended	18:20 VA.R. 2658	1/15/03*
9 VAC 25-260-170	Amended	18:20 VA.R. 2658	1/15/03*
9 VAC 25-260-310	Amended	18:20 VA.R. 2659	**
9 VAC 25-260-390	Amended	18:20 VA.R. 2661	**
9 VAC 25-420	Repealed	18:26 VA.R. 3808	***
9 VAC 25-430	Repealed	18:26 VA.R. 3808	***
9 VAC 25-440	Repealed	18:26 VA.R. 3808	***
9 VAC 25-450	Repealed	18:26 VA.R. 3808	***
9 VAC 25-452	Repealed	18:26 VA.R. 3808	***
9 VAC 25-460	Repealed	18:26 VA.R. 3808	***

* Notice of effective date published in 19:7 VA.R. 1074.

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

*** Effective date suspended at publication for further public comment.

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-470	Repealed	18:26 VA.R. 3808	***
9 VAC 25-480	Repealed	18:26 VA.R. 3808	***
9 VAC 25-490	Repealed	18:26 VA.R. 3808	***
9 VAC 25-500	Repealed	18:26 VA.R. 3808	***
9 VAC 25-510	Repealed	18:26 VA.R. 3808	***
9 VAC 25-520	Repealed	18:26 VA.R. 3808	***
9 VAC 25-530	Repealed	18:26 VA.R. 3808	***
9 VAC 25-540	Repealed	18:26 VA.R. 3808	***
9 VAC 25-550	Repealed	18:26 VA.R. 3808	***
9 VAC 25-560	Repealed	18:26 VA.R. 3808	***
9 VAC 25-570	Repealed	18:26 VA.R. 3808	***
9 VAC 25-572	Repealed	18:26 VA.R. 3808	***
9 VAC 25-720-10 through 9 VAC 25-720-140	Added	18:26 VA.R. 3809-3852	***
9 VAC 25-750-10 through 9 VAC 25-750-50	Added	19:4 VA.R. 645-658	12/9/02
9 VAC 25-770-10 through 9 VAC 25-770-190 emer	Added	19:8 VA.R. 1260-1267	12/5/02-12/4/03
Title 11. Gaming			
11 VAC 10-130-80	Amended	19:3 VA.R. 478	9/27/02
Title 12. Health			
12 VAC 5-30	Repealed	19:3 VA.R. 478	1/1/03
12 VAC 5-31-10 through 12 VAC 5-31-1040	Added	19:3 VA.R. 479-504	1/1/03
12 VAC 5-31-1050	--	19:3 VA.R. 504	****
12 VAC 5-31-1060 through 12 VAC 5-31-2260	Added	19:3 VA.R. 504-529	1/1/03
12 VAC 5-31-2090	Erratum	19:7 VA.R. 1119	--
12 VAC 5-220-10	Amended	19:8 VA.R. 1198	2/3/03
12 VAC 5-220-90	Amended	19:8 VA.R. 1202	2/3/03
12 VAC 5-220-105	Amended	19:8 VA.R. 1202	2/3/03
12 VAC 5-220-150	Repealed	19:8 VA.R. 1202	2/3/03
12 VAC 5-220-160	Amended	19:8 VA.R. 1202	2/3/03
12 VAC 5-220-180	Amended	19:8 VA.R. 1202	2/3/03
12 VAC 5-220-200	Amended	19:8 VA.R. 1202	2/3/03
12 VAC 5-220-230	Amended	19:8 VA.R. 1205	2/3/03
12 VAC 5-220-270	Amended	19:8 VA.R. 1206	2/3/03
12 VAC 5-220-280	Amended	19:8 VA.R. 1207	2/3/03
12 VAC 5-220-355	Amended	19:8 VA.R. 1207	2/3/03
12 VAC 5-220-385	Amended	19:8 VA.R. 1207	2/3/03
12 VAC 5-220-420	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-220-470	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-230-10	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-230-20	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-240-10	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-240-20	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-240-30	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-250-30	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-260-30	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-260-40	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-260-80	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-260-100	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-270-30	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-270-40	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-280-10	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-280-30	Amended	19:8 VA.R. 1210	2/3/03
12 VAC 5-280-70	Amended	19:8 VA.R. 1210	2/3/03

*** Effective date suspended at publication for further public comment.

**** Withdrawn in 19:8 VA.R. 1197.

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 5-290-10	Amended	19:8 VA.R. 1210	2/3/03
12 VAC 5-290-30	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-300-30	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-310-30	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-320-50	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-320-150	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-320-430	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-340-30	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-360-30	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-360-40	Amended	19:8 VA.R. 1212	2/3/03
12 VAC 5-410-230	Amended	19:1 VA.R. 103	11/1/02
12 VAC 5-410-230	Erratum	19:3 VA.R. 549	--
12 VAC 5-410-390	Amended	19:1 VA.R. 103	11/1/02
12 VAC 5-410-1170	Amended	19:1 VA.R. 104	11/1/02
12 VAC 5-410-1180	Amended	19:1 VA.R. 104	11/1/02
12 VAC 30-70-201 emer	Amended	18:26 VA.R. 3906	9/1/02-8/31/03
12 VAC 30-70-425 emer	Added	18:25 VA.R. 3571	8/1/02-7/31/03
12 VAC 30-70-426 emer	Added	18:25 VA.R. 3571	8/1/02-7/31/03
12 VAC 30-80-20 emer	Amended	18:25 VA.R. 3571	8/1/02-7/31/03
12 VAC 30-80-30 emer	Amended	18:25 VA.R. 3573	8/1/02-7/31/03
12 VAC 30-80-30 emer	Amended	18:25 VA.R. 3576	8/1/02-7/31/03
12 VAC 30-90-18 emer	Added	18:25 VA.R. 3575	8/1/02-7/31/03
12 VAC 30-90-19 emer	Amended	18:25 VA.R. 3575	8/1/02-7/31/03
12 VAC 30-120-10 through 12 VAC 30-120-50	Amended	19:8 VA.R. 1212-1223	2/1/03
12 VAC 30-120-55	Added	19:8 VA.R. 1223	2/1/03
12 VAC 30-120-60	Amended	19:8 VA.R. 1224	2/1/03
12 VAC 30-120-210	Repealed	18:26 VA.R. 3853	10/16/02
12 VAC 30-120-211 through 12 VAC 30-120-219	Added	18:26 VA.R. 3855-3865	10/16/02
12 VAC 30-120-220	Repealed	18:26 VA.R. 3865	10/16/02
12 VAC 30-120-221 through 12 VAC 30-120-229	Added	18:26 VA.R. 3867-3875	10/16/02
12 VAC 30-120-230	Repealed	18:26 VA.R. 3875	10/16/02
12 VAC 30-120-231 through 12 VAC 30-120-237	Added	18:26 VA.R. 3878-3883	10/16/02
12 VAC 30-120-240	Repealed	18:26 VA.R. 3883	10/16/02
12 VAC 30-120-241 through 12 VAC 30-120-249	Added	18:26 VA.R. 3885-3893	10/16/02
12 VAC 30-120-249	Erratum	19:3 VA.R. 549	--
12 VAC 30-120-250	Repealed	18:26 VA.R. 3893	10/16/02
12 VAC 30-120-360	Amended	19:3 VA.R. 530	12/1/02
12 VAC 30-120-370	Amended	19:3 VA.R. 531	12/1/02
12 VAC 30-120-380	Amended	19:3 VA.R. 531	12/1/02
12 VAC 30-120-385	Repealed	19:3 VA.R. 531	12/1/02
12 VAC 30-120-390 through 12 VAC 30-120-420	Amended	19:3 VA.R. 531	12/1/02
12 VAC 30-120-700 (emer)	Amended	19:3 VA.R. 536	10/1/02-9/30/03
12 VAC 30-120-710 (emer)	Amended	19:3 VA.R. 539	10/1/02-9/30/03
12 VAC 30-120-720 (emer)	Amended	19:3 VA.R. 539	10/1/02-9/30/03
12 VAC 30-135-10 through 12 VAC 30-135-80 emer	Added	18:25 VA.R. 3579-3580	10/1/02-9/30/03
12 VAC 30-135-10 through 12 VAC 30-135-80 emer	Added	19:8 VA.R. 1268-1269	12/4/02-9/30/03
12 VAC 30-141-10 through 12 VAC 30-141-650 emer	Adding	19:1 VA.R. 138-150	9/1/02-8/31/02
12 VAC 30-141-10 through 12 VAC 30-141-650 emer	Added	18:25 VA.R. 3580-3590	8/1/02-7/31/03
12 VAC 35-105-20 emer	Amended	18:25 VA.R. 3591	9/19/02-9/18/03
12 VAC 35-105-30 emer	Amended	18:25 VA.R. 3597	9/19/02-9/18/03
12 VAC 35-105-280 emer	Amended	18:25 VA.R. 3598	9/19/02-9/18/03
12 VAC 35-105-590 emer	Amended	18:25 VA.R. 3598	9/19/02-9/18/03
12 VAC 35-105-660 emer	Amended	18:25 VA.R. 3598	9/19/02-9/18/03
12 VAC 35-105-800 emer	Amended	18:25 VA.R. 3599	9/19/02-9/18/03
12 VAC 35-190-10	Amended	19:7 VA.R. 1075	1/15/03
12 VAC 35-190-20	Repealed	19:7 VA.R. 1076	1/15/03

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 35-190-21	Added	19:7 VA.R. 1076	1/15/03
12 VAC 35-190-30	Amended	19:7 VA.R. 1076	1/15/03
12 VAC 35-190-40	Repealed	19:7 VA.R. 1076	1/15/03
12 VAC 35-190-41	Added	19:7 VA.R. 1076	1/15/03
12 VAC 35-190-50	Repealed	19:7 VA.R. 1076	1/15/03
12 VAC 35-190-51	Added	19:7 VA.R. 1076	1/15/03
Title 13. Housing			
13 VAC 10-20-20	Amended	19:2 VA.R. 349	9/20/02
13 VAC 10-20-40	Amended	19:2 VA.R. 349	9/20/02
13 VAC 10-20-90	Amended	19:2 VA.R. 349	9/20/02
13 VAC 10-40-20	Amended	19:2 VA.R. 349	9/20/02
13 VAC 10-50-90	Amended	19:2 VA.R. 349	9/20/02
Title 14. Insurance			
14 VAC 5-71-10 through 14 VAC 5-71-100	Amended	19:1 VA.R. 104	9/4/02
14 VAC 5-170-20	Amended	19:4 VA.R. 660	10/24/02
14 VAC 5-170-30	Amended	19:4 VA.R. 660	10/24/02
14 VAC 5-170-60	Amended	19:4 VA.R. 661	10/24/02
14 VAC 5-170-70	Amended	19:4 VA.R. 662	10/24/02
14 VAC 5-170-105	Amended	19:4 VA.R. 665	10/24/02
14 VAC 5-170-150	Amended	19:4 VA.R. 670	10/24/02
14 VAC 5-170-180	Amended	19:4 VA.R. 688	10/24/02
14 VAC 5-200-20	Amended	19:8 VA.R. 1232	4/1/03
14 VAC 5-200-30	Amended	19:8 VA.R. 1232	4/1/03
14 VAC 5-200-40	Amended	19:8 VA.R. 1232	4/1/03
14 VAC 5-200-60	Amended	19:8 VA.R. 1233	4/1/03
14 VAC 5-200-75	Amended	19:8 VA.R. 1235	4/1/03
14 VAC 5-200-77	Added	19:8 VA.R. 1235	4/1/03
14 VAC 5-200-150	Amended	19:8 VA.R. 1235	4/1/03
14 VAC 5-200-153	Added	19:8 VA.R. 1236	4/1/03
14 VAC 5-200-200	Amended	19:8 VA.R. 1238	4/1/03
14 VAC 5-210-70	Amended	18:26 VA.R. 3896	9/1/02
14 VAC 5-210-90	Amended	18:26 VA.R. 3896	9/1/02
14 VAC 5-350-20	Amended	19:1 VA.R. 107	9/1/02
14 VAC 5-350-30	Amended	19:1 VA.R. 107	9/1/02
14 VAC 5-350-40 through 14 VAC 5-350-80	Repealed	19:1 VA.R. 108	9/1/02
14 VAC 5-350-85	Added	19:1 VA.R. 108	9/1/02
14 VAC 5-350-95	Added	19:1 VA.R. 108	9/1/02
14 VAC 5-350-110 through 14 VAC 5-350-140	Repealed	19:1 VA.R. 108	9/1/02
14 VAC 5-350-150	Amended	19:1 VA.R. 108	9/1/02
14 VAC 5-350-155	Added	19:1 VA.R. 108	9/1/02
14 VAC 5-350-160	Amended	19:1 VA.R. 108	9/1/02
14 VAC 5-350-165	Added	19:1 VA.R. 108	9/1/02
14 VAC 5-350-170	Repealed	19:1 VA.R. 108	9/1/02
14 VAC 5-350-180	Repealed	19:1 VA.R. 108	9/1/02
14 VAC 5-350-210	Amended	19:1 VA.R. 108	9/1/02
14 VAC 5-350 (Forms)	Amended	19:5 VA.R. 814	--
14 VAC 5-385-10 through 14 VAC 5-385-150	Added	19:2 VA.R. 351	10/1/02
Title 16. Labor and Employment			
16 VAC 5-10-10	Amended	18:26 VA.R. 3897	11/3/02
16 VAC 5-10-20	Amended	18:26 VA.R. 3897	11/3/02
16 VAC 5-10-21	Added	18:26 VA.R. 3898	11/3/02
16 VAC 5-10-22	Added	18:26 VA.R. 3898	11/3/02
16 VAC 5-10-30	Amended	18:26 VA.R. 3898	11/3/02
16 VAC 5-20-10	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-20-20	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-32-10	Amended	18:26 VA.R. 3900	11/3/02

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
16 VAC 5-32-20	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-60-10	Amended	18:26 VA.R. 3898	11/3/02
16 VAC 5-60-20	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-60-40	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-70-10	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-70-20	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-80-10	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-80-20	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-80-30	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-80-40	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 20-10-10	Amended	19:8 VA.R. 1239	2/1/03
16 VAC 20-10-20	Amended	19:8 VA.R. 1239	2/1/03
16 VAC 20-10-40	Amended	19:8 VA.R. 1239	2/1/03
16 VAC 20-10-50	Amended	19:8 VA.R. 1239	2/1/03
16 VAC 20-10-80	Amended	19:8 VA.R. 1239	2/1/03
16 VAC 20-10-90	Amended	19:8 VA.R. 1239	2/1/03
16 VAC 20-10-100	Amended	19:8 VA.R. 1239	2/1/03
Title 18. Professional and Occupational Licensing			
18 VAC 50-22-100	Amended	19:6 VA.R. 1011	1/1/03
18 VAC 50-22-140	Amended	19:6 VA.R. 1011	1/1/03
18 VAC 50-22-170	Amended	19:6 VA.R. 1011	1/1/03
18 VAC 50-22-250	Amended	19:6 VA.R. 1011	1/1/03
18 VAC 50-30-90 through 18 VAC 50-30-130	Amended	19:6 VA.R. 1011	1/1/03
18 VAC 50-30-150	Amended	19:6 VA.R. 1011	1/1/03
18 VAC 85-20-310 through 18 VAC 85-20-390 emer	Added	19:7 VA.R. 1114-1117	11/18/02-11/17/03
18 VAC 85-80-10	Amended	19:1 VA.R. 108	10/23/02
18 VAC 85-80-26	Added	19:1 VA.R. 108	10/23/02
18 VAC 85-80-35	Amended	19:1 VA.R. 108	10/23/02
18 VAC 85-80-40	Amended	19:1 VA.R. 108	10/23/02
18 VAC 85-80-45	Added	19:1 VA.R. 108	10/23/02
18 VAC 85-80-60 through 18 VAC 85-80-110	Amended	19:1 VA.R. 108	10/23/02
18 VAC 85-80-120	Repealed	19:1 VA.R. 109	10/23/02
18 VAC 85-101-10	Amended	19:1 VA.R. 109	10/23/02
18 VAC 85-101-60	Amended	19:1 VA.R. 109	10/23/02
18 VAC 85-101-70	Amended	19:1 VA.R. 110	10/23/02
18 VAC 85-101-150	Amended	19:1 VA.R. 110	10/23/02
18 VAC 90-40-100	Amended	19:7 VA.R. 1076	1/15/03
18 VAC 90-40-110	Amended	19:7 VA.R. 1076	1/15/03
18 VAC 90-40-120	Amended	19:7 VA.R. 1076	1/15/03
18 VAC 90-50	Erratum	19:8 VA.R. 1273	--
18 VAC 90-50-10	Amended	19:7 VA.R. 1084	1/15/03
18 VAC 90-50-40	Amended	19:7 VA.R. 1084	1/15/03
18 VAC 90-50-50	Amended	19:7 VA.R. 1085	1/15/03
18 VAC 90-50-60	Amended	19:7 VA.R. 1085	1/15/03
18 VAC 90-50-70	Amended	19:7 VA.R. 1085	1/15/03
18 VAC 90-50-75	Added	19:7 VA.R. 1085	1/15/03
18 VAC 90-50-80	Amended	19:7 VA.R. 1086	1/15/03
18 VAC 90-50-90	Amended	19:7 VA.R. 1086	1/15/03
18 VAC 95-20-80	Amended	19:7 VA.R. 1094	1/15/03
18 VAC 105-20-10	Amended	19:7 VA.R. 1106	1/15/03
18 VAC 105-20-15	Amended	19:7 VA.R. 1106	1/15/03
18 VAC 105-20-20	Amended	19:7 VA.R. 1106	1/15/03
18 VAC 105-20-40 through 18 VAC 105-20-70	Amended	19:7 VA.R. 1106	1/15/03
18 VAC 105-30-90	Amended	19:7 VA.R. 1108	1/15/03
18 VAC 105-30-100	Amended	19:7 VA.R. 1108	1/15/03
18 VAC 105-30-120	Amended	19:7 VA.R. 1108	1/15/03

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 110-20-20	Amended	19:4 VA.R. 689	12/4/02
18 VAC 110-30-15	Amended	19:4 VA.R. 691	12/4/02
18 VAC 112-20-10	Amended	19:1 VA.R. 110	10/23/02
18 VAC 112-20-130	Amended	19:1 VA.R. 110	10/23/02
18 VAC 112-20-131	Added	19:1 VA.R. 110	10/23/02
18 VAC 112-20-135	Amended	19:1 VA.R. 110	10/23/02
18 VAC 112-20-136	Added	19:1 VA.R. 110	10/23/02
18 VAC 112-20-140	Amended	19:1 VA.R. 110	10/23/02
18 VAC 115-30-140	Amended	19:1 VA.R. 110	10/23/02
18 VAC 115-60-130	Amended	19:1 VA.R. 111	10/23/02
18 VAC 150-20-100	Amended	19:7 VA.R. 1113	1/15/03
Title 20. Public Utilities and Telecommunications			
20 VAC 5-302-20	Amended	19:1 VA.R. 115	8/21/02
20 VAC 5-302-25	Added	19:1 VA.R. 117	8/21/02
20 VAC 5-302-35	Added	19:1 VA.R. 118	8/21/02
20 VAC 5-312-90	Amended	19:1 VA.R. 121	1/1/03
20 VAC 5-312-90	Erratum	19:5 VA.R. 819	--
20 VAC 5-312-100	Amended	18:26 VA.R. 3904	1/1/03
20 VAC 5-312-120	Added	18:26 VA.R. 3905	1/1/03
Title 22. Social Services			
22 VAC 5-10-10	Amended	19:1 VA.R. 124	10/23/02
22 VAC 5-10-20	Amended	19:1 VA.R. 124	10/23/02
22 VAC 5-10-100	Amended	19:1 VA.R. 124	10/23/02
22 VAC 5-20-20 through 22 VAC 5-20-100	Amended	19:1 VA.R. 124-132	10/23/02
22 VAC 5-20-110	Repealed	19:1 VA.R. 132	10/23/02
22 VAC 5-20-120	Amended	19:1 VA.R. 132	10/23/02
22 VAC 5-20-140	Amended	19:1 VA.R. 133	10/23/02
22 VAC 5-20-150	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-170	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-180	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-190	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-210	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-230	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-250	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-300	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-310	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-330	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-450	Amended	19:1 VA.R. 135	10/23/02
22 VAC 5-20-460	Amended	19:1 VA.R. 135	10/23/02
22 VAC 5-20-580	Amended	19:1 VA.R. 135	10/23/02
22 VAC 5-20-600	Amended	19:1 VA.R. 136	10/23/02
22 VAC 15-30 (Forms)	Amended	19:4 VA.R. 695	--
22 VAC 15-60-10 through 22 VAC 15-60-180	Repealed	19:2 VA.R. 351	11/6/02
22 VAC 20-20-10 through 22 VAC 20-20-110	Amended	19:4 VA.R. 694	1/1/03
22 VAC 40-60 (Forms)	Amended	19:4 VA.R. 695	--
22 VAC 40-71-10	Amended	19:8 VA.R. 1240	3/28/03
22 VAC 40-71-20	Amended	19:8 VA.R. 1244	3/28/03
22 VAC 40-71-30	Amended	19:8 VA.R. 1244	3/28/03
22 VAC 40-71-45	Added	19:8 VA.R. 1244	3/28/03
22 VAC 40-71-50	Amended	19:8 VA.R. 1244	3/28/03
22 VAC 40-71-60	Amended	19:8 VA.R. 1245	3/28/03
22 VAC 40-71-80	Amended	19:8 VA.R. 1245	3/28/03
22 VAC 40-71-90	Amended	19:8 VA.R. 1245	3/28/03
22 VAC 40-71-110	Amended	19:8 VA.R. 1245	3/28/03
22 VAC 40-71-130	Amended	19:8 VA.R. 1245	3/28/03
22 VAC 40-71-150	Amended	19:8 VA.R. 1245	3/28/03

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
22 VAC 40-71-160	Amended	19:8 VA.R. 1248	3/28/03
22 VAC 40-71-170	Amended	19:8 VA.R. 1248	3/28/03
22 VAC 40-71-180	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-210	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-270	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-275	Added	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-280	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-290	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-310	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-330	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-360	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-410	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-440	Amended	19:8 VA.R. 1250	3/28/03
22 VAC 40-71-450	Amended	19:8 VA.R. 1250	3/28/03
22 VAC 40-71-460	Amended	19:8 VA.R. 1250	3/28/03
22 VAC 40-71-480	Amended	19:8 VA.R. 1250	3/28/03
22 VAC 40-71-490	Amended	19:8 VA.R. 1250	3/28/03
22 VAC 40-71-530	Amended	19:8 VA.R. 1250	3/28/03
22 VAC 40-71-540	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-550	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-560	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-570	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-580	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-590	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-600	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-630	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-640	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-650	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-660	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-670	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-680	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-690	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-700	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-90-10	Amended	19:2 VA.R. 352	11/6/02
22 VAC 40-90-20	Amended	19:2 VA.R. 353	11/6/02
22 VAC 40-90-60	Amended	19:2 VA.R. 353	11/6/02
22 VAC 40-92-10 through 22 VAC 40-92-180	Repealed	19:3 VA.R. 531	11/20/02
22 VAC 40-705-10	Amended	19:6 VA.R. 1011	1/1/03
22 VAC 40-705-30 through 22 VAC 40-705-160	Amended	19:6 VA.R. 1014-1023	1/1/03
22 VAC 40-705-180	Amended	19:6 VA.R. 1023	1/1/03
22 VAC 40-705-190	Amended	19:6 VA.R. 1023	1/1/03
22 VAC 40-720-10	Amended	19:3 VA.R. 531	11/20/02
22 VAC 40-730-10	Amended	19:3 VA.R. 532	11/20/02
22 VAC 40-730-20	Amended	19:3 VA.R. 533	11/20/02
22 VAC 40-730-40 through 22 VAC 40-730-90	Amended	19:3 VA.R. 533	11/20/02
Title 24. Transportation and Motor Vehicles			
24 VAC 30-270	Repealed	19:3 VA.R. 533	9/18/02
24 VAC 30-271-10	Added	19:3 VA.R. 533	9/18/02
24 VAC 30-271-20	Added	19:3 VA.R. 533	9/18/02

PETITIONS FOR RULEMAKING

BOARD OF ACCOUNTANCY

Agency Decision

Title of Regulation: **18 VAC 5-21. Board of Accountancy Regulations.**

Statutory Authority: §§ 54.1-4403 and 54.1-4410 of the Code of Virginia.

Name of petitioner: Richard H. Agnew, Jr.

Nature of petitioner's request: To consider amending the existing regulations about retaining records of continuing professional education and to adopt similar recording procedures of continuing education that are required by the Virginia State Bar.

Agency Decision: Request Denied

Statement of reasons for decision: With no public comment being submitted as a result of the petition's publication in the Virginia Register, the board, at its November 22, 2002 meeting, agreed by unanimous vote to issue a written decision to deny the rulemaking petition based upon the prohibitive costs that would result for the regulants.

Agency Contact: Nancy Taylor Feldman, Executive Director, Board of Accountancy, 3600 W. Board St., Suite 696, Richmond, VA 23230-4916, telephone (804) 367-8505, FAX (804) 367-2174 or e-mail boa@boa.state.va.us.

VA.R. Doc. No. R03-47; Filed December 23, 2002, 10:41 a.m.

possibility of issuing a residency license for one year with the possibility of renewal.

Agency Contact: Evelyn B. Brown, Executive Director, Board of Psychology, 6603 West Broad Street, Richmond, VA 23230-1712, telephone (804) 662-9913, FAX (804) 662-7250 or e-mail evelyn.brown@dhp.state.va.us.

VA.R. Doc. No. R03-20; Filed December 16, 2002, 2:56 a.m.

BOARD OF PSYCHOLOGY

Agency Decision

Title of Regulation: **18 VAC 125-20. Regulations Governing the Practice of Psychology.**

Statutory Authority: § 54.1-3605 of the Code of Virginia.

Name of petitioner: Cathleen A. Rea, Ph.D., for the Virginia Academy of Clinical Psychologists

Nature of petitioner's request: To consider the issuance of a full-time license to practice clinical psychology to applicants immediately upon successful completion of their doctoral degree, clinical internship, and passing of the Examination for Professional Practice.

Agency Decision: Request Denied

Statement of reasons for decision: The Regulatory Committee held two open meetings with interested parties to discuss the issues related to licensure prior to completion of a residency. After consideration of problems with the proposal related to mobility of licensure and concerns for public safety, the recommendation was that the board should not issue a full license to applicants without completion of a residency. On December 10, 2002, the board unanimously approved the Committee recommendation but also voted to explore the

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

TITLE 1. ADMINISTRATION

DEPARTMENT OF THE TREASURY

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of the Treasury intends to consider amending regulations entitled: **1 VAC 75-40. Unclaimed Property Administrative Review Process**. The purpose of the proposed action is to allow any person asserting ownership of unclaimed property or any holder of unclaimed property who is aggrieved by a decision of the Administrator of the Uniform Disposition of Unclaimed Property Act the opportunity to file an application for an administrative review of the administrator's decision, all in compliance with § 55-210.27 of the Code of Virginia.

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

Statutory Authority: § 55-210.27 of the Code of Virginia.

Public comments may be submitted until February 12, 2003.

Contact: Vicki D. Bridgeman, Director of Unclaimed Property, Department of the Treasury, James Monroe Bldg., 101 N. 14th St., 4th Floor, Richmond, VA 23219, telephone (804) 225-3156, FAX (804) 786-4653, or e-mail vicki.bridgeman@trs.state.va.us.

VA.R. Doc. No. R03-98; Filed December 20, 2002, 2:34 p.m.

TITLE 9. ENVIRONMENT

STATE AIR POLLUTION CONTROL BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Air Pollution Control Board intends to consider amending regulations entitled: **9 VAC 5-20. General Provisions (Rev. C03)**. The purpose of the proposed action is to enlarge the scope of volatile organic compound (VOC) emissions control areas in order to include potential new ozone nonattainment areas. This action is being taken to implement a program established by the U.S. Environmental Protection Agency (EPA) for areas potentially designated as nonattainment under the eight-hour ozone standard. This program enables such areas to avoid the nonattainment designation through early reduction credits. By avoiding the nonattainment designation, these areas will thus avoid new source review for major sources, including the requirement to make offsets, and conformity review.

Need: Among the primary goals of the federal Clean Air Act are the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) and the prevention of

significant deterioration (PSD) of air quality in areas cleaner than required by the NAAQS.

The NAAQS, developed and promulgated by the U.S. Environmental Protection Agency (EPA), establish the maximum limits of pollutants that are permitted in the outside ambient air. EPA requires that each state submit a plan (called a State Implementation Plan or SIP), including any laws and regulations necessary to enforce the plan, that shows how the air pollution concentrations will be reduced to levels at or below these standards (attainment). Once the pollution levels are within the standards, the SIP must also demonstrate how the state will maintain the air pollution concentrations at the reduced levels (maintenance).

A SIP is the key to the state's air quality programs. The Clean Air Act is specific concerning the elements required for an acceptable SIP. If a state does not prepare such a plan, or EPA does not approve a submitted plan, then EPA itself is empowered to take the necessary actions to attain and maintain the air quality standards—that is, it would have to promulgate and implement an air quality plan for that state. EPA is also, by law, required to impose sanctions in cases where there is no approved plan or the plan is not being implemented, the sanctions consisting of loss of federal funds for highways and other projects and/or more restrictive requirements for new industry. Generally, the plan is revised, as needed, based upon changes in the federal Clean Air Act and its requirements.

The basic approach to developing a SIP is to examine air quality across the state, delineate areas where air quality needs improvement, determine the degree of improvement necessary, inventory the sources contributing to the problem, develop a control strategy to reduce emissions from contributing sources enough to bring about attainment of the air quality standards, implement the strategy, and take the steps necessary to ensure that the air quality standards are not violated in the future.

The heart of the SIP is the control strategy. The control strategy describes the emission reduction measures to be used by the state to attain and maintain the air quality standards. There are three basic types of measures: stationary source control measures, mobile source control measures, and transportation source control measures. Stationary source control measures are directed at limiting emissions primarily from commercial/industrial facilities and operations and include the following: emission limits, control technology requirements, preconstruction permit programs for new industry and expansions, and source-specific control requirements. Stationary source control measures also include area source control measures which are directed at small businesses and consumer activities. Mobile source control measures are directed at tailpipe and other emissions primarily from motor vehicles and include the following: Federal Motor Vehicle Emission Standards, fuel volatility limits, reformulated gasoline, emissions control system

Notices of Intended Regulatory Action

anti-tampering programs, and inspection and maintenance programs. Transportation source control measures limit the location and use of motor vehicles and include the following: carpools, special bus lanes, rapid transit systems, commuter park and ride lots, bicycle lanes, signal system improvements, and many others.

Federal guidance on states' approaches to the inclusion of control measures in the SIP has varied considerably over the years, ranging from very general in the early years of the Clean Air Act to very specific in more recent years. Many regulatory requirements were adopted in the 1970s when no detailed guidance existed. The legally binding federal mandate for these regulations is general, not specific, consisting of the Clean Air Act's broad-based directive to states to attain and maintain the air quality standards. However, in recent years, the Clean Air Act, along with EPA regulations and policy, has become much more specific, thereby removing much of the states' discretion to craft their own air quality control programs.

Generally, a SIP is revised, as needed, based upon changes in air quality or statutory requirements. For the most part the SIP has worked, and the standards have been attained for most pollutants in most areas. However, attainment of NAAQS for one pollutant--ozone--has proven problematic. While ozone is needed at the earth's outer atmospheric layer to shield out harmful rays from the sun, excess concentrations at the surface have an adverse effect on human health and welfare. Ozone is formed by a chemical reaction between volatile organic compounds (VOCs), nitrogen oxides (NO_x), and sunlight. When VOC and NO_x emissions from mobile sources and stationary sources are reduced, ozone is reduced.

Congress enacted the 1977 Amendments to the Clean Air Act in order to address unsuccessful SIPs and areas that had not attained the NAAQS (that is, nonattainment areas). Although SIP revisions submitted pursuant to the requirements of the 1977 amendments did achieve some progress in eliminating nonattainment areas, some areas remained.

In 1990 Congress once again enacted comprehensive amendments to the Act to address SIP requirements for nonattainment areas. The new Act established a process for evaluating the air quality in each region and identifying and classifying each nonattainment area according to the severity of its air pollution problem. Nonattainment areas are classified as marginal, moderate, serious, severe and extreme. Marginal areas are subject to the least stringent requirements and each subsequent classification (or class) is subject to successively more stringent control measures. Areas in a higher classification of nonattainment must meet the mandates of the lower classifications plus the more stringent requirements of their class. In addition to the general SIP-related sanctions, nonattainment areas have their own unique sanctions. If a particular area fails to attain the federal standard by the legislatively mandated attainment date, EPA is required to reassign it to the next higher classification level (denoting a worse air quality problem), thus subjecting the area to more stringent air pollution control requirements. The Clean Air Act includes specific provisions requiring these sanctions to be issued by EPA if so warranted.

The new Act required EPA, based on the air quality data from each state, to propose geographic boundaries and pollution classification levels for all nonattainment areas to each state's governor. If states disagreed with EPA's proposals, they had the opportunity to propose different boundaries; however, EPA had the authority to make the final decision.

Once the nonattainment areas were defined, each state was then obligated to submit a SIP demonstrating how it would attain the air quality standards in each nonattainment area. First, the new Act requires that certain specific control measures and other requirements be adopted and included in the SIP; a list of those that necessitated the adoption of state regulations is provided below. In addition, the state had to demonstrate that it would achieve a VOC emission reduction of 15%. Finally, the SIP had to include an attainment demonstration by photochemical modeling (including annual emission reductions of 3.0% from 1996 to 1999) in addition to the 15% emission reduction demonstration. In cases where the specific control measures shown below were inadequate to achieve the emission reductions or attain the air quality standard, the state was obligated to adopt other control measures as necessary to achieve this end.

ALL AREAS

- correct existing VOC regulatory program (controls on certain sources identified in EPA control technology guidelines)
- requirement for annual statements of emissions from industries
- permit program for new industry and expansions (with variable major source definition, variable offset ratio for addition of new pollution, and special requirements for expansions to existing industry in serious areas)
- procedures to determine if systems level highway plans and other federally financed projects are in conformity with air quality plans

MODERATE AND ABOVE AREAS

- requirement for controls for all major (100 tons per year) VOC sources
- requirement for vapor recovery controls for emissions from filling vehicles with gasoline (stage II)
- requirement for controls for all major (100 tons per year) NO_x sources
- case-by-case control technology determinations for all major VOC and NO_x sources not covered by a EPA control technology guideline

SERIOUS AND ABOVE AREAS

- requirement for controls for all major (50 tons per year) VOC sources
- requirement for controls for all major (50 tons per year) NO_x sources
- enhanced monitoring (source emissions) program
- correct existing motor vehicle emissions inspection and maintenance (I&M) program
- enhanced motor vehicle emissions I&M program

Notices of Intended Regulatory Action

- clean fuel fleet vehicle program
- oxygenated fuels program

On July 18, 1997 (62 FR 38856), EPA issued a regulation replacing the one-hour, 0.12 ppm ozone standard with an eight-hour, 0.08 ppm standard. The new primary standard became effective on September 16, 1997. Considerable time and litigation later, the new standard was upheld, and EPA began the process of developing an implementation strategy. EPA hopes to finalize a set of requirements by 2003, so that states can begin to develop their implementation plans.

In the meantime, the Clean Air Act requires that governors make recommendations to EPA concerning the geographic boundaries with respect to attainment or nonattainment after promulgation of new or revised air quality standards. In July 2000, the Governor of Virginia recommended the following areas:

- Frederick: Frederick County, City of Winchester
- Fredericksburg: Caroline County, Spotsylvania County, Stafford County, City of Fredericksburg
- Northern Virginia: Arlington County, Fairfax County, Fauquier County, Loudoun County, Prince William County, City of Alexandria, City of Fairfax, City of Falls Church, City of Manassas, City of Manassas Park
- Shenandoah National Park: portions of Shenandoah National Park located in Page and Madison Counties
- Roanoke: Botetourt County, Roanoke County, City of Roanoke, City of Salem
- Richmond: Charles City County, Chesterfield County, Hanover County, Henrico County, City of Colonial Heights, City of Hopewell, City of Richmond
- Hampton Roads: James City County, York County, City of Chesapeake, City of Hampton, City of Newport News, City of Norfolk, City of Poquoson, City of Portsmouth, City of Suffolk, City of Virginia Beach, City of Williamsburg

EPA responded with proposed the following additions:

- Rockingham County, Augusta County, Albemarle County, Pittsylvania County

Currently, EPA is in the process of determining what the final designations will be. It is anticipated that the final designations will be made and become effective in late 2004.

EPA has established a program to allow these potential nonattainment areas to voluntarily adopt local emission control programs to avoid air quality violations and the potential of mandated controls for both the one-hour and eight-hour standards. Areas that have air quality meeting the one-hour ozone standard are eligible to participate. In order to participate, state and local governments and EPA must develop and sign an intergovernmental agreement known as a memorandum of agreement (MOA). The MOA describes the local control measures the state or local community intends to adopt and implement to reduce emissions of ozone-forming air pollutants in advance of air quality violations. In the MOA, the state or local community agrees to prepare emission

inventories and conduct air quality modeling and monitoring, if necessary, to support its selection of emission controls.

Areas that participate in the program will have the flexibility to institute their own approach in maintaining clean air and providing public health protection. Participants receive positive public reaction for voluntarily addressing air pollution problems ahead of federal requirements. Early, local controls can improve air quality in advance of EPA's designating areas as attainment or nonattainment for the eight-hour ground-level ozone standard. For a period of time (generally not to exceed five years), participating areas can avoid a nonattainment designation, for the one-hour ozone standard, while local controls address air quality conditions.

Virginia's strategy for participating in the early reduction program is to have the proposed nonattainment areas be subject to VOC control strategies from which they had hitherto been exempt. In order to enable the affected localities to implement these VOC controls, the regulation must be revised to include these affected localities. At this time, all potentially affected localities are being included; individual localities may choose not to participate and be removed from the list before it is adopted as final.

Potential Issues: The first issue will be to expand the regulatory scope of the VOC emissions control areas to include the proposed eight-hour ozone nonattainment areas. The second issue will be to make any other changes that may be necessary to maintain regulatory consistency.

Alternatives: Alternatives to the proposed regulation amendments are being considered by the department. The department has tentatively determined that the first alternative is appropriate, as it is the least burdensome and least intrusive alternative that fully meets the purpose of the regulatory action. The alternatives being considered by the department, along with the reasoning by which the department has rejected any of the alternatives being considered, are discussed below.

1. Amend the regulation to satisfy the provisions of the law and associated regulations and policies. This option is being selected because it meets the stated purpose of the regulatory action: to enlarge the scope of the VOC emissions control areas to include the proposed eight-hour ozone nonattainment areas in order for these areas to participate in EPA's early reduction credit program.

2. Make alternative regulatory changes to those required by the provisions of the law and associated regulations and policies. This option is not being selected because localities that become designated nonattainment for ozone are subject to more restrictive requirements for new industry, including the need to obtain offsets, and to conduct conformity review.

3. Take no action to amend the regulation. This option is not being selected because localities that become designated nonattainment for ozone are subject to more restrictive requirements for new industry, including the need to obtain offsets, and to conduct conformity review.

Public Participation: The department is soliciting comments on (i) the intended regulatory action, to include ideas to assist the

Notices of Intended Regulatory Action

department in the development of the proposal, (ii) the impacts of the proposed regulation on farm and forest lands, (iii) the costs and benefits of the alternatives stated in this notice or other alternatives, and (iv) potential pollution prevention benefits that could be realized. All comments must be received by the department by 4:30 p.m. on the day of the public meeting (see information below) in order to be considered. It is preferred that all comments be provided in writing to the department, along with any supporting documents or exhibits; however, oral comments will be accepted at the meeting. Comments may be submitted by mail, facsimile transmission, e-mail, or by personal appearance at the meeting, but must be submitted to Karen Sabasteanski, Policy Analyst, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia, 23240 (e-mail: kgsabastea@deq.state.va.us) (fax number: 804-698-4510). Comments by facsimile transmission will be accepted only if followed by receipt of the signed original within one week. Comments by e-mail will be accepted only if the name, address and phone number of the commenter are included. All testimony, exhibits and documents received are a matter of public record. Only comments (i) related to the potential issues, alternatives, and costs and benefits (see supporting information below) as specified in this notice and (ii) provided in accordance with the procedures specified in this notice will be given consideration in the development of the proposed regulation amendments.

A public meeting will be held by the department to receive comments on the intended action. Information on the date, time, and place of the meeting is published in the Calendar of Events section of the Virginia Register.

After publication in the Virginia Register of Regulations, the department will hold at least one public hearing to provide opportunity for public comment on any regulation amendments drafted pursuant to this notice.

Ad Hoc Advisory Group: The department is soliciting comments on the advisability of forming an ad hoc advisory group, using a standing advisory committee, or consulting with groups or individuals registering interest in working with the department to assist in the drafting and formation of any proposal. The primary function of any group, committee or individuals that may be used is to develop recommended regulation amendments for department consideration through the collaborative approach of regulatory negotiation and consensus. Any comments relative to this issue must be submitted to the agency contact in writing by 4:30 p.m. the last day of the comment period.

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

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on February 12, 2003.

Contact: Karen G. Sabasteanski, Policy Analyst, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426, FAX (804) 698-4510, or e-mail kgsabastea@deq.state.va.us.

VA.R. Doc. No. R03-101; Filed December 23, 2002, 12:03 p.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Air Pollution Control Board intends to consider amending regulations entitled: **9 VAC 5-140. Regulation for Emissions Trading (Rev. H02)**. The purpose of the proposed action is to correct an EPA identified deficiency in the banking provisions of the NO_x Budget Trading Program regulation with regard to the start date for flow control. The regulation creates an enforceable mechanism to assure that collectively all affected sources will not exceed the total NO_x emissions budget established by EPA for the Commonwealth for the year 2007 ozone season and to provide the regulatory basis for a program under which the creation, trading (buying and selling) and registering of emission credits can occur.

Need: One of the primary goals of the federal Clean Air Act (Act) is the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) and the prevention of significant deterioration (PSD) of air quality in areas cleaner than the NAAQS.

The Act gives the U.S. Environmental Protection Agency (EPA) the authority to establish the NAAQS, which are designed to protect the health of the general public with an adequate margin of safety. The NAAQS establish the maximum limits of pollutants that are permitted in the ambient air. The Act requires that each state submit a plan (called a State Implementation Plan or SIP), including any laws and regulations necessary to enforce the plan, showing how the air pollution concentrations will be reduced to levels at or below these standards (i.e., attainment). Once the pollution levels are within the standards, the plan must also demonstrate how the state will maintain the air pollution concentrations at reduced levels (i.e., maintenance).

In 1979, EPA established a NAAQS for ozone of 0.12 parts per million (ppm). This standard was based on a one-hour averaging period and is commonly called the one-hour standard. When concentrations of ozone in the ambient air exceed the federal standard the area is considered to be out of compliance and is designated as "nonattainment." Numerous counties and cities within the Commonwealth have at one time been identified as ozone nonattainment areas according to the Act. Currently, only the Northern Virginia area is a nonattainment area for the one-hour standard.

The Act has a process for evaluating the air quality in each region and identifying and classifying each nonattainment area according to the severity of its air pollution problem. There are five nonattainment area classifications called marginal, moderate, serious, severe and extreme. Marginal areas are subject to the least stringent requirements and each subsequent classification (or class) is subject to successively more stringent control measures. Areas in a higher classification of nonattainment must meet the mandates of the lower classifications plus the more stringent requirements of its own class. If a particular area fails to attain the federal standard by the legislatively mandated attainment date, EPA is required to reassign it to the next higher classification level (denoting a worse air quality problem), thus subjecting the area to more stringent air pollution control requirements.

Notices of Intended Regulatory Action

The Act contains comprehensive air quality planning requirements for areas that do not attain the federal air quality standard for ozone (that is, nonattainment areas). Once the nonattainment areas were defined, each state was then obligated to submit a SIP revision or plan demonstrating how it will attain the air quality standard in each nonattainment area. Failure to develop adequate plans to meet the ozone air quality standard: (i) will result in the continued violations of the standard, (ii) may result in assumption of air quality programs by EPA at which time the Commonwealth would lose authority over matters affecting its citizens, and (iii) may result in the implementation of sanctions by EPA, such as more restrictive requirements on new major industrial facilities and loss of federal funds for highway construction.

The heart of the plan is the control strategy. The control strategy describes the measures to be used by the state to attain and maintain the air quality standards. There are three basic types of measures: stationary source control measures, mobile source control measures, and transportation source control measures. Stationary source control measures are directed at emissions primarily from commercial/industrial facilities and operations. Mobile source control measures are directed at tailpipe and other emissions from motor vehicles, and transportation source control measures affect motor vehicle location and use. The Act encourages the use of market-based programs to facilitate the attainment of the milestones and goals in the SIP. One market-based program to assist in meeting these goals is emissions trading.

Emissions trading consists of bubbles, netting, offsetting and emissions reduction credit banking. These steps involve the creation of surplus emissions reduction credits at sources of air pollution for use to meet SIP air pollution control requirements by the same or other sources. The source creating the emission reduction credit could either sell (trade) the credit to another source or store (bank) the credit for later use or sale. Such a program can provide more flexibility to meet environmental requirements, thus reducing costs and encouraging faster compliance. Moreover, the development of generic trading rules enables states to expedite the attainment of SIP goals and eliminates the need for case-by-case review of emission trading projects. New and existing sources can take advantage of emissions trading. In order to obtain an air quality permit in some air quality areas, new industry and existing industry that is significantly expanding or modifying its operations must find credits to offset the amount of new pollution released so there is no net increase in pollution levels in the area.

Properly utilized emissions trading can provide more flexibility for both new and existing industry to meet environmental requirements, while reducing pollution control costs and encouraging faster compliance with regulatory requirements. Emissions trading can also provide an incentive for industry to install innovative pollution control equipment and increase pollution prevention efforts.

Many areas within the eastern half of the United States petitioned EPA regarding their inability to achieve the ozone standard due to significant amounts of ozone and oxides of nitrogen (NO_x), a precursor to ozone, being transported across state boundaries. EPA made a determination (Finding

of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone; 63 FR 57356, October 27, 1998) that sources in 22 states and the District of Columbia emitted NO_x in amounts that significantly contribute to nonattainment of the ozone NAAQS in one or more downwind states. EPA also required that each of the affected upwind jurisdictions (sometimes referred to as upwind states) submit SIP revisions prohibiting those amounts of NO_x emissions which significantly contribute to downwind air quality problems. Virginia was included as one of the upwind states.

The rulemaking, known as the NO_x SIP call rule (40 CFR 51.121), also includes statewide NO_x emissions budget levels that each state must achieve by the year 2007. Furthermore, the NO_x SIP call rule identifies specific source categories that are covered by the budget. Failure to achieve the budget will result in a Federal Implementation Plan (FIP) for which EPA has also published a Notice of Proposed Rulemaking (63 FR 56394, October 21, 1998).

The NO_x SIP Call final rule identifies 22 jurisdictions as having substantially inadequate SIPs to comply with requirements of the Clean Air Act that address interstate transport of nitrogen oxides in amounts that will contribute significantly to nonattainment in one or more other States with respect to the one-hour ozone national ambient air quality standards. It mandates that, for each jurisdiction identified, a SIP revision must be submitted to EPA that imposes enforceable mechanisms to assure that, collectively, all sources identified in the budget, will not exceed the NO_x emissions projected for the year 2007 ozone season. The SIP revisions must include control measures to limit the amount of NO_x so that the jurisdiction's budget is not exceeded. The control measures must be implemented no later than May 1, 2003 (later adjusted by the United States Court of Appeals for the District of Columbia Circuit to May 31, 2004). Emission reductions used to demonstrate compliance with the revision must occur during the ozone season. The revision must include a description of enforcement methods including monitoring compliance with each selected control measure and procedures for handling violations. For large electric generators and industrial boilers, the control measures must include a NO_x mass emissions cap on each source, and impose a NO_x emission rate so that the State can comply with the 2007 ozone NO_x budget.

The NO_x SIP call rule permits the states to include an allowance trading program as an option in their SIP revisions. This element is allowed under 40 CFR 51.121(p) and is contained in 40 CFR Part 96 of the NO_x SIP Call rule. The allowance trading system is very similar to the emissions trading system described above in this notice except the geographic area is different and the pollutant and sources covered are limited as described in the preceding paragraph. For this reason the allowance trading system is classified as a closed market trading system.

On May 21, 2002, the Board adopted the final regulation concerning Emissions Trading, Virginia NO_x Budget Trading Program (9 VAC 5 Chapter 140). The final regulation was published in the Virginia Register on June 17, 2002 and

Notices of Intended Regulatory Action

became effective on July 17, 2002. The regulation was submitted to EPA as a revision to the Virginia State Implementation Plan on June 25, 2002.

On November 12, 2002 (67 FR 68542), EPA issued notice that it intends to approve the NO_x Budget Trading Program as submitted on June 25, 2002, with the exception of the NO_x Allowances Banking provisions located in 9 VAC 5-140-550, which require that flow control begin in 2006. According to the notice:

The 2006 date is inconsistent with the model rule in Part 96 (which required flow control in the NO_x SIP Call to start in 2004) and the subsequent timing change effected by the ruling of the U.S. Court of Appeals for the D.C. related to its decision in *Michigan v. EPA*, 213 F.3d 663 (D.C. Cir.2000). Although the court's action affected only the compliance deadline, other dates in the rule for related requirements (such as flow control) were also extended because they were established relative to the original compliance deadline. The compliance deadline was extended by one year (from 2004 to 2005), thereby necessitating an extension of the date for flow control to begin by one year (from 2004 to 2005). Virginia must revise its regulation at 9 VAC 5-140-550 to establish the start of flow control to be 2005.

The notice continues:

For Virginia's NO_x banking requirements to become fully approvable, Virginia must correct the deficiency identified in this action and submit the change as a SIP revision, by a date within one year from the final conditional approval....If the condition is not met within the specified timeframe, EPA is proposing that the rulemaking will convert to a final disapproval.

It is anticipated that the final conditional approval will be promulgated in early January 2003.

Potential Issues: To amend 9 VAC 5-140-550 by changing the flow control date from 2006 to 2005.

Sources have flexibility to save unused allowances (carry over for use in future) via the banking portion of the emissions trading program. "Flow control" is used to minimize emissions variability with the use of banked allowances. Flow control provides an "insurance policy" that is triggered only when saved allowances equal more than 10% of trading budget; and if triggered, sets a 2-for-1 rate for saved allowances used above a specified level. EPA maintains that some form of management is necessary to discourage the use of a large number of banked allowances in a given control period and to limit the negative impact of excessive use of banked allowances on the trading program budget and therefore, the environment. Flow control is a restriction on use of emissions allowances at certain times, or within certain areas. One use of flow control management is to discourage the excessive use of banked allowances during periods when the potential of increased emissions to adversely affect air quality is likely. There is concern that during a really hot summer sources would deplete their banks of excessive allowances while operating at full electrical generating capacity and essentially providing very little reductions in emissions for that particular

control period, leading, it was speculated, to adverse impacts on air quality.

Alternatives: Alternatives to the proposed regulation amendments are being considered by the department. The department has tentatively determined that the first alternative is appropriate, as it is the least burdensome and least intrusive alternative that fully meets the purpose of the regulatory action. The alternatives being considered by the department, along with the reasoning by which the department has rejected any of the alternatives being considered, are discussed below.

1. Amend the regulations to satisfy the provisions of the law and associated regulations and policies. This option is being selected because it meets the stated purpose of the regulatory action and provides a means to avoid SIP disapproval by EPA which would result in a mandatory Federal Implementation Plan (FIP).
2. Make alternative regulatory changes to those required by the provisions of the law and associated regulations and policies. This option is not being selected because it would not necessarily meet the federal requirements for SIP approval and could result in federal sanctions.
3. Take no action to amend the regulations and allow the conditional approval by EPA to become a disapproval. This option is not being selected because it clearly would result in a mandatory FIP and sanctions.

As provided in the public participation procedures of the State Air Pollution Control Board, the department will include, in the subsequent Notice of Intended Regulatory Action, a description of the above alternatives and a request for comments on other alternatives and the costs and benefits of the above alternatives or the other alternatives that the commenters may provide.

Public Participation The department is soliciting comments on (i) the intended regulatory action, to include ideas to assist the department in the development of the proposal, (ii) the impacts of the proposed regulation on farm and forest lands, (iii) the costs and benefits of the alternatives stated in this notice or other alternatives, and (iv) potential pollution prevention benefits that could be realized. All comments must be received by the department by 4:30 p.m. on the day specified in the Virginia Register in order to be considered. All comments must be provided in writing to the department, along with any supporting documents or exhibits. Comments may be submitted by mail, facsimile transmission, e-mail, but must be submitted to Beth Major, Environmental Program Manager, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia, 23240 (e-mail: mlmajor@deq.state.va.us) (fax number: 804-698-4510). Comments by facsimile transmission will be accepted only if followed by receipt of the signed original within one week. Comments by e-mail will be accepted only if the name, address and phone number of the commenter are included. All testimony, exhibits and documents received are a matter of public record. Only comments (i) related to the potential issues, alternatives, and other issues specified at the beginning of this paragraph and (ii) provided in accordance with the procedures specified in

Notices of Intended Regulatory Action

this notice will be given consideration in the development of the proposed regulation amendments.

A public meeting will not be held by the department because the board has authorized the department to proceed without holding a meeting.

The department will not form an ad hoc advisory group to assist in the development of the regulation because the board has authorized the department to proceed without the use of the participatory approach.

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

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on February 12, 2003.

Contact: Mary E. Major, Environmental Program Manager, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4423, FAX (804) 698-4510, or e-mail mlmajor@deq.state.va.us.

VA.R. Doc. No. R03-102; Filed December 23, 2002, 12:03 p.m.

† Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the State Air Pollution Control Board has WITHDRAWN the Notice of Intended Regulatory Action for **9 VAC 5-230. Regulation for On-Road Heavy Duty Diesel Engines**, which was published in 18:24 VA.R. 3183-3186 August 12, 2002.

Contact: Cindy Berndt, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240.

VA.R. Doc. No. R02-296; Filed December 19, 2002, 11:36 a.m.

STATE WATER CONTROL BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled: **9 VAC 25-151. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges of Storm Water Associated with Industrial Activity**. The purpose of the proposed action is to reissue the existing industrial activity storm water general permit, which expires on June 30, 2004. This general permit regulation governs the discharge of storm water from facilities with regulated industrial activities to surface waters.

Need: This proposed regulatory action is needed in order to establish standard language for control of industrial activity storm water discharges through the development of Storm Water Pollution Prevention Plans, and to set minimum monitoring and reporting requirements. Discharges from these activities are point sources under the Clean Water Act, and are subject to regulation under the VPDES permit program. A site specific Storm Water Pollution Prevention Plan will be

required to be developed by the permittee for each individual facility covered by the general permit. Facility owners will be required to implement the provisions of the plan as a condition of the permit.

Substance: This is a reissuance of an existing general permit and there are no proposed changes at this time. Amendments may be identified following the submittal of public comments on this notice.

Alternatives: There are two alternatives for compliance with the federal and state requirements to permit storm water discharges from industrial activities. One is to issue individual VPDES permits to each facility. The other is to reissue the existing industrial activity general VPDES permit to cover this category of discharger. Due to the magnitude of industrial activity facilities that are required to be permitted, it is not practical to issue individual permits to each of these facilities. Individual permits will only be issued to those facilities that do not qualify to be permitted under the general permit.

Public Participation: The board is seeking comments on the intended regulatory action, including (i) ideas to assist in the development of a proposal, (ii) the costs and benefits of the alternatives stated in this notice or other alternatives and (iii) impacts of the regulation on farm or forest lands. Anyone wishing to submit written comments for the public comment file may do so by mail, fax, or email to Burt Tuxford, Office of Water Permit Programs; Dept. of Environmental Quality, P.O. Box 10009, Richmond, Va. 23240, telephone 804/698-4086, fax 804/698-4032, email brtuxford@deq.state.va.us. Written comments must include the name and address of the commenter. In order to be considered comments must be received by the close of the comment period.

Following publication of the draft general permit regulation in the Virginia Register, the board will hold at least one public hearing to provide opportunity for public comment.

Participatory Approach: The board is forming a Technical Advisory Committee composed of relevant stakeholders to assist in the development of the general permit. Persons interested in participation on the advisory committee should provide their name, address, telephone number and the name of the organization they represent to the contact person by the close of the comment period.

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

Statutory Authority: § 62.1-44 15 (10) of the Code of Virginia.

Public comments may be submitted until 4 p.m. on February 12, 2003.

Contact: Burt Tuxford, Storm Water Coordinator, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 698-4086, FAX (804) 698-4032, or e-mail brtuxford@deq.state.va.us.

VA.R. Doc. No. R03-96; Filed December 20, 2002, 12:46 p.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to

Notices of Intended Regulatory Action

consider amending regulations entitled: **9 VAC 25-180. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges of Storm Water from Construction Activities.** The purpose of the proposed action is to reissue the existing storm water construction general permit, which expires on June 30, 2004. This general permit regulation governs the discharge of storm water from construction sites to surface waters.

Need: This proposed regulatory action is needed in order to establish standard language for control of construction site storm water discharges through the development of Storm Water Pollution Prevention Plans. Discharges from these sites are point sources under the Clean Water Act, and are subject to regulation under the VPDES permit program. A site specific Storm Water Pollution Prevention Plan will be required to be developed by the permittee for each individual site covered by the general permit. Construction site operators will be required to implement the provisions of the plan as a condition of the permit.

Substance: This is a reissuance of an existing general permit and there are no proposed changes at this time. Amendments may be identified following the submittal of public comments on this notice.

Alternatives: There are two alternatives for compliance with the federal and state requirements to permit storm water discharges from small construction sites. One is to issue individual VPDES permits to each construction site. The other is to reissue the existing construction activity general VPDES permit to cover this category of discharger. Due to the magnitude of construction activity sites that are required to be permitted, it is not practical to issue individual permits to each of these sites. Individual permits will only be issued to those sites that do not qualify to be permitted under the general permit.

Public Participation: The board is seeking comments on the intended regulatory action, including (i) ideas to assist in the development of a proposal, (ii) the costs and benefits of the alternatives stated in this notice or other alternatives and (iii) impacts of the regulation on farm or forest lands. Anyone wishing to submit written comments for the public comment file may do so by mail, fax, or email to Burt Tuxford, Office of Water Permit Programs; Dept. of Environmental Quality, P.O. Box 10009, Richmond, Va. 23240, telephone 804/698-4086, fax 804/698-4032, email brtuxford@deq.state.va.us. Written comments must include the name and address of the commenter. In order to be considered comments must be received by the close of the comment period.

Following publication of the draft general permit regulation in the Virginia Register, the board will hold at least one public hearing to provide opportunity for public comment.

Participatory Approach: The board is forming a Technical Advisory Committee composed of relevant stakeholders to assist in the development of the general permit. Persons interested in participation on the advisory committee should provide their name, address, telephone number and the name of the organization they represent to the contact person by the close of the comment period.

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

Statutory Authority: § 62.1-44 15 (10) of the Code of Virginia.

Public comments may be submitted until 4 p.m. on February 12, 2003.

Contact: Burt Tuxford, Storm Water Coordinator, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 698-4086, FAX (804) 698-4032, or e-mail brtuxford@deq.state.va.us.

VA.R. Doc. No. R03-97; Filed December 20, 2002, 12:45 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled: **9 VAC 25-190. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Nonmetallic Mineral Mining.** The purpose of the proposed action is reissue the existing general permit which expires on June 30, 2004. The general permit will establish limitations and monitoring requirements for point source discharges from nonmetallic mineral mining facilities. (See 19:7 VA.R. 1062-1063 December 16, 2002, for more detailed information.)

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

Statutory Authority: § 62.1-44.15 of the Code of Virginia and § 402 of the Clean Water Act (40 CFR Parts 122, 123 and 124).

Public comments may be submitted until 4 p.m., January 17, 2003.

Contact: Michael B. Gregory, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4065 or e-mail mbgregory@deq.state.va.us.

VA.R. Doc. No. R03-73; Filed November 25, 2002, 9:57 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider promulgating regulations entitled: **9 VAC 25-770. Financial Responsibility Requirements for Mitigation Associated with Tidal Dredging Projects.** The purpose of the proposed regulation is to specify the mechanisms by which the State Water Control Board may require demonstration of financial responsibility for the completion of compensatory mitigation requirements for dredging projects in tidal waters permitted under the Virginia Water Protection Permit (VWPP) Program. Financial responsibility may be demonstrated by letter of credit, certificate of deposit, or performance bond. When the U.S. Army Corps of Engineers requires demonstration of financial responsibility, then the mechanism and amount approved by the Corps shall be used to meet this requirement. (See 19:7 VA.R. 1063 December 16, 2002, for more detailed information.)

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

Notices of Intended Regulatory Action

Statutory Authority: § 62.1-44.15 of the Code of Virginia.

Public comments may be submitted until 5 p.m. January 31, 2003.

Contact: Ellen Gilinsky, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4375, FAX (804) 698-4032, or e-mail egilinsky@deq.state.va.us.

VA.R. Doc. No. R03-74; Filed November 25, 2002, 10:22 a.m.

TITLE 11. GAMING

VIRGINIA RACING COMMISSION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Virginia Racing Commission intends to consider amending regulations entitled: **11 VAC 10-20. Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering.** The purpose of the proposed action is to allow the Virginia Racing Commission to update the duties and responsibilities of the unlimited licensees contained in 11 VAC 10-20-190 as well as reassess the amendment of racing days for unlimited licenses in 11 VAC 10-20-200 and 11 VAC 10-20-220.

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

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

Public comments may be submitted until January 16, 2003.

Contact: William H. Anderson, Director of Policy and Planning, Virginia Racing Commission, 10700 Horsemen's Rd., New Kent, VA 23124, telephone (804) 966-7404, FAX (804) 966-7418, or e-mail Anderson@vrc.state.va.us.

VA.R. Doc. No. R03-78; Filed November 25, 2002, 3:23 p.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

REAL ESTATE BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Real Estate Board intends to consider amending regulations entitled: **18 VAC 135-20. Virginia Real Estate Board Licensing Regulations.** The purpose of the proposed action is to increase licensing fees for regulants of the Real Estate Board in order to provide adequate revenue to support the costs of board operations and a proportionate share of the department's operations.

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

Statutory Authority: § 54.1-201 of the Code of Virginia.

Public comments may be submitted until January 30, 2003.

Contact: Christine Martine, Assistant Director, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, or e-mail reboard@dpor.state.va.us.

VA.R. Doc. No. R03-84; Filed December 9, 2002, 1:36 p.m.

TITLE 22. SOCIAL SERVICES

CHILD DAY-CARE COUNCIL

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Child Day-Care Council intends to consider repealing regulations entitled: **22 VAC 15-20. General Procedures and Information for Licensure.** The purpose of the proposed action is to repeal the existing regulation that was jointly promulgated with the State Board of Social Services and to promulgate a new regulation applicable only to child day centers.

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

Statutory Authority: §§ 63.2-1734 and 63.2-1735 of the Code of Virginia.

Public comments may be submitted until January 15, 2003.

Contact: Kathryn Thomas, Program Development Consultant, Department of Social Services, 730 E. Broad St., 7th Floor, Richmond, VA 23219, telephone (804) 692-1793, FAX (804) 692-2370, or e-mail kjt7@dss.state.va.us.

VA.R. Doc. No. R03-75; Filed November 25, 2002, 1:41 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Child Day-Care Council intends to consider promulgating regulations entitled: **22 VAC 15-21. General Procedures and Information for Licensure for Child Day Centers.** The purpose of the proposed action is to promulgate a new regulation that applies only to licensed child day centers.

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

Statutory Authority: §§ 63.2-1734 and 63.2-1735 of the Code of Virginia.

Public comments may be submitted until January 15, 2003.

Contact: Kathryn Thomas, Program Development Consultant, Department of Social Services, 730 E. Broad St., 7th Floor, Richmond, VA 23219, telephone (804) 692-1793, FAX (804) 692-2370, or e-mail kjt7@dss.state.va.us.

VA.R. Doc. No. R03-76; Filed November 25, 2002, 1:41 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 Child Day-Care Council intends to consider amending regulations entitled: **22 VAC 15-30. Minimum Standards for Licensed Child Day Centers.** The purpose of the proposed action is to revise standards as appropriate to (i) provide more protection for children in care; (ii) be less intrusive and burdensome for providers; and (iii) clarify the language.

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

Statutory Authority: §§ 63.2-1734 and 63.2-1735 of the Code of Virginia.

Public comments may be submitted until January 15, 2003.

Contact: Arlene Kasper, Program Development Consultant, Department of Social Services, 730 E. Broad St., 7th Floor, Richmond, VA 23219, telephone (804) 692-1791, FAX (804) 692-2370, or e-mail adk7@dss.state.va.us.

VA.R. Doc. No. R03-77; Filed November 25, 2002, 1:41 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Child Day-Care Council intends to consider repealing regulations entitled: **22 VAC 15-50. Regulation for Criminal Record Checks for Child Welfare Agencies.** The purpose of the proposed action is to repeal the existing regulation that was jointly promulgated with the State Board of Social Services. A new regulation applicable only to child day centers will be promulgated.

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

Statutory Authority: §§ 63.2-1734 and 63.2-1735 of the Code of Virginia.

Public comments may be submitted until January 29, 2003.

Contact: Wenda Singer, Program Development Consultant, Department of Social Services, 730 E. Broad St., 7th Floor, Richmond, VA 23219, telephone (804) 692-2201, FAX (804) 692-2370, or e-mail wxs2@dss.state.va.us.

VA.R. Doc. No. R03-85; Filed December 10, 2002, 11:29 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Child Day-Care Council intends to consider promulgating regulations entitled: **22 VAC 15-51. Minimum Standards for Background Checks for Licensed Child Day Centers.** The purpose of the proposed action is to promulgate a new regulation that applies only to licensed child day centers, conforms to the Code of Virginia, provides more protection for children in care, is less intrusive and burdensome for providers, and clarifies the language.

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

Statutory Authority: §§ 63.2-1734 and 63.2-1735 of the Code of Virginia.

Public comments may be submitted until January 29, 2003.

Contact: Wenda Singer, Program Development Consultant, Department of Social Services, 730 E. Broad St., 7th Floor, Richmond, VA 23219, telephone (804) 692-2201, FAX (804) 692-2370, or e-mail wxs2@dss.state.va.us.

VA.R. Doc. No. R03-86; Filed December 10, 2002, 11:29 a.m.

STATE BOARD OF SOCIAL SERVICES

† Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the State Board of Social Services has WITHDRAWN the Notice of Intended Regulatory Action for **22 VAC 40-110. Minimum Standards for Licensed Family Day Homes**, which was published in 18:16 VA.R. 2031 April 22, 2002. This action was taken at the board's December 18, 2002, meeting.

Contact: L. Richard Martin, Jr., Regulatory Coordinator, Department of Social Services, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1825.

VA.R. Doc. No. R02-150; Filed December 20, 2002, 11:03 p.m.

† Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the State Board of Social Services has WITHDRAWN the Notice of Intended Regulatory Action for **22 VAC 40-111. Minimum Standards for Licensed Family Day Homes**, which was published in 18:16 VA.R. 2031 April 22, 2002. This action was taken at the board's December 18, 2002, meeting.

Contact: L. Richard Martin, Jr., Regulatory Coordinator, Department of Social Services, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1825.

VA.R. Doc. No. R02-149; Filed December 20, 2002, 11:04 p.m.

† Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the State Board of Social Services has WITHDRAWN the Notice of Intended Regulatory Action for **22 VAC 40-120. Minimum Standards for Licensed Family Day-Care Systems**, which was published in 18:15 VA.R. 1946 April 8, 2002. This action was taken at the board's December 18, 2002, meeting.

Contact: L. Richard Martin, Jr., Regulatory Coordinator, Department of Social Services, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1825.

VA.R. Doc. No. R02-148; Filed December 20, 2002, 11:03 p.m.

† **Withdrawal of Notice of Intended Regulatory Action**

Notice is hereby given that the State Board of Social Services has WITHDRAWN the Notice of Intended Regulatory Action for **22 VAC 40-121. Minimum Standards for Licensed Family Day-Care Systems**, which was published in 18:15 VA.R. 1947 April 8, 2002. This action was taken at the board's December 18, 2002, meeting.

Contact: L. Richard Martin, Jr., Regulatory Coordinator, Department of Social Services, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1825.

VA.R. Doc. No. R02-146; Filed December 20, 2002, 11:02 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 2. AGRICULTURE

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Title of Regulation: 2 VAC 5-20. Standards for Classification of Real Estate as Devoted to Agricultural Use and to Horticultural Use Under the Virginia Land Use Assessment Law (amending 2 VAC 5-20-10, 2 VAC 5-20-20, and 2 VAC 5-20-40).

Statutory Authority: § 58.1-3230 of the Code of Virginia and Chapter 705 of the 2001 Acts of Assembly.

Public Hearing Date: May 13, 2003 - 10 a.m.

Public comments may be submitted until 5 p.m. on May 15, 2003.

(See Calendar of Events section for additional information)

Agency Contact: Lawrence H. Redford, Regulatory Coordinator, Department of Agriculture and Consumer Services, 1100 Bank Street, Room 211, Richmond, VA 23219, telephone (804) 371-8067, FAX (804) 371-2945 or e-mail lredford@vdacs.state.va.us.

Basis: The statutory authority for this proposed regulation is § 58.1-3230 of the Code of Virginia, as well as Chapter 705 of the 2001 Acts of Assembly.

Specifically, the proposed amendments to the regulation are largely for the purpose of implementing Chapter 705 of the 2001 Acts of Assembly. Under that act, localities are authorized to waive, with respect to real estate devoted to the production of crops that require more than two years from initial planting until commercially feasible harvesting, any requirement contained in the regulation that requires the real estate to have been used for a particular purpose for a minimum length of time before qualifying as real estate devoted to agricultural use or horticultural use. The second enactment of Chapter 705 requires the commissioner to adopt "all reasonable and necessary regulations to carry out the provisions of this act."

Specifically, the legislation necessitating the proposed substantive amendment to the regulation is written conditionally. It states (in language of the act amending § 58.1-3231 of the Code of Virginia):

"If the uniform standards prescribed by the Commissioner of Agriculture and Consumer Services pursuant to § 58.1-3230 require real estate to have been used for a particular purpose for a minimum length of time before qualifying as real estate devoted to agricultural use or horticultural use, then such ordinance may waive such prior use requirement for real estate devoted to the production of agricultural and horticultural crops that require more than two years from

initial planting until commercially feasible harvesting." [emphasis added]

The substantive proposed amendment to the regulation is by way of acknowledgement of and in response to the "if" contained in the statute, acknowledgement that there is indeed a provision in the regulation requiring that the real estate have been used for a particular purpose for a minimum length of time before qualifying as real estate devoted to agricultural use or horticultural use.

The statutory authority contained in Chapter 705 is mandatory. The remaining amendments contained in the proposed regulation are based upon permissive statutory authority, although sound regulatory policy (such as clarity of writing) argue for their adoption.

Purpose: The purpose of the proposed action is to make amendments to the regulation to ensure its effectiveness and continued need, including amending the regulation to satisfy the statutory amendment made by Chapter 705 of the 2001 Acts of Assembly.

In addition, the agency makes the following comment about the proposal's effect on the public's health, safety, and welfare: The proposed regulation is based on a statute that has as its purpose the offer (in certain circumstances) of an incentive to devote real estate to agricultural and horticultural purposes. Food, a result of agriculture and horticulture, is essential to public health. The production and sale of food in enterprise is essential to public welfare.

Substance: The substance of the amendment is to make provision in regulation for a requirement of law, namely that the Commissioner of Agriculture and Consumer Services adopt a regulation governing localities' waiving the provision of the regulation requiring that real estate have been used for a certain purpose for a specified period of time in order to qualify for agricultural or horticultural use.

Issues: The substance of this proposed regulation is required by statute, a matter over which the agency has no control. Hence the discussion below is essentially a discussion of the merits of the statute.

There are no known disadvantages associated with the proposal.

The advantages to the public and the Commonwealth include those enunciated in the "Declaration of Policy" quoted as a part of the specific and measurable goals, under "Periodic Review," below. Also, more specifically, the proposal may have the beneficial effect of encouraging people to develop farms for the production of crops that, because they are borne on trees or vines which must first develop, take a long time between planting and commercially feasible harvesting. Such crops would include grapes and at least certain tree-grown fruits.

Certain agricultural and horticultural real estate may reap the benefits of the short-term tax benefits associated with the legislation requiring this amended regulation. This may mean an earlier reduction in taxes for real estate devoted to the purposes specified in the legislation in localities that afford a different tax status to agricultural and horticultural real estate, but localities do not have to participate in such a program affording a different tax status to such real estate. On the other hand, a reduced tax may have the effect of encouraging the production of crops (such as grapes) that are associated with value-added products (such as wine), which may lead to additional tax revenues.

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 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H 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 regulation amends an existing regulation establishing standards to be used to determine whether or not real estate is devoted to agricultural and horticultural use. In order to qualify for the lower tax rates associated with agricultural and horticultural use, the existing regulation requires that the real estate have a history of five consecutive years of use for agricultural and horticultural purposes (barring certain exceptions). The proposed amendment adds another exception to the five-year-history-of-previous-use requirement, allowing localities to waive the requirement in the case of crops that take more than two years from initial planting to commercially feasible harvesting. This part of the regulation is mandated by Chapter 705 of the 2001 Acts of Assembly.

The proposed regulation also makes clarifications and corrections to the existing regulation.

Estimated economic impact. The most significant economic aspect of the proposed regulation is the provision that allows localities to waive the history-of-use requirement in the existing regulation for certain types of crops. The existing legislation requires that in order for land to be classified as agricultural or horticultural, and hence qualify for the lower tax rate, it had to have been used for agricultural and horticultural purposes for the previous five years. There already exist a number of exceptions to the history-of-use requirement and the proposed regulation adds another exception. Farming crops that take more than two years from planting to harvesting will qualify the land for lower tax rate associated agricultural and horticultural land, even if the history-of-use requirement is not met.

The regulation will affect 86 localities (out of a total of 97 localities) in Virginia that participate in a land use value

assessment and taxation program, providing tax relief for agricultural and horticultural land. Land classified as agricultural and/or horticultural is provided exemptions and assessed at a lower value than its fair market value, and is taxed accordingly lower. The tax break is significant. On average, localities with exemptions on certain types of real estate collected 15% less in real estate taxes in 2000 than if they had used the fair market value of the land (data on the magnitude of the tax break for various categories of real estate was not available).

However, localities don't have to waive the history-of-use requirement. Even if they participate in a land use value assessment and taxation program for agricultural and horticultural land, localities may or may not give the additional exception. It is not known how many localities will provide the additional tax breaks.

The land area affected by the additional exception to the history-of-use requirement is very small. Less than 1.0% of farmland is currently used for the production of crops that take more than two years from planting to commercial harvesting (such as apples, grapes, and peaches). Thus, in the event that localities do choose to waive the history-of-use requirement, the potential loss of revenue is not likely to be large.

The net economic impact of this proposal is likely to be negative. While some farmers may benefit from the lower taxes, the regulation creates an incentive to shift land use toward the cultivation of these crops. There is no evidence that shifting resources into the cultivation of these crops will provide higher returns and increase overall profitability compared to other uses the resources might be put to. In fact, the favorable tax differential will encourage the shifting of land into the production of these particular crops even though the value of the land may be higher in some other use. The shifting of land in this way reduces the net product of resources in the state. Thus, the proposed regulation is likely to lead to inefficient allocation of resources and overinvestment in farms growing these crops.

The extent of overinvestment that will occur is not known because (1) the number of localities that will provide the additional tax break is not known and (2) the number of acres of land that will be shifted into the cultivation of these crops as a result of this regulation is not known. Thus, even though the eventual impact of the regulation may be small, the net effect on the economy will be negative.

Businesses and entities affected. The proposed regulation, if localities choose to implement it, would affect farms that are producing crops that take more than two years from planting to harvesting, but do not yet meet the history-of-use regulation and hence do not qualify for the lower taxes associated with agricultural and horticultural land. It could also encourage a shift in land use toward the cultivation of such crops.

Localities particularly affected. 86 out of 97 localities currently participate in a land use value and assessment program for agricultural and horticultural land. The proposed regulation applies to all 86 if they choose to implement it. However, localities that have a large number of farms producing crops

Proposed Regulations

such as apples, grapes, and peaches will be particularly affected by the proposed regulation.

Projected impact on employment. The proposed regulation's impact on employment is likely to be negligible. Even if localities choose to implement the regulation, farm employment accounts for less than 1.5% of all employment. The number of workers employed at farms cultivating the exempt crops is an even smaller fraction of the total.

Effects on the use and value of private property. The proposed regulation will not have any significant effect on the use and value of private property. While some farmers might get the benefit of lower taxes, the vast majority are likely to be unaffected. There might be some increase in the number of farms cultivating these crops, but the overall effect of the regulation is not likely to be significant.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: As required by § 2.2-4007 of the Code of Virginia, the Department of Agriculture and Consumer Services makes the following response to the Economic Impact Analysis prepared by the Virginia Department of Planning and Budget regarding proposed amendments to 2 VAC 5-20, Standards for Classification of Real Estate as Devoted to Agricultural Use and to Horticultural Use under the Virginia Land Use Assessment Law:

A. The second sentence under the heading "Estimated Economic Impact" refers to "the existing legislation," (emphasis ours) whereas it appears that what is meant is "the existing regulation."

B. Under the heading "Estimated Economic Impact," the Analysis contains two statements made in the order quoted below. The two sentences are:

1. "The net economic impact of this proposal is likely to be negative."

[and then]

2. ". . .the net effect [of the proposal] on the economy will be negative." [emphasis ours]

The second (latter) sentence states with certainty what the first sentence is not certain about--namely, the net effect of the proposal on the economy.

C. Under "Localities Particularly Affected" is a statement that ". . .localities that have a large number of farms producing crops such as apples, grapes, and peaches will be particularly affected by the proposed regulation." [emphasis ours] The rationale for such a statement or the certainty with which it is expressed is not self evident, and no explanation is given under this heading. With respect to the quoted statement, the agency responds as follows:

1. The number of farms is immaterial in determining the tax effect on localities. It is the number of acres (not the number of farms) devoted to agricultural or horticultural purpose that has a bearing on reduced tax revenues; and

2. The proposal is about real estate that is devoted to certain purposes but that lacks a five-year-history of agricultural or horticultural use. Real estate fitting this description might be found both in localities where there are

large numbers of farms already producing certain commodities and in localities where such farms are not numerous.

Summary:

The existing regulation establishes standards to be used to determine whether real estate is devoted to agricultural and horticultural use. In order to qualify for the lower tax rates associated with agricultural and horticultural use, the existing regulation requires that the real estate have a history of five consecutive years of use for agricultural and horticultural purposes, barring certain exceptions. The proposed amendment adds another exception to the five-year-history-of-previous-use requirement, allowing localities to waive the requirement in the case of crops that take more than two years from initial planting to commercially feasible harvesting. Chapter 705 of the 2001 Acts of Assembly mandates this amendment. Additional proposed amendments make clarifications and corrections to the existing regulation.

2 VAC 5-20-10. Authority Preamble.

~~Under the authority of § 58.1-3229 of the Code of Virginia,~~ The Commissioner of Agriculture and Consumer Services adopts these Standards for Classification of Real Estate As Devoted to Agricultural Use and to Horticultural Use Under the Virginia Land Use Assessment Law to:

1. Encourage the proper use of real estate in order to assure a readily available source of agricultural, horticultural, and forest products, and of open space within reach of concentrations of population.
2. Conserve natural resources in forms that will prevent erosion.
3. Protect adequate and safe water supplies.
4. Preserve scenic natural beauties and open spaces.
5. Promote proper land-use planning and the orderly development of real estate for the accommodation of an expanding population.
6. Promote a balanced economy and ease pressures which force the conversion of real estate to more intensive uses.

~~According to the specific authority and responsibility conveyed by §§ 58.1-3230, 58.1-3233, and 58.1-3240, the Commissioner of Agriculture and Consumer Services is directed to provide a statement of the standards which shall be applied uniformly throughout the Commonwealth to determine if real estate is devoted to agricultural or horticultural uses. After holding public hearings, the statement shall be sent to the Commissioner of the Revenue and a duly appointed assessor of each locality adopting an ordinance in compliance with this article. The area must be a minimum of five acres and The real estate must meet all of the following standards to qualify for agricultural or for horticultural use.~~

2 VAC 5-20-20. Previous and current use, and exceptions.

A. Previous use.

1. *Qualifying uses, five-year history of previous use. Except as provided in subdivision 2 of this subsection, "Exceptions*

to the five-year-history-of-previous-use requirement," the real estate sought to be qualified must have been devoted, for at least five consecutive years previous, to the production for sale of plants or animals, or to the production for sale of plant or animal products useful to man, or devoted to another qualifying use including, but not limited to:

- ~~1-~~ a. Aquaculture
- ~~2-~~ b. Forage crops
- ~~3-~~ c. Commercial sod and seed
- 4. d. Grains and feed crops
- ~~5-~~ e. Tobacco, cotton, and peanuts
- ~~6-~~ f. Dairy animals and dairy products
- ~~7-~~ g. Poultry and poultry products
- ~~8-~~ h. Livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, including the breeding and grazing of any or all such animals
- ~~9-~~ i. Bees and apiary products
- ~~10-~~ j. Commercial game animals or birds
- ~~11-~~ k. Trees or timber products of such quantity and so spaced as to constitute a forest area meeting standards prescribed by the State Forester, if less than 20 acres, and produced incidental to other farm operations
- ~~12-~~ l. Fruits and nuts
- ~~13-~~ m. Vegetables
- 14. n. Nursery products and floral products.

~~If a tract of real estate is converted from nonproduction to agricultural or horticultural production, the tract may qualify without a five-year history of agricultural or horticultural use only if the change expands or replaces production enterprises existing on other tracts of real estate owned by the applicant.~~

~~Nothing in this subdivision 1 requiring production on real estate shall be deemed to deny that the real estate has been devoted to a qualifying use merely because the real estate participated in a governmental program that encourages the conservation of the real estate, even if no commodity was produced on the real estate.~~

2. *Exceptions to the five-year-history-of-previous-use requirement. Any real estate owned by the applicant shall be exempt from the five-year-history-of-previous-use requirement contained in subdivision 1 of this subsection if:*

- a. *The real estate is converted to agricultural or horticultural use to expand or replace agricultural or horticultural production on any other real estate owned by the applicant, even if the converted real estate is in a different jurisdiction in Virginia; or*
- b. *The real estate is devoted to the production of any agricultural or horticultural crop that requires more than two years from initial planting until commercially feasible harvesting, and the locality in which the real estate is*

located has waived, pursuant to § 58.1-3231 of the Code of Virginia with respect to such real estate, the five-year-history-of-previous-use requirement of subdivision 1 of this subsection.

B. Current use. The real estate sought to be qualified must currently be devoted to the production for sale of plants or animals, or to the production for sale of plant or animal products useful to man, or devoted to another qualifying use including, but not limited to, the items in ~~subsection A subdivision A 1~~ of this section ~~above~~; except that no real estate devoted to the production of trees or timber products may qualify unless:

- 1. The real estate is less than 20 acres.
- 2. The real estate meets the technical standards prescribed by the State Forester, and
- 3. The real estate is producing tree or timber products incidental to other farm operations.

Nothing in this subsection requiring production on real estate shall be deemed to deny that the real estate is being devoted to a qualifying use merely because the real estate participates in a governmental program that encourages the conservation of the real estate, even if no commodity is being produced on the real estate.

~~C. Exceptions.~~

- ~~1. Conversions by farm operator – nonqualifying real estate. If a tract of real estate is converted from other uses or nonproduction to agricultural or horticultural production, the tract may qualify without the five-year history of agricultural or horticultural use when the change expands or replaces production enterprises existing on other tracts of real estate owned by the applicant, regardless of location.~~
- ~~2. Conversions by farm operator – qualifying real estate. If a tract of real estate is converted from a qualifying use (forestry or open space) to agricultural or horticultural production, the tract may qualify without the five-year history of agricultural or horticultural use.~~
- ~~3. Government action. If a tract of real estate which has previously qualified for agricultural use taxation is not devoted to agricultural or horticultural production because of governmental actions, the tract or portions shall be considered productive for that period of time.~~

2 VAC 5-20-40. Certification procedures.

A. Documentation. The commissioner of revenue or the local assessing officer may require the applicant to certify that the real estate is devoted to the bona fide production for sale of agricultural and horticultural products being used in a planned program of soil management and a planned program of management and production of field crops, livestock, dairy, poultry, aquaculture, horticultural crops, and timber products. The commissioner of revenue or local assessing officer may find one of the following documents useful in making his determination:

- 1. The assigned USDA/ASCS *farm service agency* farm number, and evidence of participating in a federal farm program; ~~or;~~

Proposed Regulations

2. Federal tax forms (1040F) Farm Expenses and Income, (4835) Farm Rental Income and Expenses, or (1040E) Cash Rent for Agricultural Land;~~or;~~

3. A Conservation Farm Management Plan prepared by a professional~~;~~ or

4. Gross sales averaging more than \$1,000 annually over the previous three years.**

B. Interpretation of standards. In cases of uncertainty on the part of the commissioner of revenue or the local assessing officer, the law authorizes him to request an opinion from the Commissioner of Agriculture and Consumer Services as to whether a particular property meets the criteria for agricultural or horticultural classification. The procedure for obtaining such an opinion is as follows:

1. The commissioner of revenue or the local assessing officer shall address a letter to the Commissioner, Virginia Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, Virginia ~~23209~~ 23218, describing the use and situation, and requesting an opinion of whether the real estate qualifies as agricultural or horticultural real estate for the purpose of use-value taxation. The letter should include the following:

a. Owner's name and address.

b. Operator's name and address.

c. Total number of acres, acres in crops, acres in pastures, acres in soil conservation programs (~~Agricultural Stabilization and Conservation Service farm service agency~~, soil conservation service, Virginia Department of Conservation and Recreation programs), and acres in forest.

d. If more than one tract of real estate, the number of acres in each tract and whether the tracts are contiguous.

e. A copy of application for land use assessment taxation.

f. In any case involving a question about the applicability of the exception to the five-year-history-of-previous-use requirement contained in 2 VAC 5-20-20 A 2 b (relating to real estate devoted to the production of an agricultural or horticultural crop that requires more than two years from initial planting until commercially feasible harvesting), a statement as to whether the locality has waived, pursuant to § 58.1-3231 of the Code of Virginia with respect to such real estate, the five-year-history-of-previous-use requirement contained in 2 VAC 5-20-20 A 1.

2. The commissioner may request additional information, if needed, directly from the applicant; or he may hold a hearing at which the applicant and others may present additional information.

3. The commissioner will issue an opinion as soon as possible after all necessary information has been received. ~~An appeal of any opinion which does not comply with these standards may be made as provided by § 58.1-3240 of the Code of Virginia.~~

proposed by the USDA Soil Conservation Service by 1990 and fully implemented by 1995.

** The Agriculture Census defines a farm as a place where agricultural products were sold or normally would have been sold annually averaging more than \$1,000.

VA.R. Doc. No. R02-79; Filed December 16, 3:49 p.m.

TITLE 16. LABOR AND EMPLOYMENT

VIRGINIA WORKERS' COMPENSATION COMMISSION

Title of Regulation: 16 VAC 30-50. Rules of the Virginia Workers' Compensation Commission (amending 16 VAC 30-50-30).

Statutory Authority: § 65.2-201 of the Code of Virginia.

Public Hearing Date: February 20, 2003 - 10 a.m.

Public comments may be submitted until 5 p.m. on March 14, 2003.

(See Calendar of Events section for additional information)

Agency Contact: Mary Ann Link, Chief Deputy Commissioner, Virginia Workers' Compensation Commission, 1000 DMV Drive, Richmond, VA 23220, telephone (804) 367-8664, FAX (804) 367-9740 or e-mail maryann.link@wvc.state.va.us.

Basis: As a general matter, the General Assembly has empowered the Virginia Workers' Compensation Commission to "make rules and regulations for carrying out the provisions" of the Virginia Workers' Compensation Act. See § 65.2-201 (A) of the Code of Virginia.

Specifically, with regard to the present action, the commission seeks to promulgate new procedural rules upon the express direction of the Virginia General Assembly. Chapter 538 of the 2002 Acts of Assembly states that the commission "shall" promulgate rules and regulations by July 1, 2003, instituting an expedited calendar for the administration of claims meeting certain criteria. The commission has interpreted this language as mandatory, not discretionary or permissive.

Purpose: The commission made no determination as to whether the proposed regulatory action is essential to protect the health, safety or welfare of the citizens of the Commonwealth. The commission is acting at the express direction of the General Assembly, which made its own determination that the proposed regulation was necessary.

Considering only the limited debate regarding House Bill 761 at the General Assembly, it appears that there is a perception by some in the public that the commission's evidentiary hearing docket does not always adjudicate disputes involving severe economic hardship in a timely manner. Proponents of the legislation asserted that delays in the adjudication of claims on the evidentiary hearing docket have resulted in severe economic hardship to some injured workers. Apparently, in response to the arguments advanced by the proponents of the legislation, the General Assembly directed the commission to draft and promulgate rules that would

*The Food Security Act of 1985, P.L. 99-198 (Farm Bill), requires farmers participating in federal farm programs to have a farm conservation plan

create a procedure whereby injured workers could secure an expedited hearing in situations where it is proven that benefits have been denied, and a delay in the proceedings will cause the injured worker to suffer severe economic hardship.

The commission believes that the proposed amendments to 16 VAC 30-50 will meet the General Assembly's mandate by instituting an expedited hearing procedure and establishing the criteria by which an injured worker may prove entitlement to having his or her claim heard in an expedited manner.

Substance: The proposed amendments to 16 VAC 30-50 will add one procedural rule with a number of subparts. The new rule will encompass the entire procedure related to expedited hearings before the commission.

Specifically, the commission proposes the addition of "Rule 2.3 Expedited Hearing" to the Rules of the Commission. Within Rule 2.3, the commission proposes the following 12 subparts: (A) Scope; (B) Written Request; (C) Loss of Income; (D) Medical Expenses; (E) Employer Response; (F) Informal Conference; (G) Grant or Denial of Expedited Hearing; (H) Scheduling and Continuances; (I) Closing the Record; (J) Decision; (K) Expedited Review; and (L) Review After Expedited Hearing.

Issues: The commission believes that the proposed rules will result in both advantages and disadvantages to the public. The primary advantage of the proposed rule is that injured workers will be given the opportunity to secure an expedited adjudication of certain types of claims, where the denial of such claims has resulted, or will result, in severe economic hardship. The primary disadvantage of the new rules will fall largely on Virginia's employers and insurers. Expedited proceedings will shorten the amount of time employers and insurers typically have to investigate injured workers' claims, retain counsel, perform discovery crucial to the defense of such claims and prepare for a hearing. As a result, financial and due process issues are implicated by the proposed rules. There is also the possibility, however, that the proposed rules will disadvantage those injured workers whose claims remain on the commission's regular evidentiary hearing docket. Of necessity, the expedited hearing process will cause the expedited hearing claims to be given precedence over those not expedited. This may cause adjudication of the regular claims of injured workers to be delayed more than they would otherwise have been.

The proposed rules will likely result in both advantages and disadvantages to the commission and the Commonwealth. The advantages to the commission and the Commonwealth are largely intangible. Providing expedited proceedings for injured workers who face severe economic hardship because their claims have been denied advances the agency's mission "to administer the Workers' Compensation Act ... in a fair, unbiased and efficient manner." Virginia's qualifying injured workers will have a new avenue for relief. The disadvantages of the new rules will impact the commission primarily. The commission anticipates that implementing the new rules will require the hiring of additional personnel, changes in its guidance documents, modification of computer network software, changes in form documents and statewide accommodation of a separate, expedited evidentiary hearing

calendar. Incorporating the new rules into day-to-day work will impact every level of commission operations.

Fiscal Impact: The salaries and necessary expenses of the Virginia Workers' Compensation Commission are paid from an administrative fund established by § 65.2-1000 of the Code of Virginia. The moneys in this administrative fund come from taxes levied on insurers and self-insured employers. Insurers must pay taxes based on a percentage of the workers' compensation insurance premiums collected, while self-insurers pay a tax based on payroll covered. The expenses and any new salaries associated with the state's implementation of these new rules will be paid out of the commission's administrative fund.

Implementing the new rules mandated by the General Assembly will require significant new expenditures by the commission. The amount of these new expenditures depends largely on the structure the commission uses to administer the expedited hearing process.

At a minimum, the commission estimates that it will have to hire an additional deputy commissioner, a new claims examiner and a judicial assistant to administer the expedited hearing request process. The commission estimates that the one-time expenditures associated with the addition of these new staff members will include the purchase of additional furniture, computer equipment, letterhead and office supplies. These one-time expenses should not amount to more than \$25,000. The ongoing expenditures will be comprised largely of the salaries and benefits of the new personnel. These would amount to approximately \$200,000 per year.

Depending on the volume of requests for expedited hearings and the geographic dispersal between different regions in the state, however, the commission may have to consider an alternative structure for administering the new expedited hearing request process. If the volume of the requests warrants it, and the commission determines it is absolutely necessary, it may have to hire two deputy commissioners, one claims examiner and two judicial assistants to effectively administer the expedited hearing process. One deputy commissioner, the claims examiner and an assistant would be based in the commission's Richmond office, while the second deputy commissioner and assistant may be based out of the commission's Roanoke office. The deputy commissioner in Roanoke would supervise and adjudicate expedited hearing requests for the western half of the state, while the deputy commissioner in Richmond would do so for the eastern half of the state. The location of the deputy commissioner's office may depend on demand for expediting cases and geographical impact of that demand. The one-time expenditures for this structure would be similar to those of the former. The ongoing expenditures associated with staffing these positions would include salaries, benefits and the rental cost for the additional office space in Roanoke. These expenditures would amount to approximately \$325,000 per year.

In addition to the expenditures set out above, the commission will incur a number of expenses that are not dependent on how the program is staffed. The commission has already incurred one-time costs associated with promulgating the new rules. These costs include many hours of research, drafting,

Proposed Regulations

meeting and revision by each of the three commissioners, the chief deputy commissioner, and one of the commission's staff attorneys. The new rules will result in one-time changes to the commission's guidance documents, computer database and claim handling procedures.

In addition, the proposed rules include a right to seek review of the decision to grant or deny an expedited hearing. This is a new form of appeal to the full commission, which will create additional, ongoing work for the three commissioners and their staff. This may require the hiring of additional personnel. Adding expedited hearing dates to the commission's existing hearing calendar will likely result in additional, ongoing expenses related to locating hearing locations, scheduling expedited hearing dates and providing personnel for the hearings.

The commission believes that the proposed rules will have no effect on localities.

The commission anticipates that the proposed rules will have an impact on a wide variety of individuals, businesses and other entities. These include injured workers, employers of injured workers, workers' compensation insurers, attorneys representing parties in workers' compensation matters, physicians treating or examining injured workers, and the commission and all of its employees.

It is very difficult to estimate the number of individuals, businesses and other entities that are likely to be affected by the proposed rules. The number affected depends on several factors, including the type and complexity of the underlying dispute and the number of individuals involved in the expedited hearing. Most importantly, however, the commission is unable to accurately estimate the number of those affected because it does not have any effective means of calculating the number of requests for expedited hearing it will have to process. In the year 2001, the commission received reports of over 200,000 accidental work injuries in Virginia. Nearly 12,000 claims were referred to the hearing or dispute resolution dockets in 2001. Because the new rules will merely serve to expedite claims that the commission would have expected to be filed anyway, it estimates that the number of requests for an expedited hearing will be some percentage of the approximately 12,000 claims that are annually referred to its dockets. The commission's best estimate is that between 2,000 and 2,500 requests for expedited hearings will be made and processed annually.

For many of the reasons set out in the paragraph above, the commission is unable to estimate the cost of the regulation for those individuals, businesses or other entities affected by it. As summarized earlier, the costs to the commission are ascertainable. However, the costs to injured workers, employers of injured workers, workers' compensation insurers, attorneys representing parties in workers' compensation matters, physicians treating or examining injured workers are difficult to estimate in any informed manner.

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 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H

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 Workers' Compensation Commission (commission) is amending its regulations to implement Chapter 538 of the 2002 Acts of Assembly, which requires that the commission promulgate rules to establish an expedited calendar for the administration of hearings where delay in adjudication may result in severe economic hardship. This proposed rule establishes an expedited hearing procedure and specifies the criteria for granting an expedited hearing.

Estimated economic impact. The primary benefit of this proposal arises from the availability of an expedited hearing for a subset of cases adjudicated by the commission. At the outset, it is worth noting that, in a survey of other states, commission staff found that Virginia has adjudication delays shorter than those in more than half of the other states. In fact, Virginia may be in the top third of states in the speed with which these cases are adjudicated.

Since the expedited hearing process primarily involves rearranging the order of hearings, benefits can only be expected to arise if the cost of delay in the adjudication of cases is very different across cases. If delay in a given case has the same cost to the individual involved as a delay in any other case, then rearranging cases will, at the very best, produce zero change in costs. Once the costs of implementing an expedited hearing process are taken into account, rearranging hearings with equivalent costs of delay will result in a net social cost.

To assess the potential for gains from rearranging cases, we first need to account for how delay may impose different costs on workers involved in different cases. The key differences between the cases for the purposes here would be the magnitude of medical expenses and the magnitude of income loss. It may be inferred that the greater the percentage loss of income and the greater the medical expenses relative to family wealth, the greater the loss. However, if costs increase in direct proportion to the percentage loss there still may not be a gain to rearranging cases. This is because many cases may need to be delayed in order to expedite a given case. In fact, it is not hard to imagine circumstances where a string of hardship cases could stop many other founded cases dead in their tracks and result in much longer delays. Unless damages rise more than in proportion to lost income and to medical expenses, there may be little or no gain from expedited hearings, and, indeed, rearranging cases could actually result in increased costs both to the affected workers and the taxpayers.

There is good reason to believe that, at least in the most severe cases, costs of delay could increase more than in proportion to the loss. The reason for this is that, for some

individuals, borrowing money may not be possible, and, consequently, a large loss of income and increase in medical expenses may force the family to make a number of irreversible choices such as selling assets, moving, and forgoing essential family medical services. Unfortunately, measuring the economic value of these delay costs is quite difficult since every family will face different irreversibilities, different alternatives, and different personal valuations for the costs.

On the assumption that there are cases with large delay costs, then there may be a gain to moving such a case ahead of a case with low delay costs so long as the additional delay in the nonhardship cases is not too great. Whether these potential gains will, in fact, be realized depends on a number of factors. The realization of gains depends on a correct identification of the cases with very high costs. Mistakes may be of two kinds. First, there is the chance that some high cost cases will not be identified even though the process is in place to do so. Second, some low cost cases will be mis-identified as high cost cases. Both types of mistakes decrease the benefit of the expedited process. No information is available to assess the likelihood of mistakes.

There is also the probability that the worker in a genuine high cost case will not apply for expedited hearings. This could occur due to unfamiliarity with the expedited hearing process, to the increased complexity of filing for expedited hearings, or for other reasons. Again, this would reduce the benefit from the new process. According to commission staff, this possibility is not likely to be a problem, at least in the short run. Lawyers appearing before the commission have indicated that they will apply for expedited hearings as a matter of course until it becomes clear what standards the commission is actually using to determine hardship. Even in the long run, if the cost of filing for an expedited hearing is low, then we would expect to see more hardship petitions filed than are later found to be justified. Since there will be some significant probability that nonhardship cases will be found to be hardship cases (and such mistakes are simply unavoidable), then there is *ex ante* a net gain to the marginally nonhardship cases from applying for hardship status.

In addition, the granting of special status to a class of cases will give incentive for workers to arrange their affairs in a way that maximizes their probability of qualifying as a member of that special class. The term "moral hazard" is often used for the tendency of individuals to arrange their own affairs to maximize their net benefit from programs. At the margin, the possibility of getting special treatment as a hardship case will induce some individuals to take less care to avoid actually being a hardship case. This is simply an expected behavioral response to incentives. It is widely observed in many types of economic transactions. Any increased costs due to moral hazard must be added to the other costs of the new program.

The commission has estimated that the cost of administering the expedited hearing process will fall somewhere between \$200,000 and \$525,000 per year, depending on the volume of applications for hardship status. The commission expects between 2,000 and 2,500 requests for expedited hearing each year. Some smaller number of cases will be granted expedited status, and in only a subset of these expedited cases will the

worker filing the claim actually prevail. Thus, we may expect that the tax dollars spent for each successful expedited case will exceed \$500. Adding to this the additional waiting costs imposed on all of the nonhardship cases raises the costs even further.

It may be possible to generate all of the benefits of expedited hearings without many of the associated costs. For the amount of money that the commission will be spending on actual administrative costs, a program of interest rate subsidies on short-term loans from private lenders could alleviate nearly all of the costs of delay for those waiting to have their cases adjudicated. For those meeting a bright-line, but somewhat relaxed, hardship standard based on medical expenditures, fixed expenditures, and wealth, low interest loans could be made available from private lenders. Rather than spending the \$200,000 to \$525,000 on administrative costs, the funds could be spent in a way that directly benefits those waiting to have their cases adjudicated. This eliminates the additional cost imposed on the nonhardship cases from having their cases pushed back to make way for the expedited cases. Overall, an interest rate subsidy program would probably provide much greater net benefits than would an expedited hearing process.

Businesses and entities affected. The proposed amendments affect the people who bring the approximately 12,000 claims per year for compensation for accidental work injuries in Virginia. An estimated 2,000 to 2,500 cases for expedited hearings would be brought each year. Those who are granted an expedited hearing will gain and those who must wait longer due to having an expedited hearing move ahead of theirs will lose.

Localities particularly affected. The proposed regulations affect all Virginia localities.

Projected impact on employment. It is not expected that these provisions will have any measurable impact on employment. Any increased employment due to the additional administrative expenditures by the commission will be fully matched by employment lost elsewhere in the economy due to the greater taxation required to support the higher administrative expenditures.

Effects on the use and value of private property. These rules will not have any direct effect on the use or value of private property in Virginia.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Virginia Workers' Compensation Commission has carefully studied and considered the December 18, 2002, EIA, prepared by the Virginia Department of Planning and Budget (DPB). The commission believes that the DPB has accurately assessed the relative economic costs and benefits of the proposed rules, and identified other possible approaches to the perceived problem with prompt adjudication of disputes in situations where delays will result in severe economic hardship to injured workers. The commission takes no position on the alternatives advanced by the DPB, as it was constrained by the statute to promulgate procedural rules to create an expedited calendar for the administration of claims

Proposed Regulations

in situations where delays in the proceedings will result in severe economic hardship.

Summary:

The proposed amendments provide injured workers with a procedure through which they may secure an expedited hearing in cases where an employer has denied benefits, and the injured worker is able to establish that a delay in the proceedings will cause him to incur severe economic hardship.

16 VAC 30-50-30. Rule 2. Hearing procedures.

At the request of either party, or at the commission's direction, contested issues not resolved informally through prehearing procedures will be referred for decision on the record or evidentiary hearing.

4- 2.1 Decision on the record. When it appears that there is no material fact in dispute as to any contested issue, determination will proceed on the record. After each party has been given the opportunity to file a written statement of the evidence supporting a claim or defense, the commission shall enter a decision on the record.

A. Written statements. When the commission determines that decision on the record is appropriate, the parties shall be given 20 days to submit written statements and evidence. Ten additional days shall be given to respond. For good cause shown additional time may be allowed. Copies of all written statements and evidence shall be furnished to the commission and all parties.

B. Review. Request for review of decision on the record shall proceed under § 65.2-705 of the Code of Virginia and Rule 3.

2- 2.2 Evidentiary hearing. An evidentiary hearing by the commission shall be conducted as a judicial proceeding. All witnesses shall testify under oath and a record of the proceeding shall be made. Except for rules which the commission promulgates, it is not bound by statutory or common law rules of pleading or evidence nor by technical rules of practice.

The commission will take evidence at hearing and make inquiry into the questions at issue to determine the substantial rights of the parties, and to this end hearsay evidence may be received. The party having the burden of proof shall have the right to open and close. Each party shall be allowed 20 minutes in which to present evidence unless prior arrangement is made through the commission to extend hearing time.

A. Continuances. The parties should be prepared to present evidence at the time and place scheduled for hearing. A motion to continue will be granted only when it appears that material or irreparable harm may result if not granted.

B. Evidence.

1. Stipulations to agreed facts shall be included in the record. Each exhibit offered shall be marked and identified, and the record shall show whether it was admitted in evidence.

2. Reports and records of physicians and reports of medical care directed by physicians may be admitted in evidence as testimony by physicians or medical care providers. Upon timely motion, any party shall have the right to cross-examine the source of a medical document offered for admission in evidence.

3. The parties shall specifically designate, by author, deponent and date, medical reports, records or depositions to be received in evidence. Those portions of a deposition to be included in the record must be specifically identified by page and line.

4. Medical reports, records or deposition portions designated by the parties or included by the commission will be admitted into evidence.

2.3 Expedited hearing.

A. *Scope. An employee may request an expedited hearing before the commission when the employer has submitted an application for hearing pursuant to Rule 1.4 and probable cause has been found to suspend benefits pending a hearing on the matter. An employee may also seek expedited determination of any disputed claim arising after the initial compensability of the accident has been determined by the commission.*

B. *Written request. An employee seeking an expedited hearing must file a written request with the clerk's office, and a copy of the request shall be sent to the employer. The request must include, by way of description, attachment or enclosure, evidence sufficient to find that, without an expedited proceeding to determine the merits of the dispute, the employee will be caused to suffer severe economic hardship. What constitutes severe economic hardship will be determined by the commission on a case-by-case basis. A copy of the employee's request will be sent to the employer, insurer or counsel of record upon receipt, along with a Notice of Request for Expedited Hearing, by registered or certified mail.*

C. *Loss of income. When the employee alleges that he is not receiving compensation benefits, and is unemployed, unable to work, or only partially employed because of an injury compensable under the Act, the employee must establish that failure to grant an expedited hearing will result in severe, immediate economic hardship. In this regard, the commission will consider, but is not limited in considering the following evidence:*

1. *Whether, and to what extent, the employee is presently employed, and what other sources of income are available to support the employee;*

2. *Whether the employee has dependents for whom the employee's wages or salary was their sole or primary source of financial support;*

3. *Whether the employee has received notices of imminent or threatened foreclosure or eviction actions, or the employee is in a state of homelessness;*

4. *Whether the employee has received notices of imminent repossession of personal vehicles necessary for employment or medical treatment visits; and*

5. Any other evidence demonstrating that the employee's immediate ability to provide food, clothing and shelter will be threatened by failure to grant an expedited hearing.

D. Medical expenses. When the employee seeks an expedited hearing, asserting that authorization of, or payment for recommended medical treatment has been denied by the employer or insurer, the employee must establish that failure to grant an expedited hearing will result in severe economic hardship. In this regard, the commission will consider, but is not limited in considering the following evidence:

1. The general nature of the employee's injuries;
2. Whether, if authorization is being sought for recommended treatment not already obtained, the employee's physician has stated that the procedure must be performed on an emergent basis, and failure to do so will threaten the employee's life or result in immediate and severe deterioration of the employee's physical or mental condition;
3. Whether, if payment or reimbursement for medical expenses already incurred is being sought, necessary ongoing medical treatment will be withheld for failure to pay for prior medical treatment, and that the withholding of such treatment will threaten the employee's life or result in immediate and severe deterioration of the employee's physical or mental condition;
4. The cost of the medical treatment in dispute, and the employee's ability to pay for it; and
5. Any other evidence demonstrating that failure to grant an expedited hearing on this issue will result in severe economic hardship.

E. Employer response. Upon receipt of the commission's Notice of Request for Expedited Hearing, the employer shall have 14 days to investigate the basis for the employee's expedited hearing request. Prior to, or at the expiration of the fourteenth day, the employer shall file with the commission, by hand-delivery or certified mail, a written statement indicating whether the employer will or will not agree to the employee's request for expedited hearing. If the employer will not agree to proceed on an expedited basis, it must state, with specificity, the basis for its inability to proceed pursuant to an expedited hearing schedule. Filing shall be effective upon receipt by the commission, or by placing the statement in certified mail.

F. Informal conference. Once the commission has received the employer's response statement, or 14 days pass without a filed response from the employer, the commission shall make all reasonable efforts to schedule expeditiously an informal conference with the parties, whether in person, by teleconference or by other electronic transmission. With regard to expedited claims for payment of medical expenses pursuant to Rule 2.2 (D), no informal conference will be scheduled until the employee submits medical evidence to the employer and the commission supporting both the underlying claim and the necessity of expedited proceedings. During the informal conference, the commission will discuss issues relevant to the grant or denial of an expedited hearing including, but not limited to, discovery between the parties, the timing and scheduling of depositions and the parties' ability to

secure other relevant evidence in an expedited manner. The commission will discuss the issues raised by the claim, and try to limit the scope of any matter ultimately referred to the expedited hearing docket by facilitating agreements between the parties.

G. Grant or denial of expedited hearing. During the informal conference, or within seven days of its completion, the commission will determine whether the claim underlying the request for expedited hearing is appropriate for the expedited hearing docket. If the request for an expedited hearing is granted, the commission will advise the parties of this decision during the informal conference, or in writing within seven days, by registered or certified mail. If the commission determines that the matter is not appropriate for the expedited docket, the parties will be advised of the commission's determination, and the matter will be referred to the claims department for regular processing.

H. Scheduling and continuances. The commission will confer with the parties about scheduling a hearing date at the informal conference, or by teleconference after an expedited hearing has been granted in writing. The matter will be set for a hearing no less than 10 days, and no more than 28 days after the expedited hearing was granted. Once the matter is set down for an expedited hearing, the employee will not ordinarily be granted a continuance. A continuance will only be granted to the employee for good cause shown, involving exceptional circumstances beyond the control of the employee, or the employee's attorney. Any claim pending on the expedited docket that is continued or nonsuited at the insistence of the employee will be returned to the regular docket, and shall not be reinstated for expedited proceedings.

I. Closing the record. The record shall close at the end of the expedited hearing unless, for good cause shown, one or both parties are unable to present necessary medical or factual evidence. The parties must make a good-faith effort to expedite completion of the record within the time limits imposed by the commission.

J. Decision. The deputy commissioner hearing the case will issue an opinion within 14 days after the record closes in an expedited hearing proceeding. The opinion shall be sent to the parties by registered or certified mail.

K. Expedited review. Either party may seek an expedited review of the decision to grant or deny an expedited hearing. Parties seeking expedited review must file a written request within seven days of receipt of the decision to grant or deny an expedited hearing. The written request must include a statement explaining the grounds for review, and must enclose all information the party believes is necessary for consideration of the request. A copy of the Request for Expedited Review shall be furnished to the opposing party. The commission shall provide notice of the request for expedited review within three days of its receipt. The opposing party shall have seven days from receipt of the commission's notice to file a written statement addressing the merits of the review request, and enclosing all information it believes is necessary for consideration on review. The commission shall review the decision to grant or deny an expedited hearing, and will issue a decision by order within seven days.

Proposed Regulations

L. Review after expedited hearing. Review of a deputy commissioner's decision following an expedited hearing shall proceed according to the provisions of Rule 3.1 and § 65.2-705 of the Code of Virginia.

VA.R. Doc. No. R02-333; Filed December 20, 2002, 3:07 p.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF MEDICINE

Title of Regulation: 18 VAC 85-50. Regulations Governing the Practice of Physician Assistants (amending 18 VAC 85-50-10, 18 VAC 85-50-40, 18 VAC 85-50-101, 18 VAC 85-50-110, and 18 VAC 85-50-115; adding 18 VAC 85-50-59).

Statutory Authority: §§ 54.1-2400 and 54.1-2912.1 of the Code of Virginia.

Public Hearing Date: January 24, 2003 - 8:45 a.m.

Public comments may be submitted until March 14, 2003.
(See Calendar of Events section for additional information)

Agency Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 6603 W. Broad Street, Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

Basis: Regulations are promulgated under the general authority of Chapter 24 of Title 54.1 of the Code of Virginia. Section 54.1-2400 of the Code of Virginia provides the board the authority to promulgate regulations to administer the regulatory system.

The specific legal mandate to promulgate the regulation for the provision of voluntary health care services by out-of-state practitioners in clinics in underserved areas sponsored by nonprofit organizations is found in Chapter 740 of the 2002 Acts of Assembly.

The specific legal authority to promulgate regulations for the supervision and evaluation of physician assistants is in second enactment clause of Chapter 387 of the 2002 Acts of Assembly, which states: "That the Board of Medicine shall promulgate regulations to implement the provisions of this act within 280 days of its enactment."

Purpose: The purpose of the amended regulation for voluntary practice is to ensure that out-of-state practitioners who are registered and authorized to provide treatment to patients have provided sufficient information to determine their eligibility and their standing with the licensing board of their state. While the treatment is being provided free of charge to underserved populations in the state, the board needs to carry out its statutory mandate to protect the public health, safety and welfare. Therefore, basic information on licensure must be verified by the board of the licensing state to ensure that a practitioner whose license has been previously suspended or revoked, who has been convicted of a felony or who is

otherwise found to be in violation of applicable laws or regulations does not come into Virginia to practice, even on a voluntary basis.

The purpose of the amended regulation for continuous supervision is to ensure that provisions are in place for oversight of the physician assistant without a requirement that the physician be physically present at all times. Provisions for a written protocol setting out the assistant's scope of practice and a process for evaluation will ensure that the physician is aware of his responsibility for the health and safety of the patient.

Substance: Voluntary Practice. Chapter 740 of the 2002 Acts of Assembly provides specific conditions under which a health care practitioner who is licensed in another state can provide free care in underserved areas of Virginia. Statutory requirements include that they (i) do not regularly practice in Virginia; (ii) hold a current valid license or certificate in another U. S. jurisdiction; (iii) volunteer to provide free care; (iv) file copies of their licenses or certificates in advance with the board; (v) notify the board of the dates and location of services; and (vi) acknowledge in writing that they will only provide services within the parameters stated in the application. The statute also provides specific requirements for the nonprofit organization sponsoring provision of health care and allows the board to charge a fee for each practitioner.

As provided in the law, the emergency regulations will insert requirements for a practitioner who wishes to volunteer under provisions of the act to file a complete application for registration on a form provided by the board at least 15 days prior to engaging in such practice; provide a complete list of professional licensure in each state in which he has held a license and a copy of any current license; provide the name of the nonprofit organization, the dates and location of the voluntary provision of services; pay a registration fee of \$10; and provide a notarized statement from a representative of the nonprofit organization attesting to its compliance with provisions of the applicable section of the Code of Virginia.

As also provided by the statute, the board has the right to deny practice to any person whose license or certificate has been previously revoked or suspended, who has been convicted of a felony, or who is otherwise found to be in violation of applicable laws or regulations. In order to protect the health, safety and welfare of the consuming public and to ensure that the care provided by out-of-state practitioners will be minimally competent, the board will use the information garnered from the application and verification from other states to determine whether the practitioner meets the criteria set forth in the law.

Supervision of physician assistants. Chapter 387 requires the "continuous supervision" of physician assistants by physicians but states that the supervision requirement should not be construed to require the physical presence of the physician during all times and places of service delivery by the assistant. With that change in the Code of Virginia, several changes in current regulation were necessary. First, a definition of "continuous supervision" was added to provide for on-going, regular communication with the assistant on the care and treatment of patients. Second, the current definition of

"general supervision" was amended to provide for accessibility of the physician without a requirement that he can be physically present to the assistant. The requirements in 18 VAC 85-50-115 for notification to the board if the physician assistant is to perform duties away from the supervising physician is deleted as inconsistent with the new law. Likewise, an amendment will eliminate the requirement for the supervising physician to delegate his responsibility if he is unable to "personally" supervise the activities of the assistant.

In addition, the law requires that the assistant and supervising physician(s) identify the assistant's scope of practice, including the delegation of medical tasks as appropriate to the assistant's level of competence, the relationship with and access to the physician, and an evaluation process for the assistant's performance. Therefore, amendments to requirements for the written protocol between the assistant and supervisors are adopted to include a provision for an evaluation process. Current regulations require review of the record of services within 72 hours after care by the assistant; amended regulations delete that specific requirement and replace it with a requirement that the evaluation process specify the time period for review, proportionate to the acuity of care and practice setting. Though not required to review a patient chart within 72 hours or to be physically present while the assistant is rendering services, the supervising physician remains responsible for the care and treatment of patients.

The proposed regulations are identical to the emergency regulation currently in effect with the exception of a technical change in 18 VAC 85-50-115 B to delete the word "employing." Quite often in the medical practices, the staff, including physicians and physician assistants, are "employed" by a corporation or limited partnership. It is therefore inaccurate and misleading to refer to the supervising physician as the "employing" physician.

Issues: The primary advantages to the public of implementing the amended regulations on voluntary practice are as follows: (i) additional practitioners may be available to staff voluntary clinics, especially in the southwestern part of the state with proximity to several other states; (ii) a requirement for licensure in another state to be verified will ensure that the practitioner holds a current, unrestricted license; and (iii) the requirement for a notarized statement from a representative of the nonprofit organization will ensure compliance with provisions of law for voluntary practice.

The primary advantages to the public of implementing the amended regulations for continuous supervision are as follows: (i) the physician assistant may provide services for which he is trained without the supervising physician being present; and (ii) physician oversight is still required, and the physician must be accessible for consultation within one hour and remains responsible for care and treatment of the patient. Therefore, the services of a physician assistant may be more available to certain populations of patients without sacrificing the regular, ongoing communication with the supervising physician.

There are no disadvantages to the public as all amendments are intended to provide better access to licensed physician assistants or qualified practitioners who are duly licensed in another state.

There are no advantages or disadvantages to the agency; the amended regulation does not impose a new responsibility on the board. Since the number of practitioners seeking registration for voluntary practice is expected to remain very small, it does not involve additional cost or staff time. The amendments for continuous supervision include some modification to the protocol between the physician assistant and the physician, but a protocol is already required, so no additional burden is imposed.

Fiscal Impact: Projected cost to the state to implement and enforce.

Fund source: As a special fund agency, the board must generate sufficient revenue to cover its expenditures from nongeneral funds, specifically the renewal and application fees it charges to practitioners for necessary functions of regulation.

Budget activity by program or subprogram: There is no change required in the budget of the Commonwealth as a result of this program.

One-time versus ongoing expenditures: The agency will incur some one-time costs (less than \$2,000) for mailings to the Public Participation Guidelines mailing lists, conducting a public hearing, and sending copies of final regulations to regulated entities. Every effort will be made to incorporate those into anticipated mailings and board meetings already scheduled.

Projected cost to localities: There are no projected costs to localities.

Description of entities that are likely to be affected by regulation: The entities that are likely to be affected by these regulations would be licensed physician assistants in Virginia and their supervising physicians. Physician assistants licensed in other states would be affected by the voluntary practice amendments.

Estimate of number of entities to be affected: There are 882 physician assistants licensed in Virginia; each has one or more supervising physicians. It is not known how many will be affected by the revised rules, since the level of supervision may be determined by the licensees and set forth in the protocol. It is also unknown the number of out-of-state practitioners who may be affected by the voluntary practice regulations, but, given the limited scope of the law, the number is expected to be very small. To date, no out-of-state physician assistants have been authorized to practice under the emergency regulations.

Projected costs to the affected entities: There is no cost for compliance for changes in rules on supervision. There is a charge of \$10 to apply for authorization to practice on a voluntary basis at a specific location for a limited period of time.

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 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or

Proposed Regulations

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. Pursuant to a legislative mandate, the Board of Medicine (board) proposes to establish registration for voluntary practice by out-of-state physician assistants. Further, the board proposes amendments to rules concerning the supervision of physician assistants.

Estimated economic impact.

Voluntary Practice. Chapter 740 of the 2002 Acts of Assembly mandates that the board promulgate regulations to permit individuals licensed as physician assistants by another state to volunteer their health care services in Virginia without needing to obtain a Virginia license. The legislation sets very narrow criteria for who may qualify. Only individuals who are licensed in other states, but not in Virginia, and who volunteer "to provide free health care in an underserved area of the Commonwealth under the auspices of a publicly supported, nonprofit organization with no paid employees that sponsors the provision of health care to populations of underserved people throughout the world"¹ may register to perform volunteer health care work in the Commonwealth without a Virginia license.

The board's proposed regulatory language essentially reiterates the requirements listed in § 54.1-2901 of the Code of Virginia with details on how the applicant is to present their qualifications, as well as establishes a \$10 processing fee for the Department of Health Professions' administrative costs.

The requirement that not only must the volunteer not receive remuneration, but that the nonprofit organization have no paid employees is very restrictive. Many, if not most, charitable organizations would not meet this criterion. For example, the Red Cross has paid employees and an out-of-state physician assistant could not volunteer to provide health care services through the Red Cross in Virginia under this provision. The requirement that the nonprofit organization sponsors the provision of health care to populations of underserved people throughout the world is vague and potentially extremely restrictive. It seems to exclude all non-international organizations. Read literally, it also seems to exclude international organizations that do not provide health care to populations of underserved people in all areas of the world. The proposed regulatory language was adopted as emergency regulations on July 19, 2002. As of late November 2002, no one has applied to the board for voluntary practice in Virginia. Given how highly restrictive the qualification criteria are, it is unlikely that more than a very small number of individuals, if any at all, will apply to the board for voluntary practice registration in the future. Since registration for volunteer services is expected to happen very infrequently, the proposed regulatory amendment will have little effect.

Supervision of physician assistants. Both the current and proposed regulations require that "prior to initiation of practice, a physician assistant and his supervising physician shall submit a written protocol which spells out the roles and functions of the assistant." In regard to the protocol, the board proposes to add "... a requirement specifying the time period, proportionate to the acuity of care and practice setting, within which the supervising physician shall review the record of services rendered by the physician assistant." This contrasts with the current regulations, which specify that the record of services rendered to a patient by the physician assistant be reviewed within 72 hours. According to the Department of Health Professions, the board may approve protocols that have a stated maximum time to review that are either more or less than the current 72-hour maximum, depending on the situation. The proposal by the board to allow flexibility on the length of time in which a supervising physician must review her assistant's work may permit some valuable services to be provided that may not otherwise be provided. For example, say a physician assistant is willing and able to see patients on Friday evenings, but her supervising physician cannot schedule work reviews until Tuesday. Under the current regulations, the physician assistant would not be permitted to provide services on Friday evenings because her supervisor could not review her work within 72 hours. Under the proposed regulations, the protocol could be written so that the assistant could perform procedures on Friday evenings that could be safely done without review within 72 hours, and the assistant could be precluded from conducting procedures that would be considered less safe without review within 72 hours. Therefore, this proposal can provide a net benefit in that potential can be increased without significantly adding to health and safety risks.

More significantly, the board proposes to amend the definition of "general supervision." The current definition states "General supervision means the supervising physician is easily available and can be physically present within one hour." This language prohibits physician assistants from working when the supervising physician is more than one hour away at an out-of-town conference, on vacation, or for some other purpose. Pursuant to Chapter 387 of the 2002 Acts of Assembly, the board proposes to broaden the definition to "...the supervising physician is easily available and can be physically present *or accessible for consultation with the physician assistant* within one hour." The proposed language would permit physician assistants to continue working when their supervising physician is more than one hour away as long as the physician would be available for communication within an hour. This could be easily accomplished by, for example, the physician keeping a cellular phone on her person. The proposed change is beneficial in that it would allow physician assistants to work more hours and provide more services to patients. Since the assistants will still have access to consultation with their supervising physician within an hour, the proposed change does not appear to be costly in terms of safety or the assistant's access to advice from the physician. Thus, this proposal will produce a net benefit.

Businesses and entities affected. The proposed registration for voluntary practice will likely affect very few Virginians. Given the highly restrictive nature of the registration qualifications, very few out-of-state health care practitioners

¹ Source: Section § 54.1-2901 of the Code of Virginia.

are expected to register and provide volunteer health care services for underserved Virginians. The proposed changes to the supervision of physician assistants affect the 882 physician assistants licensed in the Commonwealth as well as their supervising physicians and patients.

Localities particularly affected. The proposed regulations affect all Virginia localities.

Projected impact on employment. The proposed changes to the supervision of physician assistants will likely result in more hours worked by physician assistants per year.

Effects on the use and value of private property. The proposed amendments to the supervision of physician assistants permit medical practices to provide additional hours of service. Thus, the value of medical practices that employ physician assistants may increase somewhat.

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 amendments to 18 VAC 85-50 pursuant to a statutory mandate for a registration by out-of-state practitioners to provide voluntary service on a limited basis and for general supervision of physician assistants by supervising physicians.

Summary:

Chapter 740 of the 2002 Acts of Assembly mandates that the board promulgate regulations for an out-of-state practitioner to be exempt from licensure or certification to volunteer his services to a nonprofit organization that has no paid employees and offers health care to underprivileged populations throughout the world. Regulations set forth the information and documentation that must be provided prior to such service to ensure compliance with the statute.

Chapter 387 of the 2002 Acts of Assembly mandates that the board promulgate regulations to implement provisions related to the supervision of a physician assistant and the protocol between the assistant and the physician. In accordance with the statute, regulations provide for continuous supervision but do not require the physical presence of the physician.

18 VAC 85-50-10. Definitions.

A. The following words and terms shall have the meanings ascribed to them in § 54.1-2900 of the Code of Virginia:

"Board."

"Physician assistant."

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

"Committee" means the Advisory Committee on Physician Assistants as specified in § 54.1-2950.1 of the Code of Virginia.

"Group practice" means the practice of a group of two or more doctors of medicine, osteopathy, or podiatry licensed by the board who practice as a partnership or professional corporation.

"Institution" means a hospital, nursing home or other health care facility, community health center, public health center, industrial medicine or corporation clinic, a medical service facility, student health center, or other setting approved by the board.

"NCCPA" means the National Commission on Certification of Physician Assistants.

"Protocol" means a set of directions developed by the supervising physician that defines the supervisory relationship between the physician assistant and the physician and the circumstances under which the physician will see and evaluate the patient.

"Supervision" means:

1. *"Alternate supervising physician"* means a member of the same group or professional corporation or partnership of any licensee, any hospital or any commercial enterprise with the supervising physician. Such alternating supervising physician shall be a physician licensed in the Commonwealth who has registered with the board and who has accepted responsibility for the supervision of the service that a physician assistant renders.

2. *"Direct supervision"* means the physician is in the room in which a procedure is being performed.

3. *"General supervision"* means the supervising physician is easily available and can be physically present or accessible for consultation with the physician assistant within one hour.

4. *"Personal supervision"* means the supervising physician is within the facility in which the physician's assistant is functioning.

5. *"Supervising physician"* means the doctor of medicine, osteopathy, or podiatry licensed in the Commonwealth who has accepted responsibility for the supervision of the service that a physician assistant renders.

6. *"Continuous supervision"* means the supervising physician has on-going, regular communication with the physician assistant on the care and treatment of patients.

18 VAC 85-50-40. General requirements.

A. No person shall practice as a physician assistant in the Commonwealth of Virginia except as provided in this chapter.

B. All services rendered by a physician assistant shall be performed only under the *continuous* supervision of a doctor of medicine, osteopathy, or podiatry licensed by this board to practice in the Commonwealth.

18 VAC 85-50-59. Registration for voluntary practice by out-of-state licensees.

Any physician assistant who does not hold a license to practice in Virginia and who seeks registration to practice under subdivision 27 of § 54.1-2901 of the Code of Virginia on a voluntary basis under the auspices of a publicly supported, all volunteer, nonprofit organization with no paid employees that sponsors the provision of health care to populations of underserved people throughout the world shall:

Proposed Regulations

1. File a complete application for registration on a form provided by the board at least 15 days prior to engaging in such practice. An incomplete application will not be considered;
2. Provide a complete record of professional licensure in each state in which he has held a license and a copy of any current license;
3. Provide the name of the nonprofit organization, the dates and location of the voluntary provision of services;
4. Pay a registration fee of \$10; and
5. Provide a notarized statement from a representative of the nonprofit organization attesting to its compliance with provisions of subdivision 27 of § 54.1-2901 of the Code of Virginia.

18 VAC 85-50-101. Requirements for a protocol.

A. Prior to initiation of practice, a physician assistant and his supervising physician shall submit a written protocol which spells out the roles and functions of the assistant. Any such protocol shall take into account such factors as *the physician assistant's level of competence*, the number of patients, the types of illness treated by the physician, the nature of the treatment, special procedures, and the nature of the physician availability in ensuring direct physician involvement at an early stage and regularly thereafter. *The protocol shall also provide an evaluation process for the physician assistant's performance, including a requirement specifying the time period, proportionate to the acuity of care and practice setting, within which the supervising physician shall review the record of services rendered by the physician assistant.*

B. The board may require information regarding the level of supervision, i.e. "direct," "personal" or "general," with which the supervising physician plans to supervise the physician assistant for selected tasks. The board may also require the supervising physician to document the assistant's competence in performing such tasks.

C. If the role of the assistant includes prescribing for drugs and devices, the written protocol shall include those schedules and categories of drugs and devices that are within the scope of practice and proficiency of the supervising physician.

18 VAC 85-50-110. Responsibilities of the supervisor.

The supervising physician shall:

1. See and evaluate any patient who presents the same complaint twice in a single episode of care and has failed to improve significantly. Such physician involvement shall occur not less frequently than every fourth visit for a continuing illness.
- ~~2. Review the record of services rendered the patient by the physician assistant and sign such records within 72 hours after any such care was rendered by the assistant.~~
2. Be responsible for all invasive procedures.
 - a. Under general supervision, a physician assistant may insert a nasogastric tube, bladder catheter, needle, or peripheral intravenous catheter, but not a flow-directed

catheter, and may perform minor suturing, venipuncture, and subcutaneous intramuscular or intravenous injection.

- b. All other invasive procedures not listed above must be performed under direct supervision unless, after directly supervising the performance of a specific invasive procedure three times or more, the supervising physician attests to the competence of the physician assistant to perform the specific procedure without direct supervision by certifying to the board in writing the number of times the specific procedure has been performed and that the physician assistant is competent to perform the specific procedure. After such certification has been accepted and approved by the board, the physician assistant may perform the procedure under general supervision.

4. 3. Be responsible for all prescriptions issued by the assistant and attest to the competence of the assistant to prescribe drugs and devices .

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 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. B. 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. C. 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.

D. 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.

VA.R. Doc. No. R02-284; Filed December 23, 2002, 11:53 a.m.

BOARD OF VETERINARY MEDICINE

Title of Regulation: 18 VAC 150-20. Regulations Governing the Practice of Veterinary Medicine (adding 18 VAC 150-20-135).

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

Public Hearing Date: February 12, 2003 - 9:15 a.m.

Public comments may be submitted until March 14, 2003.
(See Calendar of Events section
for additional information)

Agency Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 6603 W. Broad Street, Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

Basis: Regulations are promulgated under the general authority of Chapter 24 of Title 54.1 of the Code of Virginia. Section 54.1-2400 of the Code of Virginia provides the board the authority to promulgate regulations to administer the regulatory system.

The specific legal mandate to promulgate the regulation for the provision of voluntary health care services by out-of-state practitioners in clinics in underserved areas sponsored by nonprofit organizations is found in Chapter 740 of the 2002 Acts of Assembly.

Purpose: The purpose of the amended regulation is to ensure that out-of-state practitioners who are registered and authorized to provide treatment to patients have provided sufficient information to determine their eligibility and their standing with the licensing board of their state. While the treatment is being provided free of charge to underserved populations in the state, the board needs to carry out its

statutory mandate to protect the public health, safety and welfare. Therefore, basic information on licensure must be verified by the board of the licensing state to ensure that a practitioner whose license has been previously suspended or revoked, who has been convicted of a felony or who is otherwise found to be in violation of applicable laws or regulations does not come into Virginia to practice, even on a voluntary basis.

Substance: Chapter 740 of the 2002 Acts of Assembly provides specific conditions under which a health care practitioner who is licensed in another state can provide free care in underserved areas of Virginia. Statutory requirements include that they (i) do not regularly practice in Virginia; (ii) hold a current valid license or certificate in another U.S. jurisdiction; (iii) volunteer to provide free care; (iv) file copies of their licenses or certificates in advance with the board; (v) notify the board of the dates and location of services; and (vi) acknowledge in writing that they will only provide services within the parameters stated in the application. The statute also provides specific requirements for the nonprofit organization sponsoring provision of health care and allows the board to charge a fee for each practitioner.

As also provided by the statute, the board has the right to deny practice to any person whose license or certificate has been previously revoked or suspended, who has been convicted of a felony, or who is otherwise found to be in violation of applicable laws or regulations. In order to protect the health, safety and welfare of the consuming public and to ensure that the care provided by out-of-state practitioners will be minimally competent, the board will use the information garnered from the application and verification from other states to determine whether the practitioner meets the criteria set forth in the law.

Issues: The primary advantages to the public of implementing the amended regulations are as follows: (i) additional practitioners may be available to staff voluntary clinics, especially in the southwestern part of the state with proximity to several other states; (ii) a requirement for licensure in another state to be verified will ensure that the practitioner holds a current, unrestricted license; and (iii) the requirement for a notarized statement from a representative of the nonprofit organization will ensure compliance with provisions of law for voluntary practice.

There are no disadvantages to the public as all amendments are intended to provide better access to qualified practitioners who are duly licensed in another state.

There are no advantages or disadvantages to the agency; the amended regulation does not impose a new responsibility on the board. Since the number of practitioners seeking registration is expected to remain very small, it does not involve additional cost or staff time.

Fiscal Impact: Projected cost to the state to implement and enforce:

Fund source: As a special fund agency, the board must generate sufficient revenue to cover its expenditures from nongeneral funds, specifically the renewal and application fees it charges to practitioners for necessary functions of regulation.

Proposed Regulations

Budget activity by program or subprogram: There is no change required in the budget of the Commonwealth as a result of this program.

One-time versus ongoing expenditures: The agency will incur some one-time costs (less than \$1,000) for mailings to the Public Participation Guidelines mailing lists, conducting a public hearing, and sending copies of final regulations to regulated entities. Every effort will be made to incorporate those into anticipated mailings and board meetings already scheduled.

Projected cost to localities: There are no projected costs to localities.

Description of entities that are likely to be affected by regulation: The entities that are likely to be affected by these regulations would be licensed veterinarians in other states.

Estimate of number of entities to be affected: There is no way to predict the number who may be affected, but, given the limited scope of the law, the number is expected to be very small. To day, no out-of-state veterinarians have been authorized to practice under the emergency regulations.

Projected costs to the affected entities: The cost for compliance is \$10 to apply for authorization to practice at a specific location for a limited period of time.

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 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H 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. Pursuant to a legislative mandate, the Board of Veterinary Medicine (board) proposes to establish registration for voluntary veterinary practice by out-of-state licensees.

Estimated economic impact. Chapter 740 of the 2002 Acts of the Assembly mandates that the board promulgate regulations to permit individuals licensed in veterinary medicine by another state to volunteer their veterinary services in Virginia without needing to obtain a Virginia license. The legislation sets very narrow criteria for who may qualify. Only individuals who are licensed in other states, but not in Virginia, and who volunteer "to provide free care in an underserved area of the Commonwealth under the auspices of a publicly supported, nonprofit organization with no paid employees that sponsors the provision of health care to populations of underserved people throughout the world"¹ may register to perform

volunteer veterinary work in the Commonwealth without a Virginia license.

The board's proposed regulatory language essentially reiterates the requirements listed in § 54.1-3801 of the Code of Virginia with details on how the applicant is to present their qualifications, as well as establishes a \$10 processing fee for the Department of Health Professions' administrative costs.

The requirement that not only must the volunteer not receive remuneration, but that the nonprofit organization have no paid employees is very restrictive. Many, if not most, charitable organizations would not meet this criterion. For example, the Red Cross has paid employees and an out-of-state practitioner could not volunteer to provide veterinary services through the Red Cross in Virginia under this provision. The requirement that the nonprofit organization sponsors the provision of health care to populations of underserved people throughout the world is vague and potentially extremely restrictive. It seems to exclude all non-international organizations. Read literally, it also seems to exclude international organizations that do not provide health care to populations of underserved people in all areas of the world. The proposed regulatory language was adopted as emergency regulations on July 19, 2002. As of late November 2002, no one has applied to the board for voluntary practice in Virginia. Given how highly restrictive the qualification criteria are, it is unlikely that more than a very small number of individuals, if any at all, will apply to the board for voluntary practice registration in the future. Since registration for volunteer services is expected to happen very infrequently, the proposed regulatory amendment will have little effect.

Businesses and entities affected. The proposed amendments will likely affect very few Virginians. Given the highly restrictive nature of the registration qualifications, very few out-of-state veterinarians are expected to register and provide services for underserved Virginians.

Localities particularly affected. The proposed regulations, if used at all, will mostly affect rural areas of the Commonwealth, particularly in southwestern Virginia.

Projected impact on employment. The proposed amendments will not significantly affect employment levels.

Effects on the use and value of private property. The proposed amendments will not have a large impact on the use and value of private property.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Board of Veterinary Medicine concurs with the analysis of the Department of Planning and Budget for amendments to 18 VAC 150-20, pursuant to statutory requirements for voluntary practice by out-of-state practitioners.

Summary:

The proposed amendments establish registration requirements for voluntary veterinary practice by out-of-state licensees.

¹ Source: Section § 54.1-3801 of the Code of Virginia.

18 VAC 150-20-135. Voluntary practice by out-of-state practitioners.

Any veterinarian who seeks registration to practice on a voluntary basis under the auspices of a publicly supported all volunteer, nonprofit organization with no paid employees that sponsors the provision of health care to populations of underserved people throughout the world shall:

- 1. File a complete application for registration on a form provided by the board at least 15 days prior to engaging in such practice. An incomplete application will not be considered;*
- 2. Provide a complete record of professional licensure in each state in which he has held a license and a copy of every current license;*
- 3. Provide the name of the nonprofit organization, the dates and location of the voluntary provision of services;*
- 4. Pay a registration fee of \$10; and*
- 5. Provide a notarized statement from a representative of the nonprofit organization attesting to its compliance with provisions of subdivision 4 of § 54.1-3801 of the Code of Virginia.*

NOTICE: The forms used in administering 18 VAC 150-20, Regulations Governing the Practice of Veterinary Medicine, 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 Board of Veterinary Medicine, 6603 W. Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

- Licensure Procedure for Veterinarians (rev. 10/02)
- Application for a License to Practice Veterinary Medicine (rev. 10/02).
- Instructions to the Veterinary Technician Applicant (rev. 10/02).
- Application for a License to Practice Veterinary Technology (rev. 10/02).
- Applicant Instructions for New, Upgrading to Full Service, or Change of Location Inspections (eff. 10/02).
- Application for Veterinary Establishment Permit (rev. 7/02).
- Application for Reinstatement (rev. 10/02).
- Renewal Notice and Application - 0301 (rev. 7/02).
- Renewal Notice and Application - 0302 (rev. 7/02).
- Licensure Verification - Veterinarian (rev. 11/02).
- Licensure Verification - Veterinary Technician (rev. 11/02).
- Application for Registration for Volunteer Practice (eff. 12/02).*
- Sponsor Certification for Volunteer Registration (eff. 12/02).*

VA.R. Doc. No. R02-292; Filed December 16, 2002, 2:56 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

DEPARTMENT OF CONSERVATION AND RECREATION

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

Title of Regulation: 4 VAC 5-30. Virginia State Parks Regulations (amending 4 VAC 5-30-200).

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

Effective Date: February 12, 2003.

Background:

On September 9, 2002, in an opinion issued to the Honorable Richard H. Black, Attorney General Jerry W. Kilgore determined that, "[i]n light of the General Assembly's explicit statements regarding the limits of carrying concealed handguns, the Department could not infer authority from its general enabling legislation to change those limits by prohibiting the carrying of concealed handguns by holders with valid permits within state parks." The Attorney General noted that "[i]t is solely within the discretion of the General Assembly to add parks to the list of places where the carrying of concealed handguns is prohibited, or to grant explicit statutory authorization to the Department for that purpose"; however, the department is currently "without authority to prohibit, within state parks, the carrying of concealed handguns by holders of valid permits."

On September 23, 2002, Governor Mark R. Warner directed "the Department of Conservation and Recreation to cease enforcement of 4 VAC 5-30-200 with respect to concealed handguns by valid permit holders." He further directed "the Department to amend the regulation through the Administrative Process Act to bring it in conformity with Attorney General Kilgore's opinion."

The department has contended that pursuant to the opinion and the directive, the department has no discretion in making this regulatory amendment and that this regulatory action is exempt from the Administrative Process Act in accordance with § 2.2-4006 A 4 a of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency

discretion is involved. A letter from the department's counsel in the Attorney General's Office on December 19, 2002, noted that while this is a change in the understanding of Virginia statutory law rather than an actual change in Virginia's statutes, the lack of agency discretion is the same. Counsel states in his letter that he believes "it would be legally defensible for the agency to amend its regulation pursuant to the Administrative Process Act exemption found in § 2.2-4006 A 4 a in order to conform its regulation to its statutory authority as directed by the Governor."

The Secretary of Natural Resources on December 23, 2002, approved the department to proceed with submitting this regulation to the Virginia Register for publishing as an exempt final action.

Accordingly, the Director of the Department of Conservation and Recreation certifies this final action to the regulation entitled "Firearms" (4 VAC 5-30-200) on this day, December 23, 2002. The agency will receive, consider and respond to petitions by any interested person at any time with respect to consideration or revision.

Summary:

The Department of Conservation and Recreation is amending the Virginia State Parks Regulations to allow for the carry of concealed weapons within state parks by holders of a valid concealed handgun permit issued pursuant to § 18.2-308 of the Code of Virginia. Prior to this action, the carry or possession of firearms was limited to employees, police officers, or officers of the department. The regulation also did not apply in areas designated for hunting by the department. This action is prompted by an opinion from the Attorney General and a directive from the Governor.

Agency Contact: Leon E. App, Acting Deputy Director, Department of Conservation and Recreation, 203 Governor Street, Suite 302, Richmond, VA 23219, telephone (804) 786-6124, FAX (804) 786-6141, or e-mail leonapp@dcr.state.va.us.

4 VAC 5-30-200. Firearms.

No person except employees, police officers, or officers of the department shall carry or possess firearms of any description, or airguns, within the park. This regulation shall not apply in areas designated for hunting by the Department of Conservation and Recreation. *This regulation also shall not apply to the carrying of concealed handguns within state parks by holders of a valid concealed handgun permit issued pursuant to § 18.2-308 of the Code of Virginia.*

VA.R. Doc. No. R03-100; Filed December 23, 2002, 11:10 a.m.

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 20-720. **Pertaining to Restrictions on Oyster Harvest (amending 4 VAC 20-720-20 and 4 VAC 20-720-40 through 4 VAC 20-720-80).**

Statutory Authority: §§ 28.2-201 and 28.2-507 of the Code of Virginia.

Effective Date: December 27, 2002.

Summary:

This action opens an additional public harvest area in the Rappahannock River named Temples Bay Hand Scrape Area to the taking of oysters and increases the maximum weight for the standard oyster dredge from 100 pounds to 150 pounds.

Agency Contact: Katherine V. Leonard, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2120.

4 VAC 20-720-20. Definitions.

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

"Deep Rock Dredge Area" means the area described as follows: starting at Cherry Point, ~~Swynns~~ Gwynns Island, thence northeast to G"1P" along the south side of channel to Piankatank River; thence east-southeast to G"1R"; thence southwest to Sandy Point, Gwynns Island, north of Hole in Wall (see map).

"Deep Water Shoal State Replenishment Seed Area (DWS)" in the James River (574.66 Acres) means the areas beginning at a point approximately 530 feet west of Deep Water Shoal Light, said point being Corner 1 as located by Virginia State Plane Coordinates, South Zone, NAD 1927, north 302,280.00, east 2,542,360.00; thence north azimuth 30°49'59", 4,506.99 feet to Corner 2, north 306,150.00, east 2,544,670.00; thence north azimuth 135°08'57", 5,430.60 feet to Corner 3, north 302,300.00, east 2,548,500.00; thence north azimuth 212°13'54", 3,487.42 feet to Corner 4, north 299,350.00, east 2,546,640.00; thence north azimuth 269°10'16", 2,765.29 feet to Corner 5, north 299,310.00, east 2,543,875.00; thence north azimuth 332°58'26", 3,334.09 feet to Corner 1, being the point of beginning.

"Hand scrape" means any device or instrument with a catching bar having an inside measurement of no more than 22 inches, which is used or usable for the purpose of extracting or removing shellfish from a water bottom or the bed of a body of water.

"Pocomoke and Tangier Sounds Management Area (PTSMA)" means the area as defined in § 28.2-524 of the Code of Virginia.

"Pocomoke Sound" means that area northeast from a line from Beach Island Light to the house on the Great Fox Island.

"Public oyster ground" means all those grounds defined in § 28.2-551 of the Code of Virginia, all ground set aside as public oyster ground by court order, and all ground set aside as public oyster ground by order of the Marine Resources Commission.

"Rappahannock River Drumming Ground Hand Scrape Area" means that portion of the Rappahannock and Corrotoman River, west of the Route 3 bridge (Norris Bridge), and north of a line from the center of the Route 3 bridge (Norris Bridge) following westward along the channel to Towles Point at Buoy "R6," excluding the Corrotoman River north of a line from Balls Point to Corrotoman Point. (See map.)

"Rappahannock River Hand Scrape Area" means that area including all public grounds between a line extending from the eastern-most point of Long Point thence in an easterly direction to flashing red buoy "8"; thence due east to Rogue Point, upriver to a line extending from Tarpley Point; thence in a southwesterly direction to flashing green buoy "13"; thence south-southwesterly to Jones Point. (See map.)

"Rappahannock River Temples Bay Hand Scrape Area" means that area in the Rappahannock River, west of the Route 3 bridge (Norris Bridge) and south of a line drawn from the center of the Route 3 bridge (Norris Bridge) upriver to Towles Point continuing the line upriver to red buoy 8; thence across to the southside of the river to Long Point, thence back to the Route 3 bridge (Norris Bridge) along the southern shoreline. (See map.)

"Tangier Sound" means that area from Tangier Light North to the Maryland-Virginia line (red buoy #6).

"Tangier Sound Hand Tong Area" means that area in the PTSMA south and west of a line from Fishbone Island thence southeast to bell buoy "5", thence south southwest to buoy "3" (such area to include all of Public Ground 3 and Flat Rock) and shall be a hand tong area only (see map) and Cod Harbor (approximately 1,124 acres) beginning at a point of East Point Marsh, said point having the Virginia state coordinates, south section, coordinates of north 555,414.89, east 2,730,388.85; thence south 79°59', east 2,260 feet to a line designating the western extent of the PTSMA as described in § 28.2-524 of the Code of Virginia; thence south 10°16', west 2,800 feet; thence south 28°46', west 8,500 feet to a point on Sand Spit, position north 545,131.78, east, 2,728,014.94; thence along the mean low water line of Cod Harbor in a west, north and northeast direction crossing Canton Creek and Mailboat Harbor from headland to headland to the point of beginning. (See map.)

"Unassigned ground" means all grounds other than public oyster ground as defined by this chapter and which have not been set aside or assigned by lease, permit, or easement by the Marine Resources Commission.

4 VAC 20-720-40. Open season and areas.

The lawful seasons and areas for the harvest of oysters from the public oyster grounds and unassigned grounds are as follows:

Final Regulations

1. James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area: October 1, 2002, through April 30, 2003.
2. James River Jail Island and Point of Shoals Clean Cull Areas: October 1, 2002, through April 30, 2003.
3. Seaside of Eastern Shore: for clean cull oysters only, November 1, 2002, through January 31, 2003.
4. That area of Piankatank River, west of the Route 3 bridge: October 1, 2002, through December 31, 2002.
5. The area of the Rappahannock River west of the line drawn from Tarpley Point to green buoy #13 to Jones Point and the area of the Corrotoman River, north of the line drawn from Balls Point to Corrotoman Point: October 15, 2002, through January 15, 2003.
6. The Rappahannock River Hand Scrape Area: October 15, 2002, through January 15, 2003.
7. The Rappahannock River Drumming Ground Hand Scrape Area: October 15, 2002, through January 15, 2003.
8. *The Rappahannock River Temples Bay Hand Scrape Area: November 27, 2002, through January 15, 2003.*
- ~~9.~~ 9. That area of the Nomini and Lower Machodoc Rivers to the Virginia-Maryland state line (PRV6A to PRV6B; and PRV5A to PRV5C, respectively): October 15, 2002, through January 15, 2003.
- ~~9.~~ 10. That area of the Coan River to the Virginia-Maryland state line (PRV1A to PRV1B), except for that area above a line from Walnut Point (Survey Station Walnut) to Stephens Point (Survey Station Arthur): October 15, 2002, through January 15, 2003.
- ~~10.~~ 11. That area of the Yeocomico River inside Public Grounds 102, 104, 107, 112 and 113: October 15, 2002, through January 15, 2003.
- ~~11.~~ 12. The following areas of the PTSMA in Tangier Sound, from Tangier Light north to the Maryland-Virginia Line (red buoy #6) and in the Pocomoke Sound, northeast from a line from Beach Island Light to the house on the Great Fox Island: December 1, 2002, through January 31, 2003.
- ~~12.~~ 13. Tangier Sound Hand Tong Areas: December 1, 2002, through January 31, 2003.
- ~~13.~~ 14. Little Wicomico River: October 15, 2002, through January 15, 2003.
- ~~14.~~ 15. Deep Rock Dredge Area: February 1, 2003, through March 31, 2003.

4 VAC 20-720-50. Closed harvest season and areas.

It shall be unlawful for any person to harvest oysters from the following areas during the specified periods:

1. All public oyster grounds and unassigned grounds in the Chesapeake Bay and its tributaries, including the tributaries of the Potomac River, except the following areas: ~~the~~ *that* area of the Rappahannock River west of the line drawn from Tarpley Point to green buoy #13 to Jones Point; the area of

the Corrotoman River north of the line drawn from Balls Point to Corrotoman Point; the Rappahannock River Hand Scrape Area; the Drumming Ground Hand Scrape Area; that area of the Piankatank River west of the Route 3 bridge; that area of the Nomini and Lower Machodoc Rivers to the Virginia-Maryland state line; that area of the Coan River to the Virginia-Maryland state line, except for above a line from Walnut Point to Stephens Point; that area of the Yeocomico River inside Public Grounds 102, 104, 107, 112 and 113; the Little Wicomico River; the PTSMA in Tangier Sound, from Tangier Light north to the Maryland-Virginia Line; the Pocomoke Sound, northeast from a line from Beach Island Light to the house on the Great Fox Island; the Tangier Sound Hand Tong Area; the James River Seed Area; the James River Jail Island and Point of Shoals Clean Cull Areas; and the Deep Rock Dredge Area: October 1, 2002, through September 30, 2003.

2. James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area, and James River Jail Island and Point of Shoals Clean Cull Areas: May 1, 2003, through September 30, 2003.

3. All public oyster grounds and unassigned grounds on the Seaside of Eastern Shore: for clean cull oysters, October 1 through October 31, 2002, and February 1, 2003, through September 30, 2003; and for seed oysters, all year. Oyster harvest from leased oyster ground and fee simple oyster ground shall require a permit from the Marine Resources Commission as set forth in 4 VAC 20-720-90.

4. That area of the Rappahannock River west of the line drawn from Tarpley Point to green buoy #13 to Jones Point; the area of the Corrotoman River, north of the line drawn from Balls Point to Corrotoman Point; that area of the Nomini and Lower Machodoc Rivers to the Virginia-Maryland state line; that area of the Coan River to the Virginia-Maryland state line, except for above a line from Walnut Point to Stephens Point; that area of the Piankatank River west of the Route 3 bridge; and that area of the Yeocomico River inside Public Grounds 102, 104, 107, 112 and 113: October 1, 2002, through October 14, 2002 and January 16, 2003, through September 30, 2003.

5. The Rappahannock River Hand Scrape Area: October 1, 2002, through October 14, 2002, and January 16, 2003, through September 30, 2003.

6. The Rappahannock River Drumming Ground Hand Scrape Area: October 1, 2002, through October 14, 2002, and January 16, 2003, through September 30, 2003.

7. *The Rappahannock River Temples Bay Hand Scrape Area: January 16, 2003, through September 30, 2003.*

~~7.~~ 8. The following areas of the PTSMA: in Tangier, from Tangier Light north to the Maryland-Virginia line, and in the area of the PTSMA in the Pocomoke Sound, northeast from a line from Beach Island Light to the house on the Great Fox Island, including the Tangier Sound Hand Tong Area: October 1, 2002, through November 30, 2002, and February 1, 2003, through September 30, 2003.

8. 9. Little Wicomico River: October 1, 2002, through October 14, 2002, and January 16, 2003, through September 30, 2003.

9. 10. Deep Rock Dredge Area: October 1, 2002, through January 31, 2003, and April 1, 2003, through September 30, 2003.

4 VAC 20-720-60. Day and time limit.

A. It shall be unlawful to take, catch or possess oysters on Saturday and Sunday from the public oyster grounds or unassigned grounds in the waters of the Commonwealth of Virginia, except that this provision shall not apply to any person harvesting no more than one bushel per day by hand for household use only during the season when the public oyster grounds or unassigned grounds are legally open for harvest. The presence of any gear normally associated with the harvesting of oysters on board the boat or other vehicle used during any harvesting under this exception shall be prima facie evidence of violation of this chapter.

B. It shall be unlawful for any person to harvest or attempt to harvest oysters prior to sunrise or after 2 p.m. from the areas described in subdivisions 1, 2 and 4 through 44 15 of 4 VAC 20-720-40.

C. The Commissioner of Marine Resources hereby is authorized to issue permits to applicants to dredge for oysters where permitted by the Code of Virginia and Marine Resources Commission regulation or order, provided the applicant is eligible under all applicable laws and regulations, and further provided that such permit shall be granted only upon the condition that the boat not leave the dock until one-half hour before sunrise and be back at dock before sunset.

D. The Commissioner of Marine Resources hereby is authorized to issue permits to applicants to hand scrape, as described in 4 VAC 20-720-20, for oysters where permitted by the Code of Virginia and Marine Resources Commission regulation or order, provided the applicant is eligible under all applicable laws and regulations, and further provided that such permit shall be granted only upon the condition that the boat not leave the dock until one-half hour before sunrise and be back at dock before sunset.

4 VAC 20-720-70. Gear restrictions.

A. It shall be unlawful for any person to harvest oysters with shaft tongs longer than 18 feet in total overall length from the following public oyster grounds or unassigned grounds: the James River, including the Deep Water Shoal State Replenishment Seed Area; that area of the Rappahannock River west of the line drawn from Tarpley Point to green buoy #13 to Jones Point; the area of the Corrotoman River north of the line drawn from Balls Point to Corrotoman Point; that area of the Piankatank River west of the Route 3 bridge; that area of the Nomini and Lower Machodoc Rivers to the Virginia-Maryland state line; the Little Wicomico River; and that area of the Coan River to the Virginia-Maryland state line, except for above a line from Walnut Point to Stephens Point; the Tangier Sound Hand Tong Area; and that area of the Yeocomico River inside Public Grounds 102, 104, 107, 112 and 113. It shall be unlawful for any person to have a hand scrape on board a

boat that is harvesting or attempting to harvest oysters from public grounds by hand tong.

B. It shall be unlawful for any person to harvest shellfish with a dredge from the public oyster grounds who has not first obtained a current gear license to use said dredge, and only at times and in areas as established by the commission can this dredge be used for harvesting on public oyster grounds. In order to be allowed to operate a dredge for harvesting oysters from any public oyster grounds, a harvester must have a current dredge gear license and the cost of this license shall be \$50.

C. It shall be unlawful for any person to harvest shellfish from the Rappahannock River Hand Scrape Area; Drumming Ground Hand Scrape Area; *Temples Bay Hand Scrape Area*; and the Little Wicomico, Nomini, Coan, Yeocomico, and Lower Machodoc Rivers without first obtaining a valid hand scrape license at a cost of \$50.

D. It shall be unlawful for any person to harvest shellfish with a hand scrape from any public oyster grounds without first obtaining a valid hand scrape license and in accordance with times and areas established by the commission.

E. It shall be unlawful for any person to have more than one hand scrape on board any boat that is harvesting oysters or attempting to harvest oysters from public grounds. It shall be unlawful for any person to have a hand tong on board a boat that is harvesting or attempting to harvest oysters from public grounds by hand scrape.

F. Harvesting with a standard oyster dredge shall be allowed in that area in the Deep Rock Dredge Area and in the PTSMA in Tangier Sound from Tangier Light north to the Maryland-Virginia line, and in the Pocomoke Sound, northeast from a line from Beach Island Light to the house on the Great Fox Island, except for the designated hand tong areas. Only a standard oyster ~~dredges~~ *dredge* (maximum ~~weight~~ *weight* 150 pounds with attachment, maximum width of 50 inches, maximum tooth length of four inches, minimum teeth spacing of three inches) may be used.

4 VAC 20-720-80. Quotas and harvest limits.

A. In the James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area, there shall be an oyster harvest quota of 80,000 bushels of seed oysters. It shall be unlawful for any person to harvest seed oysters from the James River Seed Area after the 80,000 bushel quota has been reached. In the James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area, and Clean Cull Areas there shall be an oyster harvest quota of 15,000 bushels of market oysters. It shall be unlawful for any person to harvest market oysters from the James River Seed and Clean Cull Areas after the 15,000 bushel quota has been reached.

B. The lawful daily limit of clean cull oysters harvested from the areas as described in subdivisions 4 through ~~10 and 12~~ 11 and 13 *and 14* of 4 VAC 20-720-40 shall be determined by the number of registered commercial fishermen licensees on board the vessel multiplied by eight bushels. It shall be unlawful to possess on board any vessel or to land more than the daily limit of clean cull oysters.

Final Regulations

C. In the PTSMA in Tangier Sound, from Tangier Light north to the Maryland-Virginia line, and in the Pocomoke Sound, northeast from a line from Beach Island Light to the house on the Great Fox Island, where harvesting is allowed by dredge, there shall be a harvest limit of 15 bushels per day, per vessel. It shall be unlawful to possess on board any vessel more than 15 bushels per day. No hard clam or blue crab bycatch is allowed. Failure to report oysters harvested on a daily basis or pay oyster taxes shall result in the forfeiture of all harvested oysters and revocation of the dredge gear license for the remainder of the season.



VA.R. Doc. No. R03-99; Filed December 20, 2002, 12:47 p.m.

Final Regulations

TITLE 10. FINANCE AND FINANCIAL INSTITUTIONS

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: 10 VAC 5-200. Payday Lending (adding 10 VAC 5-200-75).

Statutory Authority: §§ 6.1-454 and 12.1-13 of the Code of Virginia.

Effective Date: January 1, 2003.

Summary:

The regulation sets forth the contents of the annual report required by the Payday Loan Act (§ 6.1-444 et seq. of the Code of Virginia) to be filed by payday lending licensees during each calendar year. Three items were deleted from the proposed regulation and an item was added that requires licensees to report information about the number of individual borrowers who received multiple payday loans.

Agency Contact: Susan Hancock, Deputy Commissioner, Bureau of Financial Institutions, State Corporation Commission, P.O. Box 1197, Richmond, VA 23218, telephone (804) 371-9701, toll-free (800) 552-7945, FAX (804) 371-9416 or e-mail shancock@scc.state.va.us.

AT RICHMOND, DECEMBER 19, 2002

COMMONWEALTH OF VIRGINIA, *ex rel.*

STATE CORPORATION COMMISSION

CASE NO. BFI-2002-00012

Ex Parte: In re: proposed payday lending regulations

ORDER ADOPTING A REGULATION

By Order entered herein on July 18, 2002, the State Corporation Commission ("Commission") directed that notice be given of its proposal, acting pursuant to § 6.1-458 of the Code of Virginia, to promulgate a regulation setting forth the contents of the annual report required by § 6.1-454 of the Code of Virginia. Notice of the proposed regulation was published in the *Virginia Register* on August 12, 2002, and the proposed regulation was posted on the Commission's website. Interested parties were afforded the opportunity to request a hearing or to file written comments in favor of or against the proposal on or before September 3, 2002. The Commission received written comments and a request for a hearing, and pursuant to the Order entered herein on October 11, 2002, the Bureau of Financial Institutions ("Bureau") met with those who commented and narrowed the issues to be addressed at the hearing held on December 3, 2002. During the hearing, the Bureau submitted a stipulation containing the proposed

regulation with certain changes that were agreed to by the Bureau and the parties who filed comments. The participants in the hearing did not object to the stipulation.

The Commission, having considered the record, the proposed regulation, the written comments filed, the testimony of interested parties, and the stipulation concludes that the proposed regulation should be modified in accordance with the stipulation and that the modified regulation should be adopted.

THEREFORE, IT IS ORDERED THAT:

- (1) Modified proposed 10 VAC 5-200-75 attached hereto is adopted effective January 1, 2003.
- (2) The modified regulation shall be posted on the Commission's website at <http://www.state.va.us/scc/caseinfo/orders.htm>.
- (3) An attested copy hereof, together with a copy of the modified regulation, shall be sent to the Registrar of Regulations for publication in the *Virginia Register*.
- (4) This case is dismissed, and the papers herein shall be placed among the ended cases.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: Reginald N. Jones, Esquire, Williams, Mullen, Clark & Dobbins, 1021 East Cary Street, P.O. Box 1320, Richmond, Virginia 23218-1320; James W. Speer, Esquire, Virginia Poverty Law Center, 201 West Broad Street, Suite 302, Richmond, Virginia 23220; David B. Irvin, Office of Attorney General, 900 East Main Street, Richmond, Virginia 23219; Janet R. Donovan, Commander, Assistant Staff Judge Advocate, Staff Judge Advocate's Office, 6506 Hampton Boulevard, Norfolk, Virginia 23508-1273; Robert M. Buell, Esquire, Bowman and Brooke, LLP, 901 Byrd Street, Suite 1500, Richmond, Virginia 23219; R. Lee Stephens, Jr., Esquire, Spotts, Fain, Chappell & Anderson, 411 East Franklin Street, Suite 600, Richmond, Virginia 23219; Jean Ann Fox, Director of Consumer Protection, Consumer Federation of America, 1424 16th Street, N.W., Suite 604, Washington, D.C. 20036; Larry E. Hughes, Vice President and New Project Manager, Extol Corporation, Inc. d/b/a Quick-Check: Cash Advance, Rt. 1, Box 557d, Lebanon, Virginia 24266; JoAnna Clifton, P.O. Box 573, Rosedale, Virginia 24280; Scott D. Hughes, P.O. Box 1461, Lebanon, Virginia 24266; Kimberly Ball, P.O. Box 1461, Lebanon, Virginia 24266; Lonnie Clifton, P.O. Box 573, Rosedale, Virginia 24280; and to the Commissioner of Financial Institutions.

10 VAC 5-200-75. Annual reporting requirements.

When making the annual report required by § 6.1-454 of the Code of Virginia, in addition to other information required by the commissioner, licensees shall provide the following data:

- 1. The total number and dollar amount of payday loans made.*
- 2. The total number of individual borrowers to whom loans were made.*
- 3. The minimum, maximum, and average dollar amount of payday loans made.*

- 4. The average annual percentage rate, and range of annual percentage rates, charged on payday loans made.
- 5. The average number of days, and the range of number of days, of the term of payday loans made.
- 6. The total number and dollar amount of borrower checks returned unpaid by the drawee depository institution.
- 7. The total number and dollar amount of returned checks ultimately paid.
- 8. The total number and dollar amount of returned checks charged off as uncollectible.
- 9. The total number and dollar amount of returned check fees collected from borrowers whose checks are returned for insufficient funds.

[~~10. The total number and amount of borrowers' checks written on joint accounts.~~

~~11. The number of borrower defaults on loans secured by checks written on joint accounts.~~

~~12. 10.] The total number of individual borrowers against whom [legal action was taken lawsuits were instituted].~~

[~~13. The total number and percentage of customers unable to read English and identification of the language and, if applicable, the dialect in which each group of such customers is literate.~~ 11. The number of individual borrowers who received more than one loan but less than 13 loans, and the number of individual borrowers who received 13 loans or more.]

VA.R. Doc. No. R02-278; Filed December 20, 2002, 2:33 p.m.

TITLE. 12. HEALTH

STATE BOARD OF HEALTH

Notice of Change of Effective Date

Title of Regulations: **12 VAC 5-30. Rules and Regulations Governing Emergency Medical Services.**

12 VAC 5-31. Virginia Emergency Medical Services Regulations.

Effective Date: January 15, 2003.

Final action on 12 VAC 5-30 and 12 VAC 5-31 was published in 19:3 VA.R. 478-529 October 21, 2002, with an effective date of January 1, 2003. The Department of Health has changed the effective date to January 15, 2003.

Agency Contact: Dave Cullen, Compliance Manager, Office of Emergency Medical Services, Department of Health, 1538 E. Parham Rd., Richmond, VA 23228, telephone (804) 371-3500, ext. 3512, toll-free 1-800-523-6019, FAX (804) 371-3543 or e-mail dcullen@vdh.state.va.us.

VA.R. Doc. No. R01-71; Filed December 31, 2002, 1:20 p.m.

TITLE. 14. INSURANCE

STATE CORPORATION COMMISSION

Suspension of Effective Date

REGISTRAR'S NOTICE: The April 1, 2003, effective date of the amendments to the final regulation published in 19:8 VA.R. 1231-1238 December 30, 2002, has been suspended by order of the State Corporation Commission. Further information is provided in the following summary and order.

Title of Regulation: **14 VAC 5-200. Rules Governing Long-Term Care Insurance (amending 14 VAC 5-200-20, 14 VAC 5-200-30, 14 VAC 5-200-40, 14 VAC 5-200-60, 14 VAC 5-200-75, 14 VAC 5-200-150, and 14 VAC 5-200-200; adding 14 VAC 5-200-77 and 14 VAC 5-200-153).**

Statutory Authority: §§ 12.1-13 and 38.2-223 of the Code of Virginia.

Summary of Order Granting, in Part, the Petition for Reconsideration:

On October 23, 2002, the State Corporation Commission entered an Order to Take Notice, which required comments to the revisions to the long-term care insurance rules proposed by the Bureau of Insurance, as well as notices to appear at a hearing (originally set for December 4, 2002) to consider the proposed revisions, to be filed with the Clerk of the State Corporation Commission on or before November 22, 2002. On November 25, 2002, the American Council of Life Insurers (the "ACLI") filed comments to the proposed revisions and a notice to appear at the hearing with the Clerk of the State Corporation Commission.

On November 26, 2002, the State Corporation Commission entered an Order Canceling Hearing and Adopting Revisions to Rules, wherein it noted that certain comments had been filed on November 22, 2002, and that such comments had been incorporated into the proposed revisions to the long-term care insurance rules prior to their adoption by the State Corporation Commission. The ACLI's comments were not considered.

On December 9, 2002, the ACLI, filed a Petition for Reconsideration, pursuant to 5 VAC 5-20-220, with the Clerk of the State Corporation Commission. The Petition for Reconsideration requested that the State Corporation Commission vacate its November 26th Order, allow the ACLI's comments to be found to be timely, and require that the Bureau of Insurance consider the ACLI's comments and allow for a hearing prior to adopting the proposed revisions to the long-term care insurance rules.

On December 16, 2002, the State Corporation Commission entered an Order Granting, in Part, the Petition for Reconsideration. Specifically, the Order suspends the Order Canceling Hearing and Adopting Revisions to Rules until

Final Regulations

further order of the State Corporation Commission. In addition, the Order directs the Bureau of Insurance to consider the ACLI's comments filed on November 25, 2002, and to file a Response thereto on or before January 15, 2003.

Contact: Bob Wright, Special Projects Coordinator, Life and Health Division, Bureau of Insurance, P.O. Box 1157, Richmond, Virginia 23218, telephone, (804) 371-9074, Rwright@scc.state.va.us.

AT RICHMOND, DECEMBER 16, 2002

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

Case No. INS-2002-00118

Ex Parte: In the matter of
Adopting Revisions to the Rules
Governing Long-Term Care Insurance

ORDER GRANTING, IN PART, THE PETITION FOR RECONSIDERATION

THE COMMISSION, having considered the Petition for Reconsideration filed with the Clerk of the Commission on December 9, 2002, by J. Christopher Jankowski, on behalf of the American Council of Life Insurers (the "ACLI"), in the above-captioned proceeding, is of the opinion that the ACLI's petition should be granted, in part, to allow the Bureau of Insurance (the "Bureau") to consider the comments filed by the ACLI with the Clerk of the Commission on November 25, 2002.

THEREFORE, IT IS ORDERED THAT:

(1) The Order Canceling Hearing and Adopting Revisions to Rules entered herein November 26, 2002, be, and it is hereby SUSPENDED until further order of the Commission;

(2) The Bureau of Insurance shall consider the comments filed by the ACLI with the Clerk of the Commission on November 25, 2002, to the revisions to the rules governing long-term care insurance proposed by the Bureau of Insurance and file a response, if any, to the ACLI's comments with the Clerk of the Commission on or before January 15, 2003.

(3) 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 entry of this Order by mailing a copy of this Order to all insurers licensed by the Commission to write long-term care insurance in the Commonwealth of Virginia and interested parties designated by the Bureau of Insurance.

(4) The Commission's Division of Information Resources forthwith shall cause a copy of this Order to be forwarded to the Virginia Registrar of Regulations for appropriate publication in the Virginia Register of Regulations.

(5) On or before December 20, 2002, the Commission's Division of Information Resources shall make available this Order on the Commission's website, <http://www.state.va.us/scc/caseinfo/orders.htm>.

(6) The Bureau of Insurance shall file with the Clerk of the Commission an affidavit of compliance with the notice requirements of paragraph (3) above.

VA.R. Doc. No. R03-59; Filed December 20, 2002, 12:58 p.m.

TITLE. 16. LABOR AND EMPLOYMENT

DEPARTMENT OF LABOR AND INDUSTRY

Safety and Health Codes Board

<p>REGISTRAR'S NOTICE: The following regulatory action is exempt from the Administrative Process Act in accordance with § 2.2-4006 A 3 of the Code of Virginia, which excludes regulations that consist only of changes in style or form or corrections of technical errors. Each promulgating agency shall review all references to sections of the Code of Virginia within their regulations each time a new supplement or replacement volume to the Code of Virginia is published to ensure the accuracy of each section or section subdivision identification listed. The Safety and Health Codes Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.</p>
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Title of Regulation: **16 VAC 25-60. Administrative Regulation for the Virginia Occupational Safety and Health Program (amending 16 VAC 25-60-190, 16 VAC 25-60-290 and 16 VAC 25-60-320).**

Statutory Authority: § 40.1-22 of the Code of Virginia.

Effective Date: March 1, 2003.

Summary:

The amendments replace repealed references to the Administrative Process Act with the correct references in the Code of Virginia.

Agency Contact: John Crisanti, VOSH Planning Manager, Department of Labor and Industry, 13 South 13th Street, Richmond, VA 23219, telephone (804) 786-4300, FAX (804) 786-8418, e-mail jjc@doli.state.va.us.

16 VAC 25-60-190. General provisions.

A. Any employer or group of employers desiring a permanent or temporary variance from a standard or regulation pertaining to occupational safety and health may file with the commissioner a written application which shall be subject to the following policies:

1. A request for a variance shall not preclude or stay a citation or bill of complaint for violation of a safety or health standard;

2. No variances on record keeping requirements required by the U.S. Department of Labor shall be granted by the commissioner;

3. An employer, or group of employers, who has applied for a variance from the U.S. Department of Labor, and whose

application has been denied on its merits, shall not be granted a variance by the commissioner unless there is a showing of changed circumstances significantly affecting the basis upon which the variance was originally denied;

4. An employer to whom the U.S. Secretary of Labor has granted a variance under OSHA provisions shall document this variance to the commissioner. In such cases, unless compelling local circumstances dictate otherwise, the variance shall be honored by the commissioner without the necessity of following the formal requirements which would otherwise be applicable. In addition, the commissioner will not withdraw a citation for violation of a standard for which the Secretary of Labor has granted a variance unless the commissioner previously received notice of and decided to honor the variance; and

5. Incomplete applications will be returned within 30 days to the applicant with a statement indicating the reason or reasons that the application was found to be incomplete.

B. In addition to the information specified in 16 VAC 25-60-200 A and 16 VAC 25-60-210 A, every variance application shall contain the following:

1. A statement that the applicant has informed affected employees of the application by delivering a copy of the application to their authorized representative, if there is one, as well as having posted, in accordance with 16 VAC 25-60-40, a summary of the application which indicates where a full copy of the application may be examined;

2. A statement indicating that the applicant has posted, with the summary of the application described above, the following notice: "Affected employees or their representatives have the right to petition the Commissioner of Labor and Industry for an opportunity to present their views, data, or arguments on the requested variance, or they may submit their comments to the commissioner in writing. Petitions for a hearing or written comments should be addressed to the Commissioner of Labor and Industry, Powers-Taylor Building, 13 South Thirteenth Street, Richmond, VA 23219. Such petitions will be accepted if they are received within 30 days from the posting of this notice or within 30 days from the date of publication of the commissioner's notice that public comments concerning this matter will be accepted, whichever is later.";

3. A statement indicating whether an application for a variance from the same standard or rule has been made to any federal agency or to an agency of another state. If such an application has been made, the name and address of each agency contacted shall be included.

C. Upon receipt of a complete application for a variance, the commissioner shall publish a notice of the request in a newspaper of statewide circulation within 30 days after receipt, advising that public comments will be accepted for 30 days and that an informal hearing may be requested in conformance with subsection D of this section. Further, the commissioner may initiate an inspection of the establishment in regard to the variance request.

D. If within 30 days of the publication of notice the commissioner receives a request to be heard on the variance

from the employer, affected employees, the employee representative, or other employers affected by the same standard or regulation, the commissioner will schedule a hearing with the party or parties wishing to be heard and the employer requesting the variance. The commissioner may also schedule a hearing upon his own motion. The hearing will be held within a reasonable time and will be conducted informally in accordance with ~~§ 9-6-14:14~~ §§ 2.2-4019 and 2.2-4021 of the Code of Virginia unless the commissioner finds that there is a substantial reason to proceed under the formal provisions of ~~§ 9-6-14:12~~ 2.2-4020 of the Code of Virginia.

E. If the commissioner has not been petitioned for a hearing on the variance application, a decision on the application may be made promptly after the close of the period for public comments. This decision will be based upon the information contained in the application, the report of any variance inspection made concerning the application, any other pertinent staff reports, federal OSHA comments or public records, and any written data and views submitted by employees, employee representatives, other employers, or the public.

F. The commissioner will grant a variance request only if it is found that the employer has met by a preponderance of the evidence, the requirements of either 16 VAC 25-60-200 B 4 or 16 VAC 25-60-210 B 4.

1. The commissioner shall advise the employer in writing of the decision and shall send a copy to the employee representative if applicable. If the variance is granted, a notice of the decision will be published in a newspaper of statewide circulation.

2. The employer shall post a copy of the commissioner's decision in accordance with 16 VAC 25-60-40.

G. Any party may within 15 days of the commissioner's decision file a notice of appeal to the board. Such appeal shall be in writing, addressed to the board, and include a statement of how other affected parties have been notified of the appeal. Upon notice of a proper appeal, the commissioner shall advise the board of the appeal and arrange a date for the board to consider the appeal. The commissioner shall advise the employer and employee representative of the time and place that the board will consider the appeal. Any party that submitted written or oral views or participated in the hearing concerning the original application for the variance shall be invited to attend the appeal hearing. If there is no employee representative, a copy of the commissioner's letter to the employer shall be posted by the employer in accordance with the requirements of 16 VAC 25-60-40.

H. The board shall sustain, reverse, or modify the commissioner's decision based upon consideration of the evidence in the record upon which the commissioner's decision was made and the views and arguments presented as provided above. The burden shall be on the party filing the appeal to designate and demonstrate any error by the commissioner which would justify reversal or modification of the decision. The issues to be considered by the board shall be those issues that could be considered by a court reviewing agency action in accordance with ~~§ 9-6-14:17~~ §§ 2.2-4027 of

Final Regulations

the Code of Virginia. All parties involved shall be advised of the board's decision within 10 working days after the hearing of the appeal.

16 VAC 25-60-290. Contest proceedings applicable to political subdivisions.

A. Where the informal conference has failed to resolve any controversies arising from the citation, and a timely notice of contest has been received regarding a citation issued to a public employer other than the Commonwealth or one of its agencies, the Commissioner of Labor and Industry shall schedule a hearing in accordance with the provisions of ~~§ 9-6-14:14~~ ~~§§ 2.2-4019 and 2.2-4021~~ of the Code of Virginia. Upon conclusion of the hearing, the commissioner will notify all participants within five working days of the decision to affirm, modify or vacate the contested aspects of the citation or abatement order.

B. Public employers may appeal decisions of the commissioner in the manner provided for in ~~§§ 9-6-14:15 through 9-6-14:19~~ ~~2.2-4025 through 2.2-4029~~ of the Code of Virginia.

C. Public employees and their authorized representative have full rights to notification and participation in all hearings and appeals as are given private sector employees.

D. If abatement of citations is not accomplished, the commissioner shall seek injunctive relief under § 40.1-49.4 F of the Code of Virginia.

16 VAC 25-60-320. Extension of abatement time.

A. Where an extension of abatement is sought concerning a final order of the commissioner or of a court, the extension can be granted as an exercise of the enforcement discretion of the commissioner. While the extension is in effect the commissioner will not seek to cite the employer for failure to abate the violation in question. The employer shall carry the burden of proof to show that an extension should be granted.

B. The commissioner will consider a written petition for an extension of abatement time if the petition is mailed to or received by the commissioner prior to the expiration of the established abatement time.

C. A written petition requesting an extension of abatement time shall include the following information:

1. All steps taken by the employer, and the dates such actions were taken, in an effort to achieve compliance during the prescribed abatement period;
2. The specific additional abatement time necessary in order to achieve compliance;
3. The reasons such additional time is necessary, such as the unavailability of professional or technical personnel or of materials and equipment, or because necessary construction or alteration of facilities cannot be completed by the original abatement date;
4. All available interim steps being taken to safeguard the employees against the cited hazard during the abatement period; and

5. A certification that a copy of the petition has been posted and served on the authorized representative of affected employees, if there is one, in accordance with 16 VAC 25-60-40, and a certification of the date upon which such posting and service was made.

D. A written petition requesting an extension of abatement which is filed with the commissioner after expiration of the established abatement time will be accepted only if the petition contains an explanation satisfactory to the commissioner as to why the petition could not have been filed in a timely manner.

1. The employer is to notify the commissioner as soon as possible.
2. Notification of the exceptional circumstances which prevents compliance within the original abatement period shall accompany a written petition which includes all information required in subsection C.

E. The commissioner will not make a decision regarding such a petition until the expiration of 15 working days from the date the petition was posted or served.

F. Affected employees, or their representative, may file a written objection to a petition for extension of abatement time. Such objections must be received by the commissioner within 10 working days of the date of posting of the employer's petition. Failure to object within the specified time period shall constitute a waiver of any right to object to the request.

G. When affected employees, or their representatives object to the petition, the commissioner will attempt to resolve the issue in accordance with 16 VAC 25-60-330 of this chapter. If the matter is not settled or settlement does not appear probable, the Commissioner of Labor and Industry will hear the objections in the manner set forth at subsection I below.

H. The employer or an affected employee may seek review of an adverse decision regarding the petition for extension of abatement to the Commissioner of Labor and Industry within five working days after receipt of the commissioner's decision.

I. An employee's objection not resolved under subsection G of this section or an employer or employee appeal under subsection H will be heard by the Commissioner of Labor and Industry using the procedures of ~~§ 9-6-14:14~~ ~~§§ 2.2-4019 and 2.2-4021~~ of the Code of Virginia. Burden of proof for a hearing under subsection G shall lie with the employer. Burden of proof for an appeal under subsection H shall lie with the party seeking review.

1. All parties shall be advised of the time and place of the hearing by the commissioner.
2. Within 15 working days of the hearing, all parties will be advised of the Commissioner of Labor and Industry's decision.
3. Since the issue is whether the Commissioner of Labor and Industry will exercise his enforcement discretion, no further appeal is available.

VA.R. Doc. No. R03-92; Filed December 20, 2002, 10:41 a.m.

* * * * *

REGISTRAR'S NOTICE: The following regulations are exempt from the Administrative Process Act in accordance with § 2.2-4006 A 4 c of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation. The Safety and Health Codes Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 16 VAC 25-85-1904. **Federal Identical Recording and Reporting Occupational Injuries and Illnesses (29 CFR Part 1904) (amending 16 VAC 25-85-1904.10).**

Statutory Authority: § 40.1-22 of the Code of Virginia.

Effective Date: March 1, 2003.

Summary:

Federal OSHA revised the hearing loss recording provisions of the Recording and Reporting Occupational Injury and Illnesses Rule. This final rule revised the criteria for recording hearing loss cases in several ways, including requiring the recording of Standard Threshold Shifts (10-decibels [dB] shifts in hearing acuity) that have resulted in a total 25 dB level of hearing above audiometric zero, averaged over the frequencies at 2,000, 3,000 and 4,000 Hz, beginning in the year 2003.

OSHA added a regulatory note to § 1904.10(b)(7) explaining that it is delaying the applicability of § 1904.10(b)(7) until further notice while OSHA reconsiders the hearing loss column of the OSHA 300 Log.

Agency Contact: John Crisanti, VOSH Planning Manager, Department of Labor and Industry, 13 South 13th Street, Richmond, VA 23219, telephone (804) 786-4300, FAX (804) 786-8418, e-mail jjc@doli.state.va.us.

Note on Incorporation by Reference

Pursuant to § 2.2-4103 of the Code of Virginia, Recording and Reporting Occupational Injuries and Illnesses (29 CFR Part 1904.10) is declared a document generally available to the public and appropriate for incorporation by reference. For this reason the document will not be printed in the Virginia Register of Regulations. Copies of the document are available for inspection at the Department of Labor and Industry, 13 South 13th Street, Richmond, Virginia 23219, and in the office of the Registrar of Regulations, General Assembly Building, 9th and Broad Streets, Richmond, Virginia 23219.

On December 2, 2002, the Safety and Health Codes Board adopted an identical version of federal OSHA's amendments to the final rule for Recording and Reporting Occupational Injuries and Illnesses, 29 CFR 1904.10.

The text of the amendments to 29 CFR 1904.10, Recording and Reporting Occupational Injuries and Illnesses, can be found in the July 1, 2002, issue of the Federal Register, Volume 67, Number 126, pages 44037-44048.

When the regulations, as set forth in the amendments to Recording and Reporting Occupational Injuries and Illnesses, 16 VAC 25-85-1904.10, are applied to the Commissioner of the Department of Labor and Industry or to Virginia

employers, the following terms shall be considered to read as follows:

<u>Federal Terms</u>	<u>VOSH Equivalent</u>
29 CFR	VOSH Standard
Assistant Secretary	Commissioner of Labor and Industry
Agency	Department
January 1, 2003	March 1, 2003

VA.R. Doc. No. R03-92; Filed December 20, 2002, 10:41 a.m.

Title of Regulation: 16 VAC 25-90-1910. **Federal Identical General Industry Standards (29 CFR Part 1910) - Exit Routes, Emergency Action Plans and Fire Prevention Plans (amending 16 VAC 25-90-1910.35 through 16 VAC 25-90-1910.38, 16 VAC 25-90-1910.119, 16 VAC 25-90-1910.120, 16 VAC 25-90-1910.157, 16 VAC 25-90-1910.268, 16 VAC 25-90-1910.272, 16 VAC 25-90-1910.1047, 16 VAC 25-90-1910.1050, and 16 VAC 25-90-1910.1051; adding 16 VAC 25-90-1910.33, 16 VAC 25-90-1910.34 and 16 VAC 25-90-1910.39).**

Statutory Authority: § 40.1-22 of the Code of Virginia.

Effective Date: March 1, 2003.

Summary:

The Occupational Safety and Health Administration (OSHA) revised its standard for means of egress. The revised final rules are performance oriented to the extent possible, and more concise than the original, with fewer subparagraphs, and fewer cross-references to other OSHA standards. A table of contents has also been added to make the standards easier to use. In addition, compliance by an employer with the National Fire Protection Association, NFPA 101-2000, the Life Safety Code, will be deemed to be in compliance with the corresponding requirements of the revised standard. The name of Subpart E has also been changed from "Means of Egress" to "Exit Routes, Emergency Action Plans and Fire Prevention Plans" to more accurately reflect the full content of the subpart. Other related general industry regulations were also amended to conform with revisions to § 1910.38(a) regarding emergency action plans or § 1910.39(a) regarding a fire prevention plan.

Agency Contact: John Crisanti, VOSH Planning Manager, Department of Labor and Industry, 13 South 13th Street, Richmond, VA 23219, telephone (804) 786-4300, FAX (804) 786-8418, e-mail jjc@doli.state.va.us.

Note on Incorporation by Reference

Pursuant to § 2.2-4103 of the Code of Virginia, Exit Routes, Emergency Action Plans and Fire Prevention Plans, Subpart E, General Industry (29 CFR 1910.33 through 1910.39) and related amendments to Subpart H, Hazardous Materials (29 CFR 1910.119 and 29 CFR 1910.120); Subpart L, Fire Protection (29 CFR 1910.157); Subpart R, Special Industries (29 CFR 1910.268 and 29 CFR 1910.272); and Subpart Z, Toxic and Hazardous Substances (29 CFR 1910.1047, 29 CFR 1910.1050 and 29 CFR 1910.1051) are

Final Regulations

declared documents generally available to the public and appropriate for incorporation by reference. For this reason the document will not be printed in the Virginia Register of Regulations. Copies of the document are available for inspection at the Department of Labor and Industry, 13 South 13th Street, Richmond, Virginia 23219, and in the office of the Registrar of Regulations, General Assembly Building, 9th and Broad Streets, Richmond, Virginia 23219.

On December 2, 2002, the Safety and Health Codes Board adopted an identical version of federal OSHA's amendments to the final rule for Exit Routes, Emergency Action Plans and Fire Prevention Plans, Subpart E, General Industry, 29 CFR 1910.33 through 29 CFR 1910.39, and amendments to the following related general industry regulations.

1. 29 CFR 1910.119, Process Safety Management of Highly Hazardous Chemicals
2. 29 CFR 1910.120, Hazardous Waste Operations and Emergency Response
3. 29 CFR 1910.157, Portable Fire Extinguishers
4. 29 CFR 1910.268, Telecommunications
5. 29 CFR 1910.272, Grain Handling Facilities
6. 29 CFR 1910.1047, Occupational Exposure to Ethylene Oxide
7. 29 CFR 1910.1050, Occupational Exposure to Methylenedianiline
8. 29 CFR 1910.1051, Occupational Exposure to 1,3-Butadiene

The text of the amendments can be found in the November 7, 2002, issue of the Federal Register, Volume 67, Number 216, pages 67949-67965.

When the regulations, as set forth in the amendments to Exit Routes, Emergency Action Plans and Fire Prevention Plans, 16 VAC 25-90-1910.33 through 16 VAC 25-90-1910.39, and related amendments to 16 VAC 25-90-1910.119, 16 VAC 25-90-1910.120, 16 VAC 25-90-1910.157, 16 VAC 25-90-1910.268, 16 VAC 25-90-1910.272, 16 VAC 25-90-1910.1047, 16 VAC 25-90-1910.1050, 16 VAC 25-90-1910.1051 are applied to the Commissioner of the Department of Labor and Industry or to Virginia employers, the following terms shall be considered to read as follows:

<u>Federal Terms</u>	<u>VOSH Equivalent</u>
29 CFR	VOSH Standard
Assistant Secretary	Commissioner of Labor and Industry
Agency	Department
December 9, 2002	March 1, 2003

VA.R. Doc. No. R03-93; Filed December 20, 2002, 10:40 a.m.

* * * * *

Title of Regulation: 16 VAC 25-100-1915. Federal Identical Shipyard Employment Standards (29 CFR Part 1915) (amending 16 VAC 25-100-1915.5, 16 VAC 25-100-1915.14, 16 VAC 25-100-1915.15, Appendix A to Subpart B, 16 VAC

25-100-1915.35, 16 VAC 25-100-1915.134, 16 VAC 25-100-1915.152, 16 VAC 25-100-1915.158, 16 VAC 25-100-1915.159, 16 VAC 25-100-1915.160, Appendices A and B to Subpart I, 16 VAC 25-100-1915.1001, Appendix C to 16 VAC 25-100-1915.1001; adding 16 VAC 25-100-1915.4, 16 VAC 25-100-1915.51, 16 VAC 25-100-1915.53, 16 VAC 25-100-1915.71, 16 VAC 25-100-1915.72, 16 VAC 25-100-1915.73, 16 VAC 25-100-1915.74, 16 VAC 25-100-1915.75, 16 VAC 25-100-1915.77, 16 VAC 25-100-1915.92, 16 VAC 25-100-1915.97, 16 VAC 25-100-1915.112, 16 VAC 25-100-1915.115, 16 VAC 25-100-1915.116, 16 VAC 25-100-1915.118, 16 VAC 25-100-1915.131, 16 VAC 25-100-1915.163, 16 VAC 25-100-1915.165, 16 VAC 25-100-1915.172, 16 VAC 25-100-1915.181).

Statutory Authority: § 40.1-22(5) of the Code of Virginia.

Effective Date: March 1, 2003.

Summary:

Federal OSHA amended the Occupational Safety and Health Standards for Shipyard Employment that contained a number of minor typographical, grammatical and other errors. OSHA corrected those errors, as well as several inaccurate cross-references in these standards. A majority of the amendments contain more than one correction and may fall into more than one category. The types of amendments addressed fall into four basic categories:

1. Correction of errors where text was inadvertently omitted or words were incorrectly spelled;
2. Correction of incorrect citations or cross-references;
3. Minor clarifications of regulatory text to reflect OSHA's regulatory intent more accurately; and
4. Correction of errors that were made when converting from English units of measure to metric units.

Agency Contact: John Crisanti, VOSH Planning Manager, Department of Labor and Industry, 13 South 13th Street, Richmond, VA 23219, telephone (804) 786-4300, FAX (804) 786-8418, e-mail jjc@doli.state.va.us.

Note on Incorporation by Reference

Pursuant to § 2.2-4103 of the Code of Virginia, Occupational Safety and Health Standards for Shipyard Employment (29 CFR Part 1915) is declared a document generally available to the public and appropriate for incorporation by reference. For this reason the document will not be printed in the Virginia Register of Regulations. Copies of the document are available for inspection at the Department of Labor and Industry, 13 South 13th Street, Richmond, Virginia 23219, and in the office of the Registrar of Regulations, General Assembly Building, 9th and Broad Streets, Richmond, Virginia 23219.

On December 2, 2002, the Safety and Health Codes Board adopted an identical version of federal OSHA's amendment to the final rule for Occupational Safety and Health Standards for Shipyard Employment, 29 CFR Part 1915.

The text of the amendments to 16 VAC 25-100-1915, Federal Identical Shipyard Employment Standards, can be found in the July 3, 2002, issue of the Federal Register, Volume 67, Number 128, pages 44533-44546.

When the regulations, as set forth in the amendment to 29 CFR Part 1915, Occupational Safety and Health Standards for Shipyard Employment, are applied to the Commissioner of the Department of Labor and Industry or to Virginia employers, the following terms shall be considered to read as follows:

<u>Federal Terms</u>	<u>VOSH Equivalent</u>
29 CFR	VOSH Standard
Assistant Secretary	Commissioner of Labor and Industry
Agency	Department
July 13, 2002	March 1, 2003

VA.R. Doc. No. R03-94; Filed December 20, 2002, 10:39 a.m.

* * * * *

Title of Regulation: 16 VAC 25-175-1926. Federal Identical Construction Industry Standards (29 CFR Part 1926) - Safety Standards for Signs, Signals and Barricades (amending 16 VAC 25-175-1926.200 through 16 VAC 25-175-1926.203).

Statutory Authority: § 40.1-22(5) of the Code of Virginia.

Effective Date: March 1, 2003.

Summary:

Federal OSHA amended 29 CFR Part 1926 Subpart G (29 CFR 1926.200 through 29 CFR 1926.203), which revised the construction industry safety standard for traffic control signs, signals and barricades protecting road construction workers.

Subpart G is amended by replacing its references to the 1971 ANSI standard with references to the U.S. Department of Transportation's September 3, 1993, Revision 3 to Part VI of its 1988 Manual on Uniform Traffic Control Devices (MUTCD).

This standard applies to employers involved in road construction and repair and now requires compliance with Part VI of the 1988 MUTCD with 1993 revisions or the Millennium Edition of MUTCD (instead of the current ANSI D6.1-1971 standard/1971 MUTCD).

Agency Contact: John Crisanti, VOSH Planning Manager, Department of Labor and Industry, 13 South 13th Street, Richmond, VA 23219, telephone (804) 786-4300, FAX (804) 786-8418, e-mail jjc@doli.state.va.us.

Note on Incorporation by Reference

Pursuant to § 2.2-4103 of the Code of Virginia, Safety Standards for Signs, Signals and Barricades, Construction Industry (29 CFR 1926.200 through 29 CFR 1926.203) is declared a document generally available to the public and appropriate for incorporation by reference. For this reason the document will not be printed in the Virginia Register of Regulations. Copies of the document are available for inspection at the Department of Labor and Industry, 13 South 13th Street, Richmond, Virginia 23219, and in the office of the Registrar of Regulations, General Assembly Building, 9th and Broad Streets, Richmond, Virginia 23219.

On December 2, 2002, the Safety and Health Codes Board adopted an identical version of federal OSHA's amendment to the final rule for Safety Standards for Signs, Signals and Barricades, Construction Industry, 29 CFR 1926.200 through 29 CFR 1926.203.

The text of the amendments to 16 VAC 25-175-1926.200 through 16 VAC 25-175-1926.203, Safety Standards for Signs, Signals and Barricades, Construction Industry, can be found in the September 12, 2002, issue of the Federal Register, Volume 67, Number 177, pages 57722-57736.

When the regulations, as set forth in the amendment to the Safety Standards for Signs, Signals and Barricades, Construction Industry, 16 VAC 25-175-1926.200 through 16 VAC 25-175-1926.203, are applied to the Commissioner of the Department of Labor and Industry or to Virginia employers, the following terms shall be considered to read as follows:

<u>Federal Terms</u>	<u>VOSH Equivalent</u>
29 CFR	VOSH Standard
Assistant Secretary	Commissioner of Labor and Industry
Agency	Department
December 11, 2002	March 1, 2003

VA.R. Doc. No. R03-95; Filed December 20, 2002, 10:39 a.m.



TITLE. 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF VETERINARY MEDICINE

Title of Regulation: 18 VAC 150-20. Regulations Governing the Practice of Veterinary Medicine (amending 18 VAC 150-20-10, 18 VAC 150-20-30, 18 VAC 150-20-70, 18 VAC 150-20-75, 18 VAC 150-20-100, 18 VAC 150-20-110, 18 VAC 150-20-120 through 18 VAC 150-20-140, 18 VAC 150-20-180 through 18 VAC 150-20-200, and 18 VAC 150-20-210; adding 18 VAC 150-20-171, 18 VAC 150-20-172, and 18 VAC 150-20-181; repealing 18 VAC 150-20-205).

Statutory Authority: § 54.1-2400 and Chapter 38 (§ 54.1-3800 et seq.) of Title 54.1 of the Code of Virginia.

Effective Date: March 1, 2003.

Summary:

The amendments update facility requirements and clarify certain provisions that have been confusing or problematic to licensees, especially related to the appropriate delegation of veterinary tasks to licensed technicians or unlicensed assistants.

Final Regulations

Summary of Public Comment and Agency 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: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 6606 W. Broad Street, Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 18:24 VA.R. 3263-3275 August 12, 2002, without change. Therefore, pursuant to § 2.2-4031 of the Code of Virginia, the text of the final regulation is not set out.

VA.R. Doc. No. R02-48; Filed December 16, 2002, 2:58 p.m.

TITLE. 22. SOCIAL SERVICES

DEPARTMENT OF REHABILITATIVE SERVICES

REGISTRAR'S NOTICE: Chapter 60 of the 2002 Acts of Assembly transferred the responsibilities for the Commonwealth Neurotrauma Initiative from the Department of Health to the Department of Rehabilitative Services and specified that regulations of the Board of Health would remain in force until the Commissioner of Rehabilitative Services promulgated regulations pursuant to this act. 12 VAC 5-185, Policies and Procedures for Administering the Commonwealth Neurotrauma Initiative Trust Fund, which was promulgated by the Board of Health, has been amended and adopted by the Commissioner of Rehabilitative Services as 22 VAC 30-50, Policies and Procedures for Administering the Commonwealth Neurotrauma Initiative Trust Fund.

* * *

The Commissioner of Rehabilitative Services has claimed an exemption from the Administrative Process Act in accordance with § 2.2-4006 A 4 a of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Department of Rehabilitative Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 22 VAC 30-50. Policies and Procedures for Administering the Commonwealth Neurotrauma Initiative Trust Fund (adding 22 VAC 30-50-10 through 22 VAC 30-50-110).

Statutory Authority: §§ 51.5-12.4 and 51.5-14 of the Code of Virginia.

Effective Date: February 13, 2003.

Summary:

Technical changes are made to reflect the transfer of responsibilities for the Commonwealth Neurotrauma Initiative Trust Fund from the Department of Health to the

Department of Rehabilitative Services and to update references to the Code of Virginia. No substantive changes are made to the regulations.

Agency Contact: Elizabeth Smith, Policy and Planning Director, Department of Rehabilitative Services, 8004 Franklin Farms Drive, P.O. Box K-300, Richmond, VA 23288-0300, telephone (804) 662-7071, FAX (804) 662-7696, or e-mail smithee@drs.state.va.us.

CHAPTER ~~485~~ 50.

POLICIES AND PROCEDURES FOR ADMINISTERING THE COMMONWEALTH NEUROTRAUMA INITIATIVE TRUST FUND.

PART I.

DEFINITIONS AND GENERAL INFORMATION.

~~42 VAC 5-185-10.~~ 22 VAC 30-50-10. Definitions.

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

"*Advisory board*" means the Commonwealth Neurotrauma Initiative Advisory Board.

~~"Board" means the State Board of Health.~~

~~"Code" means the Code of Virginia.~~

"*Fund*" means the Commonwealth Neurotrauma Initiative Trust Fund.

"*Neurotrauma*" means an injury to the central nervous system, i.e., a traumatic spinal cord or brain injury, which results in loss of physical functions, cognitive functions or both.

"*RFP*" or "*request*" means a request for proposals published by the advisory board seeking applications for moneys in the fund.

~~42 VAC 5-185-20.~~ 22 VAC 30-50-20. Statement of general policy.

The Commonwealth of Virginia has recognized the need to prevent traumatic spinal cord and brain injuries and to improve the treatment and care of Virginians with traumatic spinal cord and brain injuries. By creating the fund and authorizing the advisory board to administer the fund, the Commonwealth makes available to Virginia-based organizations, institutions and researchers funds to address these needs. The advisory board seeks to administer the fund in order to carry out the intent of the law in accordance with its authority.

~~42 VAC 5-185-30.~~ 22 VAC 30-50-30. Purpose of chapter.

This chapter serves to (i) establish policies and procedures for soliciting and receiving applications for grants from the fund, (ii) establish criteria for reviewing and ranking such applications, and (iii) establish procedures for distributing moneys in the fund, which shall be used solely to provide grants to Virginia-based organizations, institutions, and researchers, and of which 50% of the moneys shall be allocated for research on the mechanisms and treatment of neurotrauma and 50% shall be allocated for rehabilitative services, i.e., community-based rehabilitative programs for injured individuals. Those applications for grants to conduct

research on the mechanisms and treatment of neurotrauma shall be identified as Option A applications. Those applications for grants to provide rehabilitative services shall be identified as Option B applications.

~~12 VAC 5-185-40.~~ 22 VAC 30-50-40. Compliance with the Administrative Process Act.

Chapter ~~4-1-4 40~~ (§ ~~9-6-14-4 2.2-4000~~ et seq.) of Title 9 2.2 of the Code of Virginia (the Administrative Process Act) governs the promulgation and administration of this chapter and applies to any appeal of a case decision made pursuant to or based upon this chapter.

~~12 VAC 5-185-50.~~ 22 VAC 30-50-50. Application of an exemption to the Virginia Freedom of Information Act.

Pursuant to a provision of the Virginia Freedom of Information Act, Chapter ~~24 37~~ (§ ~~2-1-340 2.2-3700~~ et seq.) of Title ~~2-4 2.2~~ of the Code of Virginia, records submitted as a grant application, or accompanying a grant application, to the advisory board pursuant to the law and this chapter are excluded from the requirement of open inspection to the extent that they contain medical or mental records or other data identifying individual patients or proprietary business or research-related information produced or collected by an applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical or scholarly issues, when such information has not been publicly released, published, copyrighted or patented, if the disclosure of such information would be harmful to the competitive position of the applicant. The advisory board intends to rely upon this exemption in order to encourage the submission of applications.

PART II.

SOLICITING AND REVIEWING APPLICATIONS.

~~12 VAC 5-185-60.~~ 22 VAC 30-50-60. Requests for proposals.

The advisory board will solicit applications for grants of moneys from the fund by publishing requests for proposals from time to time. Each application for a grant must be received in response to an actual request for proposals and by a deadline specified in the request, which will be no fewer than 60 days following publication of the request.

~~12 VAC 5-185-70.~~ 22 VAC 30-50-70. Appointment of grant reviewers and technical advisors.

The advisory board may choose to appoint grant reviewers or other technical advisors, or both, at any time to assist in reviewing and ranking applications. Such reviewers and advisors may represent medical researchers, medical practitioners, community-based service providers, consumers, or advocates for consumers. Reviewers and advisors shall be appointed so as to provide equal representation from Virginia's three medical schools. Reviewers and advisors shall be selected so as to avoid any conflict of interests or the appearance thereof, and may be chosen because of their residing or working outside Virginia in order to ensure impartiality. Whenever reviewers or advisors sit as a committee, the chairman of the advisory board or his designee shall serve as chairman of the committee but shall not vote on individual applications.

~~12 VAC 5-185-80.~~ 22 VAC 30-50-80. Specification of Option A or B.

Each application shall clearly state a purpose to seek funds to carry out a program consistent with Option A or Option B. Option A applications shall state and demonstrate a clear intention of researching the mechanisms of neurotrauma or the treatment of neurotrauma, or both. Option B applications shall demonstrate a clear intention to provide rehabilitative services by developing, expanding or improving community-based programs and facilities serving and treating individuals who have experienced traumatic brain injury or traumatic spinal cord injury, or both, and expanding opportunities for such individuals to become as independent and physically and functionally capable as possible.

~~12 VAC 5-185-90.~~ 22 VAC 30-50-90. Review of applications; stated priorities.

In reviewing applications for grant awards, whether Option A or Option B, the advisory board will give priority to applications that:

1. Present a convincing and persuasive discussion of how the proposed project will carry out its intention as specified in accordance with ~~12 VAC 5-185-80~~ 22 VAC 30-50-80, and describe in as much detail as possible its anticipated effectiveness in carrying out its intention.
2. Include a system for measuring outcomes and documenting project impact and effectiveness, including any anticipated long-term effect of the proposed project.
3. Provide the means for consumer involvement in the design, implementation and evaluation of the project as relevant to the intention of the proposed project;
4. Identify sources of funds, if known, and fundraising strategies to be used in sustaining the proposed project following termination of a grant award as relevant to the intention of the proposed project;
5. Comply fully with additional informational and administrative requirements stated in the specific RFP to which applications are responding;
6. In the case of an Option A application:
 - a. Discuss the relevance of the proposed project to an identified field of medical inquiry,
 - b. Demonstrate the anticipated benefit of the proposed project in terms of expanding knowledge and understanding of neurotrauma,
 - c. Discuss any innovation or breakthrough the project seeks to promote, specifying outcome measures where possible for each of the preceding enumerated items in this subdivision, and
 - d. Describe efforts to ensure that the proposed project will not duplicate completed or ongoing research; and
7. In the case of an Option B application:
 - a. Describe and demonstrate the need for the proposed project in terms of the absence of alternative services,

Final Regulations

resources and facilities available to the intended individuals and community,

b. Demonstrate the avoidance of duplication of services already available; and

c. State and emphasize a commitment to collaborative community planning involving consumer groups, service providers, employers, other funding sources, as available or anticipated to become available, and relevant state and local agencies.

PART III.

SPECIFIC PROJECT CONSIDERATION AND APPLICATION CRITERIA, SELECTION OF SUCCESSFUL APPLICATIONS AND AMOUNT AND ANNOUNCEMENT OF AWARDS.

~~12-VAC 5-185-100~~ 22 VAC 30-50-100. Ranking and reviewing applications.

The advisory board will distinguish the class of Option A applications from the class of Option B applications when soliciting, ranking and reviewing applications. Applications will be considered and ranked among only applications with the stated intention to address the same option. Applications initially deemed effective in serving the purpose of either option and to have substantially addressed the general considerations stated in Part II (~~12-VAC 5-185-60~~ 22 VAC 30-50-60 et seq.) of this chapter, as applicable, will be subsequently ranked and reviewed according to their satisfaction of the following criteria, which will be weighted as indicated:

- | | |
|---|-----------|
| 1. The purpose and significance of the project | 20 points |
| 2. The objectives and expected benefits of the project | 20 points |
| 3. The design of the project, means of assessing outcomes, methods to be employed, and the level of detail and feasibility of an included action plan | 25 points |
| 4. Detailed nature, completeness and feasibility of an included budget | 15 points |
| 5. Demonstrated or anticipated capability of the existing or planned organizational structure | 15 points |
| 6. A commitment to include the participation of small, women-owned and minority businesses, as such are available and capable of participation | 5 points |

When initially reviewing applications or subsequently ranking and reviewing applications, the advisory board may ask applicants to provide required information that is missing from the application or additional clarifying information relating to their applications and proposed projects. Failure to provide missing information or failure to provide additional information that is material and relevant may result in the rejection or lowered ranking of an application.

~~12-VAC 5-185-110~~ 22 VAC 30-50-110. Amount of grant awards; duration and availability of funding.

A. After reviewing all applications, duly received, for either Option A or Option B, the advisory board will determine which

proposed projects will be offered funding. The selection of successful applications will be made based on availability of moneys in the fund and the criteria listed in this chapter. Subsequent discussions and negotiations may be conducted between the advisory board and successful applicants in order to clarify any remaining issues relating to the proposed project.

B. In considering and determining the amount of a grant award and the duration of funding for a particular project, the advisory board will consider the requested amount, need, and the project design and justification. Actual grant awards will be made in amounts ranging from \$5,000 to \$150,000 per year for an anticipated duration, i.e., a total anticipated funding period, of one to three years. The award and duration of funding for a project of an anticipated duration exceeding one year will be contingent upon (i) the availability of moneys in the fund, whether so stated at the time of the award or not, and (ii) the grantee's successful completion of timelines and of interim objectives and milestones as proposed and approved in the grant award documents.

C. The award of grants to successful applicants will be made public within 60 days of the advisory board's decision regarding all applications submitted in response to a request for proposals.

D. In the event any timelines and interim objectives and milestones pertaining to a project are not completed to the satisfaction of the advisory board, the advisory board may act to withhold moneys not yet disbursed for such a project. In the event of a substantial decline in moneys in the fund, the advisory board will attempt to distribute moneys to projects of an anticipated duration greater than one year in a manner as fair and equitable as possible.

V.A.R. Doc. No. R03-90; Filed December 19, 2002, 3:30 p.m.



GOVERNOR

EXECUTIVE ORDER NUMBER 38 (2002)

DECLARATION OF A STATE OF EMERGENCY IN THE COMMONWEALTH OF VIRGINIA DUE TO SEVERE ICE CONDITIONS

The health and general welfare of the citizens of the Commonwealth require that state action be taken to help alleviate the ice-related conditions that currently exist in many areas of the Commonwealth. I find that the power outages caused by this ice storm and the projection of a power restoration time of several days constitutes a natural disaster wherein human life and public and private property are imperiled, as described in § 44-75.1 A 4 of the Code of Virginia.

Therefore, by virtue of the authority vested in me by § 44-146.17 of the Code of Virginia, as Governor and as Director of Emergency Management, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby confirm, ratify, and memorialize in writing my verbal orders issued December 11, 2002, wherein I proclaimed that a state of emergency exists throughout the Commonwealth and directed that appropriate assistance be rendered by agencies of both state and local governments to alleviate power outages resulting from this storm.

In order to marshal all public resources and implement response and recovery measures to meet this threat and recover from its effects, and in accordance with my authority contained in § 44-146.17 of the Emergency Services and Disaster Laws, I hereby order the following protective and restoration measures:

A. The authorization of the Departments of State Police, Transportation and Motor Vehicles to recognize temporary registration and license exemptions to carriers operating in response to the power restoration efforts statewide. This authorization shall apply to hours worked by any carrier when transporting passengers, property, equipment, fuel, construction materials and other critical supplies to or from any portion of the Commonwealth for purpose of providing relief or assistance as a result of this disaster, pursuant to § 52-8.4 of the Code of Virginia.

B. These exemptions to the hours worked by carriers shall remain in effect from December 11, 2002, through December 16, 2002, or whenever the crisis has abated, whichever is sooner.

This Executive Order shall remain in full force and effect until December 17, 2002, unless sooner amended or rescinded by further executive order. Termination of the Executive Order is not intended to terminate any Federal-type benefits granted or to be granted due to injury or death as a result of service under this Executive Order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 11th day of December, 2002.

/s/ Mark Warner
Governor

VA.R. Doc. No. R02-87; Filed December 18, 2002, 8:46 a.m.

EXECUTIVE ORDER NUMBER 39 (2002)

THE VIRGINIA WATER SUPPLY INITIATIVE

By virtue of the authority vested in me as Governor under Article V and Article XI of the Constitution of Virginia and under the laws of the Commonwealth including, but not limited to, Chapter 1 of Title 2.2 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish the Virginia Water Supply Initiative.

Importance of the Initiative

An adequate supply of clean, safe drinking water is an essential component of any modern society. Today, too many people in the Commonwealth lack access to clean, safe drinking water. This problem is not limited to any single region or type of locality. Urban, suburban, and rural residents alike face growing concerns about the long-term adequacy of their water supplies to meet public health, economic development, and agricultural needs.

The adequacy of our water supplies is a significant public health, quality of life, conservation, and economic development issue. Prudent use of Virginia's water resources is crucial to the health and welfare of the citizens of Virginia, continued economic prosperity, and the conservation of fish and wildlife resources. Moreover, the protracted drought that the Commonwealth is now experiencing emphasizes the need for more proactive water policy planning, more efficient and effective water delivery systems, and more innovative financing methods to maximize available resources for drinking water improvements.

Given the critical need for adequate water supplies across the Commonwealth, it is essential that state agencies efficiently and effectively coordinate their efforts with respect to major water supply functions. Accordingly, I hereby direct the Secretaries of Commerce and Trade, Health and Human Resources, and Natural Resources to accomplish the following by June 30, 2003:

1. Establish a plan for meeting the drinking water needs within the next five years of an additional 25,000 Virginians who currently lack access to a reliable source of clean drinking water. This plan should include annual targets for how many people can be helped in each year.
2. Conduct outreach with local communities to identify drinking water needs and to heighten awareness of existing state resources.
3. Develop innovative strategies for financing drinking water needs in the Commonwealth.
4. Develop and issue guidelines for giving drinking water a priority in the application for and award of discretionary grants by state agencies.
5. Work with local government and other stakeholders to develop and implement a plan for tailoring state drinking water financing programs to encourage regional solutions to water supply needs.

Governor

6. Work through appropriate state agencies, with the involvement of local stakeholders, to get more appropriate projects ready for available financing.

7. Develop performance measurement standards for all water financing programs at the state level to provide meaningful measurements of the effectiveness of each program and to identify needed improvements.

8. Develop and implement a strategy for ensuring an additional 450 currently impaired streams meet water quality standards by 2010.

In addition, I hereby direct my Drought Coordinator to prepare a preliminary drought response assessment and plan by April 1, 2003.

Applicability of the Order

This Executive Order shall be effective immediately upon its signing and shall remain in full force and effect until June 30, 2003, unless amended or rescinded by further Executive Order.

Given under my hand and the Seal of the Commonwealth of Virginia, this 13th day of December, 2002.

/s/ Mark Warner
Governor

VA.R. Doc. No. R02-88; Filed December 18, 2002, 8:46 a.m.

EXECUTIVE ORDER NUMBER 40 (2002)

IMPROVING SERVICES FOR VIRGINIA'S VETERANS

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to, Chapter 1 of Title 2.2 and Section 2.2-2100 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby set for the Commonwealth's policy for improving services for veterans.

Importance of Veterans' Services

The Commonwealth is home to 780,000 veterans who have served the cause of freedom in war and peace, from World War I to Afghanistan. The men and women serving in our armed forces have fervently and gallantly protected our nation's principles and freedoms throughout our history. Their service to our country - past and present - underscores dramatically the fact that freedom needs dedicated men and women to defend it and to sustain it.

It is only right, indeed it is imperative, that our Commonwealth provide the best possible service to veterans and their families, including assistance with obtaining federal benefits, nursing home or assisted living care at the Virginia Veterans Care Center, assistance in employment opportunities, or burial services at the Veterans Cemetery in Amelia County.

The Governor's Advisory Commission

The Governor's Advisory Commission for Veterans' Affairs (hereinafter referred to as "the Commission"), formulated

recommendations to enhance the effectiveness of Virginia's veteran programs within available resources for both current and future needs. The Commission made a number of recommendations that are included in the administration's legislative package for the 2003 General Assembly. However, the importance of serving our veterans demands that we take action now to improve services and to meet better the needs of veterans and their families.

Directives for Improving Veterans Services

- I hereby direct all state agencies to identify opportunities for improving services to veterans and to make and implement appropriate changes. All agencies are to report on their progress on this directive to the Secretary of Administration by June 30, 2003.
- I hereby direct all state agency heads to renew their commitment to veterans' preference in hiring.
- I hereby direct the Secretary of Administration to develop quantifiable performance benchmarks for delivery of direct services to veterans to ensure the highest possible degree of service delivery.
- I hereby direct the Secretaries of Administration and Commerce and Trade to develop a joint strategy for attracting more military retirees to the Commonwealth, including such recommendations as may seem appropriate, by October 1, 2003.
- I hereby direct the Secretary of Administration to give a high priority to efforts to obtain federal grants, private contributions, and other resources for improving services to veterans in Virginia.

This Executive Order shall be effective immediately upon its signing and shall remain in full force and effect until June 30, 2006, unless amended or rescinded by further Executive Order.

Given under my hand and the Seal of the Commonwealth of Virginia, this 16th day of December, 2002.

/s/ Mark Warner
Governor

VA.R. Doc. No. R02-89; Filed December 18, 2002, 8:46 a.m.

GENERAL NOTICES/ERRATA

STATE CORPORATION COMMISSION

Bureau of Insurance

December 6, 2002

Administrative Letter 2002-14

TO: ALL INSURERS LICENSED TO WRITE ACCIDENT AND SICKNESS INSURANCE IN VIRGINIA, AND ALL HEALTH SERVICES PLANS, AND HEALTH MAINTENANCE ORGANIZATIONS LICENSED IN VIRGINIA

RE: 14 VAC 5-190: Rules Governing the Reporting of Cost and Utilization Data Relating to Mandated Benefits and Mandated Providers - Notification of Additional Reporting Requirements for the 2002 Reporting Period

The purpose of this letter is to alert carriers to certain benefit or provider information which must be reported to the State Corporation Commission ("Commission"), on Form MB-1, due on or before May 1, 2003. Carriers are responsible for making necessary adjustments to their data capturing systems to ensure that Form MB-1 accurately reflects cost and utilization data relating to additional reporting categories for the 2002 reporting period (calendar year). This letter only summarizes those categories of coverage which will be reported for the first time. Carriers are encouraged to review **all** requirements applicable to mandated benefits and mandated providers as well as the associated reporting requirements to determine the extent to which these new reporting requirements affect their organization and to ensure compliance with all existing mandated benefit and provider requirements.

In addition to all reporting requirements currently in effect, cost and utilization data relating to the following categories of mandated benefits for calendar year 2002 will be reported on Form MB-1, due May 1, 2003. In each category identified below, the legislation requiring coverage of the benefit was effective July 1, 2001. Calendar year 2002 represents the first full calendar year during which the coverage requirement was in effect. Carriers should review the statutes identified below in their entirety for additional guidance concerning coverage requirements.

- § 38.2-3411.4 of the Code of Virginia requires that insurers, health services plans, and health maintenance organizations provide coverage for infant hearing screenings and related diagnostics.
- §§ 38.2-3408 and 38.2-4221 of the Code of Virginia require that insurers, health services plans, and health maintenance organizations provide reimbursement for services that may be performed by a marriage and family therapist provided the policy or contract provides reimbursement for the service.

In order to avoid confusion and to facilitate the capturing of appropriate data relating to the above requirements, the Bureau of Insurance has identified some of the CPT and ICD-9-CM codes for many of these requirements. The codes on the attached listing supplement the CPT and ICD-9-CM codes furnished to carriers previously. Carriers should refer to the

complete listing of CPT and ICD-9-CM codes to ensure compliance with all reporting requirements.

Please refer any questions regarding this matter to Mary Ann Mason, Senior Insurance Market Examiner, State Corporation Commission, Bureau of Insurance, Life and Health Division, P. O. Box 1157, Richmond, VA 23218, Telephone: (804) 371-9348, FAX: (804) 371-9944

/s/ Alfred W. Gross
Commissioner of Insurance

Administrative Letter 2002-14
Attachment

Virginia Code Section 38.2-3411.4: Infant Hearing Screening and Related Diagnostics

ICD-9-CM Code

V72.1	Examination of ears and hearing
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CPT Codes

92502	Otolaryngologic examination under general anesthesia
92506	Examination of speech, language, voice, communication, auditory processing
92551	Screening test, pure tone, air only
92553	air and bone
92555	Speech audiometry threshold;
92556	with speech recognition
92557	Comprehensive audiometry threshold evaluation and speech recognition
92559	Audiometric testing of groups
92560	Bekesy audiometry; screening
92561	diagnostic
92562	Loudness balance test, alternate binaural or monaural
92563	Tone decay test
92564	Short increment sensitivity index (SISI)
92565	Stenger test, pure tone
92567	Tympanometry (impedance testing)
92568	Acoustic reflex testing
92569	Acoustic reflex decay test
92573	Lombard test
92575	Sensorineural acuity level test
92584	Electrocochleography
92585	Auditory evoked potentials for evoked response audiometry
92586	limited
92587	Evoked otoacoustic emissions
92588	comprehensive or diagnostic evaluation
92589	Central auditory function tests
70480-70482	Diagnostic Radiology

General Notices/Errata

December 18, 2002

Administrative Letter 2002-15

TO: ALL LICENSED PROPERTY & CASUALTY INSURERS
WRITING COMMERCIAL LINES INSURANCE
PRODUCTS

RE: FILING PROCEDURES FOR COMPLIANCE WITH THE
PROVISIONS OF THE TERRORISM RISK INSURANCE
ACT OF 2002

Congress recently enacted, and the President has signed into law, the Terrorism Risk Insurance Act of 2002 (the Act). This federal law establishes within the Department of the Treasury the Terrorism Insurance Program, which provides a backstop for claims resulting from acts of terrorism, as defined in the Act, and imposes certain obligations on insurers.

The purpose of this letter is to advise you of certain provisions of the Act that may require insurers to submit filings in this state and to inform you regarding procedures insurers may use to expedite the filing process.

The Terrorism Insurance Program

All insurers, as defined in the Act, are required by the Act to participate in the Terrorism Insurance Program and to make available coverage for insured losses, as defined in the Act, resulting from an act of terrorism, as defined in the Act, in all of their property and casualty insurance policies, as defined in the Act. The Act further requires insurers to make available, in all property and casualty insurance policies, coverage for insured losses that does not differ materially from the terms, amounts, and other coverage limitations applicable to losses arising from events other than acts of terrorism.

Definition of Property and Casualty Insurance

The Act defines "property and casualty insurance" as commercial lines of property and casualty insurance, including excess insurance, workers' compensation insurance, and surety insurance, but not including crop or livestock insurance, private mortgage or title insurance, financial guaranty insurance issued by monoline financial guaranty insurers, medical malpractice, individual or group health or life insurance, flood insurance provided under the National Flood Insurance Act, or reinsurance or retrocessional reinsurance.

Definition of Act of Terrorism

Section 102(1)(A) of the Act states, "The term 'act of terrorism' means any act that is certified by the Secretary [of the Treasury], in concurrence with the Secretary of State, and the Attorney General of the United States—(i) to be an act of terrorism; (ii) to be a violent act or an act that is dangerous to—(I) human life; (II) property; or (III) infrastructure; (iii) to have resulted in damage within the United States, or outside the United States in the case of—(I) an air carrier or vessel described in paragraph (5)(B); or (II) the premises of a United States mission; and (iv) to have been committed by an individual or individuals acting on behalf of any foreign person or foreign interest, as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion." Section 102(1)(B) states, "No act shall be certified

by the Secretary as an act of terrorism if—(i) the act is committed as part of the course of a war declared by the Congress, except that this clause shall not apply with respect to any coverage for workers' compensation; or (ii) property and casualty insurance losses resulting from the act, in the aggregate, do not exceed \$5,000,000."

This state will not allow exclusions of coverage for acts of terrorism that fail to be *certified losses* (as defined below) solely because they fall below the \$5,000,000 threshold in Section 102(1)(B) on any policy that provides coverage for *certified losses*.

The Act includes a definition of acts of terrorism that is used to describe *certified losses*. Insurers' policy forms and endorsements should also include a definition of acts of terrorism that constitutes *non-certified losses* that is in accordance with the provisions set forth in the section below. For *non-certified losses*, this state will accept the following definition, or one that is more favorable to policyholders:

The phrase "non-certified act of terrorism" means a violent act or an act that is dangerous to human life, property, or infrastructure that is committed by an individual or individuals and that appears to be part of an effort to coerce a civilian population or to influence the policy or affect the conduct of any government by coercion, and the act is not certified as a terrorist act pursuant to the Federal Terrorism Risk Insurance Act of 2002.

Definition of Insured Loss

The Act defines "insured loss" as any loss resulting from an act of terrorism (including an act of war, in the case of workers' compensation) that is covered by primary or excess property and casualty insurance issued by an insurer if such loss—(A) occurs within the United States; or (B) occurs in an air carrier (as defined in section 40102 of title 49, United States Code), to a United States flag vessel (or a vessel based principally in the United States, on which United States income tax is paid and whose insurance coverage is subject to regulation in the United States), regardless of where the loss occurs, or at the premises of any United States mission.

Certified vs. Non-Certified Losses

As a result of the definitions of "act of terrorism" and "insured loss" contained in the Act, there are essentially two distinct types of losses that a policyholder might face that result from terrorism. One type of loss is the *insured loss* that is defined within and covered by the provisions of the Act. For convenience, we will use the term "*certified loss*" to refer to losses resulting from certified acts of terrorism. The second type of loss is one that does not fit within the definition of *insured loss* as described in the Act. For convenience, we will use the term "*non-certified loss*" to refer to losses resulting from acts of terrorism that are not certified. The most significant difference between these losses is that *certified losses* will always involve an act committed by, or on behalf of, a foreign person or foreign interest, while *non-certified losses* may not.

Please note that the Act's preemption of this state's prior-approval form-filing law (§ 38.2-317 of the Code of Virginia) applies only to contract language that is applicable to *certified*

losses. Also, if an insurer intends to reinstate an exclusion on in-force policies as allowed under the Act, it may only reinstate an exclusion that previously existed on the policy. Insurers may not add new exclusions to in-force policies mid-term.

This state has approved, and will continue to approve, some significant limitations to coverage for *non-certified* acts of terrorism. For policies providing property insurance coverage, the following limitation applies with regard to exclusions of *non-certified losses*:

- Industry-wide insured losses must exceed \$25,000,000 for related incidents that occur within a 72 hour period;
- Exclusions applicable to non-certified acts of terrorism are not subject to this limitation if:
 - The act involves the use, release or escape of nuclear materials, or directly or indirectly results in nuclear reaction or radiation or radioactive contamination;
 - The act is carried out by means of the dispersal or application of pathogenic or poisonous biological or chemical materials; or
 - Pathogenic or poisonous biological or chemical materials are released, and it appears that one purpose of the terrorism was to release such materials.

In this state, the requirements for fire insurance coverage are established by law and, where applicable, coverage must meet or exceed the provisions of the Virginia Standard Fire Policy. These legal requirements cannot be waived, and are not preempted by the Act. Thus, a policyholder cannot voluntarily waive statutorily mandated coverage for fire losses ensuing from acts of terrorism.

For policies providing liability insurance coverage, the following limitations apply with regard to exclusions of *non-certified losses*:

- Industry-wide insured losses must exceed \$25,000,000 for related incidents that occur within a 72 hour period; or
- Fifty or more persons must sustain death or serious physical injury for related incidents that occur within a 72-hour period. For purposes of such provisions, serious physical injury means:
 - Physical injury that involves a substantial risk of death;
 - Protracted and obvious physical disfigurement; or
 - Protracted loss of or impairment of the function of a bodily member or organ.
- Exclusions applicable to non-certified acts of terrorism are not subject to the above limitations if:
 - The act involves the use, release or escape of nuclear materials, or directly or indirectly results in nuclear reaction or radiation or radioactive contamination;
 - The act is carried out by means of the dispersal or application of pathogenic or poisonous biological or chemical materials; or

- Pathogenic or poisonous biological or chemical materials are released, and it appears that one purpose of the terrorism was to release such materials.

Submission of Rates and Policy Forms or Endorsements

Section 106(a)(2)(B) of the Act states that "during the period beginning on the date of enactment of this Act and ending on December 31, 2003, rates and forms for terrorism risk insurance covered by this title and filed with any State shall not be subject to prior approval or a waiting period under any law of a State that would otherwise be applicable...." The subsection further provides that rates remain subject to subsequent regulatory review and may be invalidated if determined to be excessive, inadequate, or unfairly discriminatory. Similarly, the policy forms exempted from prior approval requirements for this period are subject to subsequent review based on all applicable laws and regulations not specifically preempted by the Act. It is important to note that only policy language granting or excluding coverage for *certified losses* is exempt from prior-approval waiting periods. Other policy language changes and related pricing remain subject to current applicable state law. However, to the extent possible, both types of filings will be processed by the Bureau in an expedited manner.

If an insurer relies on an advisory organization to file loss costs and related rating systems on its behalf, and the insurer intends to apply the same multiplier to loss costs for coverage for acts of terrorism, no rate filing is required if the insurer's existing loss costs multiplier is filed to apply to both current and future loss costs filings. However, any rate or loss costs multiplier filings submitted must be accompanied by the required Virginia Rate Standards Certification Form (COF-1) and must provide sufficient information for the reviewer to determine what price would be charged to a policyholder seeking coverage for *certified losses*. Therefore, rates filed must be specific; ranges of rates, for example, would not be acceptable. Insurers are not required to submit supporting actuarial documentation for terrorism insurance rates with these filings. However, the Bureau reserves the right to request subsequent documentation sufficient to determine if the rates are excessive, inadequate or unfairly discriminatory. Any additional premiums charged for in-force policies must be pro-rated from the effective date of the additional coverage.

Except to the extent an insurer has authorized an advisory organization to file forms on its behalf, insurers must file any policy forms or endorsements that they intend to use to cover or exclude *certified losses* on or before the date they are effective. Forms should define *certified* and *non-certified losses* in a manner consistent with the Act. The definitions, terms and conditions should be complete and should accurately describe the coverage being provided or excluded.

The Act requires insurers to provide a clear and conspicuous disclosure to the policyholder of the premium charged for *insured losses* covered by the Program and the federal share of compensation for such losses. The required disclosure notices for in-force policies and new and renewal policies must comply with standards set forth in the Act; however, such disclosure notices are not required to be filed with, or approved by, the Bureau. Sample disclosure forms are available on the NAIC website at:

General Notices/Errata

<http://www.naic.org/pressroom/releases/EmergencyResponse.htm>.

Please note that, for lines or subclassifications of insurance exempted from rate or form filing requirements by Virginia statutes or administrative orders, rates or forms for terrorism coverage associated with such lines or subclassifications are also exempt from filing requirements. The requirements of the Act, however, are not affected by such exemptions and continue to apply.

Effect on In-Force Policies

The Act voids any terrorism exclusion in a contract for property and casualty insurance that is in force on the date of enactment of the Act to the extent that it excludes losses that would otherwise be *insured losses*. The Act also voids any state approval of any terrorism exclusion applicable to a contract for property or casualty insurance that is in force on the date of enactment of the Act to the extent that it excludes losses that would otherwise be *insured losses*. The Act allows insurers to reinstate such an exclusion in a contract that is in force on the effective date of the Act only if the insurer has received a written statement from the insured that authorizes reinstatement of the exclusion or the insurer has provided notice to the insured, at least 30 days before any such reinstatement, and the insured fails to pay any increased premium charged by the insurer for providing the coverage. Additional premiums for terrorism coverage may not be charged mid-term for in-force policies that were issued without terrorism exclusions.

Effect on Workers' Compensation Insurance Policies

Treatment of workers' compensation insurance under the Act is slightly different from other property and casualty insurance coverages, in that the federal program will share the risk of loss for workers' compensation for acts committed as part of the course of a war declared by the Congress in addition to certified acts of terrorism. This treatment occurs because of the statutory nature of the workers' compensation program, which does not permit an exclusion for losses resulting from acts of war or terrorism. In other respects, however, workers' compensation coverage is treated under the Act as any other covered line of insurance. Therefore, the disclosure and mandatory coverage requirements also apply to workers' compensation policies and insurers are required to separately state the premium charged for *certified losses* and the Federal share of compensation for such losses. With regard to the filing and approval of rates, workers' compensation insurers are also covered by the Act, including the preemption of any state prior approval requirements or waiting periods until December 31, 2003. As this state's workers' compensation law does not have any exclusions for terrorism or war, neither insurers nor policyholders may use the Act's procedures to create such exclusions. Also, since coverage for war and terrorism is not currently excluded, no additional premium for the coverage may be charged with respect to in-force workers' compensation policies.

If an insurer relies on an advisory organization to file workers' compensation loss costs and related rating systems on its behalf, no filing is required. Insurers filing independent rates for terrorism coverage that do not rely upon loss costs filed by an advisory organization must furnish supporting

documentation sufficient for the reviewer to determine if the rates are excessive, inadequate or unfairly discriminatory. Since losses due to war or terrorism are an element of loss costs, and not an element of expense or profit, the cost of providing the coverage should not be reflected in an insurer's expense multiplier.

Information for SERFF Filers

For insurers using the SERFF system, there will be an expedited filing form in that system for your use.

Expedited Filing Transmittal Forms

Attached to this letter is a uniform filing transmittal form that has been agreed upon by this state and other states. An insurer wishing to receive expedited treatment of its filing should complete the EXPEDITED FILING TRANSMITTAL DOCUMENT—FOR TERRORISM RISK INSURANCE FORMS AND PRICING as directed. In addition, the insurer submitting the filing must certify that the filing is consistent with this letter, state law and the provisions of the Act. Certification is made by signing the appropriate blank on the transmittal form. Filings for policy language changes and related pricing for *non-certified losses*, which remain subject to current applicable state law, may also be made using the attached filing transmittal form. These filings will also be processed in an expedited manner to the extent possible. The cooperation of insurers in delaying other, non-essential or non-time-sensitive, filings during the next 90 days will be appreciated.

To be complete, an expedited filing must include the following for each insurer:

1. A completed, certified Expedited Filing Transmittal Document.
2. A copy of each policy form or endorsement that the insurer intends to use. (Please do not submit forms or endorsements already filed on your behalf by an advisory organization.)
3. A copy of the rates (or a completed VA-RFA-1 form for loss costs multiplier filings) and any applicable rules and a completed and signed COF-1 form. For workers' compensation independent rate filings, form DR (5/89) must be submitted.
4. An acknowledgment copy of the Transmittal Document and a postage-paid, self-addressed return envelope.

Filings must be submitted separately by line of insurance or insurance program.

Effective Date

These procedures are effective immediately. The expedited filing procedures will expire on December 31, 2003. The remainder of this Letter shall expire on December 31, 2005, unless Congress extends the duration of the Act.

/s/ Alfred W. Gross
Commissioner of Insurance

Agency Contact: Pat Worley, Principal Insurance Market Examiner, Property and Casualty Division, Bureau of Insurance, State Corporation Commission, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9298 or e-mail pworley@scc.state.va.us.

**EXPEDITED FILING TRANSMITTAL DOCUMENT
FOR TERRORISM RISK INSURANCE FORMS AND PRICING**

This page applies to the following state(s) _____

Indicate Type of Filing
Filing Related to <i>Certified Losses</i>
Filing Related to <i>Non-Certified Losses</i>
Filing Applicable to Both Certified and Non-Certified Losses

Department Use only

Company Name(s)	Domicile	NAIC #	FEIN #

Contact Info for Filer

Name and address of Filer(s)	Telephone #	FAX #	e-mail

Filing information

Line of Insurance (see attachment)	
Company Program Title (Marketing title) (if applicable)	
Filing Type	
This application is used with:	
Effective Date Requested	
Filing date	
Company Tracking Number	
Date filing approved in domiciliary state, if applicable	

	<u>Component/Form Name</u> <u>/Description/Synopsis</u>	Form # or Rate Page Include edition date	Replacement Or withdrawn?	If replacement, give form # or rate page(s) it replaces	Previous State Filing Number, If required By state
01			<input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn <input type="checkbox"/> Neither		
02			<input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn <input type="checkbox"/> Neither		

To be complete, a filing must include the following for each insurer:

- A completed Expedited Filing Transmittal Document.
- One copy of each endorsement.
- A copy of any applicable rates, rules, or loss costs multipliers and appropriate certification forms.
- An acknowledgment copy of the Transmittal Document and a postage-paid, self-addressed return envelope.

The insurer(s) submitting this filing certifies that it:

- Is in compliance with the terms of the Terrorism Risk Insurance Act of 2002 and the laws of this state; and
- Is in compliance with the requirements of the bulletin containing the voluntary expedited filing procedures.

Signature _____

Print Name: _____

Title: _____

General Notices/Errata

DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice of New Data Concerning Toxics

Pursuant to § 62.1-44.19:6 A 3 of the Code of Virginia, the Virginia Department of Environmental Quality (DEQ) is giving notice that new data concerning the presence of toxic contaminants in fish tissue and sediments are available for the fish and sediment monitoring performed by DEQ in the calendar year 2001. The routine fish and sediment monitoring in 2001 was performed at selected sites in the river basins of the James River, Elizabeth River, Rappahannock River, Potomac River, Shenandoah River, and at several sites in the Tennessee-Big Sandy River basins, and at one small tributary to the Chesapeake Bay. Data for all these monitoring studies as well as data from previous years are all available on the DEQ web site at www.deq.state.va.us/rivers/fishsed.htm. For additional information contact Alex Barron directly at (804) 698-4119, or e-mail ambarron@deq.state.va.us, or call toll free 1-800-592-5482 and request Mr. Barron.

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://register.state.va.us>

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

PETITION FOR RULEMAKING - RR13

CALENDAR OF EVENTS

Symbol Key

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

COMMONWEALTH COUNCIL ON AGING

January 15, 2003 - 11 a.m. -- Open Meeting
Virginia Department for the Aging, 1600 Forest Avenue, Suite 102, Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

A regular business meeting. Public comments will be received.

Contact: Marsha Mucha, Virginia Department for the Aging, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-9312.

† **January 15, 2003 - 2:30 p.m.** -- Open Meeting
Virginia Department for the Aging, 1600 Forest Avenue, Suite 102, Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

A regular business meeting of the Public Relations Committee. Public comments will be received.

Contact: Robin Brannon, Virginia Department for the Aging, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-9323.

STATE BOARD OF AGRICULTURE AND CONSUMER SERVICES

† **March 13, 2003 - 9 a.m.** -- Open Meeting
Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia.♿

The board will meet 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.

March 13, 2003 - 10 a.m. -- Public Hearing
Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia.

NOTE: EXTENSION OF PUBLIC COMMENT PERIOD

January 15, 2003 -- 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 5-320. Rules and Regulations for the Enforcement of the Endangered Plant and Insect Species Act.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, including the following: amending the regulation to (i) remove the currently named plants that are no longer considered globally rare and (ii) add those threatened or endangered plant and insect species that are considered rare both globally and in Virginia.

Statutory Authority: § 3.1-1025 of the Code of Virginia.

Contact: Frank M. Fulgham, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., Room 703, Richmond, VA 23219, telephone (804) 786-3515, FAX (804) 371-7793 or e-mail ffulgham@vdacs.state.va.us.

March 13, 2003 - 10 a.m. -- Public Hearing
Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia.

NOTE: EXTENSION OF PUBLIC COMMENT PERIOD

January 15, 2003 -- Public comments may be submitted until this date.

Calendar of Events

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 5-360. Regulations for the Enforcement of the Virginia Commercial Feed Act.** The purpose of the proposed action is to amend the current regulation to incorporate the changes made to the commercial feed industry standards by the Association of American Feed Control Officials in the last decade and statutory changes made to Virginia's Commercial Feed Law in 1994.

Statutory Authority: § 3.1-828.4 of the Code of Virginia.

Contact: J. Alan Rogers, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., Room 402, Richmond, VA 23219, telephone (804) 786-2476, FAX (804) 371-1571 or e-mail jrogers@vdacs.state.va.us.

March 13, 2003 - 10 a.m. -- Public Hearing
Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia.

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 5-440. Rules and Regulations for Enforcement of the Virginia Pest Law - Cotton Boll Weevil Quarantine.** The purpose of the proposed regulatory action is to amend the regulation to (i) establish the fixed date of July 1 as the official reporting and payment date for acreage assessment, (ii) reduce penalties assessed on farm operators for the late payment or nonpayment of fees from \$10 to \$5.00 per acre, and (iii) eliminate the mandate for destruction of the cotton crop for nonpayment of fees and assessments by farm operators.

Statutory Authority: § 3.1-188.23 of the Code of Virginia.

Contact: Frank M. Fulgham, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., Room 703, Richmond, VA 23219, telephone (804) 786-3515, FAX (804) 371-7793 or e-mail ffulgham@vdacs.state.va.us.

March 13, 2003 - 10 a.m. -- Public Hearing
Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia.

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 **repeal** regulations entitled: **2 VAC 5-500. Rules and Regulations Governing the Cooling, Storing, Sampling, and Transporting of Milk or Milk Samples from the Farm to the Processing Plant or Laboratory** and **adopt** regulations entitled: **2 VAC 5-501. Regulations Governing the Cooling, Storing, Sampling, and Transporting of Milk.** The purpose of the proposed action is to (i) make the regulations applicable to the milk of goats, sheep, water buffalo, and other mammals if the milk or dairy products are intended for human consumption and (ii) require permits for milk pickup trucks, milk transport tanks, laboratories, persons testing milk samples for pay

purposes, persons collecting official milk samples in dairy plants, and milk tank truck cleaning facilities.

Statutory Authority: §§ 3.1-530.1, 3.1-530.2, 3.1-535, and 3.1-535.1 of the Code of Virginia.

Contact: John A. Beers, Program Supervisor, Department of Agriculture and Consumer Services, 1100 Bank St., Room 505, Richmond, VA 23219, telephone (804) 786-1453, FAX (804) 371-7792 or e-mail jbeers@vdacs.state.va.us.

March 13, 2003 - 10 a.m. -- Public Hearing
Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia.

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 **repeal** regulations entitled: **2 VAC 5-530. Rules and Regulations Governing the Production, Handling and Processing of Milk for Manufacturing Purposes and Establishing Minimum Standards for Certain Dairy Products to be Used for Human Food** and **adopt** regulations entitled: **2 VAC 5-531. Regulations Governing Milk for Manufacturing Purposes.** The purpose of the proposed action is to adopt regulations consistent with the most recent USDA recommendations on milk for manufacturing purposes and regulate manufactured milk and milk products from goats, sheep, water buffalo and other noncow sources in the interest of public health and safety.

Statutory Authority: §§ 3.1-530.1 and 3.1-530.2 of the Code of Virginia.

Contact: John A. Beers, Program Supervisor, Department of Agriculture and Consumer Services, 1100 Bank St., Room 505, Richmond, VA 23219, telephone (804) 786-1453, FAX (804) 371-7792 or e-mail jbeers@vdacs.state.va.us.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

† **May 13, 2003 - 10 a.m.** -- Public Hearing
Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia.

May 15, 2003 - 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 Agriculture and Consumer Services intends to amend regulations entitled: **2 VAC 5-20. Standards for Classification of Real Estate as Devoted to Agricultural Use and to Horticultural Use under the Virginia Land Use Assessment Law.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, including amending the regulation to satisfy the statutory amendment made by Chapter 705 of the 2001 Acts of Assembly. Under that provision, localities are authorized to waive, with respect to real estate devoted to the production of crops that require

more than two years from initial planting until commercially feasible harvesting, any requirement contained in the regulation that requires the real estate to have been used for a particular purpose for minimum length of time before qualifying as real estate devoted to agricultural or horticultural use. The Commissioner of Agriculture and Consumer Services is to promulgate regulations to carry out the provisions of the act.

Statutory Authority: § 58.1-3230 of the Code of Virginia; Chapter 705 of the 2001 Acts of Assembly.

Contact: Lawrence H. Redford, Regulatory Coordinator, Department of Agriculture and Consumer Services, 1100 Bank St., Room 211, Richmond, VA 23219, telephone (804) 371-8067, FAX (804) 371-2945, or e-mail redford@vdacs.state.va.us.


Virginia Corn Board

† **February 12, 2003 - 8 a.m.** -- Open Meeting
Wyndham Hotel and Conference Center, 4700 South Laburnum Avenue, Richmond, Virginia. 

The board will discuss checkoff revenues resulting from sales of the 2002 corn crop and approve previous meeting minutes. The board will hear FY 2002-2003 projects reports and will receive FY 2003-2004 project proposals. Following all the presentations, the group will make funding decisions for the fiscal year beginning on July 1, 2003. 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 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, e-mail phickman@vdacs.state.va.us.


Virginia Cotton Board

March 10, 2003 - 9:15 a.m. -- Open Meeting
Tidewater Agriculture Research and Extension Center, 6321 Holland Road, Suffolk, Virginia. 

The board's agenda will include discussions and approval of contractual arrangements with national and regional organizations, reports of programs and projects funded over the past year, hearing of Project Proposal Grant Requests on cotton by VPI and SU, VSU, and other groups for the year 2003-04. During the meeting, financial reports will be heard and approved. 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 Gail Moody Milteer at least five days before the meeting date so that suitable arrangements can be made.

Contact: Gail Moody Milteer, Program Director, Virginia Cotton Board, Department of Agriculture and Consumer Services, 1100 Armory Dr., Suite 120, Franklin, VA 23851, telephone (757) 569-1100, FAX (757) 562-6104.


Virginia Horse Industry Board

February 4, 2003 - 9 a.m. -- Open Meeting
Virginia Department of Forestry, 900 Natural Resources Drive, Second Floor, Charlottesville, Virginia. 

The board will review the minutes of the last meeting, the board's current financial status, and on-going projects. The board will also discuss the printing of promotional materials for 2003 and hear presentations from several guest speakers. 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 Andrea S. Heid at least five days before the meeting date so that suitable arrangements can be made.

Contact: Andrea S. Heid, Equine Marketing Specialist/Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., 9th Floor, Richmond, VA 23219, telephone (804) 786-5842, FAX (804) 371-7786, e-mail ahead@vdacs.state.va.us.

Virginia Irish Potato Board

† **January 20, 2003 - 7 p.m.** -- Open Meeting
Eastern Shore Agriculture Research and Extension Center, Research Drive, Painter, Virginia. 

The board will discuss promotion, research, and education programs for the Irish potato industry. In addition, the board will review its financial statement, the annual budget, and review and evaluate grant proposals for the fiscal year which begins July 1, 2003. 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 Butch Nottingham at least five days before the meeting date so that suitable arrangements can be made.

Contact: Butch Nottingham, Program Manager, Department of Agriculture and Consumer Services, P.O. Box 26, Onley, VA 23418, telephone (757) 787-5867, FAX (757) 787-5973.

Pesticide Control Board


January 16, 2003 - 9 a.m. -- Open Meeting
Washington Building, 1100 Bank Street, Second Floor Board Room, Richmond, Virginia. 

A general business meeting. Portions of the meeting may be held in closed session pursuant to § 2.2-3711 of the Code of Virginia. 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 Dr. Marvin A. Lawson at least five days before the meeting date so that suitable arrangements can be made.

Contact: Dr. Marvin A. Lawson, Program Manager/Office of Pesticide Services, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Richmond, VA 23219, telephone (804) 371-6558, FAX (804) 371-8598, toll-free (800) 552-9963, e-mail mlawson@vdacs.state.va.us.

Calendar of Events


Virginia Soybean Board

† **March 6, 2003 - 8 a.m.** -- Open Meeting
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia. 


The board will discuss checkoff revenues resulting from sales of the 2002 soybean crop and approve previous meeting minutes. As well, the board will hear project reports for FY 2002-2003 and project proposals for FY 2003-2004. Then, funding decisions will be made for the fiscal year which begins July 1, 2003. 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 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, e-mail phickman@vdacs.state.va.us.

STATE AIR POLLUTION CONTROL BOARD


† **January 21, 2003 - 9 a.m.** -- Public Hearing
Department of Environmental Quality, 629 East Main Street, First Floor Conference Room, Richmond, Virginia. 

A public hearing on a proposed revision to the Commonwealth of Virginia State Implementation Plan. The proposed revision will consist of amendments to existing regulation provisions affecting the Northern Virginia ozone nonattainment area, Part II of Chapter 20 (9 VAC 5-20-204) and Article 4 (9 VAC 5-40-240 et seq.) of Part II of Chapter 40. The amendments consist of (i) changing the list of nonattainment areas to reflect a designation of "severe" instead of "serious," (ii) changing the applicability threshold for NO_x RACT (reasonably available control technology) from 50 tons per year to 25 tons per year, and (iii) providing that an affected source provide the board with a schedule for making a RACT determination and for achieving compliance with the emission standard by November 15, 2005. The department is seeking comment on the regulation amendments, and on the issue of whether the regulation amendments should be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to the state implementation plan.

Contact: Karen G. Sabasteanski, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426, FAX (804) 698-4510, (804) 698-4021/TTY , e-mail kgsabastea@deq.state.va.us.

ALCOHOLIC BEVERAGE CONTROL BOARD


† **January 13, 2003 - 9 a.m.** -- Open Meeting
† **January 27, 2003 - 9 a.m.** -- Open Meeting
† **February 10, 2003 - 9 a.m.** -- Open Meeting
† **February 24, 2003 - 9 a.m.** -- Open Meeting
† **March 10, 2003 - 9 a.m.** -- Open Meeting
† **March 24, 2003 - 9 a.m.** -- Open Meeting

Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. 


A meeting for receipt and discussion of reports and activities from staff members. Other matters are not yet determined.

Contact: W. Curtis Coleburn, III, Secretary to the Board, Alcoholic Beverage Control Board, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4409, FAX (804) 213-4442, e-mail wccolen@abc.state.va.us.


ALZHEIMER'S DISEASE AND RELATED DISORDERS COMMISSION

† **February 7, 2003 - Noon** -- Open Meeting
Virginia Department for the Aging, 1600 Forest Avenue, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting.


Contact: Janet L. Honeycutt, Director of Grant Operations, Alzheimer's Disease and Related Disorders Commission, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-9333, FAX (804) 662-9354, toll-free (800) 552-3402, (804) 662-9333/TTY , e-mail jlhoneycutt@vdh.state.va.us.

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS

January 29, 2003 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 


A meeting of the Architects Section to conduct board business.

Contact: Mark N. Courtney, Assistant Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail courtney@dpor.state.va.us.

† **February 4, 2003 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting of the Professional Engineers Section to conduct board business.

Contact: Mark N. Courtney, Assistant Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail courtney@dpor.state.va.us.

† **February 6, 2003 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting of the Landscape Architect Section to conduct board business.

Contact: Mark N. Courtney, Assistant Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail courtney@dpor.state.va.us.

† **February 11, 2003 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. ♿

A meeting of the Land Surveyors Section to conduct board business.

Contact: Mark N. Courtney, Assistant Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail courtney@dpor.state.va.us.

† **February 13, 2003 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. ♿

A meeting of the Interior Designers Section to conduct board business.

Contact: Mark N. Courtney, Assistant Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail courtney@dpor.state.va.us.

VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

† **March 25, 2003 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. ♿

A meeting to conduct board business.

Contact: David Dick, Assistant Director, Department of Professional and Occupational Regulation, 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.

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

January 31, 2003 - 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 Audiology and Speech-Language Pathology intends to amend regulations entitled: **18 VAC 30-20. Regulations Governing the Practice of Audiology and Speech-Language Pathology.** The purpose of the amended regulation is to revise certain

prerequisites for licensure that may be unnecessarily restrictive and adopt requirements that are reasonable and essential to protect the public health, safety and welfare. The intent of the changes is to eliminate barriers to licensure, such as the requirement that an applicant who passed the qualifying examination more than three years ago be engaged in active practice for the 24 months immediately preceding application. The amendments will also update the unprofessional conduct section to ensure that a practitioner can use electronic communication in the follow-up with a patient or another practitioner.

Statutory Authority: § 54.1-2400 and Chapter 26 (§ 54.1-2600 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until January 31, 2003, to Elizabeth Young, Executive Director, Board of Audiology and Speech-Language Pathology, 6603 W. Broad St., Richmond, VA 23230.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

BOARD FOR BARBERS AND COSMETOLOGY

† **February 3, 2003 - 8:30 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. ♿

A meeting to conduct board business including adoption of Tattoo and Body-Piercing Proposed Regulations.

Contact: William H. Ferguson, II, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY ☎, e-mail barbercosmo@dpor.state.va.us.

BOARD FOR BRANCH PILOTS

† **February 4, 2003 - 8:30 a.m.** -- Open Meeting
Virginia Pilot Association, 3329 Shore Drive, Virginia Beach, Virginia. ♿

A meeting to conduct examinations.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8515, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail branchpilots@dpor.state.va.us.


† **February 5, 2003 - 9:30 a.m.** -- Open Meeting
Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia. ♿

A meeting to conduct board business.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail branchpilots@dpor.state.va.us.

Calendar of Events


CEMETERY BOARD

February 26, 2003 - 9:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. 

A meeting to conduct board business.

Contact: Christine Martine, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail cemetery@dpor.state.va.us.


STATE CERTIFIED SEED BOARD

† **February 19, 2003 - 1:30 p.m.** -- Open Meeting
Williamsburg Hospitality House, 415 Richmond Road, Lower Level, Berkley Room, Williamsburg, Virginia. 


A meeting to consider the ramifications of 2002 summer drought and fall rains on peanut and soybean seed quality for 2003 spring planting and temporarily amend any regulations if warranted, and to review program structure and the relationship between this board, Virginia Tech, and Virginia Crop Improvement Association.


Contact: David L. Whitt, Liaison Officer, State Certified Seed Board, 9142 Atlee Station Rd., Mechanicsville, VA 23116, telephone (804) 746-4884, FAX (804) 746-9447, e-mail dwhitt@vt.edu.

STATE BOARD FOR COMMUNITY COLLEGES

January 29, 2003 - 12:30 p.m. -- Open Meeting
Godwin-Hamel Board Room, James Monroe Building, 101 North 14th Street, 15th Floor, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)


The State Board for Community Colleges will hold a seminar for its members on public and media relations. This is a working session and no board action will be taken.


Contact: D. Susan Hayden, Public Relations Manager, State Board for Community Colleges, James Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY 

January 29, 2003 - 1:30 p.m. -- Open Meeting
Godwin-Hamel Board Room, James Monroe Building, 101 North 14th Street, 15th Floor, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)


The following committees will meet:

Academic and Student Affairs Committee - 1:30 p.m.
Audit Committee - 1:30 p.m.
Budget and Finance Committee - 1:30 p.m.
Facilities and the Personnel Committees - 3 p.m.
Executive Committee - 4:30 p.m.


Contact: D. Susan Hayden, Public Relations Manager, State Board for Community Colleges, James Monroe Building, 101 N. 14th St., Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY 

January 30, 2003 - 9 a.m. -- Open Meeting
Godwin-Hamel Board Room, James Monroe Building, 101 North 14th Street, 15th Floor, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A regular meeting. Public comment may be received at the beginning of the meeting upon notification of at least five working days prior to the meeting.

Contact: D. Susan Hayden, Public Relations Manager, State Board for Community Colleges, James Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY 

COMPENSATION BOARD


January 21, 2003 - 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


Virginia Cave Board

February 22, 2003 - 11 a.m. -- Open Meeting
Endless Caverns, New Market, Virginia. 
(Interpreter for the deaf provided upon request)

Committee meetings will begin at 11 a.m. A regular meeting of the board will begin at 1 p.m.

Contact: Larry Smith, Natural Area Protection Manager, Department of Conservation and Recreation, 203 Governor St., Richmond, VA 23219, telephone (804) 371-6205, FAX (804) 371-2674, e-mail lsmith@dcr.state.va.us.


Falls of the James Scenic River Advisory Board

February 13, 2003 - 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)

A regular business meeting.

Contact: Derral Jones, Planning Bureau Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-9042, FAX (804) 371-7899, e-mail djones@dcr.state.va.us.


Virginia Soil and Water Conservation Board

† **January 14, 2003 - 9 a.m.** -- Open Meeting
National Resources Conservation Service, 1606 Santa Rosa Road, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)


A regular business 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.


BOARD FOR CONTRACTORS

January 22, 2003 - 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 regularly scheduled meeting to address policy and procedural issues; review and render decisions on applications for contractors' licenses, and review and render case decisions on matured complaints against licensees. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session.


Contact: Eric L. Olson, Assistant Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail olsone@dpor.state.va.us.

BOARD OF CORRECTIONS

January 14, 2003 - 10 a.m. -- Open Meeting
Board Room, 6900 Atmore Drive, Richmond, Virginia. 

The Liaison Committee will meet at 10 a.m. and the Correctional Services Committee will meet at 1 p.m. to discuss correctional matters that may be brought before the full board.

Contact: Barbara Woodhouse, Administrative Staff Assistant, Board of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3605, e-mail woodhousebl@vadoc.state.va.us.

January 15, 2003 - 8:30 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. 

The Administration Committee will meet at 8:30 a.m. to discuss correctional matters that may be brought before the full board. The full board will meet at 10 a.m.

Contact: Barbara Woodhouse, Administrative Staff Assistant, Board of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3605, e-mail woodhousebl@vadoc.state.va.us.

BOARD OF COUNSELING

January 24, 2003 - 10 a.m. -- Public Hearing
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 1, Richmond, Virginia.

January 31, 2003 - 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 Counseling intends to

amend regulations entitled: **18 VAC 115-30. Regulations Governing the Certification of Substance Abuse Counselors and Assistants.** The purpose of the proposed action is to comply with House Bill 2095 (Chapter 460 of the 2001 Acts of the Assembly) to promulgate regulations for certification of substance abuse counselors and assistants. Two new sections of the Code of Virginia (§§ 54.1-3507.1 and 54.1-3507.2) require the board to establish in regulation a specific number of hours of substance abuse education and supervised experience for both levels of certification.


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

Public comments may be submitted until January 31, 2003, to Evelyn B. Brown, Executive Director, Board of Counseling, 6603 W. Broad St., Richmond, VA 23230.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

† **February 7, 2003 - 8 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 


An informal conference to hear possible violations of Board of Counseling regulations and statutes. No public comment will be heard.

Contact: Evelyn B. Brown, Executive Director, Board of Counseling, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-7328, FAX (804) 662-7250, (804) 662-7197/TTY , e-mail counseling@dhp.state.va.us.

BOARD OF DENTISTRY

January 17, 2003 - 9 a.m. -- Open Meeting
January 31, 2003 - 9:30 a.m. -- Open Meeting
† **February 14, 2003 - 9 a.m.** -- Open Meeting
† **February 28, 2003 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. 

The Special Conference Committee will hold informal hearings. There will not be a public comment period.

Contact: Cheri Emma-Leigh, Operations Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY , e-mail CEmma-Leigh@dhp.state.va.us.

February 28, 2003 - 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 Dentistry intends to amend regulations entitled: **18 VAC 60-20. Regulations Governing the Practice of Dentistry and Dental Hygiene.** The purpose of the proposed action is to replace emergency regulations for voluntary practice by out-of-state

Calendar of Events


dentists or dental hygienists and for temporary permits for dentists.

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

Public comments may be submitted until February 28, 2003, to Sandra K. Reen, Executive Director, Board of Dentistry, 6603 W. Broad St., Richmond, VA 23230-1712.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114, or e-mail elaine.yeatts@dhp.state.va.us.

BOARD OF EDUCATION


January 27, 2003 - 9 a.m. -- Open Meeting
Hilton Garden Inn, Richmond Innsbrook, 4050 Cox Road, Glen Allen, Virginia.  (Interpreter for the deaf provided upon request)

March 17, 2003 - 9 a.m. -- Open Meeting
George Mason University, Fairfax, Virginia.

A meeting of the Advisory Board for Teacher Education and Licensure. Persons requesting the services of an interpreter for the deaf should do so at least 72 hours in advance. This will be a work session and public comment will not be received.

Contact: Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department of Education, P.O. Box 2120, 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.


February 26, 2003 - 9 a.m. -- Open Meeting

March 26, 2003 - 9 a.m. -- Open Meeting
James Monroe Building, 101 N. 14th Street, Rooms C and D, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting of the board. Persons who wish to speak or who require the services of an interpreter for the deaf should contact the agency 72 hours in advance. Public comment will be received.

Contact: Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department 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

January 27, 2003 - 7 p.m. -- Open Meeting
Patrick Henry High School, 31437 Hillman Highway, Auditorium, Glade Spring, Virginia. 

A public meeting on the development of a TMDL for aquatic life on Hutton, Hall/Byers and Cedar Creeks. The creeks are located in Washington County and are part of the Middle Fork Holston River Watershed. The public comment period ends on January 27, 2003.


Contact: Nancy T. Norton, Department of Environmental Quality, 355 Deadmore St., Abingdon, VA 24210, telephone (276) 676-4807, FAX (276) 676-4899, e-mail ntnorton@deq.state.va.us.

January 28, 2003 - 7 p.m. -- Open Meeting
The Community and Hospitality Center, 52 Franklin Street, Rocky Mount, Virginia. 

The first public meeting on the development of a TMDL for approximately 37 miles of the Blackwater River in Franklin County. The public comment period closes on January 28, 2003.

Contact: Jason Hill, Department of Environmental Quality, 3019 Peters Creek Rd., Roanoke, VA 24019, telephone (540) 562-6724, e-mail jrhil@deq.state.va.us.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

January 21, 2003 - 9 a.m. -- Public Hearing
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. 


February 28, 2003 - 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 Funeral Directors and Embalmers intends to amend regulations entitled: **18 VAC 65-20. Regulations of the Board of Funeral Directors and Embalmers.** The purpose of the proposed action is to comply with Chapter 270 of the 2002 Acts of Assembly mandating the board to promulgate regulations to establish continuing education requirements for renewal of a license to ensure competency of the practitioners.


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

Public comments may be submitted until February 28, 2003, to Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, 6603 West Broad Street, Richmond, VA 23230-1717.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.


January 21, 2003 - 9:15 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 1, Richmond, Virginia. 


The Continuing Education Committee will discuss the implementation of continuing education requirements. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, Alcoa Building, 6603 West Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail elizabeth.young@dhp.state.va.us.

January 28, 2003 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Richmond, Virginia. 

The Board of Funeral Directors and Embalmers will convene to hear possible violations of the laws and regulations governing the practice of funeral service.

Contact: Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail elizabeth.young@dhp.state.va.us.

February 4, 2003 - 9 a.m. -- Public Hearing
Department of Health Professions, 6603 West Broad Street,
5th Floor, Conference Room 1, Richmond, Virginia. 

February 28, 2003 - 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 Funeral Directors and Embalmers intends to amend regulations entitled: **18 VAC 65-20. Regulations of the Board of Funeral Directors and Embalmers.** The purpose of the proposed action is to establish criteria for locating a branch establishment, to update requirements for a preparation room, and to provide greater assurance that all state and federal rules related to the provision of funeral services are being followed.

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

Public comments may be submitted until February 28, 2003, to Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, 6603 West Broad Street, Richmond, VA 23230-1717.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.


GEORGE MASON UNIVERSITY

January 30, 2003 - 9 a.m. -- Open Meeting
George Mason University, Mason Hall, Lower Level, Room D23, Fairfax, Virginia. 

Committee meetings will begin at 9 a.m. The Board of Visitors will meet at 2 p.m. The agenda will be posted 10 days prior to the meeting date.

Contact: Mary Roper, Secretary Pro Tem, George Mason University, MSN 3A1, 4400 University Dr., Fairfax, VA 22030, telephone (703) 993-8703, FAX (703) 993-8707, e-mail mroper@gmu.edu.

DEPARTMENT OF HEALTH


February 7, 2003 - 1 p.m. -- Open Meeting
The Place at Innsbrook, 4036-C Cox Road, Glen Allen, Virginia. 

A quarterly meeting of the State Emergency Medical Services Advisory Board.

Contact: Gary R. Brown, Director, Department of Health, 1538 E. Parham Rd., Richmond, VA 23228, telephone (804) 371-3500, FAX (804) 371-3543, toll-free (800) 523-6019, e-mail gbrown@vdh.state.va.us.

STATE BOARD OF HEALTH

NOTE: CHANGE IN MEETING DATE

January 31, 2003 - 9 a.m. -- Open Meeting
Department of Health, Main Street Station, 1500 East Main Street, 3rd Floor Conference Room, Richmond, Virginia. 

A general business and working meeting.

Contact: Rene Cabral-Daniels, Director, Office of Health Policy, Department of Health, 1500 E. Main St., Richmond, VA 23219, telephone (804) 786-3561.


February 3, 2003 - 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 5-550. Regulations Governing Vital Records.** The purpose of the proposed action is to amend the regulations to ensure the accurate, uniform, efficient and confidential administration of Virginia's system for maintaining vital records.

Statutory Authority: §§ 32.1-12 and 32.1-250 of the Code of Virginia.

Contact: Deborah Little-Bowser, State Registrar of Regulations, Department of Health, 1601 Willow Lawn Dr., Richmond, VA 23220, telephone (804) 662-6600, FAX (804) 786-0648, or e-mail dlittle@vdh.state.va.us.

DEPARTMENT OF HEALTH PROFESSIONS

February 21, 2003 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Conference Room 3, Richmond, Virginia. 

A bimonthly meeting of the Intervention Program Committee for the Health Practitioners' Intervention Program.

Contact: Donna P. Whitney, Intervention Program Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9424, FAX (804) 662-7358, e-mail donna.whitney@dhp.state.va.us.

February 28, 2003 - 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 Health Professions intends to adopt regulations entitled: **18 VAC 76-30. Public Participation Guidelines.** The purpose of the proposed

Calendar of Events

action is to provide guidelines for public participation in the process of developing and promulgating regulations to implement programs under the authority of the Director of the Department of Health Professions. These regulations are also intended to enable electronic communication, notification and comment in the development of regulations and to provide for involvement and advice from persons with specialized interest and knowledge.

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

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

January 15, 2003 - 2 p.m. -- Open Meeting


James Monroe Building, 101 North 14th Street, 9th Floor, Richmond, Virginia.

Agenda materials will be available on the website at www.schev.edu approximately one week prior to the meeting. A public comment period will be allocated on the meeting agenda. To be scheduled, those interested in making public comment should contact the person listed below no later than 5 p.m. three business days prior to the meeting date. At the time of the request, the speaker's name, address and topic must be provided. Each speaker will be given up to three minutes to address SCHEV. Speakers are asked to submit a written copy of their remarks at the time of comment.


Contact: Lee Ann Rung, State Council of Higher Education for Virginia, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2602, FAX (804) 371-7911, e-mail lrung@schev.edu.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

January 21, 2003 - 10 a.m. -- Open Meeting

The Jackson Center, 501 North Second Street, Richmond, Virginia. 

A regular business meeting.

Contact: Steve Calhoun, Senior Policy Analyst, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7015, FAX (804) 371-7090, (804) 371-7089/TTY , e-mail scalhoun@dhcd.state.va.us.

January 31, 2003 - 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 Housing and Community Development intends to amend regulations entitled: **13 VAC 5-21. Virginia Certification Standards**. The purpose of the

proposed action is to (i) add the following definitions: "certificate," "guidance document," and "training"; (ii) delete the list of categories of BHCD certificates and the list of approved testing agencies and examinations; (iii) require the Department of Housing and Community Development to develop a training and certification guidance document that lists the approved testing agencies and examinations that meet nationally accepted standards for each type of certificate and the categories of board certificates; and (iv) establish circumstances and conditions under which a person may be issued a board provisional certificate.

Statutory Authority: § 36-137 of the Code of Virginia.

Contact: Steve Calhoun, Senior Policy Analyst, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7091, or e-mail scalhoun@dhcd.state.va.us.

January 31, 2003 - 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 Housing and Community Development intends to amend regulations entitled: **13 VAC 5-31. Virginia Amusement Device Regulations**. The purpose of the proposed action is to (i) clarify that the provisions of the Uniform Statewide Building Code, including but not limited to all administrative procedures, shall apply in the administration and enforcement of this chapter and to amusement devices to the extent such provisions are not superseded by the provisions of this regulation and § 36-98.3 of the Code of Virginia; (ii) update the incorporated-by-reference standards to the latest editions of the American National Standards Institute (ANSI) for the regulation of passenger tramways and the American Society for Testing and Materials (ASTM) for the regulation of amusement devices; (iii) to regulate "go-karts" by the adoption of the new referenced standards; (iv) limit the permit fee charged by the local building and department to operate an amusement device to a "maximum of \$150 for one site" when the inspection for obtaining a certificate of inspection for that device is conducted by a private inspector; and (v) allow appeals to the State Building Code Technical Review Board following a final determination by the local board of building code appeals.

Statutory Authority: § 36-98.3 of the Code of Virginia.

Contact: Steve Calhoun, Senior Policy Analyst, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7091, or e-mail scalhoun@dhcd.state.va.us.

January 31, 2003 - 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 Housing and Community Development intends to amend regulations entitled: **13 VAC 5-51. Virginia Statewide Fire Prevention Code**

Regulations. The major substantive amendments to this regulation proposed by the Board of Housing and Community Development are to: (i) update the referenced model codes and standards; (ii) add that the official must notify the Department of Housing and Community Development (department) of the employment of assistants; (iii) change from three years to one and a half years the time allowed for enforcement personnel to become certified; (iv) add that officials and assistants may be held responsible for failure to discharge any duty required by law; (v) add that fire apparatus access roads be identified to the owner prior to the issuance of the building permit and (vi) amend the permit fees of the State Fire Marshal's office for the storage, use, sale or manufacture of explosives or blasting agents, and for the display of fireworks on state-owned property; (vii) add a fee for obtaining or renewing a background clearance card from the department; and (viii) amend the fee for obtaining or renewing a blaster certificate from the department.

Statutory Authority: § 37-97 of the Code of Virginia.

Contact: Steve Calhoun, Senior Policy Analyst, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7091, or e-mail scalhoun@dhcd.state.va.us.

January 31, 2003 - 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 Housing and Community Development intends to repeal regulations entitled: **13 VAC 5-61. Virginia Uniform Statewide Building Code Regulations** and adopt regulations entitled: **13 VAC 5-62. Virginia Uniform Statewide Building Code Regulations**. The major substantive amendments to this regulation proposed by the Board of Housing and Community Development are to: (i) update the referenced model codes and standards; (ii) add that the USBC applies to amusement devices; (iii) add that officials and assistants may be held responsible for failure to discharge any duty required by law; (iv) add that the official must notify the Department of Housing and Community Development (department) of the employment of assistants; (v) change from three years to one and a half years the time allowed for a person to become certified; (vi) add that fire apparatus access road requirements be identified to the owner prior to the issuance of a building permit; (vii) add that when the fuel source is changed the chimney be certified safe; (viii) amend the time limits for certain reviews and issuance of building permits; and (ix) add annual testing of certain plumbing devices.

Statutory Authority: § 36-98 of the Code of Virginia.

Contact: Steve Calhoun, Senior Policy Analyst, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7091, or e-mail scalhoun@dhcd.state.va.us.

January 31, 2003 - 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 Housing and Community Development intends to amend regulations entitled: **13 VAC 5-80. Virginia Standards for Individual and Regional Code Academies**. The purpose of the proposed action is to bring the Virginia Standards for Individual and Regional Code Academies into line with the other building- and fire-related regulations promulgated by the board. The only substantive change is the deletion of the maximum amount of levy funds that may be carried over to the next fiscal year for operation of the individual or regional, training academies.

Statutory Authority: § 36-137 of the Code of Virginia.

Contact: Steve Calhoun, Senior Policy Analyst, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7091, or e-mail scalhoun@dhcd.state.va.us.

January 31, 2003 - 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 Housing and Community Development intends to amend regulations entitled: **13 VAC 5-91. Virginia Industrialized Building Safety Regulations**. The purpose of the proposed action is to update the construction model codes and standards to the same editions of the International Code Council (ICC) and National Fire Protection Association (NFPA) codes and standards being proposed for the Uniform Statewide Building Code (USBC), and to increase the registration seal fee for an industrialized building from \$50 to \$75 per seal.

Statutory Authority: § 36-73 of the Code of Virginia.

Contact: Steve Calhoun, Senior Policy Analyst, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7091, or e-mail scalhoun@dhcd.state.va.us.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† **January 22, 2003 - 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; may consider for approval and ratification mortgage loan commitments under its multi-family mortgage loan programs; may consider and if, appropriate, approve amendments to its Rules and Regulations for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income; will 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

Calendar of Events

Programs Committee, the Audit/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 ☎

STATE BOARD OF JUVENILE JUSTICE

February 28, 2003 - 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 adopt 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 governing the form and content of juvenile record information submitted to the Virginia Juvenile Justice Information System, ensuring the integrity of the data, protecting the confidentiality of the juvenile record information, and governing the dissemination of information in accordance with law.

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

Contact: Donald Carignan, Regulatory Coordinator, Department 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.

DEPARTMENT OF LABOR AND INDUSTRY

Virginia Migrant and Seasonal Farmworkers Board

† **January 29, 2003 - 10 a.m.** -- Open Meeting
Tyler Building, 1300 East Main Street, Court Room B, Second Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular quarterly meeting.

Contact: Betty B. Jenkins, Board Administrator, Department of Labor and Industry, 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2391, FAX (804) 371-6524, (804) 786-2376/TTY ☎, e-mail bbj@doli.state.va.us.

STATE LIBRARY BOARD

January 17, 2003 - 8:15 a.m. -- Open Meeting
† **March 17, 2003 - 8:15 a.m.** -- Open Meeting
The Library of Virginia, 800 East Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

Meetings of the board to discuss matters pertaining to The Library of Virginia and the board. Committees of the board will meet as follows:

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.

COMMISSION ON LOCAL GOVERNMENT

January 13, 2003 - 10 a.m. -- Open Meeting
Pocahontas Building, 900 East Main Street, Suite 103, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting to consider such matters as may be presented.

Contact: Barbara W. Bingham, Administrative Assistant, Commission on Local Government, Pocahontas Building, 900 E. Main St., Suite 103, Richmond, VA 23219-3513, telephone (804) 786-6508, FAX (804) 371-7999, (800) 828-1120/TTY ☎, e-mail bbingham@clg.state.va.us.

VIRGINIA MANUFACTURED HOUSING BOARD

January 16, 2003 - 10 a.m. -- Open Meeting
The Jackson Center, 501 North 2nd Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting to review manufactured home license applications, address manufactured home consumer complaints, and administer the Manufactured Housing Licensing and Transaction Recovery Fund Regulations.

Contact: Curtis L. McIver, State Building Code Administrator, Virginia Manufactured Housing Board, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7160, FAX (804) 371-7092, (804) 371-7089/TTY ☎, e-mail cmciver@dhcd.state.va.us.

MARINE RESOURCES COMMISSION

January 28, 2003 - 9:30 a.m. -- Open Meeting
† **February 25, 2003 - 9:30 a.m.** -- Open Meeting
Marine Resources Commission, 2600 Washington Avenue, 4th Floor, Newport News, Virginia. (Interpreter for the deaf provided upon request)

A monthly commission meeting.

Contact: Ginny Chappell, Commissioner's Secretary, Marine Resources Commission, 2600 Washington Ave., 1st Floor, 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

February 14, 2003 - 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 30-110. Eligibility and Appeals.** The purpose of the proposed action is to promulgate state regulations concerning which individuals are authorized to sign Medicaid applications to ensure that applications are only filed with the full knowledge and consent of the applicant or be someone legally acting on his behalf.

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

Contact: Pat Sykes, Policy Division, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7958, FAX (804) 786-1680, or e-mail psykes@dmas.state.va.us.

BOARD OF MEDICINE

† **January 24, 2003 - 8:30 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ☎

The Legislative Committee will consider legislative and regulatory issues as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.state.va.us.

† **January 24, 2003 - 8:45 a.m.** -- Public Hearing
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia.

† **March 14, 2003** - 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 Medicine intends to amend regulations entitled: **18 VAC 85-50. Regulations Governing the Practice of Physician Assistants.** The purpose of the proposed action is to set forth the information and documentation that must be provided prior to such service to ensure compliance with Chapter 740 of

the 2002 Acts of Assembly, which mandates that the board promulgate regulations for an out-of-state practitioner to be exempt from licensure or certification to volunteer his services to a nonprofit organization that has no paid employees and offers health care to underprivileged populations throughout the world. Chapter 387 of the 2002 Acts of Assembly mandates that the board promulgate regulations to implement provisions related to the supervision of a physician assistant and the protocol between the assistant and the physician. In accordance with the statute, regulations provide for continuous supervision but do not require the physical presence of the physician.

Statutory Authority: §§ 54.1-2400 and 54.1-2912.1 of the Code of Virginia.

Public comments may be submitted until March 14, 2003, to William L. Harp, M.D., Executive Director, Board of Medicine, 6603 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

January 31, 2003 - 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 Medicine intends to amend regulations entitled: **18 VAC 85-101. Regulations Governing the Licensure of Radiologic Technologists and Radiologic Technologists-Limited.** The purpose of the proposed action is to require persons training as a radiologic technologist-limited to gain practical experience in the radiologic procedures for which they are seeking licensure, and provisions that are established for a traineeship similar to that currently in effect for the radiologic technologists. In addition, the scope of practice for the limited licensee is further specified to exclude certain procedures for which they are not trained or tested. Regulations for endorsement are eliminated since the grandfathering provisions expired in 1999; persons licensed in other states who are seeking licensure in Virginia are licensed based on passage of the national examination. Finally, the provisions for the implementation of continuing education requirements are added.

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 January 31, 2003, to William L. Harp, M.D., Executive Director, Board of Medicine, 6603 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

Calendar of Events

January 31, 2003 - 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 Medicine intends to amend regulations entitled: **18 VAC 85-20. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, and Chiropractic.** The purpose of the proposed action is to clarify the board policies on (i) payment of late fees for failure to renew a license; (ii) advertising ethics; and (iii) utilization of acupuncture as a treatment modality. Amendments will also reduce the regulatory burden for applicants discharged from the military, for foreign medical graduates seeking a limited license, and for practitioners seeking to return to reinstate or reactive a license.

Statutory Authority: Chapter 29 of Title 54.1 of the Code of Virginia.

Public comments may be submitted until January 31, 2003, to William L. Harp, M.D., Executive Director, Board of Medicine, 6603 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

† **February 6, 2003 - 8 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia.

A general business meeting, including consideration of regulatory and disciplinary matters as may be presented on the agenda. Public comment will be accepted at the beginning of the meeting on agenda items.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.state.va.us.

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February 6, 2003 - 8:15 a.m. -- Public Hearing
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia.

February 28, 2003 - 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 Medicine intends to amend regulations entitled: **18 VAC 85-20. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, and Chiropractic; 18 VAC 85-40. Regulations Governing the Practice of Respiratory Care Practitioners; 18 VAC 85-80. Regulations Governing the Practice of Occupational Therapy; 18 VAC 85-101. Regulations Governing the Practice of Radiologic Technology; 18 VAC 85-110. Regulations Governing the Practice of Licensed Acupuncturists; and 18 VAC 85-120. Regulations Governing the Certification of Athletic Trainers.** The purpose of the proposed action is to establish

criteria for registration of out-of-state practitioners to practice in Virginia on a voluntary basis.

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

Public comments may be submitted until February 28, 2003, to William L. Harp, M.D., Executive Director, Board of Medicine, 6603 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

† **February 7, 2003 - 1 p.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Credentials Committee will be held in open and closed session to conduct general business, interview and review medical credentials of applicants applying for licensure in Virginia, and to discuss any other items which may come before the committee.

Contact: William L. Harp, MD, Executive Director, Board of Medicine, 6603 W. Broad St, 5th Floor, Richmond, VA 23230, telephone (804) 662-7423, FAX (804) 662-9517, (804) 662-7197/TTY ☎

Informal Conference Committee

January 15, 2003 - 8:45 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, Richmond, Virginia.

January 22, 2003 - 9:30 a.m. -- Open Meeting
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia.

January 29, 2003 - 9:30 a.m. -- Open Meeting
Clarion Hotel, 3315 Ordway Drive, Roanoke, Virginia.

January 30, 2003 - 9 a.m. -- Open Meeting
February 27, 2003 - 9:15 a.m. -- Open Meeting
Holiday Inn Select, 2801 Plank Road, Fredericksburg, Virginia.

A meeting to 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 or Renee Dixon, Staff, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-7332, FAX (804) 662-9517, (804) 662-7197/TTY ☎, e-mail Peggy.Sadler@dhp.state.va.us.

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

† **January 24, 2003 - 10 a.m.** -- Open Meeting
† **February 5, 2003 - 10 a.m.** -- Open Meeting
Virginia Office for Protection and Advocacy, 202 North 9th Street, 9th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting of the Qualified Providers Issues Team of the Olmstead Task Force.

Contact: Fran M. Sadler, Administrative Specialist, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218, telephone (804) 786-8019, FAX (804) 786-9248, (804) 371-8977/TTY, e-mail fsadler@dmhmrsas.state.va.us.

† **February 7, 2003 - 11 a.m.** -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting of the Waivers Issues Team of the Olmstead Task Force.

Contact: Fran M. Sadler, Administrative Specialist, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218, telephone (804) 786-8019, FAX (804) 786-9248, (804) 371-8977/TTY, e-mail fsadler@dmhmrsas.state.va.us.

† **March 7, 2003 - 9 a.m.** -- Open Meeting
Department for the Deaf and Hard-of-Hearing, Ratcliffe Building, 1602 Rolling Hills Drive, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting of the Steering Committee of the Olmstead Task Force.

Contact: Fran M. Sadler, Administrative Specialist, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218, telephone (804) 786-8019, FAX (804) 786-9248, (804) 371-8977/TTY, e-mail fsadler@dmhmrsas.state.va.us.

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

† **January 16, 2003 - 1 p.m.** -- Open Meeting
Sheraton Richmond West, 6624 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A quarterly meeting. A public comment period will be scheduled.

Contact: Marlene Butler, Executive Secretary to the State Board, State Mental Health, Mental Retardation and Substance Abuse Services Board, Jefferson Bldg., 1220 Bank St., 12th Floor, Richmond, VA 23219, telephone (804) 786-7945, FAX (804) 371-2308, e-mail mbutler@dmhmrsas.state.va.us.

January 17, 2003 - 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 amend regulations entitled: **12 VAC 35-11. Public Participation Guidelines.** The purpose of the proposed action is to update and revise the regulations to be consistent with the current law.

Statutory Authority: §§ 2.2-4007 and 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, FAX (804) 371-0092 or e-mail wbrown@dmhmrsas.state.va.us.

STATE MILK COMMISSION

February 12, 2003 - 10:30 a.m. -- Open Meeting
Compensation Board, 200 North 9th Street, 9th Street Office Building, 10th Floor Conference Room, Richmond, Virginia

A regular meeting to consider industry issues, distributor licensing, base transfers, and reports from staff. The commission offers anyone in attendance an opportunity to speak at the conclusion of the agenda. Those persons requiring special accommodations should notify the agency meeting contact at least five working days prior to the meeting date so that suitable arrangements can be made.

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, e-mail ewilson@smc.state.va.us.

MOTOR VEHICLE DEALER BOARD

January 13, 2003 - 8:30 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia. (Interpreter for the deaf provided upon request)

Committees will meet as follows:

- Dealer Practices Committee - 8:30 a.m.
- Licensing Committee - Immediately following Dealer Practices Committee
- Advertising Committee - 9:30 a.m. or five minutes after Licensing Committee.
- Transaction Recovery Fund Committee - Immediately following Advertising Committee
- Franchise Law Committee - To be scheduled as needed

The full board will meet at 10:30 a.m. or five to 45 minutes following the Transaction Recovery Fund Committee. Meetings may begin later, but not earlier than scheduled. Meeting end times are approximate. Any person who needs any accommodation in order to participate in the meeting

Calendar of Events

should contact the board at least 10 days before the meeting so that suitable arrangements can be made.

Contact: Alice R. Weedon, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100, FAX (804) 367-1053, toll-free (877) 270-0203, e-mail dboard@mvb.state.va.us.

DEPARTMENT OF MOTOR VEHICLES

† **March 12, 2003 - 8 a.m.** -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular business meeting of the Medical Advisory Board.

Contact: Jacquelin Branche, R. N., Assistant Division Manager, Department of Motor Vehicles, 2300 W. Broad St., Richmond, VA 23220, telephone (804) 367-0531, FAX (804) 367-1604, e-mail dmvj3b@dmv.state.va.us.

VIRGINIA MUSEUM OF FINE ARTS

† **January 21, 2003 - 10 a.m.** -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Auditorium, Richmond, Virginia.

A meeting to update the trustees. Most of the meeting will be held in closed session. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY, e-mail sbroyles@vmfa.state.va.us.

February 4, 2003 - 8 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Main Lobby Conference Room, Richmond, Virginia.

A monthly meeting for staff to update the Executive Committee. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, Virginia 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY, e-mail sbroyles@vmfa.state.va.us.

BOARD OF NURSING

January 27, 2003 - 9 a.m. -- Open Meeting
January 29, 2003 - 9 a.m. -- Open Meeting
January 30, 2003 - 9 a.m. -- Open Meeting
March 17, 2003 - 9 a.m. -- Open Meeting
March 19, 2003 - 9 a.m. -- Open Meeting
March 20, 2003 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.

A panel of the board will conduct formal hearings with licensees or certificate holders. Public comment will not be received.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY, e-mail nursebd@dhp.state.va.us.

January 28, 2003 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.

A general business meeting, including consideration of regulations and disciplinary matters as may be presented on the agenda. Public comment will be received at the open forum scheduled at 11 a.m.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY, e-mail nancy.durrett@dhp.state.va.us.

January 28, 2003 - 1:30 p.m. -- Public Hearing
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.

February 28, 2003 - 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 90-20. Regulations Governing the Practice of Nursing.** The purpose of the proposed action is to replace emergency regulations for voluntary practice by out-of-state nurses.

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

Public comments may be submitted until February 28, 2003, to Jay Douglas, R.N., Deputy Executive Director, Board of Nursing, 6603 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

BOARD OF NURSING HOME ADMINISTRATORS

January 15, 2003 - 9:30 a.m. -- Public Hearing
Department of Health Professions, 6603 West Broad Street, Richmond, Virginia.

January 31, 2003 - 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 Home Administrators intends to amend regulations entitled: **18 VAC 95-20. Regulations Governing the Practice of Nursing Home Administrators.** The purpose of the proposed action is to allow additional hours of credit in an

administrator in training program for persons with certain educational or professional credentials, to clarify certain sections and to enable a trainee to work in a practicum or administrator-in-training program outside of Virginia in a licensed nursing care facility under the supervision of a nursing home administrator licensed in that jurisdiction.


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


Public comments may be submitted until January 31, 2003, to Sandra K. Reen, Executive Director, Board of Nursing Home Administrators, 6603 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

† **January 15, 2003 - 10 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. 


A general business meeting including consideration of regulatory and disciplinary issues as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: Sandra Reen, Executive Director, Board of Nursing Home Administrators, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-7457, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail sandra_reen@dhp.state.va.us.

January 15, 2003 - 1 p.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. 

The board will hold a formal hearing. There will not be a public comment period.


Contact: Cheri Emma-Leigh, Operations Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY , e-mail CEmma-Leigh@dhp.state.va.us.

† **February 19, 2003 - 8:30 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. 

The Special Conference Committee will meet to hold informal hearings. There will not be a public comment period.

Contact: Cheri Emma-Leigh, Operations Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY , e-mail CEmma-Leigh@dhp.state.va.us.

BOARD OF OPTOMETRY

January 24, 2003 - Noon -- Public Hearing
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. 


February 28, 2003 - 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 Optometry intends to amend regulations entitled: **18 VAC 105-20. Regulations Governing the Practice of Optometry**. The purpose of the proposed action is to replace emergency regulations for voluntary practice by out-of-state optometrists.


Statutory Authority: §§ 54.1-2400 and 54.1-3202 of the Code of Virginia.

Public comments may be submitted until February 28, 2003, to Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, 6603 West Broad Street, Richmond, VA 23230.


Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

† **January 24, 2003 - 12:15 p.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. 

A general business meeting to include regulatory and disciplinary issues as may be presented on the agenda. Public comment will be received at the beginning of the meeting.


Contact: Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9910, FAX (804) 662-9504, (804) 662-7197/TTY , e-mail elizabeth.carter@dhp.state.va.us.

BOARD OF PHARMACY

† **January 16, 2003 - 1 p.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. 

A meeting of the Informal Conference Committee for approval of pilot program applications.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9911, FAX (804) 662-9313, e-mail pharmbd@dhp.state.va.us.


January 24, 2003 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 4, 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, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9911, FAX (804) 662-9313.

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Calendar of Events

February 10, 2003 - 9 a.m. -- Public Hearing
Department of Health Professions, 6603 West Broad Street,
5th Floor, Conference Room 2, Richmond, Virginia. 


February 28, 2003 - 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 purpose of the
proposed action is to replace emergency regulations for
voluntary practice by out-of-state pharmacists.


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

Public comments may be submitted until February 28, 2003,
to Elizabeth Scott Russell, Executive Director, Board of
Pharmacy, 6603 West Broad Street, Richmond, VA 23230.


Contact: Elaine J. Yeatts, Regulatory Coordinator,
Department of Health Professions, 6603 W. Broad St.,
Richmond, VA 23230, telephone (804) 662-9918, FAX (804)
662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

February 10, 2003 - 9:15 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Conference Room 2, Richmond, Virginia. 

A general business meeting, including consideration of
regulatory, legislative, and disciplinary matters as may be
presented on the agenda. Public comment will be received
at the beginning of the meeting following adoption of the
agenda.

Contact: Elizabeth Scott Russell, RPh, Executive Director,
Board of Pharmacy, Alcoa Bldg., 6603 W. Broad St., 5th
Floor, Richmond, VA 23230-1712, telephone (804) 662-9911,
FAX (804) 662-9313, (804) 662-7197/TTY , e-mail
scottirussell@dhp.state.va.us.


VIRGINIA PORT AUTHORITY

January 28, 2003 - 9:30 a.m. -- Open Meeting
Virginia Port Authority, 600 World Trade Center, Norfolk,
Virginia.  (Interpreter for the deaf provided upon request)


The meeting will begin at 9:30 a.m. and the board will
immediately enter into a closed session conducted pursuant
to Virginia law. At 11 a.m. the board will reconvene in open
session. Public comment, if any, will be received at the
open session toward the end of the meeting.

Contact: Robert R. Merhige, III, Deputy Executive Director
and General Counsel, Virginia Port Authority, 600 World
Trade Center, Norfolk, VA 23510, telephone (757) 683-8000,
FAX (757) 683-2166, toll-free (800) 446-8098, e-mail
dmcnulty@portofvirginia.com.

VIRGINIA OFFICE FOR PROTECTION AND ADVOCACY

† **January 16, 2003 - 10 a.m.** -- Open Meeting
Crowne Plaza Hotel, 555 East Canal Street, Drake Room,
Richmond, Virginia.  (Interpreter for the deaf provided upon
request)


A quarterly meeting of the Developmental Disabilities
Advisory Council. Public comment is welcome and will be
received at approximately 10:15 a.m.

Contact: Kim Ware, Program Operations Coordinator,
Virginia Office for Protection and Advocacy, 202 N. 9th St., 9th
Floor, Richmond, VA 23219, telephone (804) 225-2061, FAX
(804) 225-3221, toll-free (800) 552-3962, (804) 225-2042/TTY
, e-mail wareka@vopa.state.va.us.


BOARD OF PSYCHOLOGY

† **February 25, 2003 - 10 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Richmond, Virginia. 

Informal administrative hearings to hear possible violations
of Board of Psychology regulations and statutes. No public
comment will be heard.

Contact: Evelyn B. Brown, Executive Director, Board of
Psychology, 6603 W. Broad St., 5th Floor, Richmond, VA
23230-1712, telephone (804) 662-9913, FAX (804) 662-7250,
(804) 662-7197/TTY , e-mail
evelyn.brown@dhp.state.va.us.


VIRGINIA RACING COMMISSION

† **January 15, 2003 - 9:30 a.m.** -- Open Meeting
Tyler Building, 1300 East Main Street, Richmond, Virginia. 


A monthly meeting. The commission will consider the
request for live harness racing days at Colonial Downs. The
licensee is seeking 15 days commencing on October 4,
2003, and concluding on October 27, 2003. Public comment
will be received.

Contact: William H. Anderson, Director of Policy and
Planning, Virginia Racing Commission, 10700 Horsemen's
Rd., New Kent, VA 23124, telephone (804) 966-7404, FAX
(804) 966-7418, e-mail Anderson@vrc.state.va.us.


REAL ESTATE APPRAISER BOARD

February 18, 2003 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. 



A meeting to conduct board business.


Contact: Christine Martine, Assistant Director, Real Estate
Appraiser Board, 3600 W. Broad St., Richmond, VA 23230,
telephone (804) 367-8552, FAX (804) 367-2475, (804) 367-
9753/TTY , e-mail reappraisers@dpor.state.va.us.

REAL ESTATE BOARD



January 15, 2003 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. 


A meeting to conduct Fair Housing and Enforcement Training.

Contact: Christine Martine, Assistant Director, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, (804) 367-9753/TTY  , e-mail REBoard@dpor.state.va.us.



January 15, 2003 - 4 p.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. 


A meeting of the Education Committee to review education applications.

Contact: Christine Martine, Assistant Director, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, (804) 367-9753/TTY  , e-mail REBoard@dpor.state.va.us.



January 16, 2003 - 8:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. 

A meeting to review fair housing cases.

Contact: Christine Martine, Assistant Director, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, (804) 367-9753/TTY  , e-mail REBoard@dpor.state.va.us.

January 16, 2003 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. 

A meeting to conduct board business.


Contact: Christine Martine, Assistant Director, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, (804) 367-9753/TTY  , e-mail REBoard@dpor.state.va.us.

February 19, 2003 - 9 a.m. -- Open Meeting



February 20, 2003 - 9 a.m. -- Open Meeting

† **April 9, 2003 - 9 a.m.** -- Open Meeting


† **April 10, 2003 - 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 informal fact finding conferences. Persons desiring to participate in the meeting and requiring special accommodations or interpreter 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: Debbie Amaker, Legal Assistant, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8582, FAX (804) 367-0194, (804) 367-9753/TTY  , e-mail amaker@dpor.state.va.us.

BOARD OF REHABILITATIVE SERVICES

January 23, 2003 - 10 a.m. -- Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to conduct quarterly business of the board.


Contact: Barbara G. Tyson, Administrative Staff Specialist, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA 23288, telephone (804) 662-7010, FAX (804) 662-7644, toll-free (800) 552-5019, (804) 464-9950/TTY , e-mail tysonbg@drs.state.va.us.

VIRGINIA RESOURCES AUTHORITY

NOTE: CHANGE IN MEETING TIME

January 14, 2003 - 9 a.m. -- Open Meeting

February 11, 2003 - 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 bonds; (vi) review the results of 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 R. C. McRae, Executive Assistant, Virginia Resources Authority, 707 E. Main St., Richmond, VA 23219, telephone (804) 644-3100, FAX (804) 644-3109, e-mail bmcrae@vra.state.va.us.

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

† **January 28, 2003 - 11 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. Meeting time 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) 371-8256, FAX (804) 225-3384, e-mail sparsons@dba.state.va.us.

Calendar of Events

STATE BOARD OF SOCIAL SERVICES

January 31, 2003 - 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 consider repealing regulations entitled: **22 VAC 40-220. Agency Placement Adoptions-Guiding Principles.** The purpose of the proposed action is to repeal the regulation as the state and federal laws reflected in the regulation are no longer in effect.

Statutory Authority: §§ 63.1-25 and 63.1-56 of the Code of Virginia.

Contact: Karin Clark, Adoption Program Consultant, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1251, FAX (804) 692-1284, or e-mail kac900@dss.state.va.us.

DEPARTMENT OF SOCIAL SERVICES

January 17, 2003 - 10 a.m. -- Open Meeting
Piper Rudnick, 1775 Wiehle Avenue, Suite 400, Reston, Virginia.

† **April 12, 2003 - 10 a.m.** -- Open Meeting
Hotel Roanoke, Roanoke, Virginia.

A quarterly meeting of the Virginia Commission on National and Community Services. The commission will discuss issues regarding the commission's federal mandate from the Governor, the Corporation for National and Community Service, and the Commission Chair.

Contact: Felicia Jones, Administrative Assistant, Department of Social Services, 730 E. Broad St., 8th Floor, Richmond, VA 23219, telephone (804) 692-1998, FAX (804) 692-1999, toll-free (800) 638-3839.

March 20, 2003 - 1:30 p.m. -- Open Meeting
Department of Social Services, 730 East Broad Street, Richmond, Virginia. ♿

New board member orientation for the Family and Children's Trust Fund Board.

Contact: Nan McKenney, Executive Director, Department of Social Services, 760 E. Broad St., 8th Floor, Richmond, VA 23219, telephone (804) 692-1823, FAX (804) 692-1869, e-mail fct900@dss.state.va.us.

March 21, 2003 - 10 a.m. -- Open Meeting
Department of Social Services, 730 East Broad Street, Richmond, Virginia. ♿

A regular meeting of the Family and Children's Trust Fund Board.

Contact: Nan McKenney, Executive Director, Department of Social Services, 760 E. Broad Street, 8th Floor, Richmond, VA 23219, telephone (804) 692-1823, FAX (804) 692-1869, e-mail fct900@dss.state.va.us.

DEPARTMENT OF TECHNOLOGY PLANNING

Virginia Research and Technology Advisory Commission

March 10, 2003 - 2 p.m. -- Open Meeting
Washington, DC; location to be determined.

A quarterly meeting to coincide with Capitol Hill Day.

Contact: K. C. Das, Department of Technology Planning, 110 S. 7th Street, Suite 135, Richmond, VA 23219, telephone (804) 371-5599, FAX (804) 371-2795, e-mail kcdas@dit.state.va.us.

Virginia Geographic Information Network Advisory Board

March 6, 2003 - 1:30 p.m. -- Open Meeting
Richmond Plaza Building, 110 South 7th Street, 3rd Floor Training Room, Richmond, Virginia. ♿

A regular meeting.

Contact: Bill Shinar, VGIN Coordinator, Department of Technology Planning, 110 S. 7th St., Suite 135, Richmond, VA 23219, telephone (804) 786-8175, FAX (804) 371-2795, e-mail bshinar@vgin.state.va.us.

COUNCIL ON TECHNOLOGY SERVICES

† **January 16, 2003 - 3 p.m.** -- Open Meeting

† **February 20, 2003 - 3 p.m.** -- Open Meeting

† **March 20, 2003 - 3 p.m.** -- Open Meeting

Department of Rehabilitative Services, 8004 Franklin Farms Drive, Lee Building, Rooms 101, 103, and 105, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular monthly meeting of the Security Workgroup. Agenda and more details can be found at www.cots.state.va.us

Contact: Jenny Hunter, Executive Director, Council on Technology Services, Department of Technology Planning, 110 S. 7th St., Suite 135, Richmond, VA 23219, telephone (804) 786-9579, FAX (804) 786-9584, e-mail jhunter@gov.state.va.us.

† **February 6, 2003 - 3 p.m.** -- Open Meeting

† **March 6, 2003 - 2 p.m.** -- Open Meeting

† **April 3, 2003 - 2 p.m.** -- Open Meeting

Department of Information Technology, 110 South 7th Street, 3rd Floor, Executive Conference Room, Richmond, Virginia.

A regular monthly meeting of the Executive Committee. Agenda and meeting information available at www.cots.state.va.us.

Contact: Jenny Hunter, COTS Executive Director, Council on Technology Services, Department of Technology Planning, 110 S. 7th St., Richmond, VA 23219, telephone (804) 786-9579, FAX (804) 786-9584, e-mail jhunter@gov.state.va.us.

† **February 12, 2003 - 9:30 a.m.** -- Open Meeting
† **March 12, 2003 - 9:30 a.m.** -- Open Meeting
† **April 9, 2003 - 9:30 a.m.** -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, 7th Floor, Executive Conference Room, Richmond, Virginia. ☎

A regular monthly meeting of the Change Management Workgroup. Agenda and details available at www.cots.state.va.us.

Contact: Jenny Hunter, COTS Executive Director, Council on Technology Services, Department of Technology Planning, 110 S. 7th St., Suite 135, Richmond, VA 23219, telephone (804) 786-9579, FAX (804) 786-9584, e-mail jhunter@gov.state.va.us.

† **March 13, 2003 - 1:30 p.m.** -- Open Meeting
Virginia Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia. ☎

A regular bimonthly meeting. Agenda and meeting details available at www.cots.state.va.us

Contact: Jenny Hunter, Executive Director, Council on Technology Services, Department of Technology Planning, 110 S. 7th St., Suite 135, Richmond, VA 23219, telephone (804) 786-9579, FAX (804) 786-9584, e-mail jhunter@gov.state.va.us.

VIRGINIA TOBACCO SETTLEMENT FOUNDATION

† **March 18, 2003 - 1:30 p.m.** -- Open Meeting
VCU Siegel Center, 1200 West Broad Street, Richmond, Virginia.

A meeting of the Board of Trustees to receive program updates.

Contact: Eloise Burke, Administrative Specialist, Virginia Tobacco Settlement Foundation, 701 E. Franklin St., Suite 501, Richmond, VA 23219, telephone (804) 786-2523, FAX (804) 225-2272, e-mail eburke@tsf.state.va.us.

VIRGINIA TOURISM AUTHORITY

† **January 15, 2003 - 10 a.m.** -- Open Meeting
Virginia Tourism Authority, 901 East Byrd Street, Richmond, Virginia. ☎

A presentation concerning the 511 Shentell Program will be given to the Board of Trustees, along with the "Virginia is for Lovers" video and a discussion of conversion reports.

Contact: Winston Evans, Administrative Assistant, Virginia Tourism Authority, 901 E. Byrd St., telephone (804) 371-8174, FAX (804) 786-1919, (804) 371-0327/TTY ☎, e-mail wevans@virginia.org.

COMMONWEALTH TRANSPORTATION BOARD

† **January 15, 2003 - 12:30 p.m.** -- Open Meeting
Department of Transportation, 1401 East Broad Street, Commissioner's Conference Room, 3rd Floor, Richmond, Virginia. ☎

A meeting of the Auditor of Public Accounts Recommendations Review Committee to discuss recommendations in the report "Special Review of Cash Management and Capital Budgeting Practices" conducted by the Auditor of Public Accounts (APA).

Contact: Sandra M. Mills, Assistant Legislative Coordinator, Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 225-4701, FAX (804) 225-4700, e-mail Sandee.Mills@VirginiaDOT.org.

† **January 15, 2003 - 2 p.m.** -- Open Meeting
† **February 19, 2003 - 2 p.m.** -- Open Meeting
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: Sandra M. Mills, Assistant Legislative Coordinator, Commonwealth Transportation Board, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 225-4701, FAX (804) 225-4700, e-mail Sandee.Mills@VirginiaDOT.org.

January 16, 2003 - 9 a.m. -- Open Meeting
† **February 20, 2003 - 9 a.m.** -- Open Meeting
Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia. ☎

A monthly meeting to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval. Public comment will be received at the outset of the meeting on items on the meeting agenda for which the opportunity for public comment has not been afforded the public in another forum. Remarks will be limited to five minutes. Large groups are asked to select one individual to speak for the group. The board reserves the right to amend these conditions. Separate committee meetings may be held on call of the chairman. Contact VDOT Public Affairs at (804) 786-2715 for schedule.

Contact: Sandra M. Mills, Assistant Legislative Coordinator, Commonwealth Transportation Board, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 225-4701, FAX (804) 225-4700, e-mail Sandee.Mills@VirginiaDOT.org.

January 17, 2003 - 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 Commonwealth Transportation Board intends to amend regulations entitled: **24 VAC 30-71. Minimum Standards of Entrances to State Highways.** The purpose of the proposed action is to update regulatory content and documents referenced, and incorporate suggested changes pursuant to the most recent periodic review.


Statutory Authority: §§ 33.1-12, 33.1-197 and 33.1-198 of the Code of Virginia.

Contact: Steve D. Edwards, Transportation Engineer Senior, Mobility Engineer Senior, Department of Transportation, 1100

Calendar of Events

Bank St., Richmond, VA 23219, telephone (804) 786-0121,
FAX (804) 225-2448 or e-mail
Steve.Edwards@VirginiaDOT.org.

BOARD OF VETERINARY MEDICINE

† **February 12, 2003 - 9:15 a.m.** -- Public Hearing
Department of Health Professions, 6603 West Broad Street,
5th Floor, Board Room 2, Richmond, Virginia. 

March 14, 2003 - 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 Veterinary Medicine
intends to amend regulations entitled: **18 VAC 150-20.
Regulations Governing the Practice of Veterinary
Medicine.** The purpose of the proposed action is to
establish requirements for registration of out-of-state
practitioners to engage in voluntary practice of veterinary
medicine.

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

Public comments may be submitted until March 14, 2003, to
Elizabeth Carter, Ph.D., Executive Director, Board of
Veterinary Medicine, 6603 West Broad Street, Richmond, VA
23230-1717.

Contact: Elaine J. Yeatts, Regulatory Coordinator,
Department of Health Professions, 6603 W. Broad St.,
Richmond, VA 23230, telephone (804) 662-9918, FAX (804)
662-9114 or e-mail elaine.yeatts@dhp.state.va.us.


BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS

† **January 14, 2003 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. 

A meeting to conduct board business.

Contact: David E. Dick, Assistant Director, Board for Waste
Management Facility Operators, 3600 W. Broad St.,
Richmond, VA 23230, telephone (804) 367-8595, FAX (804)
367-2475, (804) 367-9753/TTY , e-mail
wastemgt@dpor.state.va.us.


STATE WATER CONTROL BOARD

January 22, 2003 - 1 p.m. -- Open Meeting
Department of Environmental Quality, Tidewater Regional
Office, 5636 Southern Boulevard, Virginia Beach, Virginia. 

A meeting to receive comments on the State Water Control
Board's notice of intended regulatory action to adopt a
regulation concerning financial assurance of tidal dredging
project mitigation.

Contact: Ellen Gilinsky, State Water Control Board, P.O. Box
10009, Richmond, VA 23240, telephone (804) 698-4375, e-
mail egilinsky@deq.state.va.us.

THE COLLEGE OF WILLIAM AND MARY


† **January 22, 2003 - 2 p.m.** -- Open Meeting
Pump House Building, 120 Tredegar Street, Dominion
Resources Board Room, Richmond, Virginia.  (Interpreter
for the deaf provided upon request)

A meeting of the Board of Visitors' Committee on Audit.
There will be no opportunity for public comment.

Contact: William T. Walker, Jr., Associate Vice President for
Public Affairs, The College of William and Mary, 312
Jamestown Rd., Williamsburg, VA 23185, telephone (757)
221-2624, FAX (757) 221-1021, e-mail wtwal2@wm.edu.

COMPREHENSIVE SERVICES FOR YOUTH AND FAMILIES

State Executive Council


† **January 29, 2003 - 9 a.m.** -- Open Meeting
† **February 26, 2003 - 9 a.m.** -- Open Meeting
† **March 26, 2003 - 9 a.m.** -- Open Meeting
Department of Social Services, 730 East Broad Street, Lower
Level Room 3, Richmond, Virginia. 

The meeting is generally held the last Wednesday of each
month at the Department of Social Services, Lower Level
Room 3. For traveling directions, please call (804) 692-
1100.

Contact: Alan G. Saunders, Director, Office of
Comprehensive Services, Comprehensive Services for Youth
and Families, 1604 Santa Rosa Rd., Richmond, VA 23229,
telephone (804) 662-9815, FAX (804) 662-9831, e-mail
ags992@central.dss.state.va.us.

INDEPENDENT

STATE LOTTERY BOARD

† **January 22, 2003 - 9:30 a.m.** -- Open Meeting
Pocahontas Building, 900 East Main Street, Richmond,
Virginia. 

A regular meeting. A period for public comment will be held
near the beginning of the meeting.

Contact: Barbara L. Robertson, Legislative and Regulatory
Coordinator, State Lottery Department, 900 E. Main St.,
Richmond, VA 23219, telephone (804) 692-7105, FAX (804)
692-7775, e-mail brobertson@valottery.state.va.us.

February 14, 2003 - 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 Lottery Board intends to
amend regulations entitled: **11 VAC 5-10. Guidelines for
Public Participation in Regulation Development and
Promulgation.** The purpose of the proposed action is to

Calendar of Events

delete nonessential language, to simplify the regulation, and to add a section regarding the periodic review of the regulations.

Statutory Authority: §§ 2.2-4007 and 58.1-4007 of the Code of Virginia

Public comments may be submitted until 5 p.m. on February 14, 2003.

Contact: Barbara L. Robertson, Board, Legislative and Regulatory Coordinator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7105, FAX (804) 692-7775, or e-mail: brobertson@valottery.state.va.us.

February 14, 2003 - 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 Lottery Board intends to amend regulations entitled: **11 VAC 5-20. Administration Regulations**. The purpose of the proposed action is to simplify and clarify the regulations and eliminate redundant and unnecessary language. Amendments under consideration include, but are not limited to (i) clarifying definitions, (ii) providing for winner participation in press conferences; (iii) clarifying licensing appeal procedures; (iv) transferring specific, detailed procurement procedures from regulations to department manuals which will be incorporated by reference; and (v) reducing unnecessary or duplicative regulations regarding board and department operations, specifically, committee membership, election of officers, percentage allocation of lottery revenue, audit schedules and depositories for ticket transfer.

Statutory Authority: § 58.1-4007 of the Code of Virginia

Public comments may be submitted until 5 p.m. on February 14, 2003.

Contact: Barbara L. Robertson, Board, Legislative and Regulatory Coordinator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7105, FAX (804) 692-7775, or e-mail: brobertson@valottery.state.va.us.

February 14, 2003 - 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 Lottery Board intends to repeal regulations entitled: **11 VAC 5-30. Instant Game Regulations**. The purpose of the proposed action is to reorganize current lottery regulations by combining instant licensing and game provisions with those for on-line games and incorporate all in new licensing and lottery game regulations.

Statutory Authority: § 58.1-4007 of the Code of Virginia

Public comments may be submitted until 5 p.m. on February 14, 2003.

Contact: Barbara L. Robertson, Board, Legislative and Regulatory Coordinator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7105, FAX (804) 692-7775, or e-mail: brobertson@valottery.state.va.us.

March 5, 2003 - 9:30 a.m. -- Public Hearing
Lottery Headquarters, 900 East Main Street, Richmond, Virginia.

February 14, 2003 - 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 Lottery Board intends to adopt regulations entitled: **11 VAC 5-31. Licensing Regulations**. The purpose of the proposed action is to create a chapter containing lottery retailer licensing requirements, including eligibility requirements, application procedure, bonding and bank account requirements, licensing terms and fees, retailer compensation, retailer standards of conduct, license denial or revocation, and audit of records.

Statutory Authority: § 58.1-4007 of the Code of Virginia

Public comments may be submitted until 5 p.m. on February 14, 2003.

Contact: Barbara L. Robertson, Board, Legislative and Regulatory Coordinator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7105, FAX (804) 692-7775, or e-mail: brobertson@valottery.state.va.us.

February 14, 2003 - 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 Lottery Board intends to repeal regulations entitled: **11 VAC 5-40. On-Line Game Regulations**. The purpose of the proposed action is to reorganize current lottery regulations by combining on-line licensing and game provisions with those for instant games and incorporate all in new licensing and lottery game regulations.

Statutory Authority: § 58.1-4007 of the Code of Virginia

Public comments may be submitted until 5 p.m. on February 14, 2003.

Contact: Barbara L. Robertson, Board, Legislative and Regulatory Coordinator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7105, FAX (804) 692-7775, or e-mail: brobertson@valottery.state.va.us.

Calendar of Events

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February 14, 2003 - 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 Lottery Board intends to adopt regulations entitled: **11 VAC 5-41. Lottery Game Regulations**. The purpose of the proposed action is to create a new chapter containing procedures specifically related to all types of lottery games, including operational parameters for the conduct of games, validation requirements and payment of prizes.

Statutory Authority: § 58.1-4007 of the Code of Virginia

Public comments may be submitted until 5 p.m. on February 14, 2003.


Contact: Barbara L. Robertson, Board, Legislative and Regulatory Coordinator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7105, FAX (804) 692-7775, or e-mail: brobertson@valottery.state.va.us.

VIRGINIA RETIREMENT SYSTEM


January 23, 2003 - 12:15 p.m. -- Open Meeting
February 20, 2003 - 12:15 p.m. -- Open Meeting
VRS Investment Department, Bank of America Building, 1111 East Main Street, 4th Floor, Richmond, Virginia. 


A regular meeting of the Corporate Governance Task Force.

Contact: Phyllis Henderson, Investment Department Administrative Assistant, Virginia Retirement System, 1111 E. Main St., Richmond, VA 23219, telephone (804) 697-6675, FAX (804) 786-1541, toll-free (888) 827-3847, e-mail phenderson@vrs.state.va.us.

February 19, 2003 - 11 a.m. -- Open Meeting
March 19, 2003 - 11 a.m. -- Open Meeting
Bank of America Building, 1111 East Main Street, 4th Floor Conference Room, Richmond, Virginia. 

A regular meeting of the Investment Advisory Committee. No public comment will be received at the meeting.


Contact: Phyllis Henderson, Virginia Retirement System, 1111 E. Main St., Richmond, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY , e-mail phenderson@vrs.state.va.us.


February 19, 2003 - 2:30 p.m. -- Open Meeting
VRS Headquarters, 1200 East Main Street, Richmond, Virginia. 

The following committees will meet:


- 3 p.m. - Benefits and Actuarial Committee
- 4 p.m. - Audit and Compliance

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.

February 20, 2003 - 9 a.m. -- Open Meeting
March 20, 2003 - 9 a.m. -- Open Meeting
VRS Headquarters, 1200 East Main Street, Richmond, Virginia. 

A regular meeting of the Board of Trustees. No public comment will be received.

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.

VIRGINIA WORKERS' COMPENSATION COMMISSION

† February 20, 2003 - 10 a.m. -- Public Hearing
Virginia Workers' Compensation Commission, 1000 DMV Drive, Courtroom A, Richmond, Virginia. 

March 14, 2003 - 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 Workers' Compensation Commission intends to amend regulations entitled: **16 VAC 30-50. Rules of the Virginia Workers' Compensation Commission**. The purpose of the proposed action is to comply with the General Assembly's mandate (Chapter 538 of the 2002 Acts of Assembly), directing that it promulgate rules and regulations by July 1, 2003, "instituting an expedited calendar for the administration of claims under the Virginia Workers' Compensation Act in which the employer's denial of benefits satisfies criteria establishing that delays will cause an injured employee to incur severe economic hardship."

Statutory Authority: § 65.2-201 of the Code of Virginia; Chapter 538 of the 2002 Acts of Assembly.

Public comments may be submitted until 5 p.m. on March 14, 2003.

Contact: Mary Ann Link, Chief Commissioner, Virginia Workers' Compensation Commission, 1000 DMV Drive, Richmond, VA 23220, telephone (804) 367-8664, FAX (804) 367-9740, or e-mail: maryann.link@vwc.state.va.us.

LEGISLATIVE

Notice to Subscribers

Legislative meetings held during the Session of the General Assembly are exempted from publication in *The Virginia Register of Regulations*. You may call Legislative Information for information on standing committee meetings. The number is (804) 698-1500.

CHRONOLOGICAL LIST

OPEN MEETINGS

January 13

- † Alcoholic Beverage Control Board
- Local Government, Commission on
- Motor Vehicle Dealer Board
 - Advertising Committee
 - Dealer Practices Committee
 - Licensing Committee
 - Transaction Recovery Fund Committee

January 14

- † Conservation and Recreation, Department of
 - Virginia Soil and Water Conservation Board
- Corrections, Board of
 - Correctional Services Committee
 - Liaison Committee
- Resources Authority, Virginia
- † Waste Management Facility Operators, Board for

January 15

- Aging, Commonwealth Council on
 - Public Relations Committee
- Corrections, Board of
 - Administration Committee
- Higher Education for Virginia, State Council of
- Medicine, Board of
 - Informal Conference Committee
- † Nursing Home Administrators, Board of
- † Racing Commission, Virginia
- Real Estate Board
 - Education Committee
- † Tourism Authority, Virginia
- † Transportation Board, Commonwealth

January 16

- Agriculture and Consumer Services, Department of
 - Pesticide Control Board
- Manufactured Housing Board, Virginia
- † Mental Health, Mental Retardation and Substance Abuse Services Board, State
- † Pharmacy, Board of
 - Informal Conference Committee
- † Protection and Advocacy, Virginia Office for
 - Developmental Disabilities Advisory Council
- Real Estate Board
- † Technology Services, Council
 - Security Workgroup
- † Transportation Board, Commonwealth

January 17

- Dentistry, Board of
 - Special Conference Committee
- Library Board, State
 - Archival and Information Services Committee
 - Collection Management Services Committee
 - Legislative and Finance Committee
 - Publications and Education Services Committee
 - Public Library Development Committee
 - Records Management Committee
- Social Services, Department of
 - Virginia Commission on National and Community Service

January 20

- † Agriculture and Consumer Services, Department of
 - Virginia Irish Potato Board

January 21

- Compensation Board
- † Funeral Directors and Embalmers, Board of
 - Continuing Education Committee
- Housing and Community Development, Board of
- † Museum of Fine Arts, Virginia
 - Board of Trustees

January 22

- Contractors, Board for
- † Housing Development Authority, Virginia
 - Board of Commissioners
- † Lottery Board, State
- Medicine, Board of
 - Informal Conference Committee
- Water Control Board, State
- † William and Mary, The College of
 - Committee on Audit

January 23

- Rehabilitative Services, Board of
- Retirement System, Virginia
 - Corporate Governance Task Force

January 24

- † Medicine, Board of
 - Legislative Committee
- † Mental Health, Mental Retardation and Substance Abuse Services, Department of
- † Optometry, Board of
- Pharmacy, Board of
 - Special Conference Committee

January 27

- † Alcoholic Beverage Control Board
- Education, Board of
 - Advisory Board for Teacher Education and Licensure
- Environmental Quality, Department of
- Nursing, Board of

January 28

- Environmental Quality, Department of
- Funeral Directors and Embalmers, Board of
- Marine Resources Commission
- Nursing, Board of
- Port Authority, Virginia
 - Board of Commissioners
- † Small Business Financing Authority, Virginia

January 29

- Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for
 - Architects Section
- Community Colleges, State Board for
 - Academic and Student Affairs Committee
 - Audit Committee
 - Budget and Finance Committee
 - Executive Committee
 - Facilities and Personnel Committee
- † Labor and Industry, Department of
 - Virginia Migrant and Seasonal Farmworkers Board
- Medicine, Board of
 - Informal Conference Committee
- Nursing, Board of

Calendar of Events

- † Youth and Families, Comprehensive Services for
- State Executive Council
- January 30**
Community Colleges, State Board for
George Mason University
- Board of Visitors
Medicine, Board of
- Informal Conference Committee
Nursing, Board of
- January 31**
Dentistry, Board of
- Special Conference Committee
Health, State Board of
- February 3**
† Barbers and Cosmetology, Board for
- February 4**
Agriculture and Consumer Services, Department of
- Virginia Horse Industry Board
† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
- Professional Engineers Section
† Branch Pilots, Board for
- Examination Administrators Committee
Museum of Fine Arts, Virginia
- Executive Committee
- February 5**
† Branch Pilots, Board for
† Mental Health, Mental Retardation and Substance Abuse
Services, Department of
- February 6**
† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
- Landscape Architect Section
† Medicine, Board of
† Technology Services, Council
- Executive Committee
- February 7**
† Alzheimer's Disease and Related Disorders Commission
† Counseling, Board of
Health, Department of
- State Emergency Medical Services Advisory Board
† Medicine, Board of
- Credentials Committee
† Mental Health, Mental Retardation and Substance Abuse
Services, Department of
- February 10**
† Alcoholic Beverage Control Board
Pharmacy, Board of
- February 11**
† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
- Land Surveyors Section
Resources Authority, Virginia
- Board of Directors
- February 12**
† Agriculture and Consumer Services, Department of
- Virginia Corn Board
Milk Commission, State
- † Technology Services, Council on
- Change Management Workgroup
- February 13**
† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
- Interior Designers Section
Conservation and Recreation, Department of
- Falls of the James Scenic River Advisory Board
- February 14**
† Dentistry, Board of
- Special Conference Committee
- February 18**
Real Estate Appraiser Board
- February 19**
† Nursing Home Administrators, Board of
- Special Conference Committee
Real Estate Board
Retirement System, Virginia
- Audit and Compliance Committee
- Benefits and Actuarial Committee
- Investment Advisory Committee
† Seed Board, State Certified
† Transportation Board, Commonwealth
- February 20**
Real Estate Board
Retirement System, Virginia
- Board of Trustees
- Corporate Governance Task Force
† Technology Services, Council on
† Transportation Board, Commonwealth
- February 21**
Health Professions, Department of
- Intervention Program Committee
- February 22**
Conservation and Recreation, Department of
- Virginia Cave Board
- February 24**
† Alcoholic Beverage Control Board
- February 25**
Marine Resources Commission
† Psychology, Board of
- February 26**
Cemetery Board
Education, Board of
† Youth and Families, Comprehensive Services for
- State Executive Council
- February 27**
Medicine, Board of
- Informal Conference Committee
- February 28**
† Dentistry, Board of
- Special Conference Committee
- March 6**
† Agriculture and Consumer Services, Department of
- Virginia Soybean Board
Technology Planning, Department of
- Virginia Geographical Information Network Advisory
Board
† Technology Services, Council
- Executive Committee

March 7

- † Mental Health, Mental Retardation and Substance Abuse Services, Department of

March 10

- Agriculture and Consumer Services, Department of
 - Virginia Cotton Board
- † Alcoholic Beverage Control Board
- Technology Planning, Department of
 - Virginia Research and Technology Advisory Commission

March 12

- † Motor Vehicles, Department of
 - Medical Advisory Board
- † Technology Services, Council on

March 13

- † Agriculture and Consumer Services, Board of
- † Technology Services, Council on

March 17

- Education, Board of
 - Advisory Board for Teacher Education and Licensure
- Library Board, State
 - Archival and Information Services Committee
 - Collection Management Services Committee
 - Legislative and Finance Committee
 - Publications and Education Services Committee
 - Public Library Development Committee
 - Records Management Committee
- Nursing, Board of

March 18

- † Tobacco Settlement Foundation, Virginia
 - Board of Trustees

March 19

- Nursing, Board of
- Retirement System, Virginia
 - Investment Advisory Committee

March 20

- Nursing, Board of
- Retirement System, Virginia
 - Board of Trustees
- Social Services, Department of
 - Family and Children's Trust Fund Board
- † Technology Services, Council on

March 21

- Social Services, Department of
 - Family and Children's Trust Fund Board

March 24

- † Alcoholic Beverage Control Board

March 25

- † Asbestos, Lead, and Home Inspectors, Virginia Board for

March 26

- Education, Board of
- † Youth and Families, Comprehensive Services for

April 3

- † Technology Services, Council on
 - Executive Committee

April 9

- † Real Estate Board
- † Technology Services, Council on

April 10

- † Real Estate Board

April 12

- † Social Services, Department of
 - Virginia Commission on National and Community Service

PUBLIC HEARINGS

January 15

- Nursing Home Administrators, Board of

January 21

- † Air Pollution Control Board, State
- Funeral Directors and Embalmers, Board of

January 24

- Counseling, Board of
- † Medicine, Board of
- Optometry, Board of

January 28

- Nursing, Board of

February 4

- Funeral Directors and Embalmers, Board of

February 6

- † Medicine, Board of

February 10

- Pharmacy, Board of

February 12

- † Veterinary Medicine, Board of

February 20

- † Workers' Compensation Commission, Virginia

March 5

- Lottery Board, State

March 13

- Agriculture and Consumer Services, State Board of

May 13

- † Agriculture and Consumer Services, Department of