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# CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED

The table printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Spring 2004 VAC Supplement includes final regulations published through *Virginia Register* Volume 20, Issue 11, dated February 9, 2004). 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
<b>Title 1. Administration</b>			
1 VAC 55-20-10	Repealed	20:20 VA.R. 2159	7/16/04
1 VAC 55-20-20	Amended	20:20 VA.R. 2159	7/16/04
1 VAC 55-20-30	Amended	20:20 VA.R. 2159	7/16/04
1 VAC 55-20-40	Amended	20:20 VA.R. 2159	7/16/04
1 VAC 55-20-50	Repealed	20:20 VA.R. 2159	7/16/04
1 VAC 55-20-60 through 1 VAC 55-20-90	Amended	20:20 VA.R. 2159-2161	7/16/04
1 VAC 55-20-110	Amended	20:20 VA.R. 2161	7/16/04
1 VAC 55-20-120	Repealed	20:20 VA.R. 2161	7/16/04
1 VAC 55-20-130	Amended	20:20 VA.R. 2161	7/16/04
1 VAC 55-20-160	Amended	20:20 VA.R. 2161	7/16/04
1 VAC 55-20-210	Amended	20:20 VA.R. 2161	7/16/04
1 VAC 55-20-230 through 1 VAC 55-20-260	Amended	20:20 VA.R. 2161-2162	7/16/04
1 VAC 55-20-280	Amended	20:20 VA.R. 2162	7/16/04
1 VAC 55-20-290	Amended	20:20 VA.R. 2162	7/16/04
1 VAC 55-20-300	Amended	20:20 VA.R. 2162	7/16/04
1 VAC 55-20-320 through 1 VAC 55-20-410	Amended	20:20 VA.R. 2162-2164	7/16/04
1 VAC 55-20-420	Repealed	20:20 VA.R. 2164	7/16/04
1 VAC 55-20-430	Amended	20:20 VA.R. 2164	7/16/04
1 VAC 55-20-450	Amended	20:20 VA.R. 2164	7/16/04
1 VAC 55-20-460	Amended	20:20 VA.R. 2164	7/16/04
1 VAC 55-20 (Forms)	Amended	20:20 VA.R. 2164	--
1 VAC 75-40-10 through 1 VAC 75-40-60	Added	20:25 VA.R. 3082	9/22/04
<b>Title 2. Agriculture</b>			
2 VAC 5-440-10 through 2 VAC 5-440-60	Amended	20:12 VA.R. 1471-1474	3/25/04
2 VAC 5-440-80	Repealed	20:12 VA.R. 1474	3/25/04
2 VAC 5-440-90	Repealed	20:12 VA.R. 1474	3/25/04
2 VAC 5-440 (Forms)	Amended	20:12 VA.R. 1474	--
2 VAC 20-30	Erratum	20:25 VA.R. 3111	--
2 VAC 20-30-20	Amended	20:23 VA.R. 2541	8/26/04
2 VAC 20-30-30	Amended	20:23 VA.R. 2541	8/26/04
2 VAC 20-30-40	Amended	20:23 VA.R. 2541	8/26/04
<b>Title 4. Conservation and Natural Resources</b>			
4 VAC 5-36-20	Amended	20:13 VA.R. 1604	4/7/04
4 VAC 5-36-50 through 4 VAC 5-36-150	Amended	20:13 VA.R. 1604-1621	4/7/04
4 VAC 5-36-170 through 4 VAC 5-36-210	Amended	20:13 VA.R. 1621-1632	4/7/04
4 VAC 5-36-220	Added	20:13 VA.R. 1632	4/7/04
4 VAC 15-50-81	Amended	20:23 VA.R. 2542	8/25/04
4 VAC 15-50-91	Amended	20:23 VA.R. 2543	8/25/04
4 VAC 15-90-231	Amended	20:23 VA.R. 2543	8/25/04
4 VAC 15-90-241	Amended	20:23 VA.R. 2544	8/25/04
4 VAC 15-240-81	Amended	20:23 VA.R. 2544	8/25/04
4 VAC 15-240-91	Amended	20:23 VA.R. 2545	8/25/04
4 VAC 15-260-10	Amended	20:25 VA.R. 3082	7/28/04

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 20-20-50	Amended	20:14 VA.R. 1709	3/1/04
4 VAC 20-270-20	Amended	20:19 VA.R. 2058	5/1/04
4 VAC 20-270-30	Amended	20:19 VA.R. 2058	5/1/04
4 VAC 20-490-10 emer	Amended	20:18 VA.R. 2024	5/1/04-5/30/04
4 VAC 20-490-20 emer	Amended	20:18 VA.R. 2024	5/1/04-5/30/04
4 VAC 20-490-35 emer	Repealed	20:18 VA.R. 2024	5/1/04-5/30/04
4 VAC 20-490-35	Repealed	20:21 VA.R. 2230	6/1/04
4 VAC 20-490-40 emer	Amended	20:18 VA.R. 2024	5/1/04-5/30/04
4 VAC 20-490-40	Amended	20:21 VA.R. 2230	6/1/04
4 VAC 20-490-45 emer	Repealed	20:18 VA.R. 2025	5/1/04-5/30/04
4 VAC 20-490-45	Repealed	20:21 VA.R. 2230	6/1/04
4 VAC 20-564-10 through 4 VAC 20-564-50 emer	Added	20:25 VA.R. 3096	8/16/04-9/3/04
4 VAC 20-620-50	Amended	20:16 VA.R. 1863	3/26/04
4 VAC 20-620-60	Amended	20:16 VA.R. 1863	3/26/04
4 VAC 20-720-20	Amended	20:14 VA.R. 1710	3/1/04
4 VAC 20-720-40	Amended	20:14 VA.R. 1710	3/1/04
4 VAC 20-720-48 emer	Added	20:14 VA.R. 1714	3/1/04-3/31/04
4 VAC 20-720-50	Amended	20:14 VA.R. 1711	3/1/04
4 VAC 20-720-60	Amended	20:14 VA.R. 1711	3/1/04
4 VAC 20-720-80	Amended	20:14 VA.R. 1712	3/1/04
4 VAC 20-750-10	Amended	20:19 VA.R. 2058	5/1/04
4 VAC 20-750-20	Repealed	20:19 VA.R. 2059	5/1/04
4 VAC 20-750-30	Amended	20:19 VA.R. 2059	5/1/04
4 VAC 20-750-40	Amended	20:19 VA.R. 2059	5/1/04
4 VAC 20-910-45	Amended	20:16 VA.R. 1864	4/1/04
4 VAC 20-920-20	Amended	20:15 VA.R. 1778	3/5/04
4 VAC 20-920-40	Amended	20:15 VA.R. 1778	3/5/04
4 VAC 20-950-45	Amended	20:16 VA.R. 1864	4/1/04
4 VAC 20-1040-20	Amended	20:19 VA.R. 2060	5/1/04
4 VAC 25-20-20	Amended	20:23 VA.R. 2547	8/25/04
4 VAC 25-20-30	Amended	20:23 VA.R. 2547	8/25/04
4 VAC 25-20-40	Amended	20:23 VA.R. 2547	8/25/04
4 VAC 25-20-50	Amended	20:23 VA.R. 2547	8/25/04
4 VAC 25-20-70	Amended	20:23 VA.R. 2547	8/25/04
4 VAC 25-20-90	Amended	20:23 VA.R. 2547	8/25/04
4 VAC 25-20-100	Amended	20:23 VA.R. 2547	8/25/04
4 VAC 25-20-110	Amended	20:23 VA.R. 2548	8/25/04
4 VAC 25-20-140	Amended	20:23 VA.R. 2548	8/25/04
4 VAC 25-20-190	Amended	20:23 VA.R. 2548	8/25/04
4 VAC 25-20-200	Amended	20:23 VA.R. 2548	8/25/04
4 VAC 25-20-210	Amended	20:23 VA.R. 2548	8/25/04
4 VAC 25-20-220	Amended	20:23 VA.R. 2549	8/25/04
4 VAC 25-20-250	Amended	20:23 VA.R. 2549	8/25/04
4 VAC 25-20-255	Amended	20:23 VA.R. 2549	8/25/04
4 VAC 25-20-259	Amended	20:23 VA.R. 2549	8/25/04
4 VAC 25-20-390	Amended	20:23 VA.R. 2549	8/25/04
4 VAC 25-20-410	Amended	20:23 VA.R. 2549	8/25/04
4 VAC 25-20-430	Amended	20:23 VA.R. 2549	8/25/04
4 VAC 25-31 (Forms)	Amended	20:15 VA.R. 1784-1792	--
4 VAC 25-35-10 through 4 VAC 25-35-40	Amended	20:23 VA.R. 2549-2550	8/25/04
4 VAC 25-35-75	Added	20:23 VA.R. 2550	8/25/04
4 VAC 25-35-80	Amended	20:23 VA.R. 2550	8/25/04
4 VAC 25-35-100	Amended	20:23 VA.R. 2551	8/25/04
4 VAC 25-35-110	Amended	20:23 VA.R. 2551	8/25/04
4 VAC 25-35-120	Amended	20:23 VA.R. 2551	8/25/04
4 VAC 25-125-10 through 4 VAC 25-125-40	Added	20:23 VA.R. 2552-2553	8/25/04

# Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 25-130-801.17	Amended	20:23 VA.R. 2625	10/12/04
4 VAC 25-130-801.18	Amended	20:23 VA.R. 2626	10/12/04
4 VAC 25-130 (Forms)	Amended	20:19 VA.R. 2081-2083	--
<b>Title 6. Criminal Justice and Corrections</b>			
6 VAC 20-210-10 through 6 VAC 20-210-110	Added	20:23 VA.R. 2554-2555	8/26/04
6 VAC 20-240-10 through 6 VAC 20-240-140 emer	Added	20:25 VA.R. 3097-3102	8/23/04-8/22/05
6 VAC 35-160-10 through 6 VAC 35-160-390	Added	20:23 VA.R. 2555-2562	8/25/04
<b>Title 8. Education</b>			
8 VAC 20-340-10	Amended	20:23 VA.R. 2562	8/25/04
8 VAC 20-340-20	Added	20:23 VA.R. 2562	8/25/04
8 VAC 20-340-30	Added	20:23 VA.R. 2562	8/25/04
8 VAC 20-670-10 through 8 VAC 20-670-440	Added	20:24 VA.R. 2892-2898	9/10/04
8 VAC 40-130-10	Amended	20:23 VA.R. 2562	7/26/04
8 VAC 40-130-25	Amended	20:23 VA.R. 2563	7/26/04
<b>Title 9. Environment</b>			
9 VAC 5-20-21	Amended	20:12 VA.R. 1476	3/24/04
9 VAC 5-20-204	Amended	20:23 VA.R. 2564	8/25/04
9 VAC 5-20-205	Amended	20:23 VA.R. 2564	8/25/04
9 VAC 5-20-206 (Rev. G02)	Amended	20:12 VA.R. 1498	3/24/04
9 VAC 5-20-206 (Rev. C03)	Amended	20:12 VA.R. 1498	3/24/04
9 VAC 5-30-10	Amended	20:24 VA.R. 2898	9/8/04
9 VAC 5-30-30 through 9 VAC 5-30-50	Amended	20:24 VA.R. 2898-2900	9/8/04
9 VAC 5-30-55	Added	20:24 VA.R. 2899	9/8/04
9 VAC 5-30-60	Amended	20:24 VA.R. 2899	9/8/04
9 VAC 5-30-65	Added	20:24 VA.R. 2899	9/8/04
9 VAC 5-30-70	Amended	20:24 VA.R. 2900	9/8/04
9 VAC 5-30-80	Amended	20:24 VA.R. 2900	9/8/04
9 VAC 5-40-240	Amended	20:12 VA.R. 1499	3/24/04
9 VAC 5-40-310	Erratum	20:15 VA.R. 1809	--
9 VAC 5-40-310	Amended	20:12 VA.R. 1499	3/24/04
9 VAC 5-40-3260	Amended	20:12 VA.R. 1479	3/24/04
9 VAC 5-40-5200	Amended	20:12 VA.R. 1500	3/24/04
9 VAC 5-40-5220	Amended	20:12 VA.R. 1501	3/24/04
9 VAC 5-40-5700 through 9 VAC 5-40-5770	Added	20:12 VA.R. 1480	3/24/04
9 VAC 5-40-6820 through 9 VAC 5-40-7230	Added	20:12 VA.R. 1480-1497	3/24/04
9 VAC 5-40-6840	Erratum	20:18 VA.R. 2027	--
9 VAC 5-50-400	Amended	20:16 VA.R. 1865	6/1/04
9 VAC 5-50-405	Added	20:16 VA.R. 1865	6/1/04
9 VAC 5-50-410	Amended	20:16 VA.R. 1865	6/1/04
9 VAC 5-60-60	Amended	20:16 VA.R. 1871	6/1/04
9 VAC 5-60-65	Added	20:16 VA.R. 1871	6/1/04
9 VAC 5-60-90	Amended	20:16 VA.R. 1871	6/1/04
9 VAC 5-60-91	Added	20:24 VA.R. 2900	9/8/04
9 VAC 5-60-95	Added	20:16 VA.R. 1871	6/1/04
9 VAC 5-60-100	Amended	20:16 VA.R. 1872	6/1/04
9 VAC 5-60-120 through 9 VAC 5-60-180	Amended	20:16 VA.R. 1877-1889	7/1/04
9 VAC 5-80-2250 through 9 VAC 5-80-2300	Added	20:23 VA.R. 2566-2567	7/1/04
9 VAC 5-91-20 emer	Amended	20:12 VA.R. 1507	1/28/04-1/27/05
9 VAC 5-91-160 emer	Amended	20:12 VA.R. 1513	1/28/04-1/27/05
9 VAC 5-91-180 emer	Amended	20:12 VA.R. 1513	1/28/04-1/27/05
9 VAC 5-91-750 emer	Amended	20:12 VA.R. 1515	1/28/04-1/27/05
9 VAC 5-91-760 emer	Amended	20:12 VA.R. 1515	1/28/04-1/27/05
9 VAC 5-140-550	Amended	20:12 VA.R. 1504	3/24/04
9 VAC 20-60-18	Amended	20:23 VA.R. 2568	7/1/04
9 VAC 20-60-18	Amended	20:24 VA.R. 2901	9/8/04

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 20-60-262	Amended	20:23 VA.R. 2568	7/1/04
9 VAC 20-60-270	Amended	20:23 VA.R. 2568	7/1/04
9 VAC 20-60-315	Amended	20:23 VA.R. 2570	7/1/04
9 VAC 20-60-1260	Amended	20:23 VA.R. 2571	7/1/04
9 VAC 20-60-1270	Amended	20:23 VA.R. 2571	7/1/04
9 VAC 20-60-1280	Amended	20:23 VA.R. 2573	7/1/04
9 VAC 20-60-1283	Added	20:23 VA.R. 2573	7/1/04
9 VAC 20-60-1284	Added	20:23 VA.R. 2573	7/1/04
9 VAC 20-60-1285	Amended	20:23 VA.R. 2574	7/1/04
9 VAC 20-60-1286	Added	20:23 VA.R. 2575	7/1/04
9 VAC 20-90-10	Amended	20:23 VA.R. 2576	7/1/04
9 VAC 20-90-30	Amended	20:23 VA.R. 2576	7/1/04
9 VAC 20-90-50	Amended	20:23 VA.R. 2576	7/1/04
9 VAC 20-90-60	Amended	20:23 VA.R. 2577	7/1/04
9 VAC 20-90-65	Added	20:23 VA.R. 2577	7/1/04
9 VAC 20-90-70	Amended	20:23 VA.R. 2578	7/1/04
9 VAC 20-90-90	Amended	20:23 VA.R. 2579	7/1/04
9 VAC 20-90-100	Amended	20:23 VA.R. 2579	7/1/04
9 VAC 20-90-110	Amended	20:23 VA.R. 2580	7/1/04
9 VAC 20-90-115	Added	20:23 VA.R. 2580	7/1/04
9 VAC 20-90-117	Added	20:23 VA.R. 2581	7/1/04
9 VAC 20-90-120	Amended	20:23 VA.R. 2581	7/1/04
9 VAC 20-90-130	Added	20:23 VA.R. 2583	7/1/04
9 VAC 20-110-90	Amended	20:24 VA.R. 2901	9/8/04
9 VAC 20-110-110	Amended	20:24 VA.R. 2901	9/8/04
9 VAC 25-20-10 through 9 VAC 25-20-80	Amended	20:23 VA.R. 2584-2586	7/1/04
9 VAC 25-20-100 through 9 VAC 25-20-130	Amended	20:23 VA.R. 2586-2591	7/1/04
9 VAC 25-20-140	Repealed	20:23 VA.R. 2591	7/1/04
9 VAC 25-20-142	Added	20:23 VA.R. 2591	7/1/04
9 VAC 25-20-145	Added	20:23 VA.R. 2592	7/1/04
9 VAC 25-151-10	Amended	20:16 VA.R. 1889	7/1/04
9 VAC 25-151-40 through 9 VAC 25-151-370	Amended	20:16 VA.R. 1889-1890	7/1/04
9 VAC 25-151-65	Added	20:16 VA.R. 1889	7/1/04
9 VAC 25-180-10	Amended	20:16 VA.R. 1891	7/1/04
9 VAC 25-180-20	Amended	20:16 VA.R. 1891	7/1/04
9 VAC 25-180-40	Amended	20:16 VA.R. 1891	7/1/04
9 VAC 25-180-50	Amended	20:16 VA.R. 1891	7/1/04
9 VAC 25-180-55	Amended	20:16 VA.R. 1892	7/1/04
9 VAC 25-180-60	Amended	20:16 VA.R. 1892	7/1/04
9 VAC 25-180-65	Added	20:16 VA.R. 1893	7/1/04
9 VAC 25-180-70	Amended	20:16 VA.R. 1894	7/1/04
9 VAC 25-180 (Forms)	Amended	20:16 VA.R. 1906	--
9 VAC 25-190-10	Amended	20:16 VA.R. 1906	7/1/04
9 VAC 25-190-20	Amended	20:16 VA.R. 1906	7/1/04
9 VAC 25-190-50	Amended	20:16 VA.R. 1906	7/1/04
9 VAC 25-190-60	Amended	20:16 VA.R. 1906	7/1/04
9 VAC 25-190-70	Amended	20:16 VA.R. 1906	7/1/04
9 VAC 25-400-10	Repealed	20:25 VA.R. 3083	9/22/04
9 VAC 25-401-10 through 9 VAC 25-401-50	Added	20:25 VA.R. 3083	9/22/04
9 VAC 25-580-10	Amended	20:12 VA.R. 1505	3/24/04
9 VAC 25-580-50	Amended	20:12 VA.R. 1505	3/24/04
9 VAC 25-580-130	Amended	20:12 VA.R. 1505	3/24/04
9 VAC 25-580-270	Amended	20:12 VA.R. 1505	3/24/04
9 VAC 25-580-290	Repealed	20:12 VA.R. 1505	3/24/04
9 VAC 25-580-320	Amended	20:12 VA.R. 1505	3/24/04
9 VAC 25-590-60	Erratum	20:17 VA.R. 1984	--

# Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-720-50	Amended	20:24 VA.R. 2903	9/8/04
9 VAC 25-720-60	Amended	20:24 VA.R. 2910	9/8/04
9 VAC 25-720-90	Amended	20:24 VA.R. 2918	9/8/04
9 VAC 25-720-130	Amended	20:24 VA.R. 2920	9/8/04
9 VAC 25-770	Erratum	20:24 VA.R. 2981	--
9 VAC 25-770-10 through 9 VAC 25-770-180	Added	20:23 VA.R. 2593-2596	8/25/04
9 VAC 25-790	Erratum	20:12 VA.R. 1526	--
<b>Title 10. Finance and Financial Institutions</b>			
10 VAC 5-40-40	Added	20:14 VA.R. 1713	3/1/04
10 VAC 5-200-100	Added	20:22 VA.R. 2403	6/15/04
<b>Title 11. Gaming</b>			
11 VAC 10-20-190	Amended	20:23 VA.R. 2598	8/25/04
11 VAC 10-20-200	Amended	20:25 VA.R. 3083	9/23/04
11 VAC 10-20-220	Amended	20:23 VA.R. 2596	8/25/04
11 VAC 10-20-240 emer	Amended	20:25 VA.R. 3102	7/28/04-7/27/05
11 VAC 10-45	Erratum	20:25 VA.R. 3112	--
11 VAC 10-45-10 through 11 VAC 10-45-70	Added	20:22 VA.R. 2413-2417	9/27/04
<b>Title 12. Health</b>			
12 VAC 5-90-10	Amended	20:21 VA.R. 2231	7/28/04
12 VAC 5-90-40	Amended	20:21 VA.R. 2231	7/28/04
12 VAC 5-90-80	Amended	20:21 VA.R. 2231	7/28/04
12 VAC 5-90-90	Amended	20:21 VA.R. 2234	7/28/04
12 VAC 5-90-100	Amended	20:21 VA.R. 2237	7/28/04
12 VAC 5-90-110	Amended	20:21 VA.R. 2237	7/28/04
12 VAC 5-90-160	Amended	20:21 VA.R. 2237	7/28/04
12 VAC 5-90-180	Amended	20:21 VA.R. 2237	7/28/04
12 VAC 5-90-225	Added	20:21 VA.R. 2237	7/28/04
12 VAC 5-90-280 through 12 VAC 5-90-360	Added	20:21 VA.R. 2238	7/28/04
12 VAC 5-125-10 through 12 VAC 5-125-120 emer	Added	20:21 VA.R. 2252-2264	6/1/04-5/31/05
12 VAC 5-200-10 through 12 VAC 5-200-50	Amended	20:22 VA.R. 2403	8/11/04
12 VAC 5-200-70	Repealed	20:22 VA.R. 2403	8/11/04
12 VAC 5-200-80 through 12 VAC 5-200-190	Amended	20:22 VA.R. 2403	8/11/04
12 VAC 5-200-105	Added	20:22 VA.R. 2403	8/11/04
12 VAC 5-200-210	Repealed	20:22 VA.R. 2403	8/11/04
12 VAC 5-200-220	Amended	20:22 VA.R. 2403	8/11/04
12 VAC 5-200-230	Amended	20:22 VA.R. 2403	8/11/04
12 VAC 5-200-270	Amended	20:22 VA.R. 2403	8/11/04
12 VAC 5-200-280	Amended	20:22 VA.R. 2403	8/11/04
12 VAC 5-200-290	Added	20:22 VA.R. 2403	8/11/04
12 VAC 5-210-10	Repealed	20:22 VA.R. 2403	8/11/04
12 VAC 5-210-20	Repealed	20:22 VA.R. 2403	8/11/04
12 VAC 30-40-235	Added	20:19 VA.R. 2060	8/1/04
12 VAC 30-40-280	Amended	20:22 VA.R. 2420	9/25/04
12 VAC 30-40-290	Amended	20:22 VA.R. 2420	9/25/04
12 VAC 30-40-345	Amended	20:22 VA.R. 2422	9/25/04
12 VAC 30-50-130 emer	Amended	20:23 VA.R. 2630	7/1/04-6/30/05
12 VAC 30-50-140	Amended	20:19 VA.R. 2062	7/1/04
12 VAC 30-50-150	Amended	20:19 VA.R. 2063	7/1/04
12 VAC 30-50-180	Amended	20:19 VA.R. 2064	7/1/04
12 VAC 30-50-210 emer	Amended	20:19 VA.R. 2075	5/11/04-1/3/05
12 VAC 30-60-40	Amended	20:19 VA.R. 2067	7/1/04
12 VAC 30-60-61 emer	Amended	20:23 VA.R. 2632	7/1/04-6/30/05
12 VAC 30-60-320	Amended	20:19 VA.R. 2067	7/1/04
12 VAC 30-70-271	Amended	20:19 VA.R. 2068	7/1/04
12 VAC 30-70-291	Amended	20:22 VA.R. 2403	8/11/04

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-70-291 emer	Amended	20:24 VA.R. 2968	9/1/04-8/31/05
12 VAC 30-70-301	Amended	20:22 VA.R. 2403	8/11/04
12 VAC 30-70-301 emer	Amended	20:24 VA.R. 2968	9/1/04-8/31/05
12 VAC 30-70-331	Amended	20:22 VA.R. 2403	8/11/04
12 VAC 30-70-391 emer	Amended	20:24 VA.R. 2969	9/1/04-8/31/05
12 VAC 30-80-20	Amended	20:19 VA.R. 2068	7/1/04
12 VAC 30-80-30	Amended	20:19 VA.R. 2064	7/1/04
12 VAC 30-80-200	Added	20:19 VA.R. 2071	7/1/04
12 VAC 30-90-264	Amended	20:19 VA.R. 2067	7/1/04
12 VAC 30-90-271	Amended	20:19 VA.R. 2067	7/1/04
12 VAC 30-130-620	Amended	20:19 VA.R. 2061	8/1/04
12 VAC 30-130-860 through 12 VAC 30-130-890 emer	Amended	20:23 VA.R. 2633-2638	7/1/04-6/30/05
12 VAC 30-130-1000 emer	Amended	20:19 VA.R. 2077	5/11/04-1/3/05
12 VAC 30-141-500 emer	Amended	20:17 VA.R. 1974	6/1/04-5/31/05
<b>Title 13. Housing</b>			
13 VAC 5-51-134 emer	Added	20:24 VA.R. 2970	7/8/04-7/7/05
13 VAC 5-62-260	Amended	20:25 VA.R. 3084	9/8/04
<b>Title 14. Insurance</b>			
14 VAC 5-90-10 through 14 VAC 5-90-50	Amended	20:25 VA.R. 3090-3091	8/4/04
14 VAC 5-90-30	Erratum	20:17 VA.R. 1984	--
14 VAC 5-90-55	Added	20:25 VA.R. 3091	8/4/04
14 VAC 5-90-60 through 14 VAC 5-90-180	Amended	20:25 VA.R. 3092	8/4/04
14 VAC 5-90-60	Erratum	20:17 VA.R. 1984	--
14 VAC 5-90-70	Erratum	20:17 VA.R. 1984	--
14 VAC 5-90-130	Erratum	20:17 VA.R. 1984	--
14 VAC 5-90-170	Erratum	20:17 VA.R. 1984	--
14 VAC 5-90 (Forms)	Amended	20:25 VA.R. 3092	8/4/04
14 VAC 5-321-10 through 14 VAC 5-321-60	Added	20:16 VA.R. 1906-1909	7/1/04
14 VAC 5-335-10 through 14 VAC 5-335-60	Added	20:21 VA.R. 2240-2242	1/1/05
<b>Title 16. Labor and Employment</b>			
16 VAC 25-85-1910.139	Repealed	20:19 VA.R. 2071	7/1/04
16 VAC 25-90-1910.401	Amended	20:19 VA.R. 2073	7/1/04
16 VAC 25-90-1910.402	Amended	20:19 VA.R. 2073	7/1/04
16 VAC 25-145-10 through 16 VAC 25-145-50	Added	20:12 VA.R. 1505-1506	4/1/04
16 VAC 25-90-1910, Appendix C of Subpart T of Part 1910	Added	20:19 VA.R. 2073	7/1/04
<b>Title 18. Professional and Occupational Licensing</b>			
18 VAC 15-30-420	Amended	20:24 VA.R. 2924	9/8/04
18 VAC 15-30-820	Amended	20:24 VA.R. 2925	9/8/04
18 VAC 15-30 (Forms)	Amended	20:24 VA.R. 2925	9/8/04
18 VAC 30-20-80	Amended	20:23 VA.R. 2598	8/25/04
18 VAC 30-20-150	Amended	20:23 VA.R. 2598	8/25/04
18 VAC 30-20-160	Amended	20:23 VA.R. 2598	8/25/04
18 VAC 30-20-290 emer	Added	20:23 VA.R. 2638	8/25/04-8/24/05
18 VAC 30-20-320	Amended	20:23 VA.R. 2598	8/25/04
18 VAC 41-30-10 through 18 VAC 41-30-250 emer	Added	20:23 VA.R. 2639-2650	7/1/04-6/30/05
18 VAC 41-40-10 through 18 VAC 41-40-260	Added	20:19 VA.R. 2074	7/1/04
18 VAC 41-50-10 through 18 VAC 41-50-220 emer	Added	20:23 VA.R. 2651-2662	7/1/04-6/30/05
18 VAC 45-10-10 through 18 VAC 45-10-40	Amended	20:25 VA.R. 3093-3094	11/8/04
18 VAC 45-10-60 through 18 VAC 45-10-90	Amended	20:25 VA.R. 3094-3095	11/8/04
18 VAC 60-20-17 emer	Added	20:23 VA.R. 2663	8/25/04-8/24/05
18 VAC 60-20-20 emer	Amended	20:24 VA.R. 2971	7/15/04-7/14/05
18 VAC 60-20-91 emer	Added	20:24 VA.R. 2971	7/15/04-7/14/05
18 VAC 60-20 (Forms) emer	Amended	20:24 VA.R. 2972	7/15/04-7/14/05
18 VAC 62-20-10 through 18 VAC 62-20-180	Added	20:12 VA.R. 1515-1518	2/2/04-2/1/05
18 VAC 62-20-40 emer	Added	20:25 VA.R. 3104	7/23/04-2/1/05



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18 VAC 62-20-90 emer	Added	20:25 VA.R. 3104	7/23/04-2/1/05
18 VAC 65-20-15 emer	Added	20:24 VA.R. 2973	7/15/04-7/14/05
18 VAC 65-30-50	Amended	20:21 VA.R. 2242	7/28/04
18 VAC 76-40-10	Added	20:21 VA.R. 2243	7/28/04
18 VAC 76-40-20	Added	20:21 VA.R. 2243	7/28/04
18 VAC 76-40-30	Added	20:21 VA.R. 2243	7/28/04
18 VAC 76-40 (Forms)	Amended	20:21 VA.R. 2243	7/28/04
18 VAC 80-10-10 through 18 VAC 80-10-90	Amended	20:23 VA.R. 2628-2629	10/9/04
18 VAC 85-20-22	Amended	20:20 VA.R. 2165	7/14/04
18 VAC 85-20 (Forms)	Amended	20:20 VA.R. 2165	--
18 VAC 85-80-61 emer	Added	20:25 VA.R. 3105	7/27/04-7/26/05
18 VAC 85-120-10 through 18 VAC 85-120-150	Amended	20:23 VA.R. 2599-2601	8/25/04
18 VAC 85-120-75	Added	20:24 VA.R. 2928	9/8/04
18 VAC 85-120 (Forms)	Amended	20:24 VA.R. 2928	9/8/04
18 VAC 90-20-10 emer	Amended	20:22 VA.R. 2424	6/24/04-6/23/05
18 VAC 90-20-10	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-30	Amended	20:20 VA.R. 2166	7/14/04
18 VAC 90-20-35	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-40	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-50	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-60	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-65	Added	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-95	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-120	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-140	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-160	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-170	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-181 emer	Added	20:22 VA.R. 2425	6/24/04-6/23/05
18 VAC 90-20-182 emer	Added	20:22 VA.R. 2425	6/24/04-6/23/05
18 VAC 90-20-183 emer	Added	20:22 VA.R. 2425	6/24/04-6/23/05
18 VAC 90-20-190	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-200	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-220	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-230	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-270	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-280	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-300 emer	Amended	20:22 VA.R. 2425	6/24/04-6/23/05
18 VAC 90-20-300	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-310 through 18 VAC 90-20-360	Repealed	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-390	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-410	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20-460	Amended	20:24 VA.R. 2929	9/8/04
18 VAC 90-20 (Forms)	Amended	20:24 VA.R. 2930	9/8/04
18 VAC 90-25-10 through 18 VAC 90-25-100	Added	20:24 VA.R. 2931-2934	9/8/04
18 VAC 90-25 (Forms)	Amended	20:24 VA.R. 2934	9/8/04
18 VAC 90-30-80 emer	Amended	20:24 VA.R. 2974	7/15/04-7/14/05
18 VAC 90-30-100 emer	Amended	20:24 VA.R. 2974	7/15/04-7/14/05
18 VAC 90-30-110 emer	Amended	20:24 VA.R. 2974	7/15/04-7/14/05
18 VAC 90-30-120 emer	Amended	20:24 VA.R. 2975	7/15/04-7/14/05
18 VAC 95-20-471 emer	Added	20:25 VA.R. 3105	7/28/04-7/27/05
18 VAC 105-20-41 emer	Added	20:24 VA.R. 2975	8/25/04-8/24/05
18 VAC 110-20-10 through 18 VAC 110-20-40	Amended	20:23 VA.R. 2602-2604	8/25/04
18 VAC 110-20-15 emer	Added	20:24 VA.R. 2976	7/15/04-7/14/05
18 VAC 110-20-60	Amended	20:23 VA.R. 2604	8/25/04
18 VAC 110-20-70	Amended	20:23 VA.R. 2604	8/25/04
18 VAC 110-20-80	Amended	20:23 VA.R. 2604	8/25/04

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18 VAC 110-20-90	Amended	20:23 VA.R. 2604	8/25/04
18 VAC 110-20-105	Amended	20:23 VA.R. 2605	8/25/04
18 VAC 110-20-110	Amended	20:23 VA.R. 2605	8/25/04
18 VAC 110-20-120	Amended	20:23 VA.R. 2605	8/25/04
18 VAC 110-20-121	Added	20:23 VA.R. 2605	8/25/04
18 VAC 110-20-130 through 18 VAC 110-20-220	Amended	20:23 VA.R. 2605	8/25/04
18 VAC 110-20-240	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-250	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-280	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-285	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-330	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-350	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-355	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-360	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-370	Repealed	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-380	Repealed	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-410	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-412	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-415	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-420	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-440	Amended	20:23 VA.R. 2606	8/25/04
18 VAC 110-20-450	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-460	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-470	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-480	Repealed	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-490	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-500	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-510	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-530	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-540	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-550	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-555	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-590	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-680 through 18 VAC 110-20-710	Amended	20:23 VA.R. 2607	8/25/04
18 VAC 110-20-720	Amended	20:18 VA.R. 2021	7/1/04
18 VAC 112-20-10	Amended	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-20	Repealed	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-26 emer	Added	20:23 VA.R. 2664	8/25/04-8/24/05
18 VAC 112-20-40	Amended	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-50	Amended	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-60	Amended	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-65	Amended	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-70	Amended	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-80	Repealed	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-90	Amended	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-100	Amended	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-110	Repealed	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-120	Amended	20:24 VA.R. 2935	9/8/04
18 VAC 112-20-130	Amended	20:24 VA.R. 2935	9/8/04
18 VAC 112-20 (Forms)	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-15-10 emer	Added	20:23 VA.R. 2665	8/25/04-8/24/05
18 VAC 115-15-20 emer	Added	20:23 VA.R. 2665	8/25/04-8/24/05
18 VAC 115-15-30 emer	Added	20:23 VA.R. 2665	8/25/04-8/24/05
18 VAC 115-20-20	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-20-100	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-20-105	Added	20:24 VA.R. 2936	9/8/04

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 115-20-106	Added	20:24 VA.R. 2936	9/8/04
18 VAC 115-20-107	Added	20:24 VA.R. 2936	9/8/04
18 VAC 115-20-110	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-20-140	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-20 (Forms)	Amended	20:24 VA.R. 2937	9/8/04
18 VAC 115-50-20	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-50-90	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-50-95	Added	20:24 VA.R. 2936	9/8/04
18 VAC 115-50-96	Added	20:24 VA.R. 2936	9/8/04
18 VAC 115-50-97	Added	20:24 VA.R. 2936	9/8/04
18 VAC 115-50-100	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-50-120	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-50 (Forms)	Amended	20:24 VA.R. 2937	9/8/04
18 VAC 115-60-20	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-60-110	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-60-115	Added	20:24 VA.R. 2936	9/8/04
18 VAC 115-60-116	Added	20:24 VA.R. 2936	9/8/04
18 VAC 115-60-117	Added	20:24 VA.R. 2936	9/8/04
18 VAC 115-60-120	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-60-140	Amended	20:24 VA.R. 2936	9/8/04
18 VAC 115-60 (Forms)	Amended	20:24 VA.R. 2937	9/8/04
18 VAC 120-10-100	Erratum	20:13 VA.R. 1644	--
18 VAC 125-15-10 emer	Added	20:25 VA.R. 3106	7/28/04-7/27/05
18 VAC 125-15-20 emer	Added	20:25 VA.R. 3106	7/28/04-7/27/05
18 VAC 125-15-30 emer	Added	20:25 VA.R. 3106	7/28/04-7/27/05
18 VAC 135-20-80	Amended	20:23 VA.R. 2608	9/1/04
18 VAC 135-20-120	Amended	20:23 VA.R. 2608	9/1/04
18 VAC 135-20-140	Amended	20:23 VA.R. 2608	9/1/04
18 VAC 135-20-370	Amended	20:23 VA.R. 2608	9/1/04
18 VAC 140-20-171 emer	Added	20:23 VA.R. 2665	8/25/04-8/24/05
18 VAC 145-30-10 through 18 VAC 145-30-160	Added	20:20 VA.R. 2167-2170	7/14/04
18 VAC 145-30 (Forms)	Amended	20:20 VA.R. 2170	--
18 VAC 150-20-10	Amended	20:24 VA.R. 2966	10/23/04
18 VAC 150-20-15 emer	Added	20:23 VA.R. 2666	8/25/04-8/24/05
18 VAC 150-20 (Forms)	Amended	20:24 VA.R. 2967	10/23/04
<b>Title 20. Public Utilities and Telecommunications</b>			
20 VAC 5-309-15	Amended	20:15 VA.R. 1781	3/12/04
20 VAC 5-309-20	Amended	20:15 VA.R. 1781	3/12/04
20 VAC 5-309-40	Amended	20:15 VA.R. 1781	3/12/04
20 VAC 5-309-70	Amended	20:15 VA.R. 1782	3/12/04
20 VAC 5-309-110	Amended	20:15 VA.R. 1782	3/12/04
20 VAC 5-309-140	Amended	20:15 VA.R. 1783	3/12/04
20 VAC 5-419-10 through 20 VAC 5-419-40	Amended	20:24 VA.R. 2939-2942	7/21/04
20 VAC 5-425-10 through 20 VAC 5-425-50	Added	20:23 VA.R. 2611-2613	7/1/04
<b>Title 22. Social Services</b>			
22 VAC 15-20-10 through 22 VAC 15-20-380	Repealed	20:24 VA.R. 2942-2943	11/1/04
22 VAC 15-50-10 through 22 VAC 15-50-70	Repealed	20:24 VA.R. 2943	10/1/04
22 VAC 15-51-10 through 22 VAC 15-51-80	Added	20:24 VA.R. 2943-2948	10/1/04
22 VAC 30-50-30	Amended	20:18 VA.R. 2022	6/18/04
22 VAC 40-32	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-80-10	Amended	20:24 VA.R. 2948	11/1/04
22 VAC 40-80-30 through 22 VAC 40-80-60	Amended	20:24 VA.R. 2950-2951	11/1/04
22 VAC 40-80-80 through 22 VAC 40-80-210	Amended	20:24 VA.R. 2951-2955	11/1/04
22 VAC 40-80-220	Repealed	20:24 VA.R. 2955	11/1/04
22 VAC 40-80-230	Amended	20:24 VA.R. 2955	11/1/04
22 VAC 40-80-240	Amended	20:24 VA.R. 2955	11/1/04

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
22 VAC 40-80-260	Amended	20:24 VA.R. 2956	11/1/04
22 VAC 40-80-270	Amended	20:24 VA.R. 2956	11/1/04
22 VAC 40-80-290	Amended	20:24 VA.R. 2956	11/1/04
22 VAC 40-80-300	Amended	20:24 VA.R. 2957	11/1/04
22 VAC 40-80-310	Amended	20:24 VA.R. 2957	11/1/04
22 VAC 40-80-330	Amended	20:24 VA.R. 2957	11/1/04
22 VAC 40-80-340	Amended	20:24 VA.R. 2957	11/1/04
22 VAC 40-80-350	Repealed	20:24 VA.R. 2958	11/1/04
22 VAC 40-80-360	Repealed	20:24 VA.R. 2958	11/1/04
22 VAC 40-80-370	Amended	20:24 VA.R. 2958	11/1/04
22 VAC 40-80-375	Added	20:24 VA.R. 2959	11/1/04
22 VAC 40-80-380	Repealed	20:24 VA.R. 2959	11/1/04
22 VAC 40-80-390 through 22 VAC 40-80-520	Added	20:24 VA.R. 2959-2964	11/1/04
22 VAC 40-180 (Forms)	Amended	20:21 VA.R. 2265-2268	--
22 VAC 40-190	Erratum	20:12 VA.R. 1526	--
22 VAC 40-191	Erratum	20:12 VA.R. 1526	--
22 VAC 40-191-40	Amended	20:22 VA.R. 2404	9/1/04
22 VAC 40-191-50	Amended	20:22 VA.R. 2407	9/1/04
22 VAC 40-290-10	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-293-10	Added	20:21 VA.R. 2245	7/28/04
22 VAC 40-293-20	Added	20:21 VA.R. 2245	7/28/04
22 VAC 40-295-10 through 22 VAC 40-295-170	Added	20:23 VA.R. 2614-2620	9/1/04
22 VAC 40-300	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-310	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-320	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-330-10	Amended	20:23 VA.R. 2620	9/1/04
22 VAC 40-330-20	Amended	20:23 VA.R. 2620	9/1/04
22 VAC 40-340-10	Amended	20:23 VA.R. 2621	9/1/04
22 VAC 40-350	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-360	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-370	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-380	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-390	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-420	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-430	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-440	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-450	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-460	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-490	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-500	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-510	Repealed	20:23 VA.R. 2613	9/1/04
22 VAC 40-520	Repealed	20:23 VA.R. 2614	9/1/04
22 VAC 40-530	Repealed	20:23 VA.R. 2614	9/1/04
22 VAC 40-550	Repealed	20:23 VA.R. 2614	9/1/04
22 VAC 40-580	Repealed	20:23 VA.R. 2614	9/1/04
22 VAC 40-590	Repealed	20:23 VA.R. 2614	9/1/04
22 VAC 40-610	Repealed	20:23 VA.R. 2614	9/1/04
22 VAC 40-620	Repealed	20:23 VA.R. 2614	9/1/04
22 VAC 40-650	Repealed	20:23 VA.R. 2614	9/1/04
22 VAC 40-740-10 through 22 VAC 40-740-60	Amended	20:20 VA.R. 2175-2178	8/1/04
22 VAC 40-740 (Forms)	Amended	20:20 VA.R. 2178	--
22 VAC 40-750	Repealed	20:23 VA.R. 2614	9/1/04
22 VAC 40-760	Repealed	20:23 VA.R. 2614	9/1/04
<b>Title 24. Transportation and Motor Vehicles</b>			
24 VAC 20-70	Repealed	20:25 VA.R. 3092	9/22/04
24 VAC 20-100-10	Amended	20:21 VA.R. 2246	7/1/04

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## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
24 VAC 20-100-130	Amended	20:21 VA.R. 2247	7/1/04
24 VAC 20-100-160	Amended	20:21 VA.R. 2247	7/1/04
24 VAC 20-100-190 through 24 VAC 20-100-220	Amended	20:21 VA.R. 2247-2248	7/1/04
24 VAC 20-100-290 through 24 VAC 20-100-330	Amended	20:21 VA.R. 2248-2249	7/1/04
24 VAC 20-100-350	Amended	20:21 VA.R. 2249	7/1/04
24 VAC 20-100-370 through 24 VAC 20-100-460	Amended	20:21 VA.R. 2249-2250	7/1/04
24 VAC 20-100-490 through 24 VAC 20-100-540	Amended	20:21 VA.R. 2250-2251	7/1/04
24 VAC 20-100-550	Added	20:21 VA.R. 2251	7/1/04
24 VAC 20-100 (Forms)	Amended	20:21 VA.R. 2251	7/1/04
24 VAC 30-380-10	Amended	20:13 VA.R. 1633	2/12/04

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# NOTICES OF INTENDED REGULATORY ACTION

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## Symbol Key

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

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## TITLE 2. AGRICULTURE

### STATE BOARD OF AGRICULTURE AND CONSUMER SERVICES

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Agriculture and Consumer Services intends to consider amending regulations entitled **2 VAC 5-70, Health Requirements Governing the Control of Equine Infectious Anemia in Virginia**. The purpose of the proposed action is to review the regulation for effectiveness and continued need, including amending the testing requirements for equine infectious anemia. The agency invites comments on whether an advisor should be appointed.

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

Statutory Authority: §§ 3.1-724, 3.1-726 and 3.1-730 of the Code of Virginia.

Public comments may be submitted until October 15, 2004.

**Contact:** David E. Cardin, Deputy State Veterinarian, Department of Agriculture and Consumer Services, 1100 Bank St., Suite 101, Richmond, VA 23219, telephone (804) 692-0601, FAX (804) 225-2666 or e-mail dcardin@vdacs.state.va.us.

VA.R. Doc. No. R04-258; Filed July 28, 2004, 3:12 p.m.

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## TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

### CRIMINAL JUSTICE SERVICES BOARD

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Criminal Justice Services Board intends to consider amending regulations entitled **6 VAC 20-30, Rules Relating to Compulsory In-Service Training Standards for Law-Enforcement Officers, Jailors or Custodial Officers, Courtroom Security Officers, Process Service Officers and Officers of the Department of Corrections, Division of Institutional Services**. The purpose of the proposed action is to conduct a periodic review with four additional goals to: (i) incorporate into the regulation greater opportunities to use electronic media to facilitate in-service training, (ii) provide cost savings to agencies and

localities, (iii) provide consistency between the courses used for firearms training at entry-level and the courses used for in-service recertification with firearms, and (iv) include training on cultural diversity and the potential for bias-based policing as required by the addition of subdivision 40 to § 9.1-102 of the Code of Virginia.

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

Statutory Authority: § 9.1-102 of the Code of Virginia.

Public comments may be submitted until September 8, 2004.

**Contact:** John Byrd, Program Manager, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-6375, FAX (804) 225-2398 or e-mail john.byrd@dcjs.virginia.gov.

VA.R. Doc. No. R04-247; Filed July 13, 2004, 10:33 a.m.

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Criminal Justice Services Board intends to consider amending regulations entitled **6 VAC 20-80, Rules Relating to Certification of Criminal Justice Instructors**. The purpose of the proposed action is to amend the rules to provide for an approach allowing certified criminal justice academies to formulate their own program for recertification of criminal justice instructors. Additionally, a change from radar instructor to speed measurement instructor is recommended.

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

Statutory Authority: § 9.1-102 of the Code of Virginia.

Public comments may be submitted until September 8, 2004.

**Contact:** John Byrd, Program Manager, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-6375, FAX (804) 225-2398 or e-mail john.byrd@dcjs.virginia.gov.

VA.R. Doc. No. R04-248; Filed July 13, 2004, 10:32 a.m.

## STATE BOARD OF JUVENILE JUSTICE

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Juvenile Justice intends to consider amending regulations entitled **6 VAC 35-10, Public Participation Guidelines**. The purpose of the proposed action is to add a number of provisions that recognize the acceptance of Internet-based applications, e-mail and faxes as routine modes of communication.

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# Notices of Intended Regulatory Action

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

Statutory Authority: §§ 2.2-4007 and 66-10 of the Code of Virginia.

Public comments may be submitted until September 10, 2004.

**Contact:** Donald R. Carignan, Regulatory Coordinator, Department of Juvenile Justice, P.O. Box 1110, Richmond, VA 23218-1110, telephone (804) 371-0743, FAX (804) 371-0773 or e-mail carigndr@djj.state.va.us.

VA.R. Doc. No. R04-229; Filed July 20, 2004, 10:08 a.m.

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## 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 5-80, Permits for Stationary Sources**. The purpose of the proposed action is to amend the regulations that govern permitting for new major stationary sources and major modifications in order to meet the new source reform requirements of 40 CFR Part 51.

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, federal Clean Air Act (§§ 110, 112, 165, 173, 182, and Title V) and 40 CFR Parts 51, 61, 63, 70 and 72.

Public comments may be submitted until 5 p.m. on September 8, 2004.

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

VA.R. Doc. No. R04-189; Filed June 23, 2004, 7:59 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 promulgating regulations entitled **9 VAC 25-800, Virginia Water Protection General Permit for Minor Water Withdrawals**. The purpose of the proposed action is to establish a general Virginia Water Protection permit for water withdrawals.

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

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

Public comments may be submitted until 5 p.m. on October 8, 2004.

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

VA.R. Doc. No. R04-263; Filed August 2, 2004, 12:55 p.m.

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## 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 specify certain procedures for the transfer or acquisition of an interest in an existing owner's, owner-operator's or operator's license.

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 5 p.m. on September 22, 2004.

**Contact:** David S. Lermond, Jr. Regulatory Coordinator, Virginia Racing Commission, 10700 Horsemen's Road, New Kent, VA 23124, telephone (804) 966-7404, FAX (804) 966-7418 or e-mail David.Lermond@vrc.virginia.gov.

VA.R. Doc. No. R04-270; Filed July 30, 2004, 4:15 p.m.

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## TITLE 12. HEALTH

### DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled **12 VAC 30-70, Methods and Standards for Establishing Payment Rates-Inpatient Hospital Services**. The purpose of the proposed action is to eliminate a separate DSH payment calculation for hospitals with state-recognized Neonatal Intensive Care Unit (NICU) programs and to increase Indirect Medical Education (IME) payments to offset any net reduction in net payments.

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# Notices of Intended Regulatory Action

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

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia.

Public comments may be submitted until September 9, 2004, to Steve Ford, Manager, Division of Provider Reimbursement, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

**Contact:** Victoria P. Simmons or Brian McCormick, Regulatory Coordinators, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959, FAX (804) 786-1680 or e-mail [vicki.simmons@dmas.virginia.gov](mailto:vicki.simmons@dmas.virginia.gov) or [Brian.McCormick@dmas.virginia.gov](mailto:Brian.McCormick@dmas.virginia.gov).

VA.R. Doc. No. R04-246; Filed July 14, 2004, 11:14 a.m.

## Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled **12 VAC 30-70, Methods and Standards for Establishing Payment Rates-Inpatient Hospital Services**. The purpose of the proposed action is to exclude freestanding psychiatric hospitals from the routine rate rebasing process in order to avoid reducing their rates.

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

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia.

Public comments may be submitted until September 9, 2004, to Steve Ford, Manager, Division of Provider Reimbursement, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

**Contact:** Victoria P. Simmons or Brian McCormick, Regulatory Coordinators, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959, FAX (804) 786-1680 or e-mail [vicki.simmons@dmas.virginia.gov](mailto:vicki.simmons@dmas.virginia.gov) or [Brian.McCormick@dmas.virginia.gov](mailto:Brian.McCormick@dmas.virginia.gov).

VA.R. Doc. No. R04-243; Filed July 14, 2004, 11:15 a.m.

## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects intends to consider amending regulations entitled **18 VAC 10-20, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Rules and Regulations**. The purpose of the proposed action is to consider amending the entry requirements for those landscape architect applicants who possess an LAAB accredited degree in landscape architecture to require them to obtain three years of acceptable experience before being granted certification (they could still be approved to take, and sit for, the examination prior to obtaining the required three years of experience; however, certification would not be awarded until such time as the three years of acceptable experience is obtained, documented, submitted, reviewed and approved).

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

Statutory Authority: §§ 54.1-201, 54.1-404 and 54.1-411 of the Code of Virginia.

Public comments may be submitted until September 8, 2004.

**Contact:** Mark N. Courtney, Executive Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475 or e-mail [APELSCIDLA@dpor.virginia.gov](mailto:APELSCIDLA@dpor.virginia.gov).

VA.R. Doc. No. R04-240; Filed July 15, 2004, 2:29 p.m.

### VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Virginia Board for Asbestos, Lead, and Home Inspectors intends to consider amending regulations entitled **18 VAC 15-20, Virginia Asbestos Licensing Regulations**. The purpose of the proposed action is to review the board's regulation of asbestos project monitors to identify any amendments that assure the presence of a project monitor on asbestos projects and examine whether the existing duties, responsibilities and functions should be amended to assure public protection. Also, the intent of the planned regulatory action is to review the existing regulations



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# Notices of Intended Regulatory Action

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and propose amendments to empower the board to deny license and approval as well as to take disciplinary action against those acting as or being an ostensible licensee for undisclosed persons who do or will control or direct, directly or indirectly, the operations of the licensed or approved entity. In addition, the board will carefully evaluate its existing regulations for effectiveness and continued need, and will propose any amendments necessary to protect the public health, safety, and welfare, or to further the efficient and economical performance of important government functions.

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

Statutory Authority: § 54.1-501 of the Code of Virginia.

Public comments may be submitted until October 15, 2004.

**Contact:** Tom Perry, Regulatory Boards Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-6128 or e-mail [alhi@dpor.virginia.gov](mailto:alhi@dpor.virginia.gov).

VA.R. Doc. No. R04-241; Filed July 15, 2004, 2:30 p.m.

## Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Virginia Board for Asbestos, Lead, and Home Inspectors intends to consider amending regulations entitled **18 VAC 15-30, Lead-Based Paint Activities Regulations**. The purpose of the proposed action is to review the existing regulations and propose amendments to empower the board to deny license and approval as well as to take disciplinary action against those acting as or being an ostensible licensee for undisclosed persons who do or will control or direct, directly or indirectly, the operations of the licensed or approved entity. In addition, the board will carefully evaluate its existing regulations for effectiveness and continued need, and will propose any amendments necessary to protect the public health, safety, and welfare, or to further the efficient and economical performance of important government functions.

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

Statutory Authority: § 54.1-501 of the Code of Virginia.

Public comments may be submitted until October 15, 2004.

**Contact:** Tom Perry, Regulatory Boards Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-6128 or e-mail [alhi@dpor.virginia.gov](mailto:alhi@dpor.virginia.gov).

VA.R. Doc. No. R04-239; Filed July 15, 2004, 2:29 p.m.

## AUCTIONEERS BOARD

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Auctioneers Board intends to consider amending regulations entitled **18 VAC 25-21, Rules and Regulations of the Virginia Auctioneers Board**. The purpose of the proposed action is to develop necessary regulations to implement a mandatory continuing education program for the renewal/reinstatement of auctioneer licenses as required by Chapter 956 of the 2004 Acts of Assembly. Other changes that may be necessary pursuant to the board's periodic review of its regulation and any other changes will also be considered.

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

Statutory Authority: §§ 54.1-602 and 54.1-603.1 of the Code of Virginia.

Public comments may be submitted until October 6, 2004.

**Contact:** Mark N. Courtney, Executive Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475 or e-mail [auctioneers@dpor.virginia.gov](mailto:auctioneers@dpor.virginia.gov).

VA.R. Doc. No. R04-278; Filed August 17, 2004, 12:04 p.m.

## BOARD FOR CONTRACTORS

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board for Contractors intends to consider amending regulations entitled **18 VAC 50-30, Tradesman Rules and Regulations**. The purpose of the proposed action is to amend the regulations consistent with Chapter 188 of the 2004 Acts of Assembly regarding the certification of elevator mechanics by the Board for Contractors.

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

Statutory Authority: §§ 54.1-201 and 54.1-1142 of the Code of Virginia.

Public comments may be submitted until September 8, 2004.

**Contact:** Eric Olson, Executive Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474 or e-mail [contractor@dpor.virginia.gov](mailto:contractor@dpor.virginia.gov).

VA.R. Doc. No. R04-257; Filed July 21, 2004, 9 a.m.

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# Notices of Intended Regulatory Action

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## BOARD OF DENTISTRY

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Dentistry intends to consider amending regulations entitled **18 VAC 60-20, Regulations Governing the Practice of Dentistry and Dental Hygiene**. The purpose of the proposed action is to implement Chapter 754 of the 2004 Acts of Assembly, which authorizes the board to adopt regulations for licensure of persons enrolled in advanced dental education programs.

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

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

Public comments may be submitted until 5 p.m. on September 8, 2004.

**Contact:** Sandra Reen, Executive Director, Board of Dentistry, 6603 W. Broad St., Richmond, VA 23230-1712, telephone (804) 662-9906, FAX (804) 662-9943 or e-mail [sandra.reen@dhp.virginia.gov](mailto:sandra.reen@dhp.virginia.gov).

VA.R. Doc. No. R04-235; Filed July 15, 2004, 12:28 p.m.

## BOARD OF FUNERAL DIRECTORS AND EMBALMERS

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Funeral Directors and Embalmers intends to consider amending regulations entitled **18 VAC 65-20, Regulations of the Board of Funeral Directors and Embalmers**. The purpose of the proposed action is to establish criteria for delegation of some informal fact-finding proceedings to an agency subordinate.

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

Statutory Authority: § 54.1-2400 and Chapter 28 (§ 54.1-2800 et seq.) of the Code of Virginia.

Public comments may be submitted until 5 p.m. on September 8, 2004.

**Contact:** Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, 6603 W. Broad St., Richmond, VA 23230-1712, telephone (804) 662-9941, FAX (804) 662-9943 or e-mail [elizabeth.young@dhp.virginia.gov](mailto:elizabeth.young@dhp.virginia.gov).

VA.R. Doc. No. R04-254; Filed July 15, 2004, 12:32 p.m.

## BOARD OF MEDICINE

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Medicine intends to consider amending regulations entitled **18 VAC 85-40, Regulations Governing the Practice of Respiratory Care Practitioners**. The purpose of the proposed action is to accept Category 1 CME approved by the American Medical Association to meet the required hours for renewal of licensure as a respiratory care practitioner in response to a petition for rulemaking from a respiratory care practitioner.

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

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

Public comments may be submitted until 5 p.m. on September 22, 2004.

**Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, 6603 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9512 or e-mail [william.harp@dhp.virginia.gov](mailto:william.harp@dhp.virginia.gov).

VA.R. Doc. No. R04-144; Filed July 26, 2004, 3:19 p.m.

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Medicine intends to consider amending regulations entitled **18 VAC 85-80, Regulations Governing the Licensure of Occupational Therapy**. The purpose of the proposed action is to comply with the statutory mandate in § 54.1-2956.1 of the Code of Virginia, which requires the board to establish the credentialing body and initial certification required for a person to hold himself out to be an occupational therapy assistant or to use the designation O.T.A. or any deviation thereof.

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

Statutory Authority: §§ 54.1-2400 and 54.1-2956.1 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on September 22, 2004.

**Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, 6603 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9512 or e-mail [william.harp@dhp.virginia.gov](mailto:william.harp@dhp.virginia.gov).

VA.R. Doc. No. R04-267; Filed July 26, 2004, 3:19 p.m.

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# Notices of Intended Regulatory Action

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## BOARD OF NURSING

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Boards of Nursing and Medicine intend to consider amending regulations entitled **18 VAC 90-30, Regulations Governing the Licensure of Nurse Practitioners**. The purpose of the proposed action is to require that the written protocol between the supervising physician and the nurse practitioner include the nurse practitioner's authority for signature on certain documents.

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

Statutory Authority: §§ 54.1-2400 and 54.1-2957 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on September 8, 2004.

**Contact:** Jay P. Douglas, R.N., Executive Director, Board of Nursing, 6603 W. Broad St., Richmond, VA 23230-1712, telephone (804) 662-9909, FAX (804) 662-9943 or e-mail [jay.douglas@dhp.virginia.gov](mailto:jay.douglas@dhp.virginia.gov).

VA.R. Doc. No. R04-233; Filed July 15, 2004, 12:29 p.m.

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Boards of Nursing and Medicine intend to consider amending regulations entitled **18 VAC 90-30, Regulations Governing the Licensure of Nurse Practitioners**. The purpose of the proposed action is to amend regulations for consistency with the implementation of the Nurse Licensure Compact.

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

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

Public comments may be submitted until 5 p.m. on September 8, 2004.

**Contact:** Jay P. Douglas, R.N., Executive Director, Board of Nursing, 6603 W. Broad St., Richmond, VA 23230-1712, telephone (804) 662-9909, FAX (804) 662-9943 or e-mail [jay.douglas@dhp.virginia.gov](mailto:jay.douglas@dhp.virginia.gov).

VA.R. Doc. No. R04-237; Filed July 15, 2004, 12:29 p.m.

## BOARD OF NURSING HOME ADMINISTRATORS

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Nursing Home Administrators intends to consider amending regulations entitled **18 VAC 95-20, Regulations of the Board of Nursing Home Administrators**. The purpose of the proposed action is to set out the criteria for delegation of informal fact-finding proceedings to an agency subordinate.

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

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

Public comments may be submitted until 5 p.m. on September 22, 2004.

**Contact:** Sandra Reen, Executive Director, Board of Nursing Home Administrators, 6603 W. Broad St., Richmond, VA 23230-1712, telephone (804) 662-9906, FAX (804) 662-9943 or e-mail [sandra.reen@dhp.virginia.gov](mailto:sandra.reen@dhp.virginia.gov).

VA.R. Doc. No. R04-259; Filed July 28, 2004, 9:58 a.m.

## BOARD OF OPTOMETRY

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Optometry intends to consider amending regulations entitled **18 VAC 105-20, Regulations Governing the Practice of Optometry**. The purpose of the proposed action is to set out the criteria for delegation of informal fact-finding proceedings to an agency subordinate.

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

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

Public comments may be submitted until 5 p.m. on September 8, 2004.

**Contact:** Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, 6603 W. Broad St., Richmond, VA 23230-1712, telephone (804) 662-9910, FAX (804) 662-7098 or e-mail [elizabeth.carter@dhp.virginia.gov](mailto:elizabeth.carter@dhp.virginia.gov).

VA.R. Doc. No. R04-230; Filed July 20, 2004, 9:28 a.m.

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 54.1-3223 of the Code of Virginia that the Board of Optometry intends to consider amending regulations entitled **18 VAC 105-20, Regulations Governing the Practice of Optometry**. The purpose of the proposed action is to amend regulations establishing treatment guidelines and a current and appropriate list of therapeutic pharmaceuticals on the formulary for optometrists certified to use therapeutic pharmaceutical agents.

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

Statutory Authority: § 54.1-3223 of the Code of Virginia.

Public comments may be submitted until 10 a.m. on October 6, 2004.

**Contact:** Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, 6603 W. Broad St., Richmond, VA 23230-1712, telephone (804) 662-9910, FAX (804) 662-7098 or e-mail [elizabeth.carter@dhp.virginia.gov](mailto:elizabeth.carter@dhp.virginia.gov).

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# Notices of Intended Regulatory Action

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VA.R. Doc. No. R04-280; Filed August 18, 2004, 9:10 a.m.

## BOARD OF PHARMACY

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Pharmacy intends to consider amending regulations entitled **18 VAC 110-20, Regulations Governing the Practice of Pharmacy**. The purpose of the proposed action is to increase oversight of the wholesale distribution market in order to prevent opportunities for counterfeiting of drugs and ensure the integrity, safety and efficacy of drugs or devices distributed in the Commonwealth.

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

Statutory Authority: § 54.1-2400 and Chapters 33 and 34 (§§ 54.1-3300 et seq. and 54.1-3400 et seq.) of the Code of Virginia.

Public comments may be submitted until 5 p.m. on September 8, 2004.

**Contact:** Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6603 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9911, FAX (804) 662-9943 or e-mail [scotti.russell@dhp.virginia.gov](mailto:scotti.russell@dhp.virginia.gov).

VA.R. Doc. No. R04-242; Filed July 15, 2004, 12:31 p.m.

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Pharmacy intends to consider amending regulations entitled **18 VAC 110-20, Regulations Governing the Practice of Pharmacy**. The purpose of the proposed action is to establish criteria for delegation of some informal fact-finding proceedings to an agency subordinate.

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

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

Public comments may be submitted until 5 p.m. on September 8, 2004.

**Contact:** Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6603 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9911, FAX (804) 662-9943 or e-mail [scotti.russell@dhp.virginia.gov](mailto:scotti.russell@dhp.virginia.gov).

VA.R. Doc. No. R04-252; Filed July 15, 2004, 12:32 p.m.

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Pharmacy intends to consider amending regulations entitled **18 VAC 110-20, Regulations Governing the Practice of Pharmacy**. The purpose of the proposed action is to allow pharmacies in

hospital or retail settings to possibly outsource data entry, the drug utilization review (DUR) and other aspects of dispensing prescription drugs.

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

Statutory Authority: § 54.1-2400 and Chapters 33 and 34 (§§ 54.1-3300 et seq. and 54.1-3400 et seq.) of the Code of Virginia.

Public comments may be submitted until 5 p.m. on September 8, 2004.

**Contact:** Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6603 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9911, FAX (804) 662-9943 or e-mail [scotti.russell@dhp.virginia.gov](mailto:scotti.russell@dhp.virginia.gov).

VA.R. Doc. No. R04-251; Filed July 15, 2004, 12:31 p.m.

## BOARD OF PSYCHOLOGY

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Psychology intends to consider adopting regulations entitled **18 VAC 125-15, Regulations Governing Delegation to an Agency Subordinate**. The purpose of the proposed action is to set out the criteria for delegation of informal fact-finding proceedings to any agency subordinate.

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

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

Public comments may be submitted until 5 p.m. on September 22, 2004.

**Contact:** Ben Foster, Deputy Executive Director, Board of Psychology, 6603 W. Broad St., Richmond, VA 23230-1712, telephone (804) 662-9575, FAX (804) 662-7250 or e-mail [ben.foster@dhp.virginia.gov](mailto:ben.foster@dhp.virginia.gov).

VA.R. Doc. No. R04-261; Filed July 28, 2004, 9:58 a.m.



## TITLE 22. SOCIAL SERVICES

### STATE BOARD OF SOCIAL SERVICES

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to consider amending regulations entitled **22 VAC 40-740, Adult Protective Services**. The purpose of the proposed action is to conform the regulation to Chapter 1011 and Chapter 749 of the 2004 Acts of Assembly. The new legislation establishes enhanced protections for Virginia's vulnerable adult population and best practices in Adult Protective Services (APS) for the Commonwealth. Recommendations are based on those from an APS Advisory Committee that was established to assess Virginia's APS program and a legislative report issued in December 2002 entitled Adult Protective Services: Identifying and Preventing Adult Abuse, Neglect, and Exploitation, which included a comprehensive review of other states' APS programs and suggestions received from interested persons.

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

Statutory Authority: §§ 63.2-217 and 63.2-1603 through 63.2-1610.

Public comments may be submitted until September 8, 2004.

**Contact:** Marjorie Marker, Adult Services Program Consultant, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7536, FAX (804) 726-7895 or e-mail [marjorie@marker@dss.virginia.gov](mailto:marjorie@marker@dss.virginia.gov).

VA.R. Doc. No. R04-249; Filed July 20, 2004, 12:53 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 Board of Social Services intends to consider amending regulations entitled **22 VAC 40-901, Community Block Grant Program**. The purpose of the proposed action is to provide guidelines for the Department of Social Services to use in evaluating organizations for designation as a community action agency. The guidelines will be used by the department in making its recommendations to the Governor for designation and funding of new community action agencies.

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

Statutory Authority: §§ 63.2-217 and Chapter 54 (§ 2.2-5400 et seq.) of Title 2.2 of the Code of Virginia.

Public comments may be submitted until September 8, 2004.

**Contact:** J. Mark Grigsby, Director, Office of Community Services, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7922, FAX (804) 726-7946 or e-mail [James.Grisby@dss.virginia.gov](mailto:James.Grisby@dss.virginia.gov).

VA.R. Doc. No. R04-250; Filed July 20, 2004, 12:52 p.m.

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# PROPOSED REGULATIONS

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For information concerning Proposed Regulations, see Information Page.

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## Symbol Key

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

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## TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

### CRIMINAL JUSTICE SERVICES BOARD

Title of Regulation: **6 VAC 20-230. Regulations Relating to Special Conservators of the Peace (adding 6 VAC 20-230-10 through 6 VAC 20-230-350).**

Statutory Authority: § 9.1-150.2 of the Code of Virginia.

Public Hearing Date: December 9, 2004 - 9 a.m.

Public comments may be submitted until November 5, 2004.

(See Calendar of Events section for additional information)

Agency Contact: Ellen B. Spain, Regulatory Programs Coordinator, Department of Criminal Justice Services, 805 East Broad Street, Richmond, VA 23219, telephone (804) 786-1018, FAX (804) 786-6344, or e-mail ellen.spain@dcjs.virginia.gov.

Basis: Section 9.1-150.2 of the Code of Virginia authorizes the Criminal Justice Services Board to adopt regulations for special conservators of the peace appointed pursuant to § 19.2-13.

Purpose: These regulations establish a registration process that includes a fingerprint-based background check, registration fees, entry-level training standards, and administration of the regulatory system. The regulation also authorizes the department to receive complaints concerning the conduct of any person whose activities are monitored by the board; conduct investigations; issue disciplinary action; and revoke, suspend, and refuse to renew a registration. These procedures are established to protect the citizens of the Commonwealth from unqualified, unscrupulous, and incompetent persons engaging in the activities of a special conservator of the peace.

Substance: The regulation establishes a registration process, registration fees, entry-level training standards including firearms training and qualifications, standards of conduct, and administration of the regulatory system. It outlines procedures for receiving complaints concerning the conduct of any person whose activities are monitored by the board; procedures for conducting investigations; issuing disciplinary action; and revoking, suspending, or refusing to renew a registration; and provides an appeal process pursuant to the administrative process act.

Issues: The advantages that these regulations provide to the general public are that they:

1. Set forth standards, procedures, and requirements that serve to protect the safety and welfare of the general public against incompetent, unscrupulous, and unqualified persons

by establishing methods of registration that enhance the competency of persons performing or engaged in the activities of a special conservator of the peace.

2. Establishes a method for the public to make a complaint regarding the conduct of a special conservator of the peace and have it reviewed by an independent board. Disciplinary action may be taken by the board after an investigation and includes the possibility of revoking, suspending, or refusing to renew a registration.

A possible disadvantage of these regulations is that the program it prescribes receives no moneys from the general fund; therefore, the cost to administer the program must be absorbed by the affected individuals. There are no disadvantages to the public.

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. Chapter 922 of the 2003 Acts of Assembly gives the Department of Criminal Justice Services (DCJS) the authority to adopt regulations relating to special conservators of the peace, including establishing qualifications for registration as a special conservator of the peace, examining the suitability of each applicant for registration, ensuring continuing competency and preventing deceptive or misleading practices by registered special conservators of the peace, providing for the receipt of complaints relating to the conduct of registered special conservators of the peace and, if warranted, for investigations and disciplinary action, allowing for the revocation, suspension, or refusal to renew an existing registration under certain circumstances, and administering the regulatory program. The Act of Assembly also allows DCJS to charge fees for registration and renewal of registration that cover the program's administrative and operational costs.

The proposed regulation establishes: (i) minimum eligibility requirements, including entry-level and in-service training requirements, for all applicants for initial registration or renewal of registration; (ii) application procedures for initial registration and for the renewal or reinstatement of an existing registration; (iii) administrative requirements and standards of conduct for individual registered as special conservators of the

peace; (iv) reasons for registration denial, suspension, revocation, or probation; (v) procedures for the receipt and handling of complaints against any registered special conservator of the peace; and (vi) fees to be charged for initial registration, renewal or reinstatement of an existing registration, fingerprint card processing, training exemption, and replacement photo identification letter.

The proposed regulation was adopted as an emergency regulation in 2003.

Estimated economic impact. Rationale: Chapter 922 of the 2003 Acts of Assembly gives DCJS the authority to adopt regulations relating to special conservators of the peace. Special conservators of the peace are appointed by circuit courts and have law-enforcement powers in the geographic area specified in their appointment. For example, special conservators of the peace have the authority to issue traffic summons and parking citations, to obtain and serve warrants for felonies and misdemeanors, and to make arrests within the geographic area specified by the circuit court. Conservators of the peace can be found across the state serving in various capacities, including as campus police officers, bank security officials, public works officers, and building code officials.

However, prior to the adoption of the emergency regulation in December 2003, the only requirements for appointment as a special conservator of the peace were a maximum length of appointment of four years and a \$1,000 bond to be filed by the applicant with the circuit court. The appointment was contingent on the individual's continued employment. Unlike police officers and private security service personnel (who are required to meet training and continuing competency requirements), special conservators of the peace were not required to meet any eligibility or training requirements. The circuit courts could require background checks of individuals applying to be special conservators of the peace, but these checks were not mandatory.

In 2002, the General Assembly directed the Virginia State Crime Commission to study the appointment process for special conservators of the peace. Specifically, the Virginia State Crime Commission was to analyze (i) the rationale for current special conservator of the peace appointments, (ii) the training needs of special conservator of the peace appointees, (iii) proper search and seizure techniques, (iv) the proper manner of executing arrests, and (v) personal safety concerns and issues associated with the exercising of special conservator of the peace powers.

The 2003 Virginia State Crime Commission report<sup>1</sup> analyzed 2,848 court orders for appointments with conservator of the peace powers in effect during FY 1999, FY 2000, and FY 2001 and found that circuit courts were not uniformly applying existing requirements in the Code of Virginia for these appointments. For instance, analysis of the data showed that:

- 88% of the orders did not have the social security number of the appointee

- 17% of the orders did not address the duration of the appointment
- 11% of the orders exceeded the Code of Virginia-required four-year maximum duration of employment
- 63% did not specify that the duration of employment and the use of conservator powers was contingent on the individual's continued employment
- 71% did not address the bond requirement mandated by the Code of Virginia
- 9% of orders requiring a bond set the amount at less than \$1,000

The report also found that there was a potential for thousands of individuals to have law-enforcement powers, including the authorization to carry firearms as part of their appointment, without any training, qualifications, or liability coverage. A 1996 Virginia State Crime Commission study<sup>2</sup> on specially appointed police officers also noted that the lack of a training requirement for conservators of the peace created a potential for the misuse of power. In addition to the potential for misuse, the 2003 report also found that, in many instances, law-enforcement agencies were not even aware of individuals authorized with conservator of the peace powers in their jurisdiction. This led to cases of abuse with individuals making arrests using conservator of the peace powers when not authorized to do so. In one instance, an individual acting as the conservator of the peace made an arrest, then bonded out that person acting as a bail bondsman. It was later determined that the individual did not have an appointment as conservator of the peace and, hence, had no arrest powers.

One of the recommendations of the 2003 Virginia State Crime Commission report was that DCJS regulate, certify, and register conservators of the peace as they do private security officers. The report recommended that any regulations so formulated include fingerprint-based background checks, a bond or liability insurance requirement, and training standards. The report recommended repealing all appointments with conservator of the peace powers effective January 1, 2004, and requiring all applicants to present the circuit court with a valid DCJS registration prior to appointment as a conservator of the peace. Following the report, Chapter 922 of the 2003 Acts of Assembly was enacted and DCJS was given the authority to promulgate regulations regarding special conservators of the peace.

Description: The proposed regulation establishes minimum eligibility requirements for individuals seeking appointment as special conservators of the peace. All applicants are required to be at least 18 years old and a U.S. citizen or U.S. legal resident alien. In addition, all applicants are required to meet minimum training requirements specified in the regulation. Armed special conservators of the peace are required to have at least 40 hours of entry-level training, including firearms training, and unarmed special conservators of the peace are required to have at least 24 hours of entry-level training. The proposed regulation also establishes minimum eligibility

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<sup>1</sup> "Special Conservators of the Peace and Special Police," Senate Document No. 12, Report of the Virginia State Crime Commission to the Governor and General Assembly of Virginia, 2003.

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<sup>2</sup> "Study of Specially Appointed Police Officers," House Document No. 39, Final Report of the Virginia State Crime Commission to the Governor and General Assembly of Virginia, 1996.

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## Proposed Regulations

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requirements for individuals seeking to renew their registration. Applicants are required to be in good standing in every jurisdiction where appointment is granted and are required to have at least eight hours of in-service training. In addition to the eight-hour in-service training requirement, armed conservators of the peace are required to undergo firearms requalification (a minimum two hours of training, excluding range qualification) on an annual basis.

The areas to be covered by the training and the time to be spent on each area are specified in the regulation. The minimum hours of entry-level training are specified in the Code of Virginia. The number of hours of in-service training and the course content (for entry-level and in-service training) was determined by a committee put together by DCJS, consisting of police officers, training school instructors, and private security personnel. The regulation provides for exemptions from the entry-level and in-service training requirements under certain circumstances. For example, individuals employed as law-enforcement officers for more than five continuous years prior to applying for registration and who have not been terminated from employment as a law-enforcement officer due to misconduct or incompetence are eligible for a partial exemption from entry-level training requirements. Individuals applying for a training exemption are required to submit a nonrefundable \$25 fee to DCJS.

The proposed regulation also specifies the application procedures and requirements for initial registration and for the renewal or reinstatement of an existing registration.

- Initial registration requires applicants to submit a completed application form, a fingerprint card (along with a fingerprint processing application, a \$50 nonrefundable fee, and a form listing the applicants criminal conviction history), a drug and alcohol test, a \$10,000 surety or cash bond, a \$60 nonrefundable application fee, and documentation verifying the completion of required entry-level training. Successful applicants are issued a temporary registration letter by DCJS, which they can then present to the circuit court in the jurisdiction where the appointment is being sought. A final registration letter is issued by DCJS once the applicant submits a copy of the court order granting the appointment as a special conservator of the peace to the agency. On submitting the final registration letter to the Department of Motor Vehicle or other specified entity, a photo identification card is issued. Issuance of a replacement photo identification letter requires the submission of a completed application and a \$25 nonrefundable fee. Registration remains valid for 12 months.
- Renewal of an existing regulation requires applicants to submit a completed renewal application, a nonrefundable renewal fee of \$60, and a copy of the court order granting special conservator of the peace authority. The renewal application is to be made at least 30 days prior to registration expiration. On meeting the renewal requirements, DCJS issues a registration letter valid for one year. On submitting the registration letter to the Department of Motor Vehicle or other specified entity, a photo identification card is issued. Issuance of a replacement photo identification letter requires the

submission of a completed application and a \$25 nonrefundable fee. The regulation allows for extensions to the renewal period under certain circumstances.

- Following registration expiration, individuals seeking to continue their appointment as a special conservator of the peace are required to apply for reinstatement. Reinstatement requires applicants to meet all renewal requirements and submit a \$90 nonrefundable reinstatement fee. Reinstatement is possible for up to 60 days following expiration. After the 60-day period has elapsed, applicants are required to meet all initial registration requirements. Individuals are not allowed to work as special conservators of the peace until they have been reinstated. Reinstatement is not possible in instances when individual has not maintained the required insurance or surety bond coverage.

All registrations are contingent upon a valid court order from the circuit court granting special conservator of the peace powers to the individual.

The proposed regulation also establishes administrative requirements and standards of conduct for individuals registered as special conservators of the peace. These requirements are similar to administrative requirements and standards of conduct for private security officers. The administrative requirements include keeping contact information up to date with DCJS, reporting any felony or misdemeanor convictions or violations of conservator of the peace statutes and regulations, and informing DCJS of any incident while on duty during which a firearm was discharged. The standards of conduct include carrying valid registration at all times while on duty, using minimum force necessary to make an arrest, and carrying a concealed firearm only on the expressed authorization of the circuit court. In addition, the proposed regulation establishes reasons for registration denial, suspension, revocation, or probation. These include failure of the drug and alcohol test and conviction of certain types of misdemeanors. Finally, the proposed regulation establishes procedures for the receipt and handling of complaints against any registered special conservator of the peace, including processes for the submission of complaints, the initiation of departmental investigations, and the appeal of any decision taken by DCJS.

Estimated economic impact: The proposed regulation is likely to impose additional costs on individuals seeking appointment as special conservators of the peace. These individuals will now be required to meet entry-level training requirements, a minimum of 40 hours of training for armed special conservators of the peace and 24 hours of training for unarmed special conservators of the peace. According to DCJS, training costs an average of \$50 to \$70 a day. Thus, entry-level training will cost between \$250 and \$350 for armed conservators of the peace and between \$100 and \$140 for unarmed conservators of the peace. In addition to the training requirement, applicants are also required to submit a \$60 nonrefundable application fee to DCJS. They are also required to undergo a criminal background check and a drug and alcohol test. DCJS charges a \$50 nonrefundable fee for processing fingerprint cards and conducting criminal background checks. According to DCJS, the drug and alcohol



test currently costs \$41.50. Applicants are also required to furnish a \$10,000 surety or cash bond. The cost of providing the bond will vary depending on the risk profile of the applicant.

Thus, applicants for initial registration will incur costs between \$401 and \$501 for registration as armed conservators of the peace and between \$251 and \$291 for registration as unarmed conservators of the peace. In addition, applicants will also incur the cost of furnishing the \$10,000 bond.

Individuals registered as special conservators of the peace will be required to renew their registration every 12 months if they wish to continue their appointment as special conservators of the peace. Renewal requires eight hours of training for armed and unarmed special conservators of the peace. In addition, armed special conservators of the peace are required to have a minimum of two hours of firearms training (excluding range qualification). The in-service training requirements will cost between \$62 and \$87 for armed special conservators of the peace (not including time spent on range qualification) and between \$50 and \$70 for unarmed special conservators of the peace. In addition, applicants will be required to pay a \$60 nonrefundable renewal fee.

Thus, applicants for registration renewal will incur costs between \$122 and \$147 for renewal of their registration as armed conservators of the peace and between \$110 and \$130 for renewal of their registration as unarmed conservators of the peace.

The proposed change is also likely to produce economic benefits. The activities of special conservators of the peace have the potential to create a hazard to public safety through the false representation and abuse of special conservator of the peace powers. These individuals have law-enforcement powers, including issuing traffic summons and parking citations, obtaining and serving warrants, and making arrests within the area of their authority. Some examples of the potential hazards to public safety posed by these individuals include wrongful arrests, illegal searches and seizures, and injuries or fatalities in custody. As noted above, there have been instances of individuals abusing these powers or using them without authorization. The proposed regulation is intended to prevent such abuses in the future and, hence, reduce the risk to the public from the activities of these individuals. To the extent that the proposed regulation achieves this purpose, it is likely to produce economic benefits.

The net economic impact of the proposed change will depend on whether the requirements of the proposed regulation are commensurate with the risk posed to public safety by the activities of special conservators of the peace. If the requirements are the minimum necessary to protect the public from the misuse and abuse of special conservator of the peace powers, the proposed regulation is likely to produce a net positive economic impact. The additional cost of registration to individuals seeking special conservator of the peace powers can be viewed as part of the compliance cost incurred by these individuals to ensure that they do not jeopardize public safety. By ensuring that individuals with special conservator of the peace powers pay the compliance costs associated with operating in a manner protective of

public safety, the proposed regulation is likely to lead to a more efficient allocation of resources and have a net positive economic impact. If, on the other hand, the requirements are excessive given the risks posed to public safety from the activities of special conservators of the peace, the proposed regulation, by imposing unnecessary requirements, is likely to lead to a waste of resources and have a net negative economic impact.

As noted in previous sections, there have been several reported cases of misrepresentation and abuse relating to the exercise of special conservator of the peace powers. Due to the lack of a statewide database, it is not possible to know all such instances of misrepresentation and abuse. However, the potential for misuse of power and the risk to public safety appears to be significant. For example, armed special conservators of the peace are authorized to carry firearms but are not currently required to have any firearms-related training. Moreover, the requirements of the proposed regulation appear to be reasonable and consistent with the requirements for getting certified as a private security officer. The entry-level and in-service training requirements are less than that required for a police officer (who has broader authority than a special conservator of the peace) and more than that required for a private security officer (who has more limited law-enforcement powers than a special conservator of the peace). The only significant requirement for special conservators of the peace, which is not required for police officers or private security personnel, is the drug and alcohol-testing requirement. While it is unclear whether this requirement is necessary to public safety, it is required under the Code of Virginia. However, overall, the requirements of the proposed regulation appear to be reasonable and in line with the risk posed by the activities of special conservators of the peace to public safety.

Assuming DCJS receives 2,500 applications, the agency estimates that it would require 4,160 investigative hours and 2,080 administrative hours per year or three full-time positions (one investigator position, one administrative position, and one support staff) at an annual cost of \$152,000 to run the program. At an average hourly wage of \$24.36 and an average of 2.50 hours spent on each application, it would cost DCJS on average a little under \$61 to review an application. Thus, the \$60 registration and registration renewal appears appropriate. At these fees, individuals seeking to be appointed as special conservators of the peace will be covering the compliance costs associated with operating in a manner protective of public safety. The \$50 nonrefundable fee for processing fingerprint cards is identical to the fingerprint card processing fee charged under the private security services regulation and is intended to cover administrative and other costs incurred by DCJS in conducting a background check.

Businesses and entities affected. The proposed regulation will affect all individuals seeking special conservator of the peace appointments. These individuals will be required to register with DCJS prior to their appointment as a special conservator of the peace.

DCJS has received 110 applications for registration since January 1, 2004. Based on the Virginia State Crime

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Commission's report, DCJS expected to receive up to 2,500 applications for registration. However, the agency now believes this estimate to be too high and expects to receive anywhere up to 2,000 applications.

Localities particularly affected. The proposed regulation affects all localities in the Commonwealth. The 2003 Virginia State Crime Commission report noted that 53% of all appointments with special conservator of the peace powers during FY 1999, FY 2000, and FY 2001 came from two cities, Newport News and Norfolk. Localities such as these, with a large number of special conservator of the peace appointments, are likely to be the most affected.

Projected impact on employment. The proposed regulation could have a negative impact on the number of individuals operating as special conservators of the peace. Individuals seeking these appointments will now be required to register with DCJS and meet all the requirements of the proposed regulation prior to being appointed as a special conservator of the peace.

Effects on the use and value of private property. While businesses requiring the services of a special conservator of the peace may now find it more difficult to have one appointed (as any individual appointed as a special conservator of the peace would need to meet the requirements of this regulation and be registered with DCJS prior to the appointment), by ensuring that individuals appointed as special conservators of the peace are trained and qualified to do the job effectively the proposed regulation is likely to have a net positive impact on the use and value of private property.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Department of Criminal Justice Services, Private Security Services Section, concurs with the economic impact analysis as reviewed by the Department of Planning and Budget.

## Summary:

*The proposed regulation establishes entry-level training, in-service training, and a registration process to include a fingerprint-based background check, registration fees, and administration of the regulatory system. It authorizes the department to receive complaints concerning the conduct of any person whose activities are monitored by the board; conduct investigations; issue disciplinary action; and revoke, suspend, and refuse to renew a registration.*

### CHAPTER 230.

### REGULATIONS RELATING TO SPECIAL CONSERVATORS OF THE PEACE.

#### **6 VAC 20-230-10. Definitions.**

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

*"Armed special conservator of the peace" means a special conservator of the peace registrant who carries or has immediate access to a firearm in the performance of his duties.*

*"Board" means the Criminal Justice Services Board or any successor board or agency.*

*"Certification" means a method of regulation indicating that qualified persons have met the minimum requirements as private security services training schools and private security services instructors.*

*"Certified training schools" means a training school certified by the department for the specific purpose of training a special conservator of the peace regulated in at least one category of the compulsory minimum training standards.*

*"Class" means a block of instruction no less than 50 minutes in length on a particular subject.*

*"Combat loading" means tactical loading of a shotgun while maintaining coverage of the threat area.*

*"Department" or "DCJS" means the Department of Criminal Justice Services or any successor agency.*

*"Director" means the chief administrative officer of the department.*

*"Electronic roster submittal" means the authority given to the training director or assistant training director of a training school, after he has submitted an application and the required nonrefundable fee, to submit a training school roster to the department electronically through the department's online system.*

*"Firearms verification" means verification of successful completion of either initial or retraining requirements for handgun or shotgun training, or both.*

*"Incident" means an event that exceeds the normal extent of one's appointed special conservator of the peace authority.*

*"In-service training requirement" means the compulsory in-service training standards adopted by the Criminal Justice Services Board for special conservator of the peace personnel.*

*"Performance of his duties" means on duty in the context of this chapter.*

*"Person" means any individual, group of individuals, firm, company, corporation, partnership, business, trust, association, or other legal entity.*

*"Physical address" means the location of the building that houses a business or training school (a post office box is not a physical address).*

*"Private security services training school" means any person certified by the department to provide instruction in special conservator of the peace subjects for the training of special conservator of the peace personnel in accordance with this chapter.*

*"Registration" means a method of regulation that identifies individuals as having met the minimum requirements for a particular registration category as set forth in this chapter.*

*"Registration category" means any one of the following categories: (i) unarmed special conservators of the peace or (ii) armed special conservators of the peace.*

"Session" means a group of classes comprising the total hours of mandated training in either of the following categories: (i) unarmed special conservator of the peace and (ii) armed special conservator of the peace.

"Special conservator of the peace" means any individual appointed by the circuit court pursuant to § 19.2-13 of the Code of Virginia on or after September 15, 2004, to perform only those powers, functions, duties and responsibilities authorized within such geographic limitations as the court may deem appropriate.

"Special conservator of the peace registrant" means any individual who has met the requirements under this regulation to apply for appointment to the circuit court as a special conservator of the peace.

"This chapter" means the Regulations Relating to Special Conservators of the Peace as part of the Virginia Administrative Code.

"Training certification" means verification of the successful completion of any training requirement established in this chapter.

"Training requirement" means any entry-level, in-service, or firearms retraining standard established in this chapter.

"Unarmed special conservator of the peace" means a special conservator of the peace registrant who does not carry or has immediate access to a firearm in the performance of his duties.

**6 VAC 20-230-20. Fees.**

A. Schedule of fees. The fees listed below reflect the costs of handling, issuance, and production associated with administering and processing applications for licensing, registration, certification and other administrative requests for services related to private security services. Fees are nonrefundable.

CATEGORIES	FEES
Initial registration	\$60
Registration renewal	\$60
Application for training exemption	\$25
Fingerprint card processing	\$50
Replacement photo identification letter	\$20

**B. Reinstatement fee.**

1. The department shall collect a reinstatement fee for registration renewal applications not received on or before the expiration date of the expiring registration.
2. The reinstatement fee shall be 50% above and beyond the renewal fee of the registration or any other credential issued by the department wherein a fee is established and renewal is required.

**C. Dishonor of fee payment due to insufficient funds.**

1. The department may suspend the registration or authority it has granted any person or registrant who submits a check or similar instrument for payment of a fee required by

statute or regulation that is not honored by the financial institution upon which the check or similar instrument is drawn.

2. The suspension shall become effective upon receipt of written notice of the dishonored payment. Upon notification of the suspension, the person or registrant may request that the suspended registration or authority be reinstated, provided payment of the dishonored amount plus any penalties or fees required under the statute or regulation accompany the request. Suspension under this provision shall be exempt from the Administrative Process Act.

**6 VAC 20-230-30. Initial registration application.**

A. Individuals are required to be registered pursuant to § 19.2-13 of the Code of Virginia in the category of special conservator of the peace. Prior to the issuance of a registration, the applicant shall meet or exceed the requirements of registration and application submittal to the department as set forth in this section. Individuals who carry or have access to a firearm while on duty must have a valid registration with firearms verification. The court may limit or prohibit the carrying of weapons by any special conservator of the peace as defined in § 19.2-13 F of the Code of Virginia.

B. Each person applying for registration shall meet the minimum requirements for eligibility as follows:

1. Be a minimum of 18 years of age;
2. Successfully complete all initial training requirements for special conservator of the peace, including firearms verification if applicable, requested pursuant to the entry-level training standards in 6 VAC 20-230-160; and
3. Be a United States citizen or legal resident alien of the United States.

C. Each person applying for registration shall file with the department:

1. A properly completed application provided by the department;
2. His mailing address on the application;
3. Fingerprint cards pursuant to 6 VAC 20-230-40;
4. The applicable, nonrefundable application fee;
5. A drug and alcohol test pursuant to 6 VAC 230-50;
6. Pursuant to § 19.2-13 C of the Code of Virginia, documentation verifying that the applicant has secured a surety bond or cash bond in the amount not to be less than \$10,000 executed by a surety company authorized to do business in Virginia, or a certificate of insurance reflecting the department as a certificate holder, showing a policy of comprehensive general liability insurance with a minimum coverage of \$10,000 issued by an insurance company authorized to do business in Virginia; and
7. Documentation verifying completion of initial training with a certified training school, private security services training school or documentation for training exemption for prior training.

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D. Upon completion of the initial registration application requirements, the department may issue a temporary registration letter for a period not to exceed 12 months. This temporary registration letter shall be taken to the circuit court where seeking appointment for special conservator of the peace.

E. The department may issue a letter of temporary registration for not more than 120 days while awaiting the results of the state and national fingerprint search provided the applicant has met the necessary conditions and requirements.

F. Each registration shall be issued to the individual named on the application and shall be valid only for use by that individual. No registration shall be assigned or otherwise transferred to another individual.

G. Each registered individual shall comply with all applicable administrative requirements and standards of conduct and shall not engage in any acts prohibited by applicable sections of the Code of Virginia and this chapter.

H. Once the individual has met the requirements and received a temporary registration letter, he shall appear before the circuit court in the jurisdiction where the individual will be employed to seek appointment.

I. Meeting the requirements of registration allows an individual to be eligible for appointment. Registration does not guarantee appointment.

J. Upon completion of an appointment by a circuit court, the individual shall file a copy of the court order granting appointment as a special conservator of the peace authority and jurisdiction with the department. A final registration letter will be issued to the individual by the department that shall be submitted to a specified entity for a photo identification card.

## **6 VAC 20-230-40. Fingerprint processing.**

A. Before appointment by the circuit court, each individual applying for special conservator of the peace shall submit to the department:

1. One completed fingerprint card provided by the department or another electronic method approved by the department;
2. A fingerprint processing application;
3. The applicable nonrefundable fee; and
4. All criminal history conviction information on a form provided by the department.

B. The department shall submit those fingerprints to the Virginia State Police for the purpose of conducting a Virginia Criminal History Records search and a National Criminal Records search to determine whether the individual has a record of conviction.

C. Fingerprint cards that are found to be unclassifiable will be returned to the applicant. Action on the application will be suspended pending the resubmittal of classifiable fingerprint cards. The applicant shall be so notified in writing and shall submit new fingerprint cards and the applicable, nonrefundable fee to the department before the processing of his application will resume. However, no such fee may be

required if the rejected fingerprint cards are included and attached to the new fingerprint cards when resubmitted and the department is not assessed additional processing fees.

D. If the applicant is denied by DCJS, the department will notify the applicant by letter regarding the reasons for the denial.

## **6 VAC 20-230-50. Drug and alcohol testing.**

A. Before appointment by the circuit court, each individual applying for special conservator of the peace must submit to a drug and alcohol-screening test approved by the Department of Criminal Justice Services.

B. The applicant is responsible for any fees required for the drug and alcohol-screening test. The applicant will directly make payment to the approved agency conducting the drug and alcohol-screening test.

C. Drug and alcohol-screening results will be sent to the department for review. If the applicant is denied by DCJS, the department will notify the applicant by letter regarding the reasons for the denial.

D. A list of approved drug and alcohol-screening agencies will be provided to the applicant during the registration application process.

## **6 VAC 20-230-60. Application procedures and requirements.**

Every applicant for special conservator of the peace shall submit all requirements for a criminal history records background search and initial registration requirements.

## **6 VAC 20-230-70. Renewal registration application.**

A. Applications for registration renewal should be received by the department at least 30 days prior to expiration. The department will provide a renewal notification to the last known mailing address of the registered individual. However, if the individual does not receive a renewal notification, it is the responsibility of the individual to ensure that renewal requirements are filed with the department. Registration renewal applications received by the department after the expiration date shall be subject to all applicable, nonrefundable renewal fees plus reinstatement fees.

B. Each person applying for registration renewal shall meet the minimum requirements for eligibility as follows:

1. Successfully complete the in-service training, and firearms retraining if applicable, pursuant to the firearms in-service training standards set forth by this chapter; and
2. Be in good standing in every jurisdiction where appointment is granted. This subdivision shall not apply to any probationary periods during which the individual is eligible to operate under the registration.

C. The department may renew a registration when the department receives the following:

1. A properly completed renewal application provided by the department;
2. The applicable, nonrefundable registration renewal fee;

3. For individuals with firearms, verification of completed annual firearms retraining; and

4. A copy of the court order granting special conservator of the peace authority and jurisdiction if changed from the original filed with the department.

D. Upon completion of the renewal registration application requirements, the department may issue a registration letter for a period not to exceed 12 months. This registration letter shall be submitted by the applicant to a specified entity for a state issued photo identification card, or a decal will be provided by the department.

E. Any renewal application received by the department shall meet all renewal requirements prior to the expiration date of a registration or shall be subject to the reinstatement requirements set forth in 6 VAC 20-230-90.

**6 VAC 20-230-80. Replacement state-issued photo identification letter.**

Registered individuals seeking a replacement state-issued photo identification letter shall submit to the department:

1. A properly completed application provided by the department; and
2. The applicable, nonrefundable application fee.

**6 VAC 20-230-90. Reinstatement.**

A. Individuals who do not renew their registration on or before the expiration date may not work as a special conservator of the peace until reinstatement requirements have been met. Pursuant to the Code of Virginia, all such persons must currently be registered with the department as a special conservator of the peace.

B. A renewal application must be received by the department within 60 days following the expiration date of the registration in order to be reinstated by the department providing all renewal requirements have been met. The department shall not reinstate renewal applications received after the expiration date 60-day reinstatement period has expired. It is unlawful to operate without a valid registration during the reinstatement period. The department shall not reinstate a registration that has become null and void due to not maintaining required insurance or surety bond coverage. The department will notify the court when an individual has not met the registration renewal requirements with the department. Prior to reinstatement, the following shall be submitted to the department:

1. The appropriate renewal application and completion of renewal requirements including required training pursuant to this chapter; and
2. The applicable, nonrefundable reinstatement fee.

C. A registration shall be renewed or reinstated only when all renewal application requirements are received by the department. After the 60-day reinstatement period, an applicant shall meet all initial application requirements, including applicable training requirements.

D. Following submittal of all reinstatement requirements, the department will process and may approve any application for

reinstatement pursuant to the renewal process for the application.

**6 VAC 20-230-100. Renewal extensions.**

A. An extension of the time period to meet renewal requirements may be approved only under specific circumstances that do not allow special conservators of the peace to complete the required procedures within the prescribed time period. The following are the only circumstances for which extensions may be granted:

1. Extended illness;
2. Extended injury; or
3. Military or foreign service.

B. A request for extension shall:

1. Be submitted in writing, dated and signed by the individual prior to the expiration date of the time limit required for completion of the requirements;
2. Indicate the projected date the individual will be able to comply with the requirements; and
3. Include a copy of the physician's record of the injury or illness or a copy of the government orders.

C. No extension will be approved for registrations that have expired.

D. Applications for additional extensions may be approved upon written request of the individual.

E. The individual shall be nonoperational during the period of extension.

**6 VAC 20-230-110. Court order term expiration renewal process.**

A. A special conservator of the peace registration will become null and void if the individual does not renew his court order with the circuit court on or before the expiration of the term date.

B. A copy of the renewed special conservator of the peace court order must be received by the department on or before the expiration date of the court order.

**6 VAC 20-230-120. Denial, probation, suspension and revocation.**

A. The department may deny a registration for any person with a criminal conviction for a misdemeanor involving (i) moral turpitude, (ii) assault and battery, (iii) damage to real or personal property, (iv) controlled substances or imitation controlled substances as defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia, (v) prohibited sexual behavior as described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 of the Code of Virginia, (vi) firearms, or (vii) any felony. Any plea of nolo contendere shall be considered a conviction for the purposes of this chapter. The record of a conviction authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction.

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B. The department may deny a registration in which any individual has not maintained good standing in the jurisdiction where appointed by the circuit court; had a registration that was denied upon initial application, suspended, revoked, surrendered, or not renewed; or has otherwise been disciplined in connection with a disciplinary action prior to applying for registration in Virginia.

C. Any false or misleading statement on any state application or supporting documentation is grounds for denial or revocation and may be subject to criminal prosecution.

D. A registered individual shall be subject to disciplinary action for violations or noncompliance with the Code of Virginia or this chapter. Disciplinary action shall be in accordance with procedures prescribed by the Administrative Process Act. The disciplinary action may include but is not limited to a letter of censure, fine, probation, suspension or revocation.

E. The department may deny a registration for any individual who tests positive on the submitted drug and alcohol screening.

## **6 VAC 20-230-130. General requirements.**

All registered individuals are required to maintain administrative requirements and standards of conduct as determined by the Code of Virginia, department guidelines and this chapter.

## **6 VAC 20-230-140. Registered individual administrative requirements.**

A. A registered individual shall:

1. Conform to all requirements pursuant to the Code of Virginia and this chapter;
2. Maintain at all times with the department his mailing address, e-mail address and phone number, if applicable. Written notification of any address change, e-mail address or phone number shall be in writing and received by the department no later than 10 days after the effective date of the change;
3. Inform the department in writing within 10 days after pleading guilty or *nolo contendere* or being convicted or found guilty of any felony or a misdemeanor;
4. Inform the department in writing within 10 days after having been found guilty by any court or administrative body of competent jurisdiction to have violated the special conservator of the peace statutes or regulations of that jurisdiction, there being no appeal therefrom or the time for appeal having elapsed;
5. Inform the department of any incident in which any registrant has discharged a firearm while on duty, excluding any training exercise. This report shall be made within 24 hours of the incident;
6. Within 10 days, inform the department and circuit court where the individual was appointed that the individual has left employment; and
7. Submit documentation of jurisdiction of appointment to the department within 30 days from appointment of the circuit court.

B. An individual's appointment from the circuit court shall not exceed four years under any one appointment.

## **6 VAC 20-230-150. Registered individual standards of conduct.**

A. A registered individual shall:

1. Conform to all requirements pursuant to the Code of Virginia and this chapter;
2. Not violate or aid and abet others in violating the provisions of Article 1 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1 of the Code of Virginia or this chapter;
3. Not commit any act or omission that results in a registration being suspended, revoked, not renewed or being otherwise disciplined in any jurisdiction;
4. Not obtain a special conservator of the peace registration or registration renewal through any fraud or misrepresentation;
5. Carry a valid registration or valid temporary authorization letter at all times while on duty;
6. Carry the private security state authorized identification card at all times while on duty once the authorization has been approved from the department;
7. Perform those duties authorized by the circuit court only while employed and in the jurisdiction of appointment, and perform those duties only authorized in the circuit court ordered appointment;
8. Maintain a valid firearms verification if he carries or has immediate access to firearms while on duty and is authorized by the circuit court and carry only those firearms that he has been trained on and is qualified to carry;
9. Carry a firearm concealed while on duty only with the expressed authorization of the circuit court that appoints the registrant and only in compliance with § 18.2-308 of the Code of Virginia;
10. Transport, carry and utilize firearms while on duty only in a manner that does not endanger the public health, safety and welfare;
11. Make arrests in full compliance with the law and using only the minimum force necessary to effect an arrest;
12. Display his registration while on duty in response to the request of a law-enforcement officer, department personnel or client;
13. Not perform any unlawful or negligent act resulting in a loss, injury or death to any person;
14. If a uniform is required, wear the uniform required by the employer. If wearing a uniform while employed as a special conservator of the peace, the uniform must:
  - a. Only have the title "police" on any badge or uniform when the circuit court order indicates and to the extent the displayed words accurately represent a special conservator of the peace; and

b. Have a name plate or tape bearing, as a minimum, the individual's last name attached on the outermost garment, except on rainwear worn only to protect from inclement weather.

15. Act only in such a manner that does not endanger the public health, safety and welfare;

16. Not represent as one's own a special conservator of the peace registration issued to another individual;

17. Not falsify, or aid and abet others in falsifying, training records for the purpose of obtaining a registration;

18. Not engage in acts of unprofessional conduct in the practice of special conservator of the peace services;

19. Not engage in acts of negligent and/or incompetent special conservator of the peace services; and

20. Maintain at all times current liability coverage at least in the amount prescribed by the Code of Virginia.

B. No person with a criminal conviction for a misdemeanor involving (i) moral turpitude, (ii) assault and battery, (iii) damage to real or personal property, (iv) controlled substances or imitation controlled substances as defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia, (v) prohibited sexual behavior as described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 of the Code of Virginia, (vi) firearms or (vii) any felony from which no appeal is pending, the time for appeal having elapsed, shall be registered as a conservator of the peace. Any plea of nolo contendere shall be considered a conviction for the purpose of this chapter. The record of conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be prima facie evidence of such guilt.

## **6 VAC 20-230-160. Entry-level training.**

A. Each individual applying to the department for registration as a special conservator of the peace must meet the mandated entry-level training herein established unless provided for otherwise in accordance with this chapter.

B. The entry-level training hour requirement by category, excluding examinations, practical exercises and range qualification, shall be:

1. Unarmed special conservator of the peace - 24 hours

2. Armed special conservator of the peace - 40 hours

C. The entry-level training course content by category, excluding range qualification, shall be as provided in this subsection.

1. Unarmed special conservator of the peace. The entry-level curriculum for unarmed special conservator of the peace sets forth the following areas identified as:

a. Orientation - 2 hours

(1) Virginia law and regulations

(2) Code of ethics

(3) General duties and responsibilities

(4) Definitions

(5) Training requirements

(6) Violations and sanctions

b. Legal procedures, due process, civil law, criminal law and constitutional law - 8 hours

(1) Knowledge of state and federal courts

(2) Legal terminology and definitions

(3) U.S. Constitution - Bill of Rights

(4) Limitations and liability

(5) Felony versus misdemeanor

(6) Probable cause

(7) Arrests

(8) Magistrates

(9) Trials

(10) Grand jury

(11) Civil law

(12) Service of process

(13) Criminal court system

(14) Legal authority and related issues

(15) Purpose of the function of law

(16) United States Constitution

(17) Virginia Constitution

(18) Consensual encounters

(19) Investigative detention/Terry Stop

(20) Exigent circumstances

(21) Laws of arrests

(22) Arrest procedures

c. Basic Law - 4 Hours

(1) Juvenile law

(2) Crimes against peace and order

(3) Crimes against persons

(4) Crimes against property

(5) Crimes against health and safety

(6) Crimes involving fraud

d. Laws regarding the use of force/liability issues - 4 hours

(1) Use of force

(2) Liability issues

(3) Justifiable deadly force

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e. *Obtaining an Arrest Warrant/Virginia Uniform Summons - 4 hours*

- (1) *Appearing before a magistrate*
- (2) *Types of warrants*
- (3) *Serving a warrant*
- (4) *Issuing a Virginia Uniform Summons*

f. *Rules of evidence - 1 hour*

- (1) *Definition of evidence*
- (2) *Rules*
- (3) *Types*
- (4) *Requirements*
- (5) *Admissibility of evidence*
- (6) *Integrity of evidence*
- (7) *Chain of custody*

g. *Court room testimony - 1 hour*

*Total hours - 24 hours*

2. *Armed special conservator of the peace.*

a. *Unarmed special conservator of the peace core subjects - 24 hours*

b. *Entry-level handgun training (refer to 6 VAC 20-230-200) - 16 hours (includes dry fire, judgmental shooting and low-level light shooting familiarization)*

c. *Entry-level shotgun training, if applicable (refer to 6 VAC 20-230-210) - 2 hours*

*Total hours (excluding examinations, shotgun classroom instruction and range qualification) - 40 hours*

**6 VAC 20-230-170. In-service training.**

A. *Each person registered with the department as a special conservator of the peace by the department shall complete the compulsory in-service training standard once during each 12-month period of registration. In-service training must be completed within 12 months prior to the expiration date.*

B. *The in-service training hour requirement by category, excluding examinations, practical exercises and range qualification, shall be as follows:*

1. *Special conservators of the peace - 8 hours*
2. *Firearms requalification, if applicable.*

C. *The in-service training course content by category, for special conservator of the peace excluding examinations, practical exercises and range qualification shall be as follows:*

1. *Legal authority - 4 hours*
2. *Job-related training - 4 hours*

*Total hours - 8 hours*

**6 VAC 20-230-180. In-service training exemption.**

*Persons who have completed training that meets or exceeds the entry-level training standards promulgated by the board for the in-service training required for the individual's particular category may be authorized credit for such training, provided the training has been completed within 12 months of the expiration date of the registration period during which in-service training is required. Such training must be provided by a third party organization offering services or expertise for the particular training category. Official documentation of the following must accompany the application for in-service training credit:*

1. *Information regarding the sponsoring organization, including documentation regarding the instructor for each session;*
2. *An outline of the training session material, including the dates, times and specific subject matter; and*
3. *Proof of attendance and successful completion.*

**6 VAC 20-230-190. General firearms training requirements.**

*A registered armed special conservator of the peace shall: (i) successfully pass the entry-level handgun training and (ii) maintain a valid firearms verification.*

**6 VAC 20-230-200. Entry-level handgun training.**

A. *Handgun classroom training.*

1. *The entry-level handgun classroom training will include but not be limited to the following:*

- a. *Proper care and maintenance of the firearm;*
- b. *Civil liability of the use of firearms;*
- c. *Criminal liability of the use of firearms;*
- d. *Firearms retention and storage;*
- e. *Deadly force;*
- f. *Justifiable deadly force;*
- g. *Range safety;*
- h. *Principles of marksmanship;*
- i. *Practical firearms handling and safety;*
- j. *Judgmental shooting; and*
- k. *Low-level light shooting familiarization.*

*Total Hours (excluding written examination) - 16 hours*

2. *Written examination required.*

B. *Range qualification (no minimum hours). The purpose of the range qualification course is to provide practical firearms training to individuals desiring to become armed special conservators of the peace.*

1. *Prior to the date of range training, it will be the responsibility of the school director to ensure that all students are informed of the proper attire and equipment to be worn for the firing range portion of the training.*



Equipment needed: handgun, belt with directional draw holster, ammunition (60 rounds).

2. Factory-loaded practice or duty ammunition (60 rounds) may be used for range qualification.

3. Course shall be fired double action, double single action, except for single action semi-automatic handguns.

4. All qualifications shall be conducted using a B-27 silhouette target or the FBI "Q" target. Alternate targets may be utilized with prior approval by the department.

5. With prior approval of the department, a reasonable modification of the firearms course may be approved to accommodate qualification on indoor ranges.

6. A certified firearms instructor must be present on the range directly controlling the firing line during all phases of firearms training. There shall be a minimum of one certified firearms instructor per five shooters on the line.

7. All individuals shall qualify with directional draw holsters only.

8. The range qualification of individuals shall be scored as follows:

B27 target: (use indicated K-value) 7, 8, 9, 10 X rings--value 5 points; other hits on silhouette--value 0 points; divide points scored by maximum possible score to obtain decimal and convert to percentage, e.g.,  $225 \div 300 = .75 = 75\%$ . FBI Q target: all hits inside the bottle – value 5 points; hits outside the bottle – value 0 points.

9. The low light range familiarization of individuals shall be scored as indicated above. This is strictly a familiarization course with no pass or fail grade provided.

C. Course: Virginia Private Security Course of Fire for Handguns. The course of fire shall be conducted using, at a minimum, the requirements set forth in subsection B of this section. Strong/weak hand refers to the primary hand used in firing the firearm. The opposite hand may be used for support. The course of fire shall be conducted in the following phases:

1. Phase 1; 3 yards, utilizing Weaver, Modified Weaver or isosceles stance, 18 rounds:

- a. Load 6 rounds and holster-loaded firearm.
- b. On command, draw and fire 2 rounds (3 seconds), repeat.
- c. Load 6 rounds and holster-loaded firearm.
- d. On command, draw and fire 6 rounds with strong hand.
- e. Unload, reload 6 rounds and fire 6 rounds with weak hand (25 seconds).

2. Phase 2; 7 yards, utilizing Weaver, Modified Weaver or isosceles stance, 24 rounds:

- a. Load 6 rounds and holster loaded firearm.
- b. On command, draw and fire 1 round (2 seconds), repeat.
- c. Load 6 rounds and holster loaded firearm.

d. On command, draw and fire 2 rounds (3 seconds), repeat.

e. Load 6 rounds and holster loaded firearm.

f. On command, draw and fire 6 rounds, reload 6 rounds, fire 6 rounds (30 seconds).

3. Phase 3; 15 yards, 70 seconds, 18 rounds:

a. Load 6 rounds and holster loaded firearm.

b. On command, assume kneeling position, draw and fire 6 rounds with strong hand.

c. Assume standing position, unload, reload and fire 6 rounds from weak-hand barricade position.

d. Unload, reload and fire 6 rounds from strong-hand barricade position (kneeling position may be fired using barricade position) (70 seconds).

D. Low Light Course: Virginia Private Security Low Light Familiarization Course of Fire for Handguns. The course of fire shall be conducted using, at a minimum, the requirements set forth in this subsection. Equipment needed: belt with directional draw holster, handgun, two speed loaders or three magazines, range ammunition (30 rounds). Equipment provided by instructor: A range that can simulate low light. Strong/weak hand refers to the primary hand used in firing the firearm. The opposite hand may be used for support. The course of fire shall be conducted in the following phases:

1. Phase 1; 3 yards, utilizing weaver or isosceles stance, 18 rounds:

- a. Load 6 rounds and come to ready.
- b. On command, fire 2 rounds (3 seconds); repeat.
- c. Load 6 rounds and come to ready.
- d. On command, fire 6 rounds with strong hand.
- e. Unload, reload 6 rounds and fire 6 rounds (30 seconds).

2. Phase 2; 7 yards, utilizing Weaver or isosceles stance, 12 rounds

- a. Load 6 rounds and come to ready.
- b. On command, fire 2 rounds (5 seconds), and repeat.
- c. Load 6 rounds and come to ready.
- d. On command, draw and fire 3 rounds (6 seconds), and repeat.

## **6 VAC 20-230-210. Entry-level shotgun training.**

A. Shotgun classroom training. The entry-level shotgun classroom instruction will emphasize but not be limited to:

1. Safe and proper use and handling of the shotgun;
2. Nomenclature;
3. Positions and combat loading techniques;
4. Decision-making for the officer with the shotgun;
5. Transition from sidearm to shotgun; and

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# Proposed Regulations

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## 6. Shotgun retention and proper use of a sling.

Total hours - 2 hours

B. Range qualification (no minimum hours). The purpose of the range-firing course is to provide practical shotgun training to those individuals who carry or have immediate access to a shotgun in the performance of their duties.

1. For certification, 12 gauge, double aught "00" buckshot ammunition shall be used. Five rounds.
2. Scoring--70% of available pellets must be within silhouette.

C. Course: Virginia Private Security Course of Fire for Shotguns.

Distance	Position	No. Rounds	Target	Time
Combat load & fire - 15 yds.	Standing/Shoulder	3	B-27 Silhouette	20 sec.
Combat load & fire - 25 yds.	Kneeling/Shoulder	2	B-27 Silhouette	15 sec.

D. A certified firearms instructor must be present on the range directly controlling the firing line during all phases of firearms range training. There shall be a minimum of one certified firearms instructor per five shooters on the line.

## 6 VAC 20-230-220. Firearms (handgun/shotgun) retraining.

All armed special conservators of the peace must satisfactorily complete two hours of firearms classroom training or practical exercises and range training, and requalify as prescribed in 6 VAC 20-230-200 for handgun and 6 VAC 20-230-210 for shotgun, if applicable, on an annual basis prior to the issuance of the firearms verification, as follows.

1. Classroom retraining or practical exercises - 2 hours
2. Range qualification with handgun and/or shotgun, if applicable (no minimum hours)

Total hours (excluding range qualification) - 2 hours

## 6 VAC 20-230-230. Firearms training exemptions.

Persons who meet the statutory requirements as set forth in §§ 9.1-101 and 9.1-141 of the Code of Virginia may apply for a partial exemption from the compulsory training standards. Individuals requesting such partial exemption shall file an application furnished by the department and include the applicable, nonrefundable application fee. The department may issue such partial exemption on the basis of individual qualifications as supported by required documentation. Those applying for and receiving exemptions must comply with all regulations promulgated by the board. Each person receiving a partial exemption must apply to the department for registration within 12 months from the date of issuance; otherwise the partial exemption shall become null and void. No such exemption shall be provided to any individual that has been terminated because of his misconduct or incompetence.

## 6 VAC 20-230-240. Entry-level training exemption.

Persons previously employed as law-enforcement officers who have not terminated or been terminated from said employment more than five years prior to the application date must submit official documentation of the following with the application for partial exemption:

1. Completion of law-enforcement entry-level training;
2. Five continuous years of law-enforcement employment, provided such employment as a law-enforcement officer was not terminated due to misconduct or incompetence.
3. Experience as a special conservator of the peace with a minimum of two years experience, provided that such employment was not terminated due to misconduct or incompetence, and training in two or more of the following areas:
  - a. Constitutional law
  - b. Arrest authority
  - c. Criminal law
  - d. Search and seizure
  - e. Probable cause
  - f. Criminal procedures
  - g. Classification of crimes
  - h. Basic law
  - i. Laws regarding the use of force/liability issues
  - j. Police functions
  - k. Rules of evidence

## 6 VAC 20-230-250. Prior firearms training exemption.

Persons having previous department-approved firearms training may be authorized credit for such training that meets or exceeds the entry-level firearms training for special conservator of the peace, provided such training has been completed within the 12 months preceding the date of application. Official documentation of the following must accompany the application for partial in-service training credit:

1. Completion of department-approved firearms training; and
2. Qualification at a Virginia criminal justice agency, academy or correctional department.

## 6 VAC 20-230-260. Complaints; department actions; adjudication.

In accordance with § 9.1-150.2 of the Code of Virginia, this chapter establishes standards designed to secure the public safety and welfare against deceptive or misleading practices by practitioners engaging in special conservator of the peace services. It shall be the responsibility of the special conservator of the peace to provide services in a professional and ethical manner.

**6 VAC 20-230-270. Submittal requirements.**

A. Any aggrieved or interested person may file a complaint against any individual whose conduct and activities are regulated or required to be regulated by the board. The complaint must allege a violation of the law governing special conservators of the peace or this chapter.

B. A complaint may be submitted on a form provided by the department and signed by the complainant. To submit an anonymous complaint, the complainant shall provide, in writing, sufficient detailed information for the department to conduct an investigation. If the complaint alleges activities that constitute a life-threatening situation, have resulted in personal injury or loss to the public or to a consumer, or may result in imminent harm or personal injury, the complaint may be made telephonically by providing sufficient detailed information for the department to conduct an investigation.

**6 VAC 20-230-280. Department investigation.**

A. The department may initiate or conduct an investigation based on any information received or action taken by the department to determine compliance with the Code of Virginia and this chapter.

B. Documentation.

1. Persons regulated or required to be regulated by this chapter pursuant to the Code of Virginia are required to provide department investigators with any and all records required to be maintained by this chapter.

a. This shall not be construed to authorize the department to demand records protected under applicable federal and state laws. If such records are necessary to complete an investigation, the department may seek a subpoena to satisfy the request.

b. The department shall endeavor to review, and request as necessary, only those records required to verify alleged violations of compliance with the Code of Virginia and this chapter.

2. The department shall endeavor to keep any documentation, evidence or information on an investigation confidential until such time as adjudication has been completed, at which time information may be released upon request pursuant to applicable federal and state laws, rules or regulations.

**6 VAC 20-230-290. Disciplinary action; sanctions; publication of records.**

A. Each person subject to jurisdiction of this chapter who violates any statute or regulation pertaining to a special conservator of the peace shall be subject to sanctions imposed by the department regardless of criminal prosecution.

B. The department may impose any of the following sanctions, singly or in combination, when it finds the respondent in violation or in noncompliance of the Code of Virginia or this chapter:

1. Letter of reprimand or censure;
2. Probation for any period of time;

3. Suspension of registration or approval granted, for any period of time;

4. Revocation;

5. Refusal to issue, renew or reinstate a registration or approval;

6. Fine not to exceed \$2,500 per violation as long as the respondent was not criminally prosecuted;

7. Remedial training.

C. The department may conduct hearings and issue cease and desist orders to persons who engage in activities prohibited by this chapter but do not hold a registration. Any person in violation of a cease and desist order entered by the department shall be subject to all of the remedies provided by law and, in addition, shall be subject to a civil penalty payable to the party injured by the violation.

D. The director may summarily suspend a registration under this chapter without a hearing simultaneously with the filing of a formal complaint and notice for a hearing if the director finds that the continued operation of a registrant would constitute a life-threatening situation, or has resulted in personal injury or loss to the public or to a consumer, or may result in imminent harm, personal injury or loss.

E. All proceedings pursuant to this section are matters of public record and shall be preserved. The department may publish a list of the names and addresses of all registrants whose conduct and activities are subject to this chapter and have been sanctioned or denied registration or approval.

**6 VAC 20-230-300. Fines; administrative and investigative costs.**

A. The department may recover costs of any investigation and adjudication of any violations of the Code of Virginia or of this chapter that result in a sanction, including fine, probation, suspension, revocation or denial of any license, certification or registration. Such costs shall be in addition to any monetary penalty that may be imposed.

B. All monetary penalties imposed as a sanction shall be deposited into the state treasury to the credit of the State Literary Fund.

**6 VAC 20-230-310. Hearing process.**

Following a preliminary investigative process, the department may initiate action to resolve the complaint through an informal fact-finding conference or formal hearing as established in this chapter. Pursuant to the authority conferred in § 9.1-150.2 of the Code of Virginia and in accordance with the procedures set forth by the Administrative Process Act and the procedures prescribed herein, the department is empowered to receive, review, investigate and adjudicate complaints concerning the conduct of any person whose activities are regulated by the board. The board will hear and act upon appeals arising from decisions made by the director. In all case decisions, the Criminal Justice Services Board shall be the final agency authority.

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## **6 VAC 20-230-320. Informal fact-finding conference.**

The purpose of an informal fact-finding conference is to resolve allegations through informal consultation and negotiation. Informal fact-finding conferences shall be conducted in accordance with § 2.2-4019 of the Code of Virginia. The respondent, the person against whom the complaint is filed, may appeal the decision of an informal fact-finding conference and request a formal hearing provided that written notification is given to the department within 30 days of the date the informal fact-finding decision notice was served, or the date it was mailed to the respondent, whichever occurred first. In the event the informal fact-finding decision was served by mail, three days shall be added to that period.

## **6 VAC 20-230-330. Formal hearing.**

A. Formal hearing proceedings may be initiated in any case in which the basic laws provide expressly for a case decision, or in any case to the extent the informal fact-finding conference has not been conducted or an appeal thereto has been timely received. Formal hearings shall be conducted in accordance with § 2.2-4020 of the Code of Virginia. The findings and decision of the director resulting from a formal hearing may be appealed to the board.

B. After a formal hearing pursuant to § 2.2-4020 of the Code of Virginia wherein a sanction is imposed to fine, or to suspend, revoke or deny issuance or renewal of a registration or approval, the department may assess the holder thereof the cost of conducting such hearing when the department has final authority to grant a registration or approval, unless the department determines that the offense was inadvertent or done in good faith belief that such act did not violate a statute or regulation. The cost shall be limited to (i) the reasonable hourly rate for the hearing officer and (ii) the actual cost of recording the proceedings. This assessment shall be in addition to any fine imposed by sanctions.

C. The department does not have the authority to supersede any decision or action made by the circuit court in reference to an individual's special conservator of the peace appointment.

## **6 VAC 20-230-340. Appeals.**

The findings and the decision of the director may be appealed to the board provided that written notification is given to the attention of the Director, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219, within 30 days following the date notification of the hearing decision was served, or the date it was mailed to the respondent, whichever occurred first. In the event the hearing decision is served by mail, three days shall be added to that period. (Rule 2A:2 of Rules of the Virginia Supreme Court.)

## **6 VAC 20-230-350. Court review; appeal of final agency order.**

A. The agency's final administrative decision (final agency order) may be appealed. Any person affected by, and claiming the unlawfulness of the agency's final case decision, shall have the right to direct review thereof by an appropriate and timely court action. Such appeal actions shall be initiated in the circuit court of jurisdiction in which the party applying for review resides; save, if such party is not a resident of Virginia, the venue shall be in the City of Richmond, Virginia.

B. Notification shall be given to the attention of the Director, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219, in writing within 30 days of the date notification of the board decision was served, or the date it was mailed to the respondent, whichever occurred first. In the event the board decision was served by mail, three days shall be added to that period. (Rule 2A:2 of Rules of the Virginia Supreme Court.)

C. During all judicial proceedings incidental to such disciplinary action, the sanctions imposed by the board shall remain in effect, unless the court issues a stay of the order.

VA.R. Doc. No. R04-66; Filed August 18, 2004, 3:33 p.m.

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## **TITLE 14. INSURANCE**

### **STATE CORPORATION COMMISSION**

<p><b>REGISTRAR'S NOTICE:</b> 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 that by the Constitution is expressly granted any of the powers of a court of record.</p>
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Titles of Regulations: **14 VAC 5-210. Rules Governing Health Maintenance Organizations (repealing 14 VAC 5-210-10 through 14 VAC 5-210-150).**

**14 VAC 5-211. Rules Governing Health Maintenance Organizations (adding 14 VAC 5-211-10 through 14 VAC 5-211-280).**

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

Public Hearing Date: Public comments may be submitted until November 15, 2004.

Agency Contact: Jacqueline Cunningham, Deputy Commissioner, Life and Health Division, Bureau of Insurance, State Corporation Commission, 1300 East Main Street, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9074, FAX (804) 371-9944, or e-mail [jcunningham@scc.state.va.us](mailto:jcunningham@scc.state.va.us).

Summary:

The proposed action repeals 14 VAC 5-210 and promulgates 14 VAC 5-211. The regulations have not been revised in many years, and a significant number of changes need to be made to comply with the Code of Virginia and the National Association of Insurance Commissioners (NAIC) Model Regulation. The regulations set forth rules to carry out the provisions of Chapter 43 (§ 38.2-4300 et seq.) of Title 38.2 of the Code of Virginia, and apply to all health maintenance organizations operating in this Commonwealth. The proposed regulations (i) set forth definitions in accordance with the Code of Virginia and the NAIC Model Regulation; (ii) explain and elaborate on financial condition and filing requirements as set out in the Code of Virginia; (iii) set out contractual and notification

requirements, as well as disclosure provisions and specific prohibited practices; and (iv) elaborate on the health care services to be provided by health maintenance organizations.

AT RICHMOND, AUGUST 16, 2004

COMMONWEALTH OF VIRGINIA  
At the relation of the  
STATE CORPORATION COMMISSION

Ex Parte: In the matter of                   CASE NO. INS-2004-00123  
Repealing and Restating the  
Rules Governing Health  
Maintenance Organizations

ORDER TO TAKE NOTICE

Section 12.1-13 of the Code of Virginia provides that the Commission shall have the power to promulgate rules and regulations in the enforcement and administration of all laws within its jurisdiction, and § 38.2-223 of the Code of Virginia provides that the Commission may issue any rules and regulations necessary or appropriate for the administration and enforcement of Title 38.2 of the Code of Virginia.

The rules and regulations issued by the Commission pursuant to § 38.2-223 of the Code of Virginia are set forth in Title 14 of the Virginia Administrative Code.

The Bureau of Insurance has submitted to the Commission a proposal to repeal the Rules in Chapter 210 of Title 14 of the Virginia Administrative Code entitled "Rules Governing Health Maintenance Organizations," which are set out at 14 VAC 5-210-10 through 14 VAC 5-210-150 and proposes a new chapter, Chapter 211 of Title 14 of the Virginia Administrative Code entitled "Rules Governing Health Maintenance Organizations," which set forth new rules at 14 VAC 5-211-10 through 14 VAC 5-211-280.

The proposed rules set forth definitions in accordance with Chapter 43 of Title 38.2 of the Code of Virginia and the National Association of Insurance Commissioners (NAIC) Model Regulation. The proposed rules further explain and elaborate on financial condition and filing requirements set out in the Code of Virginia. The proposed rules also set out contractual and notification requirements, as well as disclosure provisions and specific prohibited practices. The proposed rules also further elaborate on health care services to be provided by health maintenance organizations.

The Commission is of the opinion that 14 VAC 5-210 should be repealed and that the proposed rules submitted by the Bureau of Insurance should be considered for adoption.

THEREFORE, IT IS ORDERED THAT:

- (1) The proposed rules entitled "Rules Governing Health Maintenance Organizations," which are set out at 14 VAC 5-211-10 through 14 VAC 5-211-280, be attached hereto and made a part hereof.
- (2) All interested persons who desire to comment in support of or in opposition to, or to request a hearing to oppose the repeal of 14 VAC 5-210 and the adoption of the proposed rules shall file such comments or hearing request on or

before November 15, 2004, in writing with the Clerk of the Commission, Document Control Center, P.O. Box 2118, Richmond, Virginia 23218 and shall refer to Case No. INS-2004-00123.

(3) If no written request for a hearing on the repeal of 14 VAC 5-210 and the proposed rules is filed on or before November 15, 2004, the Commission, upon consideration of any comments submitted in support of or in opposition to the proposed rules, may repeal 14 VAC 5-210 and adopt the rules proposed by the Bureau of Insurance.

(4) AN ATTESTED COPY hereof, together with a copy of the proposed rules, shall be sent by the Clerk of the Commission to the Bureau of Insurance in care of Deputy Commissioner Jacqueline K. Cunningham, who forthwith shall give further notice of the repeal of 14 VAC 5-210 and the proposed adoption of the rules by mailing a copy of this Order, together with the proposed rules, to all health maintenance organizations licensed by the Commission.

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

(6) On or before August 25, 2004, the Commission's Division of Information Resources shall make available this Order and the attached proposed rules on the Commission's website, <http://www.state.va.us/scc/caseinfo.htm>.

(7) The Bureau of Insurance shall file with the Clerk of the Commission an affidavit of compliance with the notice requirements of paragraph (4) above.

**CHAPTER 211.  
RULES GOVERNING HEALTH MAINTENANCE  
ORGANIZATIONS.**

**PART I.  
APPLICABILITY AND DEFINITIONS.**

**14 VAC 5-211-10. Applicability and scope.**

*A. This chapter sets forth rules to carry out the provisions of Chapter 43 (§ 38.2-4300 et seq.) of Title 38.2 of the Code of Virginia, and applies to all health maintenance organizations and to all health maintenance organization contracts and evidences of coverage delivered or issued for delivery by a health maintenance organization established or operating in this Commonwealth on and after April 1, 2005.*

*B. A new contract or evidence of coverage issued or put in force on or after April 1, 2005, shall comply with this chapter.*

*C. A contract or evidence of coverage reissued, renewed, or extended in this Commonwealth on or after April 1, 2005, shall comply with this chapter. A contract or evidence of coverage written before April 1, 2005, shall be deemed to be reissued, renewed, or extended on the date it allows the health maintenance organization to change its terms or adjust the premiums charged.*

*D. In the event of conflict between the provisions of this chapter and the provisions of any other rules issued by the*

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# Proposed Regulations

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commission, the provisions of this chapter shall be controlling as to health maintenance organizations.

## **14 VAC 5-211-20. Definitions.**

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

"Affiliated provider" means a provider that is employed by or has entered into a contractual agreement either directly or indirectly with a health maintenance organization to provide health care services to members of the health maintenance organization.

"Basic health care services" means in-area and out-of-area emergency services, inpatient hospital and physician care, outpatient medical services, laboratory and radiologic services, and preventive health services as further described in 14 VAC 5-211-170. "Basic health care services" also means limited treatment of mental illness and substance abuse in accordance with the minimum standards as may be prescribed by the commission, which shall not exceed the level of services mandated for insurance carriers pursuant to Chapter 34 (§ 38.2-3400 et seq.) of Title 38.2 of the Code of Virginia. In the case of a health maintenance organization that has contracted with this Commonwealth to furnish basic health care services to recipients of medical assistance under Title XIX of the Social Security Act (42 USC § 1396 et seq.) pursuant to § 38.2-4320 of the Code of Virginia, the basic health care services to be provided by the health maintenance organization to program recipients may differ from the basic health care services required by this chapter to the extent necessary to meet the benefit standards prescribed by the state plan for medical assistance services authorized pursuant to § 32.1-325 of the Code of Virginia.

"Conversion contract" means an individual contract that the health maintenance organization issues after a conversion option has been exercised.

"Copayment" means an amount an enrollee is required to pay in order to receive a specific health care service.

"Cost of services" means the amount that the health maintenance organization is required to pay for services under its contract with a subscriber or under a provider agreement applicable to the services rendered.

"Deductible" means an amount an enrollee is required to pay out of pocket before the health care plan begins to pay the costs associated with health care services.

"Emergency services" means those health care services that are rendered by affiliated or nonaffiliated providers after the sudden onset of a medical condition that manifests itself by symptoms of sufficient severity, including severe pain, that the absence of immediate medical attention could reasonably be expected by a prudent layperson who possesses an average knowledge of health and medicine to result in (i) serious jeopardy to the mental or physical health of the individual, (ii) danger of serious impairment of the individual's bodily functions, (iii) serious dysfunction of any of the individual's bodily organs, or (iv) in the case of a pregnant woman, serious jeopardy to the health of the fetus. Emergency services provided within the plan's service area shall include covered

health care services from nonaffiliated providers only when delay in receiving care from a provider affiliated with the health maintenance organization could reasonably be expected to cause the enrollee's condition to worsen if left unattended.

"Enrollee" or "member" means an individual who is enrolled in a health care plan.

"Evidence of coverage" means a certificate, individual or group agreement or contract, or identification card issued in conjunction with the certificate, agreement or contract, issued to a subscriber setting out the coverage and other rights to which an enrollee is entitled.

"Excess insurance" or "stop loss insurance" means insurance issued to a health maintenance organization by an insurer licensed in this Commonwealth, on a form approved by the commission, or a risk assumption transaction acceptable to the commission, providing indemnity or reimbursement against the cost of health care services provided by the health maintenance organization.

"Group contract" means a contract for health care services issued by a health maintenance organization, which by its terms limits the eligibility of subscribers and enrollees to a specified group.

"Health care plan" means an arrangement in which a person undertakes to provide, arrange for, pay for, or reimburse a part of the cost of health care services. A significant part of the arrangement shall consist of arranging for or providing health care services, including emergency services and services rendered by nonparticipating referral providers, as distinguished from mere indemnification against the cost of the services, on a prepaid basis. For purposes of this chapter, a significant part shall mean at least 90% of total costs of health care services.

"Health care services" means the furnishing of services to an individual for the purpose of preventing, alleviating, curing, or healing human illness, injury or physical disability.

"Health maintenance organization" means a person who undertakes to provide or arrange for one or more health care plans. A health maintenance organization is deemed to be offering one or more managed care health insurance plans and is subject to Chapter 58 (§ 38.2-5800 et seq.) of Title 38.2 of the Code of Virginia.

"Limited health care services" means dental care services, vision care services, mental health services, substance abuse services, pharmaceutical services, and other services as may be determined by the commission to be limited health care services. Limited health care services shall not include hospital, medical, surgical or emergency services unless the services are provided incident to the limited health care services set forth in the preceding sentence.

"Medical necessity" or "medically necessary" means appropriate and necessary health care services that are rendered for a condition which, according to generally accepted principles of good medical practice, requires the diagnosis or direct care and treatment of an illness, injury, or pregnancy-related condition, and are not provided only as a convenience.

"NAIC" means the National Association of Insurance Commissioners.

"Net worth" or "capital and surplus" means the excess of total admitted assets over the total liabilities of the health maintenance organization, provided that surplus notes shall be reported and accounted for in accordance with guidance set forth in the NAIC Accounting Practices and Procedures Manual, March 2004.

"Nonparticipating referral provider" means a provider who is not a participating provider but with whom a health maintenance organization has arranged, through referral by its participating providers, to provide health care services to enrollees. Payment or reimbursement by a health maintenance organization for health care services provided by nonparticipating referral providers may exceed 5.0% of total costs of health care services, only to the extent that any excess payment or reimbursement over 5.0% shall be combined with the costs for services that represent mere indemnification, with the combined amount subject to the combination of limitations set forth in this definition and in this section's definition of health care plan.

"Out-of-area services" means the health care services that the health maintenance organization covers when its members are outside the geographical limits of the health maintenance organization's service area.

"Participating provider" means a provider who has agreed to provide health care services to enrollees and to hold those enrollees harmless from payment with an expectation of receiving payment, other than copayments or deductibles, directly or indirectly from the health maintenance organization.

"Primary care physician" means a physician who provides initial and primary care to enrollees; who supervises, coordinates, and maintains continuity of patient care; and who initiates referrals for specialist care.

"Provider" or "health care provider" means a physician, hospital, or other person that is licensed or otherwise authorized in the Commonwealth to furnish health care services.

"Service area" means a clearly defined geographic area in which the health maintenance organization has directly or indirectly arranged for the provision of health care services to be generally available and readily accessible to enrollees.

"Specialist" means a licensed health care provider to whom an enrollee may be referred by his primary care physician and who is certified or eligible for certification by the appropriate specialty board, where applicable, to provide health care services in a specialized area of health care.

"Subscriber" means a contract holder, an individual enrollee, or the enrollee in an enrolled family who is responsible for payment to the health maintenance organization or on whose behalf the payment is made.

"Supplemental health care services" means health care services that may be offered by a health maintenance organization in addition to the required basic health care services. Supplemental health care services shall not include limited health care services or out-of-area services.

"Surplus notes" means those instruments that meet the requirements of 14 VAC 5-211-40.

## PART II. FINANCIAL CONDITION REQUIREMENTS.

### **14 VAC 5-211-30. Covered and uncovered expenses.**

A. Health maintenance organizations licensed in this Commonwealth shall report to the commission on a form prescribed by the commission all uncovered expenses for the three-month periods ending on December 31, March 31, June 30, and September 30 on or before March 1, May 15, August 15, and November 15, respectively, of each year. This statement of covered and uncovered expenses shall be filed with each annual and quarterly financial statement pursuant to § 38.2-4307.1 C of the Code of Virginia.

B. Each expense of a health maintenance organization that is owed or paid to a health care provider under contract with a health maintenance organization shall be considered a covered health care expense by that health maintenance organization if (i) the contract between the health maintenance organization and the health care provider contains the hold harmless clause required by § 38.2-5805 C 9 of the Code of Virginia and (ii) the expense falls within the scope of the hold harmless clause.

C. If there is an intermediary organization between the health maintenance organization and the health care providers, the hold harmless clause shall be amended to include nonpayment by either the health maintenance organization or the intermediary organization. The hold harmless clause shall be included in any contract between the intermediary organization and health care providers and in any contract between the health maintenance organization and the intermediary organization before health care expenses owed or paid to the intermediary organization shall be considered covered expenses.

D. A health maintenance organization may request permission from the commission to treat other types of expenses as covered expenses. The request shall be in writing and state the health maintenance organization's justification for the requested treatment. In no case shall a health maintenance organization treat an expense, other than those set forth in subsections B and C of this section, as a covered expense without the prior approval of the commission.

E. Each expense that is not a covered expense under this section shall be considered an uncovered expense.

### **14 VAC 5-211-40. Surplus notes.**

For the purpose of recognizing surplus notes, no debt shall be considered subordinated unless (i) it qualifies for recognition as a surplus note and can be reported as surplus (equity) under the Statement of Statutory Accounting Principles No. 41 of the NAIC Accounting Practices and Procedures Manual, and (ii) the subordination clause set forth below is executed by the health maintenance organization and the lender.

#### Subordination Clause

The rights of [lender] to the principal sum and/or accrued interest thereon are and shall remain subject to and

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subordinate to all other liabilities of [health maintenance organization], and, upon the dissolution or liquidation of [health maintenance organization], no payment upon this instrument shall be made until all other liabilities of the plan shall have been paid. It is further agreed to by and between the parties hereto that written approval from the State Corporation Commission must be obtained prior to any repayment of principal or payment of interest.

## **14 VAC 5-211-50. Financial projections.**

The commission may require a health maintenance organization licensed in Virginia to submit to it periodic updates of the projection of operating results required by § 38.2-4301 B 10 of the Code of Virginia. Each update shall also include a complete explanation of any significant variance between actual operating results and the operating results that were forecasted under the projection last submitted to the commission and documentation of all critical assumptions. Critical assumptions include, but are not limited to, enrollment levels, premium rates, provider reimbursements, utilization rates, risk-sharing arrangements with providers, general and administrative expenses, excess and other insurance expenses and recoveries, coordination of benefits, costs of long-term financing, and inflation. The commission may revise or request a revision of any financial projection that it deems to be unreasonable relative to the health maintenance organization's historic performance.

## **14 VAC 5-211-60. Removal or transfer of property.**

A. A health maintenance organization domiciled in this Commonwealth shall not remove from this Commonwealth its entire property or business, or substantially all of its property or business, without the prior written approval of the commission.

B. A health maintenance organization shall not transfer or attempt to transfer substantially its entire property, or enter into any transaction the effect of which is to merge substantially its entire property or business in the property or business of any other company without having first obtained the written approval of the commission.

C. A health maintenance organization meeting the definition of nonprofit entity in § 55-531 of the Code of Virginia shall also comply with Chapter 30 (§ 55-531 et seq.) of Title 55 of the Code of Virginia.

### **PART III. CONTRACT REQUIREMENTS.**

## **14 VAC 5-211-70. Filing requirements.**

A. A contract, evidence of coverage, or amendment shall not be delivered or issued for delivery in this Commonwealth until a copy of the form or amendment has been filed with and approved by the commission pursuant to § 38.2-4306 of the Code of Virginia. The contract, evidence of coverage, or amendment shall be identified by a form number in the lower left-hand corner of the first page. If the commission does not disapprove a form within 30 days of its filing, it shall be deemed approved unless the filer is notified in writing that this period is extended by the commission for an additional 30 days.

B. A schedule of charges or amendment shall not be put into effect in conjunction with a health care plan until a copy of the schedule or amendment has been filed with the commission pursuant to § 38.2-4306 of the Code of Virginia.

## **14 VAC 5-211-80. Conversion of coverage.**

A. A health care plan shall offer to its enrollees, upon termination of coverage under a group contract, the right to convert coverage, within 31 days after termination of coverage, to an individual contract. The converted coverage:

1. Shall provide benefits which, at a minimum, meet the requirements of basic or limited health care services as applicable, in accordance with this chapter.
2. Shall not be refused on the basis that the enrollee no longer resides or is employed in the health maintenance organization's service area.

B. The conversion contract shall cover the enrollee covered under the group contract as of the date of termination of the enrollee's coverage under the group contract. Coverage shall be provided without additional evidence of insurability, and no preexisting condition limitations or exclusions may be imposed other than those remaining unexpired under the contract from which conversion is exercised. A probationary or waiting period set forth in the conversion contract shall be deemed to commence on the effective date of coverage under the original contract.

C. A conversion contract shall not be required to be made available when:

1. The enrollee is covered by or is eligible for benefits under Title XVIII of the Social Security Act (42 USC § 1395 et seq.) known as Medicare;
2. The enrollee is covered by or is eligible for substantially the same level of hospital, medical, and surgical benefits under state or federal law;
3. The enrollee is covered by substantially the same level of hospital, medical, and surgical benefits under any policy, contract, or plan for individuals in a group;
4. The enrollee has not been continuously covered during the three-month period immediately preceding the enrollee's termination of coverage;
5. The enrollee was terminated by the health care plan for any of the reasons stated in 14 VAC 5-211-230 A 1, 2, 3, or 6; or
6. The enrollee was terminated from a plan administered by the Department of Medical Assistance Services that provided benefits pursuant to Title XIX or XXI of the Social Security Act (42 USC § 1396 et seq. or § 1397 aa et seq.).

## **14 VAC 5-211-90. Coordination of benefits.**

A. A health care plan may include in its group or individual contract a provision that the value of any benefit or service provided by the health maintenance organization may be coordinated with other health insurance or health care benefits or services that are provided by other group policies, group contracts, or group health care plans, including coverage



provided under governmental programs, so that no more than 100% of the eligible incurred expenses is paid.

B. A health care plan shall not be relieved of its duty to provide a covered health care service to an enrollee because the enrollee is entitled to coverage under other policies, contracts, or health care plans. In the event that benefits are provided by a health care plan and another policy, contract, or health care plan, the determination of the order of benefits shall in no way restrict or impede the rendering of services required to be provided by the health care plan. The health maintenance organization shall be required to provide or arrange for the service first and then, at its option, seek coordination of benefits with any other health insurance or health care benefits or services that are provided by other group policies, group contracts, or group plans. The health maintenance organization shall not deny the claim while a coordination of benefits determination is pending.

#### **14 VAC 5-211-100. Copayments.**

A. A health maintenance organization may require a reasonable copayment of enrollees as a condition for the receipt of a specific health care service. Copayments shall be shown in the evidence of coverage as either a specified dollar amount or as a percentage of the cost of providing the service for each specific health care service for which the health maintenance organization requires a copayment, but in no event shall both a dollar amount and a percentage of cost be applied to a specific health care service.

B. If the health maintenance organization has an established copayment maximum, it shall keep accurate records of each enrollee's copayment expenses and notify the enrollee when his copayment maximum is reached. The notification shall be given no later than 30 days after the copayment maximum is reached. The health maintenance organization shall not charge additional copayments for the remainder of the contract or calendar year, as appropriate. The health maintenance organization shall also promptly refund to the enrollee all copayments charged after the copayment maximum is reached. Any maximum copayment amount shall be shown in the evidence of coverage as a specified dollar amount, and the evidence of coverage shall clearly state the health maintenance organization's procedure for meeting the requirements of this subsection.

C. The provisions of this subsection shall not apply to any Family Access to Medical Insurance Security (FAMIS) Plan (i) authorized by the United States Centers for Medicare and Medicaid Services pursuant to Title XXI of the Social Security Act (42 USC § 1397aa et seq.) and the state plan established pursuant to Chapter 13 (§ 32.1-351 et seq.) of Title 32.1 of the Code of Virginia and (ii) underwritten by a health maintenance organization.

#### **14 VAC 5-211-110. Deductibles.**

A. A health maintenance organization may require an enrollee to pay a reasonable annual deductible, per calendar year or per contract year, for health care services, not to exceed the maximum annual deductibles permissible for health plans offered in conjunction with plans made available pursuant to 26 USC § 220 or any successor to it. If the federal program for these plans is terminated, the health maintenance

organization may offer plans with deductibles that do not exceed those permitted for the last year in which the federal program was in effect, plus \$50 per calendar year thereafter.

B. Deductibles for basic health care services shall be considered unreasonable in the following situations:

1. When a provider affiliated with a health maintenance organization directs an enrollee of the health maintenance organization to utilize emergency room or ambulance services;

2. When a health maintenance organization cannot demonstrate an ability to monitor and implement deductible plans;

3. If the health maintenance organization's Risk Based Capital (RBC) level is in a Company Action Level pursuant to the provisions of § 38.2-5503 of the Code of Virginia. The commission shall determine the RBC level from (i) the most recently filed year end RBC Report submitted to the commission, or (ii) the most recently filed quarterly projected RBC Report if the health maintenance organization is on a quarterly projected RBC reporting basis. If at any time a RBC Report is filed with the commission that reports a RBC level below the Company Action Level, the health maintenance organization shall immediately suspend writings of all new deductible policies until a subsequent RBC Report is filed and accepted by the commission that confirms a RBC level above the Company Action Level.

#### **14 VAC 5-211-120. Description of providers.**

A list of the names and locations of all affiliated providers shall be provided in accordance with § 38.2-3407.10 G of the Code of Virginia.

#### **14 VAC 5-211-130. Description of service area.**

A description of the service area in which the health maintenance organization shall provide health care services shall be provided to subscribers by the health maintenance organization at the time of enrollment or at the time the contract or evidence of coverage is issued and shall be made available upon request or at least annually.

#### **14 VAC 5-211-140. Extension of benefits.**

A. A group contract issued by a health maintenance organization shall contain a reasonable extension of benefits upon discontinuance of the group contract with respect to members who become totally disabled while enrolled under the contract and who continue to be totally disabled at the date of discontinuance of the contract.

B. Upon payment of premium, coverage shall remain in full force and effect for a reasonable period of time not less than 180 days, or until the member is no longer totally disabled, or a succeeding carrier elects to provide replacement coverage to that member without limitation as to the disabling condition.

C. Upon termination of the extension of benefits, the enrollee shall have the right to convert coverage as provided for in subsection A of this section.

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## **14 VAC 5-211-150. Freedom of choice.**

A. At the time of enrollment an enrollee shall have the right to select a primary care physician from among the health maintenance organization's affiliated primary care physicians, subject to availability.

B. An enrollee who is dissatisfied with his primary care physician shall have the right to select another primary care physician from among the health maintenance organization's affiliated primary care physicians, subject to availability. The health maintenance organization may impose a reasonable waiting period for this transfer.

## **14 VAC 5-211-160. Grievance procedure.**

A. A health maintenance organization shall establish and maintain a grievance or complaint system to provide reasonable procedures for the prompt and effective resolution of written complaints in accordance with Chapter 5 (§ 32.1-137.1 et seq.) of Title 32.1 and Chapters 58 (§ 38.2-5800 et seq.) and 59 (§ 38.2-5900 et seq.) of Title 38.2 of the Code of Virginia. A record of all written complaints shall be maintained for the period specified in § 38.2-511 of the Code of Virginia.

B. Pending the resolution of a written complaint filed by a subscriber or enrollee, coverage may not be terminated for the subscriber or enrollee for any reason that is the subject of the written complaint, except where the health maintenance organization has in good faith made an effort to resolve the complaint and coverage is being terminated in accordance with 14 VAC 5-211-230.

### PART IV. SERVICES.

## **14 VAC 5-211-170. Basic and limited health care services.**

A. A health maintenance organization shall provide, or arrange for the provision of, as a minimum, basic health care services or limited health care services in accordance with the health maintenance organization's license.

B. Basic health care services shall include the following:

1. Inpatient hospital and physician services. Medically necessary hospital and physician services affording inpatient treatment to enrollees in a licensed hospital for a minimum of 90 days per contract or calendar year. Hospital services include room and board; general nursing care; special diets when medically necessary; use of operating room and related facilities; use of intensive care unit and services; x-ray, laboratory, and other diagnostic tests; drugs, medications, biologicals, anesthesia, and oxygen services; special duty nursing when medically necessary; short-term physical therapy, radiation therapy, and inhalation therapy; administration of whole blood and blood plasma; and short-term rehabilitation services. Physician services include medically necessary health care services performed, prescribed, or supervised by physicians within a hospital for registered bed patients;

2. Outpatient medical services. Medically necessary health care services performed, prescribed or supervised by physicians for enrollees, which may be provided in a nonhospital based health care facility, at a hospital, in a

physician's office, or in the enrollee's home, and shall include consultation and referral services. Outpatient medical services shall also include diagnostic services, treatment services, short-term physical therapy and rehabilitation services the provision of which the health maintenance organization determines can be expected to result in the significant improvement of a member's condition within a period of 90 days, laboratory services, x-ray services, and outpatient surgery;

3. Diagnostic laboratory and diagnostic and therapeutic radiologic services;

4. Preventive health services. Services provided with the goal of early detection and minimization of the ill effects and causes of disease or disability, including well-child care from birth, eye and ear examinations for children age 17 and under to determine the need for vision and hearing correction, periodic health evaluations, and immunizations;

5. In-area and out-of-area emergency services, including medically necessary ambulance services, available on an inpatient or an outpatient basis 24 hours per day, seven days per week;

6. Medically necessary obstetrical services, including prenatal and postpartum care, to the extent these services otherwise qualify in this section;

7. Medically necessary services for the treatment of biologically based mental illnesses as defined in § 38.2-3412.1:01 of the Code of Virginia. Nonbiologically based mental health and substance abuse services shall at a minimum include those services mandated for insurance carriers pursuant to Chapter 34 (§ 38.2-3400 et seq.) of Title 38.2 of the Code of Virginia;

8. Medically necessary dental services as a result of accidental injury. Contracts may require that treatment be sought within 60 days of the accident for injuries occurring on or after the effective date of coverage.

C. Limited health care services, and services not required to be provided as basic health care services, for the purpose of this section, include but are not limited to:

1. Routine eye examinations or refractions, including examinations for astigmatism, myopia, or hyperopia; and eye glasses or contact lenses resulting from routine eye examinations, except as required by subdivision B 4 of this section;

2. Dental services. Medically necessary dental services as a result of accidental injury shall be included in a limited dental services plan. Contracts may require that treatment be sought within 60 days of the accident for injuries occurring on or after the effective date of coverage;

3. Prescription drugs; and

4. Long-term physical therapy and rehabilitation.

## **14 VAC 5-211-180. Out-of-area services.**

In addition to out-of-area emergency services required to be provided as basic health care services, a health maintenance organization may offer to its enrollees indemnity benefits

covering out-of-area services. A description of the procedure for obtaining out-of-area services and notification requirements before obtaining these services shall be included in the evidence of coverage as well as a description of restrictions or limitations on out-of-area services. A health care plan that requires the enrollee to contact the health maintenance organization before obtaining out-of-area services shall provide for emergency telephone consultation on a 24-hour per day, seven-day per week basis.

#### **14 VAC 5-211-190. Supplemental health care services.**

In addition to the basic health care services required to be provided in 14 VAC 5-211-170 B, a health maintenance organization may offer to its enrollees any supplemental health care services it chooses to provide. These services may be limited as to time and cost.

#### **14 VAC 5-211-200. Essential and standard benefit plans.**

Health maintenance organizations offering the essential or standard health benefit plans shall offer the benefits specified in 14 VAC 5-234-50 and 14 VAC 5-234-60 for these plans.

### **PART V. DISCLOSURE AND PROHIBITIONS.**

#### **14 VAC 5-211-210. Disclosure requirements.**

A. A subscriber shall be entitled to an evidence of coverage under a health care plan provided by a health maintenance organization established or operating in this Commonwealth, including any amendments to it. The evidence of coverage shall be delivered or issued for delivery within a reasonable period of time after enrollment, but not more than 60 days from the later of the effective date of coverage or the date on which the health maintenance organization is notified of enrollment.

B. An evidence of coverage delivered or issued for delivery shall contain the following:

1. The name, address, and telephone number of the health maintenance organization;
2. The health care services and other benefits to which the enrollee is entitled under the health care plan;
3. Exclusions or limitations on the services, kind of services, benefits, or kind of benefits to be provided, including any deductible or copayment features;
4. Where and in what manner information is available as to how services may be obtained;
5. The effective date and the term of coverage;
6. The total amount of payment for health care services and any indemnity or service benefits that the enrollee is obligated to pay with respect to individual contracts, or an indication whether the plan is contributory or noncontributory for group certificates;
7. A description of the health maintenance organization's method of resolving enrollee complaints, including a description of any arbitration procedure if complaints and grievances may be resolved through a specified arbitration agreement;

8. A list of providers and a description of the service area that shall be provided with the evidence of coverage if the information is not given at the time of enrollment;

9. The right of an enrollee to convert to an individual contract issued by the health maintenance organization, including the terms and conditions under which coverage may be converted;

10. The terms and conditions under which coverage may be terminated;

11. Coordination of benefits provisions, if applicable;

12. Assignment restrictions in the contract;

13. The health maintenance organization's procedure for filing claims, including any requirements for notifying the health maintenance organization of a claim and requirements for filing proof of loss;

14. The health maintenance organization's eligibility requirements, including the conditions under which dependents may be added and the limiting age for dependents and subscribers covered under an individual or group contract;

15. An incontestability clause that states that, in the absence of fraud, all statements made by a subscriber shall be considered representations and not warranties and that no statement shall be the basis for voiding coverage or denying a claim after the contract has been in force for two years from its effective date, unless the statement was material to the risk and was contained in a written application;

16. A provision that the contract or evidence of coverage and any amendments to it constitutes the entire contractual agreement between the parties involved and that no portion of the charter, bylaws, or other document of the health maintenance organization shall constitute part of the contract unless it is set forth in full in the contract; and

17. Except for an evidence of coverage that does not provide for the periodic payment of premium or for the payment of any premium, a provision for a 31-day grace period for the payment of any premium falling due after the first premium during which coverage remains in effect, including a statement that if payment is not received within the 31 days, coverage may be cancelled after the 31st day and the terminated members may be held liable for the health maintenance organization's cost of services received during the grace period.

#### **14 VAC 5-211-220. Exclusions for preexisting conditions.**

In addition to the limitations on preexisting conditions exclusions set forth in §§ 38.2-3432.3 and 38.2-3514.1 of the Code of Virginia, a health maintenance organization shall not exclude or limit health care services for a preexisting condition when the enrollee transfers coverage from one health care plan to another during open enrollment or when the enrollee converts coverage under his conversion option, except to the extent that a preexisting condition limitation or exclusion remains unexpired under the original contract. Any required probationary or waiting period is deemed to commence on the

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# Proposed Regulations

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effective date for individual coverage, and on the enrollment date of the contract for group coverage.

## **14 VAC 5-211-230. Reasons for termination.**

A. A health maintenance organization shall not terminate an enrollee's coverage for services provided under a health maintenance organization contract except for one or more of the following reasons:

1. Failure to pay the amounts due under the contract, including failure to pay a premium or copayment required by the contract as shown in the contract or evidence of coverage;
2. Fraud or deception in the use of services or facilities;
3. Material violation of the terms of the contract;
4. Failure to meet the eligibility requirements under a group contract, provided that a conversion option is offered;
5. Termination of the group contract under which the enrollee was covered; or
6. Other good cause as agreed upon in the contract between the health care plan and the group or the subscriber. Coverage shall not be terminated on the basis of the status of the enrollee's health or because the enrollee has exercised his rights under the plan's grievance system by registering a complaint against the health maintenance organization. Failure of the enrollee and the primary care physician to establish a satisfactory relationship shall not be deemed good cause unless the health maintenance organization has in good faith made an effort to provide the opportunity for the enrollee to establish a satisfactory patient-physician relationship, including assigning the enrollee to other primary care physicians from among the organization's affiliated providers.

B. A health maintenance organization shall not terminate coverage for services provided under a contract without giving the subscriber written notice of termination, effective at least 31 days from the date of mailing or, if not mailed, from the date of delivery, except that:

1. For termination due to nonpayment of premium, the grace period as required in 14 VAC 5-211-210 B 17 shall apply;
2. For termination due to nonpayment of premium by an employer, the notice provisions required in § 38.2-3542 C of the Code of Virginia shall apply;
3. For termination due to activities that endanger the safety and welfare of the health maintenance organization or its employees or providers, immediate notice of termination may be given; or
4. For termination due to change of eligibility status, immediate notice of termination may be given.

## **14 VAC 5-211-240. Unfair discrimination.**

A. A health maintenance organization shall not unfairly discriminate against an enrollee on the basis of the age, sex, health status, race, color, creed, national origin, ancestry, religion, marital status, or lawful occupation of the enrollee, or

because of the frequency of utilization of services by the enrollee. However, nothing shall prohibit a health maintenance organization from setting rates or establishing a schedule of charges in accordance with relevant actuarial data.

B. A health maintenance organization shall not unreasonably discriminate against physicians as a class or any class of providers listed in § 38.2-4221 of the Code of Virginia when contracting for specialty or referral practitioners, provided the plan covers services that the class of providers are licensed to render. Nothing in this section shall prevent a health maintenance organization from selecting, in the judgment of the health maintenance organization, the number of providers necessary to render the services offered by the health maintenance organization, or from limiting certain specialty services to particular types of practitioners, provided these services are within the scope of their license.

## **PART VI. GENERAL PROVISIONS.**

### **14 VAC 5-211-250. Conformity with state law.**

A contract or evidence of coverage that contains a provision that conflicts with the requirements of this chapter or the provisions of Chapter 43 (§ 38.2-4300 et seq.) or Chapter 58 (§ 38.2-5800 et seq.) of Title 38.2 of the Code of Virginia shall not be rendered invalid but shall be construed and applied as if it were in full compliance with the requirements of this chapter and Chapters 43 and 58 of Title 38.2 of the Code of Virginia.

### **14 VAC 5-211-260. Penalties.**

Any violation of this chapter shall be punished pursuant to § 38.2-218 of the Code of Virginia and any other applicable law of this Commonwealth.

### **14 VAC 5-211-270. Controversies involving contracts.**

The commission shall have no jurisdiction to adjudicate controversies between a health maintenance organization and its enrollees. A breach of contract shall not be deemed a violation of this chapter.

### **14 VAC 5-211-280. Severability.**

If any provision of this chapter or its application to any person or circumstance is for any reason held to be invalid, the remainder of the chapter and the application of the provisions to other persons or circumstances shall not be affected.

## **DOCUMENTS INCORPORATED BY REFERENCE**

Accounting Practices and Procedures Manual, Volumes I and II, March 2004, National Association of Insurance Commissioners.

VA.R. Doc. No. R04-279; Filed August 17, 2004, 12:40 p.m.



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# FINAL REGULATIONS

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For information concerning Final Regulations, see Information Page.

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## 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.

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## TITLE 4. CONSERVATION AND NATURAL RESOURCES

### MARINE RESOURCES COMMISSION

**REGISTRAR'S NOTICE:** The following regulations filed by the Marine Resources Commission are 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 20-270. Pertaining to Crabbing (amending 4 VAC 20-270-30).

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

**Effective Date:** August 6, 2004.

**Summary:**

*The amendment adds an exception for documented medical hardship to the lawful daily time period established for the commercial harvesting of crabs by crab pot or peeler pot.*

**Agency Contact:** Deborah Cawthon, Agency Regulatory Coordinator, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, FAX (757) 247-2002 or e-mail dcawthon@mrc.state.va.us.

#### 4 VAC 20-270-30. Daily time limits.

A. It shall be unlawful for any person licensed to catch and sell crabs taken by crab pot or peeler pot to take and harvest crabs from any crab pot or peeler pot, or to retrieve, bait or set any crab pot or peeler pot, except during the lawful daily time periods described in this subsection *or subsection B of this section*. The lawful daily time periods for the commercial harvesting of crabs by crab pot or peeler pot shall be from 6 a.m. to 2 p.m. during the months of April, September, October, and November and from 5 a.m. to 1 p.m. during the months of May, June, July, and August, *except as specified in subsection B of this section*. Crab pots or peeler pots already on board a boat at the end of the lawful daily time period, *as defined in this subsection or subsection B of this section*, may be set during the period starting immediately following the lawful daily time period and ending one hour after the lawful daily time period.

B. *Any licensed crab pot or peeler pot fisherman who provides an opinion and supporting documentation from an attending physician to the commissioner of an existing medical condition that prevents him from adhering to the daily time limit established in subsection A of this section may be permitted by the commissioner or his designee to take and harvest crabs from his crab pot or peeler pot, or to retrieve, bait or set his crab pot or peeler pot during an alternate eight-hour daily time limit. That alternative eight-hour daily time limit will be*

*prescribed by the commissioner or his designee in accordance with the medical condition that forms a basis for the exception to the daily time limit as described in subsection A of this section.*

B- C. It shall be unlawful to take or harvest crabs by crab dredge between sunset and sunrise.

C- D. The lawful daily time periods for the commercial harvest of crabs by crab pot or peeler pot may be rescinded by the Commissioner of Marine Resources when he determines that a pending weather event is sufficient cause for the removal of crab pots from the tidal waters of the Commonwealth.

VA.R. Doc. No. R04-273; Filed August 5, 2004, 11:32 a.m.

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**Title of Regulation:** 4 VAC 20-320. Pertaining to the Taking of Black Drum (amending 4 VAC 20-320-10, 4 VAC 20-320-70 and 4 VAC 20-320-80).

**Statutory Authority:** §§ 28.2-201 and 28.2-204.1 of the Code of Virginia.

**Effective Date:** August 6, 2004.

**Summary:**

*The amendments (i) allow any registered commercial fisherman to catch and keep one black drum per day, (ii) add that such harvest would count against the 120,000 pound quota that is currently limited to permitted registered commercial fishermen, and (iii) eliminate the requirement that permitted commercial harvesters and buyers of black drum submit black drum harvest information to the commission on a weekly basis, but rather that information would be reported in accordance with 4 VAC 20-610.*

**Agency Contact:** Deborah Cawthon, Agency Regulatory Coordinator, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, FAX (757) 247-2002 or e-mail dcawthon@mrc.state.va.us.

#### 4 VAC 20-320-10. Purpose.

The purpose of this chapter is to ~~limit black drum harvest to levels of the last 10 years in order to prevent overfishing cap~~ the harvest of black drum. A management area with time restrictions is also designated to reduce conflicts between recreational and commercial fishermen that concentrate on drum fishing grounds in the Lower Bay. The chapter also provides for the collection of management information for the black drum commercial fishery. Additionally, a minimum size limit is imposed to provide protection of black drum until they reach sexual maturity. Limited entry in the commercial fishery is implemented to prevent overcapitalization and to improve economic benefits to the recent full-time participants in the future.

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# Final Regulations

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## 4 VAC 20-320-70. Commercial harvest permits required.

A. It shall be unlawful for any registered commercial fisherman to take, catch, sell, or possess *more than one* black drum *per day*, without first having obtained a Black Drum Harvesting and Selling Permit from the Marine Resources Commission. Such permit shall be completed in full by the permittee and a copy kept in the possession of the permittee while fishing and selling black drum. Permits shall only be issued to applicants meeting the following criteria:

1. The applicant shall be a registered commercial fisherman and shall have held a Black Drum Permit in at least one year from 1988 to 1993;
2. The applicant shall have documented catch of black drum in at least one year for which a Black Drum Permit was held from 1988 to 1993; and
3. The applicant shall have reported, in accordance with this chapter, any black drum fishery activity in 1992 and 1993, if a Black Drum Permit was held in those years.

Nothing in this subsection is intended to prohibit a registered commercial fisherman fishing pursuant to 4 VAC 20-320-40 ~~this chapter~~ as a legally eligible recreational fisherman from possessing only one black drum not to be sold.

*B. Any registered commercial fisherman who is not permitted to harvest black drum, in accordance with subsection A of this section, may harvest, possess, and sell one black drum per day. Any such daily harvest shall not be a part of the commercial harvest quota but shall be reported to the VMRC as specified in 4 VAC 20-610.*

~~B.~~ C. The Marine Resources Commission may grant exceptions to the limited entry criteria listed in subsection A of this section based upon scientific, economic, biological, sociological, and hardship factors. Any person requesting an exception shall provide in writing an explanation for exception and all pertinent information relating to the criteria in subsection A of this section. All exception requests must be received by the Marine Resources Commission prior to March 1 of the year for which a permit is requested.

~~C.~~ D. It shall be unlawful for any person, firm, or corporation to buy any black drum from the harvester without first having obtained a Black Drum Buying Permit from the Marine Resources Commission. Such permit shall be completed in full by the permittee and a copy kept in possession of the permittee while buying black drum.

~~D.~~ E. Any person, firm or corporation that has black drum in possession with the intent to sell must either be a permitted harvester or buyer, or must be able to demonstrate that those fish were imported from another state or purchased from a permitted buyer or seller.

## 4 VAC 20-320-80. Mandatory reporting of commercial harvest.

A. Commercial harvesters and buyers of black drum shall report daily harvest information on forms to be provided by the Marine Resources Commission. Such information shall include, but is not limited to, the number of fish, their weight, location of harvest, method of capture and the buyer's and

seller's permit identification number. Such reports shall be completed in full and shall be submitted to the Marine Resources Commission ~~on a weekly basis~~ *in accordance with 4 VAC 20-610.*

B. Buyers of black drum imported from out of state shall also report the amount of black drum imported on the forms provided by the Marine Resources Commission.

C. Marine Resources Commission personnel or designate may also collect biological information from black drum accumulated at the place of business of commercial buyers. Such sampling shall be done with the cooperation of the buyers and in a manner which will not inhibit normal business operations.

VA.R. Doc. No. R04-274; Filed August 5, 2004, 11:31 a.m.



## TITLE 12. HEALTH

### STATE BOARD OF HEALTH

<p><b>REGISTRAR'S NOTICE:</b> The State Board of Health 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 or the appropriation act where no agency discretion is involved. The State Board of Health 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: **12 VAC 5-220. Virginia Medical Care Facilities Certificate of Public Need Rules and Regulations (amending 12 VAC 5-220-10, 12 VAC 5-220-160, 12 VAC 5-220-230 and 12 VAC 5-220-385).**

Statutory Authority: §§ 32.1-12 and 32.1-102.2 of the Code of Virginia.

Effective Date: September 27, 2004.

Agency Contact: Carrie Eddy, Senior Policy Analyst, Department of Health, Center for Quality Health Care Services, 3600 West Broad Street, Suite 216, Richmond, VA 23230, telephone (804) 367-2157, FAX (804) 367-2149 or e-mail [carrie.eddy@vdh.virginia.gov](mailto:carrie.eddy@vdh.virginia.gov).

Summary:

*The amendments exempt from Certificate of Public Need those intermediate care facilities for the mentally retarded having no more than 12 beds and located in an area identified in need of residential services by the Department of Mental Health, Mental Retardation and Substance Abuse Services. The amendments require the State Health Commissioner to consider the effects on accessibility of any proposed relocation of an existing service or facility and require the health planning agencies to (i) notify local governing bodies prior to holding any public hearings on a proposed project, (ii) consider the comments of such local governing bodies and all other public comments in making*

*its decisions, and (iii) include the comments of the local governing bodies and all other public comment as part of the record provided to the Department of Health.*

## **12 VAC 5-220-10. Definitions.**

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

"Acquisition" means an expenditure of \$600,000 or more that changes the ownership of a medical care facility. It shall also include the donation or lease of a medical care facility. An acquisition of a medical care facility shall not include a capital expenditure involving the purchase of stock. See 12 VAC 5-220-120.

"Amendment" means any modification to an application that is made following the public hearing and prior to the issuance of a certificate and includes those factors that constitute a significant change as defined in this chapter. An amendment shall not include a modification to an application that serves to reduce the scope of a project.

"Applicant" means the owner of an existing medical care facility or the sponsor of a proposed medical care facility project submitting an application for a certificate of public need.

"Application" means a prescribed format for the presentation of data and information deemed necessary by the board to determine a public need for a medical care facility project.

"Application fees" means fees required for a project application and application for a significant change. Fees shall not exceed the lesser of 1.0% of the proposed capital expenditure or cost increase for the project or \$20,000.

"Board" means the State Board of Health.

"Capital expenditure" means any expenditure by or in behalf of a medical care facility that, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance. Such expenditure shall also include a series of related expenditures during a 12-month period or a financial obligation or a series of related financial obligations made during a 12-month period by or in behalf of a medical care facility. Capital expenditures need not be made by a medical care facility so long as they are made in behalf of a medical care facility by any person. See definition of "person."

"Certificate of public need" means a document that legally authorizes a medical care facility project as defined herein and which is issued by the commissioner to the owner of such project.

"Clinical health service" means a single diagnostic, therapeutic, rehabilitative, preventive or palliative procedure or a series of such procedures that may be separately identified for billing and accounting purposes.

"Commissioner" means the State Health Commissioner who has authority to make a determination respecting the issuance or revocation of a certificate.

"Competing applications" means applications for the same or similar services and facilities which ~~that~~ are proposed for the same planning district or medical service area and which are in the same review cycle. See 12 VAC 5-220-220.

"Completion" means conclusion of construction activities necessary for substantial performance of the contract.

"Construction" means the building of a new medical facility or the expansion, remodeling, or alteration of an existing medical care facility.

"Construction, initiation of" means that a project shall be considered under construction for the purpose of certificate extension determinations upon the presentation of evidence by the owner of: (i) a signed construction contract; (ii) the completion of short term financing and a commitment for long term (permanent) financing when applicable; (iii) the completion of predevelopment site work; and (iv) the completion of building foundations.

"Date of issuance" means the date of the commissioner's decision awarding a certificate of public need.

"Department" means the Virginia Department of Health.

"Designated medically underserved areas" means (i) areas designated as medically underserved areas pursuant to § 32.1-122.5 of the Code of Virginia; (ii) federally designated Medically Underserved Areas (MUA); or (iii) federally designated Health Professional Shortage Areas (HPSA).

"Ex parte" means any meeting that takes place between (i) any person acting in behalf of the applicant or holder of a certificate of public need or any person opposed to the issuance or in favor of the revocation of a certificate of public need and (ii) any person who has authority in the department to make a decision respecting the issuance or revocation of a certificate of public need for which the department has not provided 10 days written notification to opposing parties of the time and place of such meeting. An ex parte contact shall not include a meeting between the persons identified in (i) and staff of the department.

"Gamma knife surgery" means stereotactic radiosurgery, where stereotactic radiosurgery is the noninvasive therapeutic procedure performed by directing radiant energy beams from any source at a treatment target in the head to produce tissue destruction. See definition of "project."

"Health planning region" means a contiguous geographical area of the Commonwealth with a population base of at least 500,000 persons that is characterized by the availability of multiple levels of medical care services, reasonable travel time for tertiary care, and congruence with planning districts.

"Informal fact-finding conference" means a conference held pursuant to § 2.2-4019 of the Code of Virginia.

"Inpatient beds" means accommodations within a medical care facility with continuous support services (such as food, laundry, housekeeping) and staff to provide health or health-related services to patients who generally remain in the medical care facility in excess of 24 hours. Such accommodations are known by varying nomenclatures including but not limited to: nursing beds, intensive care beds,

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minimal or self care beds, isolation beds, hospice beds, observation beds equipped and staffed for overnight use, and obstetric, medical, surgical, psychiatric, substance abuse, medical rehabilitation and pediatric beds, including pediatric bassinets and incubators. Bassinets and incubators in a maternity department and beds located in labor or birthing rooms, recovery rooms, emergency rooms, preparation or anesthesia inductor rooms, diagnostic or treatment procedures rooms, or on-call staff rooms are excluded from this definition.

"Medical care facility" means any institution, place, building, or agency, at a single site, whether or not licensed or required to be licensed by the board or the State Mental Health, Mental Retardation and Substance Abuse Services Board, whether operated for profit or nonprofit and whether privately owned or operated or owned or operated by a local governmental unit, (i) by or in which facilities are maintained, furnished, conducted, operated, or offered for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, whether medical or surgical, of two or more nonrelated mentally or physically sick or injured persons, or for the care of two or more nonrelated persons requiring or receiving medical, surgical, or nursing attention or services as acute, chronic, convalescent, aged, physically disabled, or crippled or (ii) which is the recipient of reimbursements from third party health insurance programs or prepaid medical service plans. For purposes of this chapter, only the following medical care facility classifications shall be subject to review:

1. General hospitals.
2. Sanitariums.
3. Nursing homes.
4. Intermediate care facilities, *except those intermediate care facilities established for the mentally retarded that have no more than 12 beds and are in an area identified as in need of residential services for people with mental retardation in any plan of the Department of Mental Health, Mental Retardation and Substance Abuse Services.*
5. Extended care facilities.
6. Mental hospitals.
7. Mental retardation facilities.
8. Psychiatric hospitals and intermediate care facilities established primarily for the medical, psychiatric or psychological treatment and rehabilitation of alcoholics or drug addicts.
9. Specialized centers or clinics or that portion of a physician's office developed for the provision of outpatient or ambulatory surgery, cardiac catheterization, computed tomographic (CT) scanning, gamma knife surgery, lithotripsy, magnetic resonance imaging (MRI), magnetic source imaging (MSI), positron emission tomographic (PET) scanning, radiation therapy, nuclear medicine imaging except for the purpose of nuclear cardiac imaging, or such other specialty services as may be designated by the board by regulation.
10. Rehabilitation hospitals.

11. Any facility licensed as a hospital.

For purposes of this chapter, the following medical care facility classifications shall not be subject to review:

1. Any facility of the Department of Mental Health, Mental Retardation and Substance Abuse Services.
2. Any nonhospital substance abuse residential treatment program operated by or contracted primarily for the use of a community services board under the Department of Mental Health, Mental Retardation and Substance Abuse Services Comprehensive Plan.
3. *Any intermediate care facility for the mentally retarded that has no more than 12 beds and is in an area identified as in need of residential services for people with mental retardation in any plan of the Department of Mental Health, Mental Retardation and Substance Abuse Services.*
- ~~3.~~ 4. Any physician's office, except that portion of the physician's office which is described in subdivision 9 of the definition of "medical care facility," excluding that portion dedicated to providing nuclear cardiac imaging.
- ~~4.~~ 5. The Woodrow Wilson Rehabilitation Center of the Virginia Department of Rehabilitative Services.

"Medical service area" means the geographic territory from which at least 75% of patients come or are expected to come to existing or proposed medical care facilities, the delineation of which is based on such factors as population characteristics, natural geographic boundaries, and transportation and trade patterns, and all parts of which are reasonably accessible to existing or proposed medical care facilities.

"Modernization" means the alteration, repair, remodeling, replacement or renovation of an existing medical care facility or any part thereto, including that which is incident to the initial and subsequent installation of equipment in a medical care facility. See definition of "construction."

"Operating expenditure" means any expenditure by or in behalf of a medical care facility ~~which that~~, under generally accepted accounting principles, is properly chargeable as an expense of operation and maintenance and is not a capital expenditure.

"Operator" means any person having designated responsibility and legal authority from the owner to administer and manage a medical care facility. See definition of "owner."

"Other plans" means any plan(s) which is formally adopted by an official state agency or regional health planning agency and which provides for the orderly planning and development of medical care facilities and services and which is not otherwise defined in this chapter.

"Owner" means any person who has legal responsibility and authority to construct, renovate or equip or otherwise control a medical care facility as defined herein.

"Person" means an individual, corporation, partnership, association or any other legal entity, whether governmental or private. Such person may also include the following:

1. The applicant for a certificate of public need;



2. The regional health planning agency for the health planning region in which the proposed project is to be located;
3. Any resident of the geographic area served or to be served by the applicant;
4. Any person who regularly uses health care facilities within the geographic area served or to be served by the applicant;
5. Any facility or health maintenance organization (HMO) established under § 38.2-4300 et seq. of the Code of Virginia that is located in the health planning region in which the project is proposed and that provides services similar to the services of the medical care facility project under review;
6. Third party payors who provide health care insurance or prepaid coverage to 5.0% or more patients in the health planning region in which the project is proposed to be located; and
7. Any agency which that reviews or establishes rates for health care facilities.

"Physician's office" means a place, owned or operated by a licensed physician or group of physicians practicing in any legal form whatsoever, which is designed and equipped solely for the provision of fundamental medical care whether diagnostic, therapeutic, rehabilitative, preventive or palliative to ambulatory patients and which does not participate in cost-based or facility reimbursement from third party health insurance programs or prepaid medical service plans excluding pharmaceuticals and other supplies administered in the office. See definition of "medical care facility."

"Planning district" means a contiguous area within the boundaries established by the Department of Housing and Community Development as set forth in § 15.2-4202 of the Code of Virginia, except that for purposes of this chapter, Planning District 23 shall be divided into two planning districts: Planning District 20, consisting of the counties of Isle of Wight and Southampton and the cities of Chesapeake, Franklin, Norfolk, Portsmouth, Suffolk and Virginia Beach; and Planning District 21, consisting of the counties of James City and York and the cities of Hampton, Newport News, Poquoson and Williamsburg.

"Predevelopment site work" means any preliminary activity directed towards preparation of the site prior to the completion of the building foundations. This includes, but is not limited to, soil testing, clearing, grading, extension of utilities and power lines to the site.

"Primary medical care services" means first-contact, whole-person medical and health services delivered by broadly trained, generalist physicians, nurses and other professionals, intended to include, without limitation, obstetrics/gynecology, family practice, internal medicine and pediatrics.

"Progress" means actions that are required in a given period of time to complete a project for which a certificate of public need has been issued. See 12 VAC 5-220-450, Demonstration of progress.

"Project" means:

1. The establishment of a medical care facility. See definition of "medical care facility."
  2. An increase in the total number of beds or operating rooms in an existing or authorized medical care facility.
  3. Relocation at the same site of 10 beds or 10% of the beds, whichever is less, from one existing physical facility to another in any two-year period; however, a hospital shall not be required to obtain a certificate for the use of 10% of its beds as nursing home beds as provided in § 32.1-132 of the Code of Virginia.
  4. The introduction into any existing medical care facility of any new nursing home service such as intermediate care facility services, extended care facility services or skilled nursing facility services except when such medical care facility is an existing nursing home as defined in § 32.1-123 of the Code of Virginia.
  5. The introduction into an existing medical care facility of any new cardiac catheterization, computed tomography (CT), gamma knife surgery, lithotripsy, magnetic resonance imaging (MRI), magnetic source imaging (MSI), medical rehabilitation, neonatal special care services, obstetrical services, open heart surgery, positron emission tomographic (PET) scanning, organ or tissue transplant service, radiation therapy, nuclear medicine imaging except for the purpose of nuclear cardiac imaging, psychiatric or substance abuse treatment, or such other specialty clinical services as may be designated by the board by regulation, which the facility has never provided or has not provided in the previous 12 months.
  6. The conversion of beds in an existing medical care facility to medical rehabilitation beds or psychiatric beds.
  7. The addition by an existing medical care facility of any medical equipment for the provision of cardiac catheterization, computed tomography (CT), gamma knife surgery, lithotripsy, magnetic resonance imaging (MRI), magnetic source imaging (MSI), open heart surgery, positron emission tomographic (PET) scanning, radiation therapy, or other specialized service designated by the board by regulation.
  8. Any capital expenditure of \$5 million or more, not defined as reviewable in subdivisions 1 through 7 of this definition, by or in behalf of a medical care facility. However, capital expenditures between \$1 million and \$5 million shall be registered with the commissioner.
- "Public hearing" means a proceeding conducted by a regional health planning agency at which an applicant for a certificate of public need and members of the public may present oral or written testimony in support or opposition to the application that is the subject of the proceeding and for which a verbatim record is made. See subsection A of 12 VAC 5-220-230.
- "Regional health plan" means the regional plan adopted by the regional health planning agency board.
- "Regional health planning agency" means the regional agency, including the regional health planning board, its staff

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and any component thereof, that performs health planning activities within a health planning region.

"Rural" means territory, population, and housing units that are classified as "rural" by the Bureau of the Census of the United States Department of Commerce, Economics and Statistics Administration.

"Schedule for completion" means the timetable that identifies the major activities required to complete a project as identified by the applicant and set forth on the certificate of public need. The timetable is used by the commissioner to evaluate the applicant's progress in completing an approved project.

"Significant change" means any alteration, modification or adjustment to a reviewable project for which a certificate of public need has been issued or requested following the public hearing which:

1. Changes the site;
2. Increases the capital expenditure amount authorized by the commissioner on the certificate of public need issued for the project by 10% or more;
3. Changes the service(s) proposed to be offered;
4. Extends the schedule for completion of the project beyond three years (36 months) from the date of certificate issuance or beyond the time period approved by the commissioner at the date of certificate issuance, whichever is greater. See 12 VAC 5-220-440 and 12 VAC 5-220-450.

"Standard review process" means the process utilized in the review of all certificate of public need requests with the exception of:

1. Certain bed relocations as specified in 12 VAC 5-220-280;
2. Certain projects that involve an increase in the number of beds in which nursing facility or extended care services are provided as specified in 12 VAC 5-220-325.

"State Medical Facilities Plan" means the planning document adopted by the Board of Health that includes, but is not limited to (i) methodologies for projecting need for medical care facility beds and services; (ii) statistical information on the availability of medical care facilities and services; and (iii) procedures, criteria and standards for review of applications for projects for medical care facilities and services. The most recent applicable State Medical Facilities Plan shall remain in force until any such chapter is amended, modified or repealed by the Board of Health.

## **12 VAC 5-220-160. Required considerations.**

In determining whether a public need exists for a proposed project, the following factors shall be taken into account when applicable:

1. The recommendation and the reasons therefor of the appropriate regional health planning agency.
2. The relationship of the project to the applicable health plans of the regional health planning agency and the Board of Health.

3. The relationship of the project to the long-range development plan, if any, of the person applying for a certificate.

4. The need that the population served or to be served by the project has for the project, including, but not limited to, the needs of rural populations in areas having distinct and unique geographic, socioeconomic, cultural, transportation, and other barriers to access to care.

5. The extent to which the project will be accessible to all residents of the area proposed to be served *and the effects on accessibility of any proposed relocation of an existing service or facility.*

6. The area, population, topography, highway facilities and availability of the services to be provided by the project in the particular part of the health planning region in which the project is proposed, in particular, the distinct and unique geographic, socioeconomic, cultural, transportation, and other barriers to access to care.

7. Less costly or more effective alternate methods of reasonably meeting identified health service needs.

8. The immediate and long-term financial feasibility of the project.

9. The relationship of the project to the existing health care system of the area in which the project is proposed; however, for projects proposed in rural areas, the relationship of the project to the existing health care services in the specific rural locality shall be considered.

10. The availability of resources for the project.

11. The organizational relationship of the project to necessary ancillary and support services.

12. The relationship of the project to the clinical needs of health professional training programs in the area in which the project is proposed.

13. The special needs and circumstances of an applicant for a certificate, such as a medical school, hospital, multidisciplinary clinic, specialty center or regional health service provider, if a substantial portion of the applicant's services or resources or both is provided to individuals not residing in the health planning region in which the project is to be located.

14. The need and the availability in the health planning region for osteopathic and allopathic services and facilities and the impact on existing and proposed institutional training programs for doctors of osteopathy and medicine at the student, internship, and residency training levels.

15. The special needs and circumstances of health maintenance organizations. When considering the special needs and circumstances of health maintenance organizations, the commissioner may grant a certificate for a project if the commissioner finds that the project is needed by the enrolled or reasonably anticipated new members of the health maintenance organizations or the beds or services to be provided are not available from providers which are not health maintenance organizations or from

other health maintenance organizations in a reasonable and cost effective manner.

16. The special needs and circumstances for biomedical and behavioral research projects which are designed to meet a national need and for which local conditions offer special advantages.

17. The costs and benefits of the construction associated with the proposed project.

18. The probable impact of the project on the costs of and charges for providing health services by the applicant for a certificate and on the costs and charges to the public for providing health services by other persons in the area.

19. Improvements or innovations in the financing and delivery of health services which foster competition and serve to promote quality assurance and cost effectiveness.

20. In the case of health services or facilities proposed to be provided, the efficiency and appropriateness of the use of existing services and facilities in the area similar to those proposed, including, in the case of rural localities, any distinct and unique geographic, socioeconomic, cultural, transportation, and other barriers to access to care.

## **12 VAC 5-220-230. Review of complete application.**

A. Review cycle. At the close of the work day on the tenth day of the month, the department shall provide written notification to applicants specifying the acceptance date and review schedule of completed applications, including the date for any informal fact-finding conference that may be held between the eightieth and ninetieth day of the review cycle. The regional health planning agency shall conduct no more than two meetings, one of which must be a public hearing conducted by the regional health planning agency board or a subcommittee of the board and provide applicants with an opportunity, prior to the vote, to respond to any comments made about the project by the regional health planning agency staff, any information in a staff report, *the comments of local governing bodies in the health planning district*, *all other public comments*, or comments by those voting in completing its review and recommendation by the sixtieth day of the cycle. By the seventieth day of the review cycle, the department shall complete its review and recommendation of an application and transmit the same to the applicants and other appropriate persons. By the seventy-fifth day of the review cycle, the department shall transmit to the applicant and the appropriate other persons its determination whether an informal fact-finding conference is necessary.

An informal fact-finding conference shall be held when (i) determined necessary by the department or (ii) requested by any person seeking to be made a party to the case for good cause. Any person seeking to be made a party to the case for good cause shall file, no later than four days after the department has completed its review and recommendation of an application and has transmitted the same to the applicants and to persons who have prior to the issuance of the report requested a copy in writing, written notification with the commissioner, applicants and other competing applicants, and regional health planning agency stating the grounds for good cause and providing the factual basis therefor under oath.

For purposes of this section, "good cause" means that (i) there is significant, relevant information not previously presented at and not available at the time of the public hearing, (ii) there have been significant changes in factors or circumstances relating to the application subsequent to the public hearing, or (iii) there is a substantial material mistake of fact or law in the department staff's report on the application or in the report submitted by the regional health planning agency. See § 32.1-102.6 of the Code of Virginia.

B. Time period for review. The review period shall begin on the first day of the applicable review cycle within which an application is determined to be complete, in accordance with scheduled batch review cycles described in 12 VAC 5-220-200. If the application is not determined to be complete for the applicable batch cycle within 40 calendar days from the date of submission, the application may be refiled in the next applicable batch cycle.

If the regional health planning agency has not completed its review by the sixtieth day of the review cycle, or such other period in accordance with the applicant's request for extension, and submitted its recommendation within 10 calendar days after the completion of its review, the department shall, on the eleventh day after expiration of the regional health planning agency's review period, proceed as if the regional health planning agency has recommended approval of the proposed project.

In any case in which an informal fact-finding conference is not held, the project record shall be closed on the earlier of (i) the date established for holding the informal fact-finding conference or (ii) the date that the department determines that an informal fact-finding conference is not necessary. (See 12 VAC 5 220-230 A.)

In any case in which an informal fact-finding conference is held, a date shall be established for closing of the record that shall not be more than 30 calendar days after the date for holding the informal fact-finding conference.

C. Determination by the commissioner. If a determination whether a public need exists for a project is not made by the commissioner within 45 calendar days of the closing of the record, the commissioner shall notify the applicant or applicants and any persons seeking to show good cause, in writing, that the application or the applications of each shall be deemed approved 25 calendar days after the expiration of such 45-calendar-day period, unless the receipt of recommendations from the person performing as hearing officer permits the commissioner to issue his case decision within that 25-calendar-day period. The validity or timeliness of the aforementioned notice shall not, in any event, prevent, delay or otherwise impact the effectiveness of this section.

In any case when a determination whether a public need exists for a project is not made by the commissioner within 70 calendar days after closing of the record, the application shall be deemed approved and a certificate shall be granted.

If a determination whether a public need for a project exists is not made by the commissioner within 45 calendar days of the closing of the record, any person who has filed an application competing in the relevant batch review cycle or who has filed an application in response to the relevant Request for

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Applications issued pursuant to 12 VAC 5-220-355 may, prior to the application being deemed approved, petition for immediate injunctive relief pursuant to § 2.2-4030 of the Code of Virginia, naming as respondents the commissioner and all parties to the case. During the pendency of proceeding, no applications shall be deemed to be approved. In such a proceeding, the provisions of § 2.2-4030 of the Code of Virginia shall apply.

Deemed approvals shall be construed as the commissioner's case decision on the application pursuant to the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) and shall be subject to judicial review on appeal as the commissioner's case decision in accordance with such act.

Any person who has sought to participate in the department's review of such deemed-to-be-approved application as a person showing good cause who has not received a final determination from the commissioner concerning such attempt to show good cause shall be deemed to be a person showing good cause for purposes of appeal of a deemed-to-be-approved certificate.

In any appeal of the commissioner's case decision granting a certificate of public need pursuant to a Request for Applications issued pursuant to § 32.1-102.3:2 of the Code of Virginia, the court may require the appellant to file a bond pursuant to § 8.01-676.1 of the Code of Virginia, in such sum as shall be fixed by the court for protection of all parties interested in the case decision, conditioned on the payment of all damages and costs incurred in consequence of such appeal.

The applicants, and only the applicants, shall have the authority to extend any of the time periods for review of the application, which are specified in 12 VAC 5-220-230. If all applicants consent to extending any time period in this section, the commissioner, with the concurrence of the applicants, shall establish a new schedule for the remaining time periods.

For purposes of project review, any scheduled deadlines that fall on a weekend or state holiday shall be advanced to the next work day.

D. Regional health planning agency required notifications. Upon notification of the acceptance date of a complete application as set forth in subsection A of this section, the regional health planning agency shall provide written notification of its review schedule to the applicant. The regional health planning agency shall notify *the local governing bodies in the planning district*, health care providers and specifically identifiable consumer groups who may be affected by the proposed project directly by mail and shall also give notice of the public hearing in a newspaper of general circulation in such county or city wherein a project is proposed or a contiguous county or city at least nine days prior to such public hearing. Such notification by the regional health planning agency shall include: (i) the date and location of the public hearing which shall be conducted on the application except as otherwise provided in this chapter, in the county or city wherein a project is proposed or a contiguous county or city and (ii) the date, time and place the final recommendation

of the regional health planning agency shall be made. The regional health planning agency shall maintain a verbatim record ~~which may be a tape recording~~ of the public hearing *that includes any comments of the local governing bodies of the health planning district and all other public comments. A copy of the verbatim record shall be provided to the department.* Such public hearing record shall be maintained for at least a one-year time period following the final decision on a certificate of public need application. See definition of "public hearing."

E. Ex parte contact. After commencement of a public hearing and before a final decision is made, there shall be no ex parte contacts between the State Health Commissioner and any person acting on behalf of the applicant or holder of a certificate or any person opposed to the issuance or in favor of revocation of a certificate of public need, unless written notification has been provided. See definition of "ex parte."

## **12 VAC 5-220-385. Review of complete application.**

A. Review cycle. The department shall provide written notification to applicants specifying the acceptance date and review schedule of completed applications, including the date for any informal fact-finding conference that may be held between the eightieth and ninetieth day of the review cycle. The regional health planning agency shall conduct no more than two meetings, one of which must be a public hearing conducted by the regional health planning agency board or a subcommittee of the board and provide applicants with an opportunity, prior to the vote, to respond to any comments made about the project by the regional health planning agency staff, any information in a staff report, *the comments of the local governing bodies in the health planning district, all other public comments*, or comments by those voting in completing its review and recommendation by the sixtieth day of the cycle. By the seventieth day of the review cycle, the department shall complete its review and recommendation of an application and transmit the same to the applicant or applicants and other appropriate persons. By the seventy-fifth day of the review cycle, the department shall transmit to the applicants and other appropriate persons, its determination whether an informal fact-finding conference is necessary.

An informal fact-finding conference shall be held when (i) determined necessary by the department or (ii) requested by any person seeking to demonstrate good cause. Any person seeking to demonstrate good cause shall file, no later than four days after the department has completed its review and recommendation of an application and has transmitted the same to the applicants and to persons who have prior to the issuance of the report requested a copy in writing, written notification with the commissioner, applicant or applicants and other competing applicants, and regional health planning agency stating the grounds for good cause and providing the factual basis therefor under oath.

For purposes of this section, "good cause" means that (i) there is significant, relevant information not previously presented at and not available at the time of the public hearing, (ii) there have been significant changes in factors or circumstances relating to the application subsequent to the public hearing, or (iii) there is a substantial material mistake of fact or law in the department staff's report on the application or in the report

submitted by the regional health planning agency. (See § 32.1-102.6 of the Code of Virginia.)

B. Time period for review. The review period shall begin on the first day of the applicable review cycle within which an application is determined to be complete, in accordance with scheduled batch review cycles described in 12 VAC 5-220-200. If the application is not determined to be complete for the applicable batch cycle within 40 calendar days from the date of submission, the application may be refiled in the next applicable batch cycle.

If the regional health planning agency has not completed its review by the sixtieth day of the review cycle, or such other period in accordance with the applicant's request for extension, and submitted its recommendation within ten calendar days after the completion of its review, the department shall, on the eleventh day after expiration of the regional health planning agency's review period, proceed as if the regional health planning agency has recommended approval of the proposed project.

In any case in which an informal fact-finding conference is not held, the project record shall be closed on the earlier of (i) the date established for holding the informal fact-finding conference or (ii) the date that the department determines that an informal fact-finding conference is not necessary. (See 12 VAC 5 220-230 A.)

In any case in which an informal fact-finding conference is held, a date shall be established for closing of the record which shall not be more than 30 calendar days after the date for holding the informal fact-finding conference.

C. Determination by the commissioner. If a determination whether a public need exists for a project is not made by the commissioner within 45 calendar days of the closing of the record, the commissioner shall notify the applicant or applicants and any person seeking to show good cause, in writing, that the application or the applications of each shall be deemed approved 25 calendar days after the expiration of such 45-calendar-day period, unless the receipt of recommendations from the person performing the hearing officer functions permits the commissioner to issue his case decision within that 25-calendar-day period. The validity or timeliness of the aforementioned notice shall not, in any event, prevent, delay or otherwise impact the effectiveness of this section.

In any case when a determination whether a public need exists for a project is not made by the commissioner within 70 calendar days after closing of the record, the application shall be deemed approved and a certificate shall be granted.

If a determination whether a public need for a project exists is not made by the commissioner within 45 calendar days of the closing of the record, any applicant who is competing in the relevant batch review cycle or who has filed an application in response to the relevant Request for Applications issued pursuant to 12 VAC 5-220-355 may, prior to the application being deemed approved petition for immediate injunctive relief pursuant to § 2.2-4030 of the Code of Virginia, naming as respondents the commissioner and all parties to the case. During the pendency of proceeding, no applications shall be

deemed to be approved. In such a proceeding, the provisions of § 2.2-4030 of the Code of Virginia shall apply.

Deemed approvals shall be construed as the commissioner's case decision on the application pursuant to the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) and shall be subject to judicial review on appeal as the commissioner's case decision in accordance with such act.

Any person who has sought to participate in the department's review of such deemed-to-be-approved application as a person showing good cause who has not received a final determination from the commissioner concerning such attempt to show good cause petition prior to the date on which the application was approved, shall be deemed to be a person showing good cause for purposes of appeal of a deemed-to-be-approved certificate.

In any appeal of the commissioner's case decision granting a certificate of public need pursuant to a Request for Applications issued pursuant to § 32.1-102.3:2 of the Code of Virginia, the court may require the appellant to file a bond pursuant to § 8.01-676.1 of the Code of Virginia, in such sum as shall be fixed by the court for protection of all parties interested in the case decision, conditioned on the payment of all damages and costs incurred in consequence of such appeal.

The applicants, and only the applicants, shall have the authority to extend any of the time periods for review of the application, which are specified in 12 VAC 5-220-230. If all applicants consent to extending any time period in this section, the commissioner, with the concurrence of the applicants, shall establish a new schedule for the remaining time periods.

D. Regional health planning agency required notifications. Upon notification of the acceptance date of a complete application as set forth in subsection A of this section, the regional health planning agency shall provide written notification of its review schedule to the applicant. The regional health planning agency shall notify *the local governing bodies in the planning district*, health care providers and specifically identifiable consumer groups who may be affected by the proposed project directly by mail and shall also give notice of the public hearing in a newspaper of general circulation in such county or city wherein a project is proposed or a contiguous county or city at least nine days prior to such public hearing. Such notification by the regional health planning agency shall include: (i) the date and location of the public hearing which shall be conducted on the application except as otherwise provided in this chapter, in the county or city wherein a project is proposed or a contiguous county or city; and (ii) the date, time and place the final recommendation of the regional health planning agency shall be made. The regional health planning agency shall maintain a verbatim record ~~which may be a tape recording~~ of the public hearing *that includes any comments of the local governing bodies of the health planning district and all other public comments. A copy of the verbatim record shall be provided to the department.* Such public hearing record shall be maintained for at least a one-year time period following the final decision

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on a certificate of public need application. See definition of "public hearing."

E. Ex parte contact. After commencement of a public hearing and before a final decision is made, there shall be no ex parte contacts between the State Health Commissioner and any person acting on behalf of the applicant or holder of a certificate or any person opposed to the issuance or in favor of revocation of a certificate of public need, unless written notification has been provided. See definition of "ex parte."

VA.R. Doc. No. R04-276; Filed August 17, 2004, 11:31 a.m.

\* \* \* \* \*

**Title of Regulation:** 12 VAC 5-371. Rules and Regulations for the Licensure of Nursing Facilities (amending 12 VAC 5-371-110).

**Statutory Authority:** §§ 32.1-12 and 32.1-127 of the Code of Virginia.

**Effective Date:** September 27, 2004.

**Agency Contact:** Carrie Eddy, Senior Policy Analyst, Department of Health, Center for Quality Health Care Services, 3600 West Broad Street, Suite 216, Richmond, VA 23230, telephone (804) 367-2157, FAX (804) 367-2149 or e-mail [carrie.eddy@vdh.virginia.gov](mailto:carrie.eddy@vdh.virginia.gov).

**Summary:**

*In conformance with Chapter 762 of the 2004 Acts of Assembly, the amendment requires that all nursing facilities provide, or arrange for, the administration of the influenza and pneumonia vaccines to its residents unless the vaccinations are medically contraindicated or the resident declines the offer. The vaccinations are to be administered according to the most recent recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.*

**12 VAC 5-371-110. Management and administration.**

A. No person shall own, establish, conduct, maintain, manage, or operate any nursing facility, as defined in § 32.1-123 of the Code of Virginia, without having obtained a license.

B. The nursing facility must comply with:

1. These regulations (12 VAC 5-371-10 ~~et seq.~~);
2. Other applicable federal, state or local laws and regulations; and
3. Its own policies and procedures.

C. The nursing facility shall submit, or make available, reports and information necessary to establish compliance with these regulations and applicable statutes.

D. The nursing facility shall submit, in a timely manner as determined by the center, and implement a written plan of action to correct any noncompliance with these regulations identified during an inspection. The plan shall include:

1. Description of the corrective action or actions to be taken;
2. Date of completion for each action; and

3. Signature of the person responsible for the operation.

E. The nursing facility shall permit representatives from the center to conduct inspections to:

1. Verify application information;
2. Determine compliance with this chapter;
3. Review necessary records; and
4. Investigate complaints.

F. The current license from the department shall be posted in a place clearly visible to the general public.

G. The nursing facility shall not operate more resident beds than the number for which it is licensed.

H. The nursing facility shall fully disclose its admission policies, including any preferences given, to applicants for admission.

I. The nursing facility shall identify its operating elements and programs, the internal relationship among these elements and programs, and the management or leadership structure.

J. *The facility shall provide, or arrange for, the administration to its residents of an annual influenza vaccination and a pneumonia vaccination according to the most recent recommendations for "Prevention and Control of Influenza" (www.cdc.gov/mmwr/preview/mmwrhtml/rr5306a1.htm), MMWR 53 (RR06), and "Guidelines for Preventing Health Care-Associated Pneumonia, 2003" (www.cdc.gov/mmwr/preview/mmwrhtml/rr5303a1.htm), MMWR 53 (RR03), of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, unless the vaccination is medically contraindicated or the resident declines the vaccination offer.*

**DOCUMENTS INCORPORATED BY REFERENCE**

*Guidelines for Preventing Health Care-Associated Pneumonia, 2003 (MMWR 53 (RR03), Advisory Committee on Immunization Practices, Centers for Disease Control and Prevention.*

*Prevention and Control of Influenza, MMWR 53 (RR06), Advisory Committee on Immunization Practices, Centers for Disease Control and Prevention.*

VA.R. Doc. No. R04-277; Filed August 17, 2004, 11:30 a.m.



## TITLE 16. LABOR AND EMPLOYMENT

### DEPARTMENT OF LABOR AND INDUSTRY

#### Safety and Health Codes Board

**REGISTRAR'S NOTICE:** The Safety and Health Codes Board is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4006 A 3, which excludes regulations that consist only of changes in style or form or corrections of technical errors. 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 25-40. Standard for Boiler and Pressure Vessel Operator Certification (amending 16 VAC 25-40-10, 16 VAC 25-40-20 and 16 VAC 25-40-50).

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

**Effective Date:** October 15, 2004.

**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 or e-mail john.crisanti@doli.virginia.gov.

**Summary:**

*The amendments update references to the Code of Virginia as recodified by the 1997 Session of the General Assembly.*

**16 VAC 25-40-10. Definitions.**

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

"Accredited" means accredited by an accrediting body recognized by the U.S. Department of Education.

"Act" refers to § ~~45.1-44.6~~ 15.2-910 of the Code of Virginia.

"Agent" means the agent established by a county, city or town, under local ordinance to examine and determine an applicant's qualifications for certification under the Act.

"Approved" means acceptable to the Commissioner of Labor and Industry.

"Board" means the board established by a county, city or town, under local ordinance to examine and determine an applicant's qualifications for certification under the Act.

"Boiler" means a closed vessel in which water is heated, steam is generated, steam is superheated, or any combination of them, under pressure or vacuum for use externally to itself by the direct application of heat. The term "boiler" shall include fired units for heating or vaporizing liquids other than water where these units are separate from processing systems and are complete within themselves.

"Boiler operator" means an individual who would normally be the senior operational and maintenance person at the site of the boiler who would be expected to react to changing operational and maintenance situations.

"Certificate of Competency" means a certificate issued to a person who has passed the prescribed examination as provided in subsection C of 16 VAC 25-40-30.

"Commissioner" means the Commissioner of the Department of Labor and Industry.

"Department" means the Department of Labor and Industry.

"Heating plant" means a heating system containing a low pressure steam or hot water boiler used to generate energy for use in heating buildings, potable water or processing.

"High pressure boiler" means a steam boiler where the safety valves are set to relieve at a pressure of more than 15 pounds per square inch.

"Horsepower rating of a boiler" for the purpose of this chapter shall be the largest rating determined in accordance with each of the following (i) by dividing the square feet of boiler heating surface by 10; or (ii) the manufacturer's rated output in horsepower; or (iii) where the manufacturer's rated output is expressed in terms other than horsepower, such rating converted into horsepower by the use of one of the factors as defined in this chapter.

"Hot water heating boiler" means any hot water boiler operated at pressures not exceeding 160 psi or temperatures not exceeding 250°F.

"Jurisdiction" as referred to in this standard shall mean counties, cities and towns in the Commonwealth.

"Low pressure boiler" means a steam boiler where the safety valves are set to relieve at a pressure of 15 pounds per square inch or less and hot water heating boilers.

"Pressure vessel" as referred to in this chapter shall be any vessel in which (i) the pressure is obtained from an external source, or by an internal or external application of heat; and (ii) is an auxiliary to a boiler plant.

"One boiler horsepower" shall be defined as (i) the evaporation of 34.5 pounds of water per hour from and at 212°F; or (ii) 33475 British Thermal Units (B.T.U.) per hour; or (iii) 140 square feet of steam radiation; or (iv) 224 square feet of water radiation at 150°F; or (v) 10 kilowatt per hour electrical input to boiler.

"Steam plant" means a system containing a high pressure boiler to generate energy for use in heating, power generation or processing operations.

**16 VAC 25-40-20. Authority and application.**

A. This chapter is established in accordance with § ~~45.1-44.6~~ 15.2-910 of the Code of Virginia for use by counties, cities and towns for the certification of boiler and pressure vessel operators.

B. This chapter shall apply to any person who engages in, or offers to engage in, for the general public for compensation, the operation or maintenance of a boiler or pressure vessel. All jurisdictions who choose to regulate the certification of boiler and pressure vessel operators shall utilize this standard for control of certification within the Commonwealth.

C. This chapter shall not affect licensing or inspection under any other provision of the Code of Virginia.

D. Localities shall forward a copy of their certification ordinance upon adoption or amendment to the Office of Boiler and Pressure Vessel Safety in the Virginia Department of Labor and Industry.

E. The Department of Labor and Industry will provide advisory opinions concerning interpretation and application of this chapter upon request.

F. This chapter shall not apply to any person who, in his capacity as an employee, is engaged in the operation or

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maintenance of a boiler or pressure vessel owned by his employer.

## 16 VAC 25-40-50. Penalties.

Section ~~45.4-44.6~~ 15.2-910 of the Code of Virginia provides that penalties for noncompliance with this chapter shall be set and levied by the governing body of a jurisdiction and may not exceed those penalties for a Class 3 misdemeanor.

VA.R. Doc. No. R04-266; Filed August 12, 2004, 3:09 p.m.

\* \* \* \* \*

**REGISTRAR'S NOTICE:** The following regulation is 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.

**Titles of Regulations:** 16 VAC 25-90-1910. Federal Identical General Industry Standards (29 CFR Part 1910) (amending 16 VAC 25-90-1910.103, 16 VAC 25-90-1910.217, 16 VAC 25-90-1910.219, and 16 VAC 25-90-1910.268).

16 VAC 25-90-1926. Federal Identical Construction Industry Standards (29 CFR Part 1926) (amending 16 VAC 25-90-1926.307).

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

Effective Date: October 15, 2004.

### Summary:

*The amendments correct four specific errors in five OSHA standards. The first correction amends two standards, the General Industry and Construction Industry standards for Mechanical Power - Transmission Apparatus, §§ 1910.219 and 1926.307, and deletes two references to a nonexistent table in the Mechanical Power - Transmission Apparatus Standard. The second is a correction of typographical errors in the Mechanical Power Presses Standard, § 1910.217. The third correction is to a cross reference in the Telecommunications Standard, § 1910.268. The fourth correction is to a reference to a table contained in the Hazardous Materials Standard for Hydrogen, § 1910.103.*

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.virginia.gov](mailto:jjc@doli.virginia.gov).

### Note on Incorporation by Reference

Pursuant to § 2.2-4103 of the Code of Virginia, Mechanical Power - Transmission Apparatus; Mechanical Power Presses; Telecommunications; Hydrogen, General Industry and Construction Industry (29 CFR 1910.219, 29 CFR 1926.307, 29 CFR 1910.217, 29 CFR 1910.268, and 29 CFR 1910.103) are declared documents generally available to the public and appropriate for incorporation by reference. For this reason the documents will not be printed in the Virginia Register of Regulations. Copies of the documents 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 August 3, 2004, the Safety and Health Codes Board adopted an identical version of federal OSHA's revision of the final rule for federal OSHA's technical corrections to five standards, as published in the Federal Register (69 FR 31880) on June 8, 2004, with a proposed effective date of October 15, 2004. This final rule corrects four specific errors in five OSHA standards. The first correction amends two standards, the General Industry and Construction Industry standards for Mechanical Power - Transmission Apparatus, § 1910.219 and § 1926.307, and deletes two references to a nonexistent table in the Mechanical Power - Transmission Apparatus Standard. The second is a correction of typographical errors in the Mechanical Power Presses Standard. The third correction is to a cross-reference in the Telecommunications Standard. The fourth correction is to a reference to a table contained in the Hazardous Materials Standard for Hydrogen.

When the regulations, as set forth in the technical corrections to the final rules for 16 VAC 25-90-1910.219, Mechanical Power - Transmission Apparatus, § 1910.219; 16 VAC 25-175-1926.307, Mechanical Power - Transmission Apparatus, § 1926.307; 16 VAC 25-90-1910.217, Mechanical Power Presses, § 1910.217; 16 VAC 25-90-1910.268, Telecommunications, § 1910.268; and 16 VAC 25-90-1910.103, Hydrogen, § 1910.103, 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
June 8, 2004	October 15, 2004

VA.R. Doc. No. R04-275; Filed August 6, 2004, 3:20 p.m.





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# EMERGENCY REGULATIONS

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## TITLE 12. HEALTH

### DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: **12 VAC 30-80. Methods and Standards for Establishing Payment Rates; Other Types of Care (amending 12 VAC 30-80-190).**

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia.

Effective Dates: September 1, 2004, through August 31, 2005.

Agency Contact: Steve Ford, Manager, Division of Provider Reimbursement, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 786-7355, FAX (804) 786-1680, or e-mail [steve.ford@dmass.virginia.gov](mailto:steve.ford@dmass.virginia.gov).

Preamble:

*Virginia is experiencing a growing problem with access to obstetrical and gynecological services for Medicaid and FAMIS recipients due, in part, to stagnant reimbursement in the face of cost increases, including increases in medical malpractice premiums for this physician specialty. This is causing a threat to the health of individuals in need of these services through Medicaid and FAMIS.*

*The amendments modify the Medicaid reimbursement methodology for fee-for-service physician rates in order to increase reimbursement to obstetrical providers. Additionally, the contracts between DMAS and managed care organizations are also being modified to accommodate similar rate increases for physicians practicing through managed care.*

**12 VAC 30-80-190. State agency fee schedule for RBRVS.**

1. Reimbursement of fee-for-service providers. Effective for dates of service on or after July 1, 1995, the Department of Medical Assistance Services (DMAS) shall reimburse fee-for-service providers, with the exception of home health services (see 12 VAC 30-80-180), using a fee schedule that is based on a Resource Based Relative Value Scale (RBRVS).

2. Fee schedule.

A. For those services or procedures which are included in the RBRVS published by the ~~Health Care Financing Administration (HCFA)~~ Centers for Medicare and Medicaid Services (CMS) as amended from time to time, DMAS' fee schedule shall employ the Relative Value Units (RVUs) developed by HCFA CMS as periodically updated.

B. DMAS shall calculate the RBRVS-based fees using conversion factors (CFs) published from time to time by HCFA CMS. DMAS shall adjust HCFA's CMS' CFs by an additional factor so that no change in expenditure will result solely from the implementation of the RBRVS-based fee schedule. DMAS shall calculate a separate additional factor for (1) Obstetrical/Gynecological procedures (defined as Maternity Care and Delivery procedures, Female Genital System

*procedures, Obstetrical/Gynecological-related radiological procedures, and mammography procedures, as defined by the American Medical Association's (AMA) annual publication of the Current Procedural Terminology (CPT) manual) and for (2) all other procedures set through the RBRVS process combined. DMAS may revise the additional factor factors when HCFA CMS updates its RVUs or CFs so that no change in expenditure will result solely from such updates. Except for this adjustment, DMAS' CFs shall be the same as those published from time to time by HCFA CMS. The calculation of the additional factor factors shall be based on the assumption that no change in services provided will occur as a result of these changes to the fee schedule. The determination of the "additional factor" factors required above shall be accomplished by means of the following calculation:*

1. The estimated amount of DMAS expenditures if DMAS were to use Medicare's RVUs and CFs without modification, is equal to the sum, across all *relevant* procedure codes, of the RVU value published by the HCFA CMS, multiplied by the applicable conversion factor published by the HCFA CMS, multiplied by the number of occurrences of the procedure code in DMAS patient claims in the most recent period of time (at least six months).

2. The estimated amount of DMAS expenditures, if DMAS were not to calculate new fees based on the new HCFA CMS RVUs and CFs, is equal to the sum, across all *relevant* procedure codes, of the existing DMAS fee multiplied by the number of occurrences of the procedures code in DMAS patient claims in the period of time used in subdivision 1 of this subsection.

3. The *relevant* "additional factor" is equal to the ratio of the expenditure estimate (based on DMAS fees in subdivision 2 of this subsection) to the expenditure estimate based on unmodified HCFA CMS values in subdivision 1 of this subsection.

C. For those services or procedures for which there are no established RVUs, DMAS shall approximate a reasonable relative value payment level by looking to similar existing relative value fees. If DMAS is unable to establish a relative value payment level for any service or procedure, the fee shall not be based on a RBRVS, but shall instead be based on the previous fee-for-service methodology.

D. Fees shall not vary by geographic locality.

E. The RBRVS-based fees shall be phased in over three years. During the first 12 months of implementation, fees shall be based 1/3 on RBRVS-based fees and 2/3 on previously existing fees. During the second 12 months of implementation, fees shall be based 2/3 on RBRVS-based fees and 1/3 on previously existing fees. Thereafter, fees shall be based entirely on RBRVS-based fees.

F. (Reserved for ER Physician Rate Increase)

*G. Effective for dates of service on or after September 1, 2004, fees for Obstetrical/Gynecological procedures (defined as Maternity Care and Delivery procedures, Female Genital System procedures, Obstetrical/Gynecological-related radiological procedures, and mammography procedures, as defined by the American Medical Association's (AMA) annual*

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publication of the *Current Procedural Terminology (CPT manual)* shall be increased by 34 percent relative to the fees in effect on July 1, 2004. This 34 percent increase shall be a one-time increase, but shall be included in subsequent calculations of the relevant additional factor described in subsection B above.

/s/ Mark R. Warner  
Governor

Date: August 19, 2004

VA.R. Doc. No. R04-282; Filed August 20, 2004, 10:04 a.m.

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**Title of Regulation:** 12 VAC 30-80. Methods and Standards for Establishing Payment Rates; Other Types of Care (amending 12 VAC 30-80-190).

**Statutory Authority:** §§ 32.1-324 and 32.1-325 of the Code of Virginia.

**Effective Dates:** September 1, 2004, through August 31, 2005.

**Agency Contact:** Steve Ford, Manager, Division of Provider Reimbursement, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 786-7355, FAX (804) 786-1680, or e-mail [steve.ford@dmas.virginia.gov](mailto:steve.ford@dmas.virginia.gov).

**Preamble:**

*Section 2.2-4011 of the Administrative Process Act states that an emergency situation is (i) a situation involving an imminent threat to public health or safety; or (ii) a situation in which Virginia statutory law, the Virginia appropriation act, or federal law requires that a regulation shall be effective in 280 days or less from its enactment, or in which federal regulation requires a regulation to take effect no later than 280 days from its effective date. This suggested emergency regulation meets the standard at § 2.2-4011(ii) as discussed below.*

*Item 326 JJJ of Chapter 4 of the 2004 Acts of the Assembly, Special Session I, directs DMAS to increase reimbursements to physicians delivering Medicaid services in hospital emergency rooms.*

*The amendment adds language providing that certain physician codes be increased by 2.0% above the normal calculated amounts.*

**12 VAC 30-80-190. State agency fee schedule for RBRVS.**

1. Reimbursement of fee-for-service providers. Effective for dates of service on or after July 1, 1995, the Department of Medical Assistance Services (DMAS) shall reimburse fee-for-service providers, with the exception of home health services (see 12 VAC 30-80-180), using a fee schedule that is based on a Resource Based Relative Value Scale (RBRVS).

2. Fee schedule.

A. For those services or procedures which are included in the RBRVS published by the ~~Health Care Financing Administration (HCFA)~~ Centers for Medicare and Medicaid Services (CMS) as amended from time to time, DMAS' fee

schedule shall employ the Relative Value Units (RVUs) developed by HCFA CMS as periodically updated.

B. DMAS shall calculate the RBRVS-based fees using conversion factors (CFs) published from time to time by HCFA CMS. DMAS shall adjust HCFA's CMS' CFs by an additional factor so that no change in expenditure will result solely from the implementation of the RBRVS-based fee schedule. DMAS may revise the additional factor when HCFA CMS updates its RVUs or CFs so that no change in expenditure will result solely from such updates. Except for this adjustment, DMAS' CFs shall be the same as those published from time to time by HCFA CMS. The calculation of the additional factor shall be based on the assumption that no change in services provided will occur as a result of these changes to the fee schedule. The determination of the "additional factor" required above shall be accomplished by means of the following calculation:

1. The estimated amount of DMAS expenditures if DMAS were to use Medicare's RVUs and CFs without modification, is equal to the sum, across all procedure codes, of the RVU value published by the HCFA CMS, multiplied by the applicable conversion factor published by the HCFA CMS, multiplied by the number of occurrences of the procedure code in DMAS patient claims in the most recent period of time (at least six months).

2. The estimated amount of DMAS expenditures, if DMAS were not to calculate new fees based on the new HCFA CMS RVUs and CFs, is equal to the sum, across all procedure codes, of the existing DMAS fee multiplied by the number of occurrences of the procedure code in DMAS patient claims in the period of time used in subdivision 1 of this subsection.

3. The "additional factor" is equal to the ratio of the expenditure estimate (based on DMAS fees in subdivision 2 of this subsection) to the expenditure estimate based on unmodified HCFA CMS values in subdivision 1 of this subsection.

C. For those services or procedures for which there are no established RVUs, DMAS shall approximate a reasonable relative value payment level by looking to similar existing relative value fees. If DMAS is unable to establish a relative value payment level for any service or procedure, the fee shall not be based on a RBRVS, but shall instead be based on the previous fee-for-service methodology.

D. Fees shall not vary by geographic locality.

E. The RBRVS-based fees shall be phased in over three years. During the first 12 months of implementation, fees shall be based 1/3 on RBRVS-based fees and 2/3 on previously existing fees. During the second 12 months of implementation, fees shall be based 2/3 on RBRVS-based fees and 1/3 on previously existing fees. Thereafter, fees shall be based entirely on RBRVS-based fees.

*F. Beginning with dates of service on or after September 1, 2004, fees calculated through Sections A-E above for CPT codes 99281, 99282, 99283, 99284, and 99285 shall be increased by 2 percent. This increase shall not be considered in the determination of the "additional factor" described in*

*Section B above. These CPT codes shall be as published by the American Medical Association in its Current Procedural Terminology (2004 edition), as may be amended from time to time.*

/s/ Mark R. Warner  
Governor  
Date: August 25, 2004

VA.R. Doc. No. R04-287; Filed August 26, 2004, 9:50 a.m.



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# GOVERNOR

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## EXECUTIVE ORDER NUMBER 76 (2004)

### **THE VIRGINIA BIOTECHNOLOGY PARTNERSHIP**

Advancements in biotechnology will have far-reaching human, environmental, and economic impacts. Virginia has many of the necessary assets and qualities that would make it an attractive location for this promising new industry of the 21st Century. These assets include major research universities, partner companies, medical schools, and federal and state laboratories. The Commonwealth has already invested in centers dedicated to the creation and growth of private sector companies that are developing promising new products and services to enhance human lives, improve the environment, and create new high-paying job opportunities for Virginians. The biotechnology industry also has the potential to benefit agriculture, manufacturing, and marine-based commerce.

To be competitive in growing and attracting this industry, Virginia needs a comprehensive and coordinated statewide strategy for biotechnology. Such a strategy was recently developed by the Governor's Advisory Board for the Virginia Biotechnology Initiative. This strategy has been well received and is now ready for implementation.

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 direct a joint effort involving both the public and private sectors for the purpose of establishing an implementation plan to ensure that Virginia will become a recognized center for biotechnology comparable to the reputation the Commonwealth now enjoys in other technology sectors. I further direct the Secretary of Commerce and Trade to integrate the results of this effort into the development of the economic development policy required by Section 2.2-205 of the Code of Virginia.

#### The Governor's Commission on Biotechnology

As a part of this effort to bolster Virginia's leadership in the biotechnology arena, I hereby create the Governor's Commission on Biotechnology (hereinafter referred to as "the Commission"), which shall prepare a Virginia Biotechnology Strategy Implementation Plan (hereinafter referred to as the "Implementation Plan") for making Virginia a leader among states and regions of the world in biotechnology over the course of the next decade and beyond. This Commission shall be classified as a gubernatorial advisory board in accordance with Section 2.2-2100 of the Code of Virginia.

The Implementation Plan shall be based on the recommendations in the Governor's Advisory Board for the Virginia Biotechnology Initiative report titled "Recommendations for a Statewide Comprehensive and Coordinated Strategy for Biotechnology: Biotechnology Leadership Strategy and Budget Recommendations – 14 November 2003," with such changes thereto as the Commission deems appropriate. The Implementation Plan shall be inclusive of the following desired outcomes:

1. Determining how Virginia's research universities, federal and state laboratories, biotechnology incubators, research parks, private industry, and other major resources can be further leveraged to help make Virginia a more attractive location for the biotechnology industry.
2. Assessing how a strategic initiative in biotechnology can help generate new jobs and investment.
3. Determining which new industries and private sector job opportunities that Virginia is well-positioned to secure because of its workforce, location, and other advantages.
4. Examining workforce and training needs for a biotechnology workforce.
5. Investigating how a strong biotechnology industry and research capability can help Virginia protect and preserve the Commonwealth's natural resources.
6. Evaluating Virginia's competitive position compared with other states and regions in terms of leadership in biotechnology.
7. Recommending ways to enhance the research base of the Commonwealth in biotechnology, to encourage the growth of biotechnology companies, and to make Virginia a more attractive location for future investments by "life sciences" companies.

The commission shall be appointed by the Governor and serve at his pleasure. The Secretary of Commerce and Trade and the Chairman of the Virginia Biotechnology Association shall serve as co-chairs of the Commission. The Secretary of Technology shall serve as Vice Chairman. Other members shall include:

- The Secretaries of Natural Resources, Education, and Health and Human Resources;
- Three members of the House of Delegates;
- Two members of the Senate of Virginia;
- The presidents or their designees of each of the four Virginia public research universities who have joined together in the proposed "Virginia Life" initiative;
- One representative of federal laboratories in Virginia involved in research and technology transfer in life sciences;
- The directors of the Division of Consolidated Laboratory Services and the Virginia Institute of Marine Science;
- Three representatives of not-for-profit life science and research institutions and laboratories in the Commonwealth;
- Two representatives of agricultural and tobacco interests;
- The Chief Executive Officer of the Virginia Economic Development Partnership;
- The President of the Center for Innovative Technology;

- Two local economic development officials; and
- Three private biotechnology industry leaders.

Other citizen members may be appointed to the Commission by the Governor at his discretion. Members of the Commission shall serve without compensation and shall not be reimbursed for expenses incurred in the discharge of their official duties.

Given the detailed nature of the Implementation Plan and the close coordination required, the co-chairs shall appoint an Executive Steering Committee from among the members of the Commission to form a modest-sized working group to propose and carry out the bulk of the effort. This committee shall seek counsel from the full Commission, engage the expertise of respective Commission members on an ad hoc basis, and provide opportunities for updates to and feedback from the full Commission during the course of developing the Implementation Plan. The Executive Steering Committee shall be responsible for summarizing the Implementation Plan in a final report.

Staff support necessary for the conduct of the work of the Commission shall be provided by the Center for Innovative Technology, the Office of the Secretary of Commerce and Trade, the Office of the Governor, and other such executive branch agencies as the Governor may designate.

An estimated 1,000 hours of staff time shall be needed to support the work of the Commission. Direct expenditures to support the Commission's work are estimated at \$10,000.

This Executive Order shall be effective immediately upon its signing and shall remain in full force and effect until July 23, 2005, unless amended or rescinded by further Executive Order.

Given under my hand and the Seal of the Commonwealth of Virginia, this 23rd day of July 2004.

/s/ Mark R. Warner  
Governor

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# GENERAL NOTICES/ERRATA

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## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

### Agricultural Stewardship Act 2004 Annual Report

The Commissioner of Agriculture and Consumer Services announces the availability of the 2004 annual report of the Agricultural Stewardship Act entitled "Virginia Agricultural Stewardship Act Annual Report, April 1, 2003 - March 31, 2004: A Positive Approach." Copies of this report can be obtained by contacting Joyce Knight at (804) 786-3538 or e-mail at [jknight@vdacs.state.va.us](mailto:jknight@vdacs.state.va.us). A written request may be sent to the address below. Copies of the annual report are available without charge.

Contact: Joyce Knight, Virginia Department of Agriculture and Consumer Services, Office of Policy, Planning, and Research, 1100 Bank Street, Suite 211, P.O. Box 1163, Richmond, VA 23219.

## DEPARTMENT OF ENVIRONMENTAL QUALITY

### Total Maximum Daily Loads (TMDLs) for Beaver Creek in Rockingham County

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the development of Total Maximum Daily Loads (TMDLs) for Beaver Creek in Rockingham County. This stream was listed on the 2002 303(d) TMDL Priority List and Report as impaired due to violations of the state's general standard (benthic) for aquatic life, the state's water quality standard for temperature, and the state's water quality standard for bacteria. These impairments extend from the headwaters to the confluence with the North River for a total of 5.57 miles.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) TMDL Priority List and Report.

The first public meeting on the development of these TMDLs will be held on Wednesday, September 22, 2004, at 7 p.m. at Ottobine Elementary School, 8646 Waggys Creek Road, Dayton, VA 22821.

Following the first public meeting, a Technical Advisory Committee will be developed to allow stakeholders to participate in and contribute to the technical details of the TMDL development. The first Technical Advisory Committee meeting will be held on Thursday, October 7, 2004, at 1 p.m. at the DEQ Valley Regional Office, 4411 Early Road, Harrisonburg, VA 22801.

The public comment period for the first public meeting will end on October 22, 2004. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Robert Brent, Department of Environmental Quality, 4411 Early Road, P.O.

Box 3000, Harrisonburg, VA 22801, telephone (540) 574-7848, FAX (540) 574-7878, or e-mail [rnbrent@deq.virginia.gov](mailto:rnbrent@deq.virginia.gov).

### Total Maximum Daily Loads (TMDLs) for Goldmine Creek, Beaver Creek, Mountain Run, Pamunkey Creek, Terrys Run and Plentiful Creek

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the development of Total Maximum Daily Loads (TMDLs) to address impairments in the following six watersheds: Goldmine Creek, Beaver Creek, Mountain Run, Pamunkey Creek, Terrys Run and Plentiful Creek. The subject stream segments are identified in Virginia's 2002 303(d) Report on Impaired Waters as impaired due to exceedances of the state's water quality criterion for fecal coliform bacteria.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) list.

The impaired stream segments are located in Louisa, Orange, and Spotsylvania Counties. The first impairment is a 7.16-mile segment of Goldmine Creek extending from the headwaters of the Creek, near the intersection of Routes 22 and 625, downstream to the confluence with Lake Anna, about 1 mile north of Route 613. The second impairment is a 2.51-mile segment of Beaver Creek extending from the confluence of Cooks Creek and Beaver Creek, approximately 0.68 rivermiles upstream from the Route 638 bridge, downstream to its confluence with the North Anna River, about 1 mile west of Route 669. The third impairment is a 2.52-mile segment of Mountain Run beginning at the confluence of Madison Run and Mountain Run, about 1.5 miles east of Route 15, downstream to its confluence with the North Anna River, about 1 mile south of Route 643. The fourth impairment is a 12.14-mile segment of Pamunkey Creek extending from the confluence of Tomahawk Creek and Church Creek (where Pamunkey Creek begins), near the intersection of Routes 612 and 631, downstream to the confluence with Lake Anna, about 1 mile east of Route 651. The fifth impairment is a 5.45-mile segment of Terrys Run extending from the confluence of Horsepen Branch to Terrys Run, near Route 619, downstream to the confluence with Lake Anna, near Route 651. The sixth impairment is a 3.15-mile segment of Plentiful Creek extending from the confluence of an unnamed tributary to Plentiful Creek, near Route 601, downstream to the confluence with Lake Anna, about 1 mile south of Route 653.

The first public meeting on the development of the Goldmine Creek, Beaver Creek, Mountain Run, Pamunkey Creek, Terrys Run and Plentiful Creek Bacteria TMDLs will be held on Tuesday, September 28, 2004, at 7 p.m. at the Belmont Community Center, located at 7124 Belmont Road in Mineral, Virginia.

The public comment period will begin on September 28, 2004, and end on October 27, 2004. A fact sheet on the

development of the TMDLs for the impairments referenced above is available upon request. Questions or information requests should be addressed to Bryant Thomas. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Mr. Bryant Thomas, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3843, FAX (703) 583-3841, or e-mail [bhthomas@deq.virginia.gov](mailto:bhthomas@deq.virginia.gov).

### **Total Maximum Daily Loads (TMDLs) for North River**

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the development of Total Maximum Daily Loads (TMDLs) for the North River. This stream was listed on the 1996 303(d) TMDL Priority List and Report as impaired due to violations of the state's general standard (benthic) for aquatic life. North River was also listed on the 2002 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standard for bacteria. The general standard impairment includes a 16.32-mile segment from Cooks Creek to the confluence with the South River. The bacteria impairment includes a 24.96-mile segment from Beaver Creek to the confluence with the South River.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) TMDL Priority List and Report.

The first public meeting on the development of these TMDLs will be held on Thursday, September 23, 2004, at 7 p.m. at John Wayland Elementary School, 801 North Main Street, Bridgewater, VA 22812.

The public comment period for this first public meeting will end on October 25, 2004. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Robert Brent, Department of Environmental Quality, 4411 Early Road, P.O. Box 3000, Harrisonburg, VA 22801, telephone (540) 574-7848, FAX (540) 574-7878, or e-mail [rnrbrent@deq.virginia.gov](mailto:rnrbrent@deq.virginia.gov).

### **Total Maximum Daily Loads (TMDLs) for Roanoke River Basin and Its Tributaries above Smith Mountain Lake**

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the development of Total Maximum Daily Loads (TMDLs) to address multiple impairments in the Roanoke River Basin and its tributaries above Smith Mountain Lake. The affected streams were identified in Virginia's 1998 303(d) TMDL Priority List and Report as impaired due to violations of Virginia's water quality standards for fecal coliform bacteria and the general standard (biological impairment). The streams not supporting the Primary Contact Recreation (swimmable) Designated Use include: Ore Branch (L04R-3.9 miles), Wilson

Creek (L02R - 5 miles), Roanoke River (L04R-11.72 miles), Roanoke River (L12L - 378 acres). The Aquatic Life Use Support (biological impairment) is located on a 11.72 mile section of the Roanoke River in Roanoke City. Impairments are located in Montgomery County, Roanoke County, Bedford County, Franklin County, Salem City, and Roanoke City. Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) TMDL Priority List and Report.

The first Technical Advisory Committee (TAC) meeting for the Roanoke River Basin TMDL will be held on Thursday, October 7, 2004, at 3 p.m. in the conference room of the VDEQ West Central Regional Office located at 3019 Peters Creek Road in Roanoke, Virginia.

The first public meeting on the development of the Roanoke River Basin TMDL will be held on Thursday, October 7, 2004, at 7 p.m. in the conference room of the VDEQ West Central Regional Office located at 3019 Peters Creek Road in Roanoke, Virginia. The public comment period for this phase of the TMDL development will end on November 7, 2004. A fact sheet on the development of the Roanoke River TMDL is available upon request.

Questions or information requests should be addressed to Jason Hill. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Jason R. Hill, Virginia Department of Environmental Quality, 3019 Peters Creek Road, Roanoke, VA 24019, telephone (540)-562-6724, FAX (540)-562-6860, or e-mail [jrhill@deq.virginia.gov](mailto:jrhill@deq.virginia.gov).

## **DEPARTMENT OF HEALTH**

### **Drinking Water State Revolving Fund Program - Intended Use Plan for FY 2005**

Dear Waterworks Owner and Other Interested Parties:

The Virginia Department of Health (VDH) received numerous loan requests and set-aside suggestions following our announcement in January 2004 of funds available from the Drinking Water State Revolving Fund Program. Through the Safe Drinking Water Act, Congress authorizes capitalization grants to the states but authorization has not been finalized.

The VDH's Office of Drinking Water (ODW) has prepared a draft Intended Use Plan (IUP) using information submitted via the loan requests and set-aside suggestions. This IUP is for your review and comment. The document dated January 20, 2004, and entitled "Virginia Drinking Water State Revolving Fund Program - Program Design Manual" is a part of the Intended Use Plan. This document was mailed in our January announcement and is available on our website at [www.vdh.virginia.gov/dw](http://www.vdh.virginia.gov/dw).

As previously announced in January, the VDH will hold a public meeting. The meeting will be on Wednesday, October 6, 2004, from 10:30 a.m. to 11:30 a.m. at the Virginia Housing Development Authority (VHDA) in Richmond,

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## General Notices/Errata

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Virginia. Comments from the public are to be postmarked by Friday, October 8, 2004.

If you plan to attend, please contact Theresa Hewlett at (804) 864-7501 by the close of business on September 27, 2004, so that we may properly plan the meeting.

Please direct your requests for information and forward written comments to Thomas B. Gray, P. E., Virginia Department of Health, Financial and Construction Assistance Programs, Office of Drinking Water, James Madison Building, Room 632, 109 Governor Street, Richmond VA 23219, Voice (804) 864-7501, FAX (804) 864-7521.

### STATE WATER CONTROL BOARD

#### Proposed Consent Special Order for Eastside Properties, Inc. and Mr. Herman Harrison

The State Water Control Board proposes to issue a consent special order to Eastside Properties, Inc., and Mr. Herman Harrison to resolve certain alleged violations of environmental laws and regulations that occurred at his property located behind the River Road Subdivision, bordered by Ferndale Road and River Road in Dinwiddie County, Virginia. The proposed order requires that Eastside Properties, Inc. and Mr. Harrison restore the impacted wetlands and pay a civil charge to address noncompliance at the property in Dinwiddie County.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive for 30 days from the date of publication of this notice written comments relating to the proposed consent special order. Comments should be addressed to Cynthia Akers, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060; or sent to the e-mail address of [ecakers@deq.virginia.gov](mailto:ecakers@deq.virginia.gov). All comments received by e-mail must include your name, address and phone number of the person making the comment. A copy of the order may be obtained in person or by mail from the above office.

#### Proposed Consent Special Order for Three B's, Inc.

The State Water Control Board (board) proposes to enter into a Consent Special Order (order) with Three B's, Inc. (Three B's). The parties have agreed to the terms of an order for settlement of violations of State Water Control Law at Three B's' Underground Storage Tank (UST) facility, also known as the Gainesboro Market BP Station, located at 4780 N. Frederick Pike in Winchester, Virginia.

Three B's is the owner and operator of the UST facility within the meaning of § 62.1-44.34:8 of the Code of Virginia. Three B's was issued a Notice of Violation citing Three B's' failure to: (i) submit an amended notification form to correct errors on information previously submitted and registered with the Department of Environmental Quality (DEQ), in violation of 9 VAC 25-580-70; (ii) properly test the cathodic protection systems installed on the USTs, in violation of 9 VAC 25-580-90; (iii) demonstrate that the metallic components of piping associated with the USTs was protected from corrosion, in

violation of 9 VAC 25-580-50; and (iv) submit completed documentation demonstrating compliance with UST regulations, in violation of 9 VAC 580-120. The proposed order requires Three B's to submit outstanding documentation to DEQ and would assess a civil charge against Three B's in settlement of the violations.

The board will receive written comments relating to the proposed order for 30 days from the date of publication of this notice. Comments should be addressed to Ricard J. Dunay, DEQ, P.O. Box 3000, Harrisonburg, VA 22801, and should refer to the order. The proposed order may be examined at DEQ's Valley Regional Office, 4411 Early Road, Harrisonburg, VA. A copy of the order may be obtained in person or by mail from the DEQ office.

Comments may also be submitted via electronic mail to [rjdunay@deq.virginia.gov](mailto:rjdunay@deq.virginia.gov). In order to be considered, electronic comments must be received prior to the close of the comment period and must include the name, address and telephone number of the person making the comment.

### 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  
RESPONSE TO PETITION FOR RULEMAKING-RR13  
FAST-TRACK RULEMAKING ACTION-RR14

## ERRATA

### STATE AIR POLLUTION CONTROL BOARD

**Title of Regulation: 9 VAC 5-20. General Provisions (Rev. B04) (amending 9 VAC 5-20-204 and 9 VAC 5-20-205).**



Publication: 20:23 VA.R. 2564-2565 July 26, 2004.

Correction to final regulation:

Page 2564, subsection A of 9 VAC 5-20-204, near the end of the first paragraph where it reads, "(42 USC § 7511(a)" add another ending parenthesis after "(a)" so it reads "(42 USC § 7511(a))"

Page 2564, subsection A of 9 VAC 5-20-204, last reference at the end of the first paragraph, which reads "40 CFR 51.903(a)" delete the second ending parenthesis so that it reads "40 CFR 51.903(a)"

Page 2565, subsection B of 9 VAC 5-20-205, last pollutant listed in column 1, change "HC1" to "HCI"

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# CALENDAR OF EVENTS

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## 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](http://www.vipnet.org) or contact the organization directly.

For additional information on open meetings and public hearings held by the standing committees of the legislature during the interim, please call Legislative Information at (804) 698-1500 or Senate Information and Constituent Services at (804) 698-7410 or (804) 698-7419/TTY☎, or visit the General Assembly web site's Legislative Information System (<http://leg1.state.va.us/lis.htm>) and select "Meetings."

VIRGINIA CODE COMMISSION

## EXECUTIVE

### BOARD OF ACCOUNTANCY

**September 10, 2004 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Room 395, Richmond, Virginia.♿  
(Interpreter for the deaf provided upon request)

A full board meeting to discuss general business matters including complaint cases. A public comment period will be held at the beginning of the meeting. All meetings are subject to cancellation. The time of the meeting is subject to change. Any person desiring to attend the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

**Contact:** Nancy Taylor Feldman, Executive Director, Board of Accountancy, 3600 W. Broad St., Suite 378, Richmond, VA 23230, telephone (804) 367-8505, FAX (804) 367-2174, (804) 367-9753/TTY☎, e-mail [boa@boa.virginia.gov](mailto:boa@boa.virginia.gov).

† **September 15, 2004 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Suite 378, Richmond, Virginia.♿  
(Interpreter for the deaf provided upon request)

A meeting of the Administrative/Personnel/Finance Committee to discuss general issues related to administrative, personnel, and financial matters of the board.

**Contact:** Nancy Taylor Feldman, Executive Director, Board of Accountancy, 3600 W. Broad St., Suite 378, Richmond, VA 23230, telephone (804) 367-8505, FAX (804) 367-2174, (804) 367-9753/TTY☎, e-mail [boa@virginia.gov](mailto:boa@virginia.gov).

† **September 15, 2004 - 1 p.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Suite 378, Richmond, Virginia.♿  
(Interpreter for the deaf provided upon request)

A meeting of the Public Relations Committee to discuss issues related to providing information about the board and its activities to regulants and the general public.

**Contact:** Nancy Taylor Feldman, Executive Director, Board of Accountancy, 3600 W. Broad St., Suite 378, Richmond, VA 23230, telephone (804) 367-8505, FAX (804) 367-2174, (804) 367-9753/TTY☎, e-mail [boa@virginia.gov](mailto:boa@virginia.gov).

**September 24, 2004 - 8:30 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Suite 378, Richmond Virginia.♿  
(Interpreter for the deaf provided upon request)

The Legislative/Regulatory Committee will consider regulatory and legislative matters as may be presented on the agenda. Public comment will be received at the beginning of the meeting.


**Contact:** Nancy Taylor Feldman, Executive Director, Board of Accountancy, 3600 W. Broad St., Suite 378, Richmond, VA 23230, telephone (804) 367-8505, FAX (804) 367-2174, (804) 367-9753/TTY☎, e-mail [boa@boa.virginia.gov](mailto:boa@boa.virginia.gov).

**October 8, 2004 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Room 395, Richmond, Virginia.♿  
(Interpreter for the deaf provided upon request)

A full board meeting to discuss general business matters. A public comment period will be held at the beginning of the meeting. All meetings are subject to cancellation. The time of the meeting is subject to change. Any person desiring to attend the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

**Contact:** Nancy Taylor Feldman, Executive Director, Board of Accountancy, 3600 W. Broad St., Suite 378, Richmond, VA 23230, telephone (804) 367-8505, FAX (804) 367-2174, (804) 367-9753/TTY☎, e-mail [boa@boa.virginia.gov](mailto:boa@boa.virginia.gov).


## COMMONWEALTH COUNCIL ON AGING

**September 9, 2004 - 10 a.m.** -- Open Meeting  
Department for the Aging, 1610 Forest Avenue, Suite 100,  
Richmond, Virginia.  (Interpreter for the deaf provided upon  
request)

A regular business meeting. Public comments are welcome.

**Contact:** Marsha Mucha, Department for the Aging, 1610  
Forest Ave., Suite 100, Richmond, VA 23229, telephone (804)  
662-9312, FAX (804) 662-7035, toll-free (800) 552-3402.

## BOARD OF AGRICULTURE AND CONSUMER SERVICES


**September 24, 2004 - 9 a.m.** -- Open Meeting  
Department of Social Services, 8th and Main Streets, 6th  
Floor, Commissioner's Conference Room, Richmond,  
Virginia. 

A meeting 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., Suite 211, Richmond, VA 23219, telephone (804)  
786-3538, FAX (804) 371-2945, e-mail  
jknight@vdacs.state.va.us.

## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES


### Virginia Cattle Industry Board

† **September 9, 2004 - 9:30 a.m.** -- Open Meeting  
Bernard's Landing Resort and Conference Center, 775  
Ashmeade Road, Moneta, Virginia. 

During the regular business meeting, the board will approve  
minutes from the July 2004 meeting and review the financial  
statement for the period October 1 through September 1.  
Staff will give program updates for the state and national  
level. The board will review projects submitted for fiscal year  
October 1, 2004, to September 30, 2005. A proposed  
budget will be developed for the upcoming fiscal year. 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 the person  
identified in this notice at least two days before the meeting  
date so that suitable arrangements can be made.

**Contact:** Reginald B. Reynolds, Executive Director, Virginia  
Cattle Industry Board, P.O. Box 9, Daleville, VA 24083,  
telephone (540) 992-1992, FAX (540) 992-4632.

## Virginia Horse Industry Board

**September 7, 2004 - 10 a.m.** -- Open Meeting  
Marion duPont Scott Equine Medical Center, 17690 Old  
Waterford Road, Library, Leesburg, Virginia. 

The board will review the minutes of the last meeting, the  
end of the fiscal year financial report, and the status of  
marketing projects. The board will also discuss grant  
guidelines. 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) 786-3122,  
e-mail aheid@vdacs.state.va.us.


## STATE AIR POLLUTION CONTROL BOARD

**September 8, 2004 - 2 p.m.** -- Open Meeting  
Main Street Centre, Lower Level Conference Room, 600 East  
Main Street, Richmond, Virginia. 

A public meeting to receive comment on the notice of  
intended regulatory action to consider amending the  
regulations that govern permitting for new major stationary  
sources and major modifications as necessary to meet the  
new source reform requirements of 40 CFR Part 51 (Rev.  
E03). The Notice of Intent will be published in the Virginia  
Register and the public comment period will begin on July  
12, 2004, and the comment period will close on September  
8, 2004.

**Contact:** Karen G. Sabasteanski, Department of  
Environmental Quality, P.O. Box 10009, Richmond, VA  
23240, telephone (804) 698-4426, FAX (804) 698-4510, e-  
mail kgsabastea@deq.virginia.gov.

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**September 9, 2004 - 11 a.m.** -- Public Hearing  
Department of Environmental Quality, Northern Regional  
Office, 13901 Crown Court, Woodbridge, Virginia.   
(Interpreter for the deaf provided upon request)

**October 8, 2004** -- Public comments may be submitted until 5  
p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the  
Code of Virginia that the State Air Pollution Control Board  
intends to amend regulations entitled **9 VAC 5-20, General  
Provisions, and 9 VAC 5-40, Existing Stationary  
Sources**. The purpose of the proposed action is to develop  
a regulation concerning consumer products that will  
contribute to the achievement of the necessary VOC  
emissions reductions to stay within the budget limit in order  
to safeguard federal approval of transportation projects in  
Northern Virginia.

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


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# Calendar of Events

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**Contact:** Gary Graham, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4103, FAX (804) 698-4510 or e-mail [gegraham@deq.virginia.gov](mailto:gegraham@deq.virginia.gov).

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**September 9, 2004 - 11 a.m.** -- Public Hearing  
Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, Virginia.   
(Interpreter for the deaf provided upon request)

**October 8, 2004** -- Public comments may be submitted until 5 p.m. on this date.


Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled **9 VAC 5-91, Regulations for the Control of Motor Vehicle Emissions in the Northern Virginia Area**. The purpose of the proposed action is to develop regulation amendments that conform to state law concerning the on-road testing (remote sensing) of emissions from motor vehicles located or primarily operated in Northern Virginia and out of area commuters, the subsequent testing of those motor vehicles, and the operation of a program to subsidize repair costs of some vehicles identified by remote sensing.


Statutory Authority: §§ 46.2-1178.1, 46.2-1178.2 and 46.2-1180 of the Code of Virginia.

**Contact:** Mary L. Major, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4423, FAX (804) 698-4510 or e-mail [mlmajor@deq.virginia.gov](mailto:mlmajor@deq.virginia.gov).

**September 23, 2004 - 7 p.m.** -- Public Hearing  
Appalachian School of Law, Grundy, Virginia. 

A public briefing on an application for a Prevention of Significant Deterioration permit from Island Creek Coal Company for a major modification to the VP#8 Garden coal preparation facility. The purpose of the briefing is to explain the activity and the rationale for the preliminary determination and address questions related to air quality issues.

**Contact:** Bruce Mullins, Department of Environmental Quality, P.O. Box 1688, Abingdon, VA 24212, telephone (276) 676-4825, FAX (276) 676-4899, (804) 698-4021/TTY , e-mail [abmullins@deq.virginia.gov](mailto:abmullins@deq.virginia.gov).

**September 29, 2004 - 1 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. 

A regular board meeting.


**Contact:** Cindy Berndt, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378, FAX (804) 698-4346, e-mail [cmberndt@deq.virginia.gov](mailto:cmberndt@deq.virginia.gov).

**November 3, 2004 - 11 a.m.** -- Open Meeting  
Virginia Beach area; location to be announced.

The annual meeting of the State Air Pollution Control Board and State Advisory Board on Air Pollution.

**Contact:** Cindy Berndt, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378, FAX (804) 698-4346, e-mail [cmberndt@deq.virginia.gov](mailto:cmberndt@deq.virginia.gov).

† **November 17, 2004 - 1 p.m.** -- Open Meeting


† **November 18, 2004 - 9 a.m.** -- Open Meeting  
Williamsburg, Virginia area; location to be determined. 

A meeting of representatives of the three regulatory citizen boards: State Air Pollution Control Board, Virginia Waste Management Board and the State Water Pollution Control Board.


**Contact:** Cindy Berndt, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378, FAX (804) 698-4346, e-mail [cmberndt@deq.virginia.gov](mailto:cmberndt@deq.virginia.gov).

## ALCOHOLIC BEVERAGE CONTROL BOARD

**September 13, 2004 - 9 a.m.** -- Open Meeting

**September 27, 2004 - 9 a.m.** -- Open Meeting  
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. 

A meeting to receive and discuss reports and activities from staff members and to discuss other matters not yet determined.

**Contact:** W. Curtis Coleburn, III, Secretary to the Board, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., Richmond, VA 23220, telephone (804) 213-4409, FAX (804) 213-4411, (804) 213-4687/TTY , e-mail [wccolen@abc.state.va.us](mailto:wccolen@abc.state.va.us).

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**September 27, 2004 - 11 a.m.** -- Public Hearing  
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia.

**October 23, 2004** - 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 Alcoholic Beverage Control Board intends to amend regulations entitled **3 VAC 5-30, Tied-House**. The purpose of the proposed action is to lessen restrictions on promotional activities involving gifts of things of value from alcoholic beverage manufacturers or wholesalers to retailers.

Statutory Authority: §§ 4.1-103 and 4.1-111 of the Code of Virginia.

**Contact:** W. Curtis Coleburn, III, Chief Operating Officer, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804)

213-4409, FAX (804) 213-4411 or e-mail  
wccolen@abc.state.va.us.

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**September 27, 2004 - 11 a.m.** -- Public Hearing  
Department of Alcoholic Beverage Control, 2901 Hermitage  
Road, Richmond, Virginia.

**September 27, 2004** - 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 Alcoholic Beverage Control Board  
intends to amend regulations entitled **3 VAC 5-40,  
Requirements for Product Approval**. The purpose of the  
proposed action is to remove certification and chemical  
analysis requirements for new beer and wine products  
proposed for sale in Virginia and allow the use of resealable  
"growlers" for the sale of beer in all on- and off-premises  
beer retail establishments.

Statutory Authority: §§ 4.1-103 and 4.1-111 of the Code of  
Virginia.

**Contact:** W. Curtis Coleburn, III, Chief Operating Officer,  
Department of Alcoholic Beverage Control, 2901 Hermitage  
Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804)  
213-4409, FAX (804) 213-4411 or e-mail  
wccolen@abc.state.va.us.

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**September 27, 2004 - 11 a.m.** -- Public Hearing  
Department of Alcoholic Beverage Control, 2901 Hermitage  
Road, Richmond, Virginia.


**October 23, 2004** - 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 Alcoholic Beverage Control Board  
intends to amend regulations entitled **3 VAC 5-40,  
Requirements for Product Approval; and 3 VAC 5-70,  
Other Provisions**. The purpose of the proposed action is to  
adopt regulations providing for the application process,  
recordkeeping and reporting process for wine or beer  
shippers' licensees and common carriers approved to  
deliver shipments from such licensees to consumers.


Statutory Authority: §§ 4.1-103 and 4.1-111 of the Code of  
Virginia.

**Contact:** W. Curtis Coleburn, III, Chief Operating Officer,  
Department of Alcoholic Beverage Control, 2901 Hermitage  
Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804)  
213-4409, FAX (804) 213-4411 or e-mail wccolen@  
abc.state.va.us.


## ALZHEIMER'S DISEASE AND RELATED DISORDERS COMMISSION

**September 7, 2004 - 10 a.m.** -- Open Meeting  
Department for the Aging, 1610 Forest Avenue, Suite 100,  
Richmond, Virginia. 

A quarterly meeting.

**Contact:** Janet L. Honeycutt, Director of Grant Operations,  
Department for the Aging, 1610 Forest Ave., Suite 100,  
Richmond, VA 23229, telephone (804) 662-9333, FAX (804)  
662-9354, toll-free (800) 552-3402, (804) 662-9333/TTY , e-  
mail janet.honeycutt@vda.virginia.gov.

## BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS

**September 9, 2004 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. 


A meeting to conduct board business. The meeting is open  
to the public; however, a portion of the board's business  
may be discussed in closed session. Persons desiring to  
participate in the meeting and requiring special  
accommodations or interpretive services should contact the  
department at least 10 days prior to the meeting so that  
suitable arrangements can be made. The department fully  
complies with the Americans with Disabilities Act.

**Contact:** Mark N. Courtney, Executive Director, Board for  
Architects, Professional Engineers, Land Surveyors, Certified  
Interior Designers and Landscape Architects, 3600 W. Broad  
St., Richmond, VA 23230, telephone (804) 367-8514, FAX  
(804) 367-2475, (804) 367-9753/TTY , e-mail  
APELSCIDLA@dpor.state.va.us.

† **September 8, 2004 - 3 p.m.** -- Open Meeting

**September 9, 2004 - 2 p.m.** -- Open Meeting

† **September 13, 2004 - 10 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation,  
3600 West Broad Street, 4th Floor, Suite 453, Richmond,  
Virginia. 

A meeting to conduct an informal fact-finding conference.


**Contact:** Mark N. Courtney, Executive Director, Board for  
Architects, Professional Engineers, Land Surveyors, Certified  
Interior Designers and Landscape Architects, 3600 W. Broad  
St., Richmond, VA 23230, telephone (804) 367-8514, FAX  
(804) 367-2475, (804) 367-9753/TTY , e-mail  
APELSCIDLA@dpor.state.va.us.

## ART AND ARCHITECTURAL REVIEW BOARD

**October 1, 2004 - 10 a.m.** -- Open Meeting

**November 5, 2004 - 10 a.m.** -- Open Meeting

† **December 3, 2004 - 10 a.m.** -- Open Meeting

Science Museum of Virginia, 2500 West Broad Street,  
Richmond, Virginia. 

A monthly meeting to review projects submitted by state  
agencies. Art and Architectural Review Board submittal  
forms and submittal instructions can be downloaded by  
visiting the DGS forms at [www.dgs.state.va.us](http://www.dgs.state.va.us). Request  
Submittal Form #DGS-30-905 or DGS Submittal  
Instructions Form #DGS-30-906.


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# Calendar of Events


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**Contact:** Richard L. Ford, AIA Chairman, 101 Shockoe Slip, 3rd Floor, Richmond, VA 23219, telephone (804) 648-5040, FAX (804) 225-0329, toll free (804) 786-6152, or e-mail [rford@comarchs.com](mailto:rford@comarchs.com).

## VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS


**September 30, 2004 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Room 453, Richmond, Virginia. 

An informal fact-finding conference.


**Contact:** David Dick, Assistant Director, Virginia Board for Asbestos, Lead, and Home Inspectors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail [asbestos@dpor.virginia.gov](mailto:asbestos@dpor.virginia.gov).

**November 3, 2004 - 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, Executive Director, Virginia Board for Asbestos, Lead, and Home Inspectors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-6128, (804) 367-9753/TTY , e-mail [alhi@dpor.virginia.gov](mailto:alhi@dpor.virginia.gov).


## AUCTIONEERS BOARD

† **September 23, 2004 - 10 a.m.** -- Open Meeting  
† **October 14, 2004 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Room 453, Richmond, Virginia. 

An informal fact-finding conference.


**Contact:** Marian H. Brooks, Regulatory Board Administrator, Auctioneers Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail [Auctioneers@dpor.virginia.gov](mailto:Auctioneers@dpor.virginia.gov).

## BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY


**November 11, 2004 - 9:30 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A quarterly business meeting to include regulatory and disciplinary matters as may be presented on the agenda. Public comment will be received at the beginning of the meeting.


**Contact:** Elizabeth Young, Executive Director, Board of Audiology and Speech-Language Pathology, Alcoa Building, 6603 West Broad St., 5th Floor, Richmond, VA 23230-1712,

telephone (804) 662-9111, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail [elizabeth.young@dhp.virginia.gov](mailto:elizabeth.young@dhp.virginia.gov).

## BOARD FOR BARBERS AND COSMETOLOGY

**September 27, 2004 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A general business meeting to consider regulatory issues as may be presented on the agenda. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Public comment will be heard at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** William H. Ferguson, II, Executive Director, Board for Barbers and Cosmetology, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY , e-mail [barberscosmo@dpor.virginia.gov](mailto:barberscosmo@dpor.virginia.gov).

## BOARD FOR BRANCH PILOTS


**October 22, 2004** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board for Branch Pilots intends to amend regulations entitled **18 VAC 45-10, Board for Branch Pilots Regulations**. The purpose of the proposed action is to document and formalize the process through which the public has access to the regulatory review process. The amendments further increase the agency's efficiency in seeking public input into the regulatory process.


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

**Contact:** Karen W. O'Neal, Deputy Director for Licensing and Regulation, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475 or e-mail [karen.oneal@dpor.virginia.gov](mailto:karen.oneal@dpor.virginia.gov).


## CEMETERY BOARD

**September 22, 2004 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Room 453, Richmond, Virginia. 

An informal fact-finding conference.

**Contact:** Karen W. O'Neal, Regulatory Programs Coordinator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail [karen.oneal@dpor.virginia.gov](mailto:karen.oneal@dpor.virginia.gov).


## CHARITABLE GAMING BOARD

**September 14, 2004 - 10 a.m.** -- Open Meeting  
Science Museum of Virginia, 2500 West Broad Street,  
Discovery Room, Richmond, Virginia. 


A general meeting. An agenda will be posted on the agency website.


**Contact:** Frances C. Jones, Office Manager, Department of Charitable Gaming, 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 786-3014, FAX (804) 786-1079, e-mail Frances.Jones@dcg.virginia.gov.


## STATE BOARD FOR COMMUNITY COLLEGES

**September 8, 2004 - 1:30 p.m.** -- Open Meeting  
James Monroe Building, 101 North 14th Street, 15th Floor,  
Richmond, Virginia. 


Meetings of the Academic, Student Affairs and Workforce Committee, the Audit Committee, and the Budget and Finance Committee at 1:30 p.m. The Facilities Committee and the Personnel Committee will meet at 3 p.m. The Executive Committee will meet at 4:30 p.m.


**Contact:** D. Susan Hayden, Director of Public Affairs, Virginia Community College System, 101 N. 14th St., Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY 

**September 9, 2004 - 9 a.m.** -- Open Meeting  
James Monroe Building, 101 N. 14th St., 15th Floor, Godwin-Hamel Board Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


**November 18, 2004 - 9 a.m.** -- Open Meeting  
The Black Box Theatre, Piedmont Virginia Community College, 501 College Drive, Charlottesville, Virginia.  (Interpreter for the deaf provided upon request)


A meeting of the full board. Public comment may be received at the beginning of the meeting upon notification at least five working days prior to the meeting.

**Contact:** D. Susan Hayden, Director of Public Affairs, Virginia Community College System, 15th Floor, 101 N. 14th St., Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY 


**November 16, 2004 - 11:45 a.m.** -- Open Meeting  
Boar's Head Inn, 200 Ednam Drive, Charlottesville, Virginia.  (Interpreter for the deaf provided upon request)

The 2004 annual meeting will be held on November 16 and 17. A registration fee is required. No official business of the board will be conducted at this meeting.

**Contact:** D. Susan Hayden, Director of Public Affairs, Virginia Community College System, 15th Floor, 101 N. 14th Street, Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY 


**November 17, 2004 - 1:30 p.m.** -- Open Meeting  
Boar's Head Inn, 200 Ednam Drive, Charlottesville, Virginia.  (Interpreter for the deaf provided upon request)

Meetings of the Academic, Student Affairs and Workforce Committee, the Audit Committee, and the Budget and Finance Committee at 1:30 p.m. The Facilities Committee and the Personnel Committee will meet at 3 p.m.

**Contact:** D. Susan Hayden, Director of Public Affairs, Virginia Community College System, 101 N. 14th St., Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY 

## COMPENSATION BOARD

NOTE: CHANGE IN MEETING DATE

**† September 15, 2004 - 11 a.m.** -- Open Meeting  
Compensation Board, 202 North 9th St., 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 cindy.waddell@scb.virginia.gov.


## DEPARTMENT OF CONSERVATION AND RECREATION

**September 8, 2004 - 4 p.m.** -- Open Meeting

**October 6, 2004 - 7 p.m.** -- Open Meeting  
Westmoreland State Park Conference Center, 1650 State Park Road, Montross, Virginia.

A meeting to discuss input from the August 4, 2004, public meeting and future park development as the committee continues work on development of a new park master plan for Westmoreland State Park.

**Contact:** Bill Conkle, Park Planner, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-5492, FAX (804) 371-7899, e-mail william.conkle@dcr.virginia.gov.

**September 9, 2004 - 9:30 a.m.** -- Open Meeting  
University of Virginia/Virginia Tech Richmond Center, 2810 North Parham Road, Suite 300, Richmond, Virginia. 

A meeting of the Technical Advisory Committee to assist the department in considering Nutrient Management Training Certification Regulations.

**Contact:** David C. Dowling, Policy and Planning Manager, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, e-mail david.dowling@dcr.virginia.gov.

**† September 13, 2004 - 10:30 a.m.** -- Open Meeting  
Chippokes Mansion, Chippokes Plantation State Park, Conference Room, Surry, Virginia.

A general business meeting of the Chippokes Plantation Farm Foundation Board of Trustees.

**Contact:** Katherine Wright, Executive Secretary, Department of Conservation and Recreation, 101 N. 14th St., 11th Floor,

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# Calendar of Events

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Richmond, VA 23219, telephone (804) 786-7950, FAX (804) 371-8500, e-mail katherine.wright@dcr.virginia.gov.

**September 15, 2004 - 7 p.m.** -- Open Meeting  
Appomattox County Community Center, 220 Community Lane, Appomattox, Virginia.

A meeting of the Holliday Lake State Park Master Plan Advisory Committee to continue the development of a new park master plan.

**Contact:** Scott Bedwell, Environmental Planner, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 371-2594, FAX (804) 371-7899, e-mail sbedwell@dcr.virginia.gov.

## Virginia Cave Board

**† September 11, 2004 - 11 a.m.** -- Open Meeting  
Department of Environmental Quality, Brammer Village Office Park, 3019 Peters Creek Road, Roanoke, Virginia. 

A regular meeting. Committee meetings will begin at 11 a.m. with the regular board meeting 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 Larry.Smith@dcr.virginia.gov.

## Virginia Scenic River Board

**September 23, 2004 - 10 a.m.** -- Open Meeting  
Loudoun County Government Center, Lovettsville Room, 1 Harrison Street, S.E., Leesburg, Virginia.

A regular business meeting hosted by the Goose Creek Scenic River Advisory Committee.

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

## Virginia Soil and Water Conservation Board


**September 16, 2004 - 9:30 a.m.** -- Open Meeting  
Natural Resources Conservation Service, 1606 Santa Rosa Road, Richmond, Virginia.

A regular business meeting.


**Contact:** Leon E. App, Chief 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

**September 14, 2004 - 9 a.m.** -- Open Meeting  
**† September 16, 2004 - 9 a.m.** -- Open Meeting  
**September 21, 2004 - 9 a.m.** -- Open Meeting  
**† September 28, 2004 - 9 a.m.** -- Open Meeting  
**† September 30, 2004 - 9 a.m.** -- Open Meeting  
**† October 5, 2004 - 9 a.m.** -- Open Meeting

**† October 7, 2004 - 9 a.m.** -- Open Meeting  
**† October 13, 2004 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. 

Informal fact-finding conferences.

**Contact:** Eric L. Olson, Executive 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 contractors@dpor.virginia.gov.

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**October 8, 2004** - Public comments may be submitted until this date.


Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board for Contractors intends to amend regulations entitled **18 VAC 50-22, Board for Contractors Rules and Regulations**, and **18 VAC 50-30, Tradesman Rules and Regulations**. The purpose of the proposed action is to adjust the licensing fees for contractors and tradesmen regulated by the Board for Contractors.

Statutory Authority: §§ 54.1-201 and 54.1-1102 of the Code of Virginia.


**Contact:** Eric Olson, Executive Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474 or e-mail contractor@dpor.virginia.gov.

**October 19, 2004 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.


A regular 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 conducted in closed session. The department fully complies with the Americans with Disabilities Act.

**Contact:** Eric L. Olson, Executive 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 contractors@dpor.virginia.gov.

## BOARD OF CORRECTIONAL EDUCATION

**† September 17, 2004 - 10 a.m.** -- Open Meeting  
101 North 14th Street, 7th Floor, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)

A meeting to discuss general business.

**Contact:** Patty Ennis, Board Clerk, Department of Correctional Education, 101 N. 14th St., 7th Floor, Richmond, VA 23219, telephone (804) 225-3314, FAX (804) 786-7642, (804) 371-8647/TTY , e-mail patricia.ennis@dce.virginia.gov.



## BOARD OF CORRECTIONS

**September 14, 2004 - 10 a.m.** -- Open Meeting  
Department of Corrections, 6900 Atmore Drive, 3rd Floor Board Room, Richmond, Virginia. ♿

A meeting of the Liaison Committee to discuss matters of interest to the board.

**Contact:** Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, e-mail woodhousebl@vadoc.state.va.us.

**September 14, 2004 - 10 a.m.** -- Open Meeting  
Department of Corrections, 6900 Atmore Drive, 3rd Floor Board Room, Richmond, Virginia. ♿

A meeting to review and discuss all matters considered by board committees that require presentation to and action by the full board.

**Contact:** Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, e-mail woodhousebl@vadoc.state.va.us.

**September 14, 2004 - 1 p.m.** -- Open Meeting  
Department of Corrections, 6900 Atmore Drive, 3rd Floor Board Room, Richmond, Virginia. ♿

A meeting to discuss correctional services and policy/regulation matters to be considered by the board.

**Contact:** Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, e-mail woodhousebl@vadoc.state.va.us.

**September 15, 2004 - 9:30 a.m.** -- Open Meeting  
NOTE: CHANGE IN MEETING ROOM NUMBER  
Department of Corrections, 6900 Atmore Drive, Room 3054, Richmond, Virginia. ♿

A meeting to discuss administrative matters to be considered by the board.

**Contact:** Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, e-mail woodhousebl@vadoc.state.va.us.

## BOARD OF COUNSELING

**November 4, 2004 - 10 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, Board Room 3, Richmond, Virginia. ♿

A meeting of the Credential Review Committee to review applicants' credentials for licensure.

**Contact:** Evelyn B. Brown, Executive Director, Board of Counseling, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9912, FAX (804) 662-9943, (804) 662-7197/TTY ♿, e-mail evelyn.brown@dhp.virginia.gov.

**November 5, 2004 - 9:30 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 3, Richmond, Virginia. ♿

A quarterly business meeting.

**Contact:** Evelyn B. Brown, Executive Director, Board of Counseling, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9912, FAX (804) 662-9943, (804) 662-7197/TTY ♿, e-mail evelyn.brown@dhp.virginia.gov.

## CRIMINAL JUSTICE SERVICES BOARD

**September 9, 2004 - 9 a.m.** -- Public Hearing  
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.

**September 10, 2004** - 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 Criminal Justice Services intends to amend regulations entitled **6 VAC 20-180, Crime Prevention Specialists**. The purpose of the proposed action is to expand the program to allow the chief executive of any local, state or federal government agency to designate staff who serve in law-enforcement, crime prevention or criminal justice capacities to become certified as crime prevention specialists. The current law restricts certification to staff from local and state law-enforcement agencies.

Statutory Authority: §§ 9.1-102 and 9.1-161 of the Code of Virginia.

**Contact:** Tami Wyrick, Program Analyst and Grants Coordinator, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-5664, FAX (804) 692-0948 or e-mail twyrick@dcjs.state.va.us.

**September 9, 2004 - 11 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. ♿

A general business meeting.

**Contact:** Judith Kirkendall, Regulatory Coordinator, Department of Criminal Justice Services, Eighth St. Office Bldg., 805 E. Broad St., 10th Floor, Richmond, VA 23219, telephone (804) 786-8003, FAX (804) 786-0410, e-mail jkirkendall@dcjs.state.va.us.

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† **December 9, 2004 - 9 a.m.** -- Public Hearing  
General Assembly Building, 9th and Broad Streets, Richmond, Virginia.

† **November 5, 2004** - 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 Criminal Justice Services Board intends to adopt regulations entitled **6 VAC 20-230, Regulations Relating to Special Conservators of the**

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# Calendar of Events


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**Peace.** The purpose of the proposed action is to establish a registration process to include a fingerprint-based background check, registration fees, entry-level training standards, and administration of the regulatory system. The regulation will authorize the department to receive complaints concerning the conduct of any person whose activities are monitored by the board; conduct investigations; issue disciplinary action; and revoke, suspend, and refuse to renew a registration.


Statutory Authority: § 9.1-150.2 of the Code of Virginia.


**Contact:** Ellen B. Spain, Regulatory Programs Coordinator, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-1018, FAX (804) 692-6344 or e-mail [ellen.spain@dcsj.virginia.gov](mailto:ellen.spain@dcsj.virginia.gov).


## BOARD OF DENTISTRY

† **September 9, 2004 - 1 p.m.** -- Open Meeting  
Norfolk Waterside Marriott, 235 East Main Street, Jefferson Board Room, Norfolk, Virginia. 


A meeting of the Regulatory-Legislative Committee to discuss expanded duties for dental assistants.


**Contact:** Sandra Reen, Executive Director, Board of Dentistry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9906, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail [sandra.reen@dhp.virginia.gov](mailto:sandra.reen@dhp.virginia.gov).

**September 10, 2004 - 9 a.m.** -- Open Meeting  
NOTE: CHANGE IN MEETING LOCATION  
Norfolk Waterside Marriott, 235 East Main Street, Elizabeth Room, Norfolk, Virginia. 


**November 19, 2004 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, Board Room 1, Richmond, Virginia. 

A meeting to discuss regular board business. There will be a public comment period at the start of the meeting.

**Contact:** Sandra Reen, Executive Director, Board of Dentistry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9906, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail [sandra.reen@dhp.virginia.gov](mailto:sandra.reen@dhp.virginia.gov).

**September 17, 2004 - 9 a.m.** -- Open Meeting  
**October 1, 2004 - 9 a.m.** -- Open Meeting  
**October 15, 2004 - 9 a.m.** -- Open Meeting  
**November 5, 2004 - 9 a.m.** -- Open Meeting  
**November 12, 2004 - 9 a.m.** -- Open Meeting  
† **December 3, 2004 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 


A Special Conference Committee will meet to hold informal conferences. There will not be a public comment period.

**Contact:** Cheri Emma-Leigh, Operations Manager, Board of Dentistry, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY , e-mail [Cheri.Emma-Leigh@dhp.virginia.gov](mailto:Cheri.Emma-Leigh@dhp.virginia.gov).

## DESIGN-BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD

**September 16, 2004 - 11 a.m.** -- Open Meeting  
**October 21, 2004 - 11 a.m.** -- Open Meeting  
**November 18, 2004 - 11 a.m.** -- Open Meeting  
Department of General Services, Eighth Street Office Building, 805 East Broad Street, 3rd Floor, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)

A monthly meeting to review requests submitted by localities to use design-build or construction-management-type contracts. Contact the Division of Engineering and Building to confirm the meeting.

**Contact:** Rhonda M. Bishton, Administrative Assistant, Department of General Services, 805 E. Broad Street, Room 101, Richmond, VA 23219, telephone (804) 786-3263, FAX (804) 371-7934, (804) 786-6152/, or e-mail [rbishton@dgs.state.va.us](mailto:rbishton@dgs.state.va.us).

## VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP

† **September 14, 2004 - 8:45 a.m.** -- Open Meeting  
Riverfront Plaza, 901 East Byrd Street, West Tower, 20th Floor, Richmond, Virginia. 

A meeting of the Personnel Committee to discuss personnel issues related to the Virginia Economic Development Partnership.


**Contact:** Kim Ellett, Senior Executive Assistant, Virginia Economic Development Partnership, P.O. Box 798, Richmond, VA 23218, telephone (804) 371-8108, FAX (804) 371-8112, e-mail [kellett@yesvirginia.org](mailto:kellett@yesvirginia.org).

† **September 14, 2004 - 9 a.m.** -- Open Meeting  
Riverfront Plaza, 901 East Byrd Street, West Tower, 20th Floor, Richmond, Virginia. 

A meeting of the Board of Directors to focus on issues pertaining to the Virginia Economic Development Partnership.

**Contact:** Kim Ellett, Senior Executive Assistant, Virginia Economic Development Partnership, P.O. Box 798, Richmond, VA 23218, telephone (804) 371-8108, FAX (804) 371-8112, e-mail [kellett@yesvirginia.org](mailto:kellett@yesvirginia.org).

## BOARD OF EDUCATION

**September 22, 2004 - 9 a.m.** -- Open Meeting  
**October 27, 2004 - 9 a.m.** -- Open Meeting  
**November 17, 2004 - 9 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)

A regular business meeting of the board. The public is urged to confirm arrangements prior to each meeting by viewing the Department of Education's public meeting calendar at <http://www.pen.k12.va.us/VDOE/meetings.html>. This site will contain the latest information on the meeting

arrangements and will note any last-minute changes in time or location. Persons who wish to speak or who require the services of an interpreter for the deaf should contact the agency at least 72 hours in advance.

**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](mailto:mroberts@mail.vak12ed.edu).

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**September 22, 2004 - 11 a.m.** -- Public Hearing  
James Monroe Building, 101 North 14th Street, Conference Rooms C and D, Richmond, Virginia.


**September 25, 2004** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Education intends to adopt regulations entitled **8 VAC 20-690, Regulations for Scoliosis Screening Program**. The purpose of the proposed action is to implement § 22.1-273.1 of the Code of Virginia, which directs the Board of Education to promulgate regulations for the implementation of scoliosis screenings for pupils in grades five through 10 or a parent informational program for such parents. The regulation (i) requires training for school personnel and volunteers who conduct the screenings; (ii) provides procedures for the notification of parents when evidence of scoliosis is detected; and (iii) mandates a parent education program describing the purpose and need for scoliosis screening.

Statutory Authority: § 22.1-273.1 of the Code of Virginia.


**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](mailto:mroberts@mail.vak12ed.edu).

## DEPARTMENT OF ENVIRONMENTAL QUALITY

**September 9, 2004 - 9 a.m.** -- Open Meeting  
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. 


A meeting of the Community Involvement Task Force.


**Contact:** Bill Hayden, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4447, FAX (804) 698-4346, e-mail [wphayden@deq.virginia.gov](mailto:wphayden@deq.virginia.gov).

**September 21, 2004 - 9 a.m.** -- Open Meeting  
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. 

A regular meeting of the Ground Water Protection Steering Committee.


**Contact:** Mary Ann Massie, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4042, FAX (804) 698-4032, toll-free (800) 592-

5482, (804) 698-4021/TTY , e-mail [mamassie@deq.virginia.gov](mailto:mamassie@deq.virginia.gov).

**† September 22, 2004 - 7 p.m.** -- Open Meeting  
Ottobine Elementary School, 8646 Waggys Creek Road, Dayton, Virginia. 


A public meeting on the development of TMDLs to address impairments for benthics, temperature and bacteria for Beaver Creek in Rockingham County. The public notice appears in the Virginia Register of Regulation on September 6, 2004. The public comment period is September 22, 2004, through October 22, 2004.

**Contact:** Robert Brent, Department of Environmental Quality, P.O. Box 3000, Harrisonburg, VA 22801, telephone (540) 574-7848, FAX (540) 574-7878, e-mail [rbrent@deq.virginia.gov](mailto:rbrent@deq.virginia.gov).

**† September 23, 2004 - 7 p.m.** -- Open Meeting  
John Wayland Elementary School, 801 North Main Street, Bridgewater, Virginia. 


The first public meeting on the development of TMDLs for benthics and bacteria for North River. The public notice appears in the Virginia Register of Regulations on September 6, 2004. The comment period is September 23, 2004, through October 25, 2004.

**Contact:** Robert Brent, Department of Environmental Quality, P.O. Box 3000, Harrisonburg, VA 22801, telephone (540) 574-7848, FAX (540) 574-7878, e-mail [rbrent@deq.virginia.gov](mailto:rbrent@deq.virginia.gov).

**† October 7, 2004 - 1 p.m.** -- Open Meeting  
Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, Virginia. 

The first technical advisory committee meeting on the development of benthic, temperature and bacteria TMDLs for Beaver Creek located in Rockingham County. The public notice appears in the Virginia Register of Regulations on September 6, 2004.

**Contact:** Robert Brent, Department of Environmental Quality, P.O. Box 3000 Harrisonburg, VA 22801, telephone (540) 574-7848, FAX (540) 574-7878, e-mail [rbrent@deq.virginia.gov](mailto:rbrent@deq.virginia.gov).

**† October 7, 2004 - 3 p.m.** -- Open Meeting  
Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Roanoke, Virginia. 

The first technical advisory committee meeting for the development of TMDLs to address multiple impairments in the Roanoke River Basin and its tributaries above Smith Mountain Lake located in Montgomery, Roanoke, Franklin and Bedford Counties and the Cities of Salem and Roanoke. The public notice appears in the September 6, 2004, issue of the Virginia Register of Regulations.

**Contact:** Jason Hill, Department of Environmental Quality, 3019 Peters Creek Rd., Roanoke, VA 24019, telephone (540) 562-6724, FAX (540) 562-6860, e-mail [jrhill@deq.virginia.gov](mailto:jrhill@deq.virginia.gov).

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# Calendar of Events

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## FAIR HOUSING BOARD

**October 6, 2004 - 9 a.m.** -- Public Hearing  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia.

**October 22, 2004** - 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 Fair Housing Board intends to adopt regulations entitled **18 VAC 62-20, Fair Housing Board Certification Regulations**. The purpose of the proposed regulation is to establish the qualifications for obtaining and renewing fair housing certification as well as the qualifications for proprietary schools, instructors and courses that are required to obtain the certification.

Statutory Authority: § 54.1-2344 of the Code of Virginia.

**Contact:** Christine Martine, Executive Director, Fair Housing Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-6946 or e-mail fhcertification@dpor.virginia.gov.

## BOARD OF FORESTRY

† **September 8, 2004 - 1 p.m.** -- Open Meeting  
Virginia Forestry Association, 3808 Augusta Avenue,  
Richmond, Virginia. (Interpreter for the deaf provided upon request)

SJR 75 Subcommittee work session.

**Contact:** Donna S. Hoy, Administrative Staff Specialist, Department of Forestry, 900 Natural Resources Dr., Suite 800, Charlottesville, VA 22903, telephone (434) 977-6555, FAX (434) 977-7749, e-mail donna.hoy@dof.virginia.gov.

## BOARD OF FUNERAL DIRECTORS AND EMBALMERS

**September 7, 2004 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Richmond, Virginia.

A quarterly business meeting to include regulatory and disciplinary matters as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

**Contact:** Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, Alcoa Bldg., 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.virginia.gov.

**October 5, 2004 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Richmond, Virginia.

A meeting of the Task Force on Inspection Process to review current inspection procedures for funeral homes.

**Contact:** Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, Alcoa Building, 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.virginia.gov.

## BOARD FOR GEOLOGY

**September 23, 2004 - 10 a.m.** -- Public Hearing  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, 4th Floor, Conference Room 4 West,  
Richmond, Virginia.

**October 8, 2004** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board for Geology intends to amend regulations entitled **18 VAC 70-20, Rules and Regulations for the Virginia Board for Geology**. The purpose of the proposed action is to delete language redundant to the board's statutory authority; amend the language establishing the fee for the certification examination; amend the qualifications for certification to more clearly articulate the requirements that must be fulfilled prior to qualifying for certification; amend the certification by reciprocity standards; add a section requiring the board to be notified in the event of a change in name or address of a regulant; and amend the grounds for certification denial or disciplinary action as the result of a criminal conviction.

Statutory Authority: §§ 54.1-201 and 54.1-1402 of the Code of Virginia.

**Contact:** Tom Perry, Regulatory Boards Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-6128 or e-mail geology@dpor.virginia.gov.

**October 13, 2004 - 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 E. Dick, Executive Director, Board for Geology, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-6128, (804) 367-9753/TTY, e-mail geology@dpor.virginia.gov.

## STATE BOARD OF HEALTH

**September 24, 2004** - 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 5-585, Biosolids Use Regulations**. The purpose of the proposed action is to provide requirements for (i) posting of information signs at land application sites; (ii) evidence of land applier financial responsibility; (iii) notifying local government of operation schedules; (iv) spill prevention and response plans; and (v) communicating information on complaints about land application of biosolids.

Statutory Authority: § 32.1-164.5 of the Code of Virginia.

**Contact:** C.M. Sawyer, P.E., Director, Division of Wastewater Engineering, Department of Health, 109 Governor St., 5th Floor, Richmond, VA 23219, telephone (804) 864-7463, FAX (804) 864-7475 or email [cal.sawyer@vdh.virginia.gov](mailto:cal.sawyer@vdh.virginia.gov).

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**October 8, 2004** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to **repeal** regulations entitled **12 VAC 5-390, Regulations for the Licensure of Hospices**, and **adopt** regulations entitled **12 VAC 5-391, Regulations for the Licensure of Hospices**. The purpose of the proposed action is to comprehensively amend the regulations governing hospice care.

Statutory Authority: §§ 32.1-12 and 32.1-162.5 of the Code of Virginia.

**Contact:** Carrie Eddy, Department of Health, Center for Quality Health Care, 3600 W. Broad St., Suite 216, Richmond, VA 23230, telephone (804) 367-2100, FAX (804) 367-2206 or e-mail [carrie.eddy@vdh.virginia.gov](mailto:carrie.eddy@vdh.virginia.gov).

**October 21, 2004 - 9 a.m.** -- Open Meeting

**October 22, 2004 - 9 a.m.** -- Open Meeting


Commonwealth Park Hotel, Bank and Ninth Streets, Richmond, Virginia.

A two-day quarterly board meeting.

**Contact:** Margot Fritts, VDH/Office of Health Policy and Planning, Department of Health, 109 Governor St., 10th Floor, Richmond, VA 23219, telephone (804) 864-7428, FAX (804) 864-7440, e-mail [margot.fritts@vdh.virginia.gov](mailto:margot.fritts@vdh.virginia.gov).

## DEPARTMENT OF HEALTH

**September 15, 2004 - 10 a.m.** -- Open Meeting

Virginia Farm Bureau, 12580 West Creek Parkway, Richmond, Virginia. 

A meeting of representatives of state agencies, land appliers, local governments and municipalities, agricultural interests and other individuals to discuss the development of regulatory requirements for the training and certification of biosolids use land application field staff.

**Contact:** C.M. Sawyer, Director, Division of Wastewater Engineering, Department of Health, 109 Governor St., 5th Floor, Richmond, VA 23219, telephone (804) 864-7463, FAX (804) 864-7475, e-mail [cal.sawyer@vdh.virginia.gov](mailto:cal.sawyer@vdh.virginia.gov).

† **September 16, 2004 - 10 a.m.** -- Open Meeting

Department of Health, 109 Governor Street, 5th Floor Conference Room, Richmond, Virginia.


A meeting of the Sewage Handling and Disposal Regulations Advisory Committee to make recommendations to the commissioner regarding sewage handling and

disposal policies, procedures and programs of the department.

**Contact:** Donna Tiller, Executive Secretary, Department of Health, 109 Governor St., 5th Floor, Richmond, VA 23219, telephone (804) 864-7470, FAX (804) 864-7476, e-mail [donna.tiller@vdh.virginia.gov](mailto:donna.tiller@vdh.virginia.gov).

## DEPARTMENT OF HEALTH PROFESSIONS


**September 8, 2004 - 11 a.m.** -- Open Meeting

Virginia State Forensic Science Building, 6600 Northside High School Road, Roanoke, Virginia. 

A working meeting of the Advisory Committee Prescription Monitoring Program for the purpose of reviewing data collected for the Program Evaluation Workplan and planning for a fall conference. Public comments will be received during this meeting.

**Contact:** Ralph Orr, Program Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9129, FAX (804) 662-9240.

**October 8, 2004 - 9 a.m.** -- Open Meeting

Department of Health Professions, Alcoa Building, 6603 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. 

A meeting of the Intervention Program Committee for the Health Practitioners' Intervention Program (HPIP).

**Contact:** Donna P. Whitney, Intervention Program Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9424, FAX (804) 662-7358, e-mail [donna.whitney@dhp.virginia.gov](mailto:donna.whitney@dhp.virginia.gov).

## BOARD FOR HEARING AID SPECIALISTS

**September 24, 2004** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board for Hearing Aid Specialists intends to amend regulations entitled **18 VAC 80-10, Public Participation Guidelines**. The purpose of the proposed action is to update the Public Participation Guidelines, which provide the process through which the public has access to the regulatory review process. The amendments further increase the agency's efficiency in seeking public input into the regulatory process.


Statutory Authority: §§ 2.2-4007 and 54.1-201 of the Code of Virginia.

**Contact:** Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475 or e-mail [Karen.O'Neal@dpor.virginia.gov](mailto:Karen.O'Neal@dpor.virginia.gov).


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# Calendar of Events

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**November 8, 2004 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. 

A general business meeting to consider regulatory issues as may be presented on the agenda. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Public comment will be heard at the beginning of the meeting. 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:** William H. Ferguson, II, Executive Director, Board for Hearing Aid Specialists, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY , e-mail hearingaidspec@dpor.virginia.gov.

## STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

**† September 7, 2004 - 11 a.m.** -- Open Meeting  
9193 Blackpond Lane, Delaplane, Virginia.

An initial meeting for the council officers and SCHEV's new executive director. Note: This is not a full council meeting.

**Contact:** Lee Ann Rung, State Council of Higher Education for Virginia, 101 N 14th St., Richmond, VA, telephone (804) 225-2602, FAX (804) 371-7911, e-mail LeeAnnRung@schev.edu.

**† September 9, 2004 - 10:30 a.m.** -- Open Meeting  
101 North 14th Street, Richmond, Virginia.

A special meeting of the Academic Affairs Committee. Any decisions made by the committee will be brought to the full council at its next meeting.

**Contact:** Lee Ann Rung, State Council of Higher Education for Virginia, 101 N 14th St., Richmond, VA, telephone (804) 225-2602, FAX (804) 371-7911, e-mail LeeAnnRung@schev.edu.

**September 14, 2004 - 8 a.m.** -- Open Meeting  
University of Mary Washington, 1301 College Avenue, Fredericksburg, Virginia.

Agenda materials will be available on the website approximately one week prior to the meeting at [www.schev.edu](http://www.schev.edu). 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 LeeAnnRung@schev.edu.

## BOARD OF HISTORIC RESOURCES

**† September 8, 2004 - 10 a.m.** -- Open Meeting  
Old Warwick County Courthouse, 14415 Old Courthouse Way, Newport News, Virginia. 

The Board of Historic Resources will consider nominations to the Virginia Landmarks Register, Historic Preservation Easements and Historic Highway Markers. The State Review Board will consider nominations to the National Register of Historic Places and Preliminary Information applications.

**Contact:** Marc Wagner, National Register Manager, Department of Historic Resources, 2801 Kensington Ave., Richmond, VA 23228, telephone (804) 367-2323, FAX (804) 367-2391, (804) 367-2386/TTY , e-mail marc.wagner@dhr.virginia.gov.


## BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

**† September 13, 2004 - 2 p.m.** -- Public Hearing  
Department of Housing and Community Development, The Jackson Center, 501 North 2nd Street, Richmond, Virginia.


**† October 23, 2004** - 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 5-111, Enterprise Zone Program Regulation**. The purpose of the proposed action is to amend the regulation to comport with recent statutory changes in the Enterprise Zone Program and to update and clarify other provisions within the regulation.

Statutory Authority: § 59.1-278 of the Code of Virginia.

**Contact:** Stephen W. Calhoun, Regulatory Coordinator, 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 [steve.calhoun@dhcd.virginia.gov](mailto:steve.calhoun@dhcd.virginia.gov).

## VIRGINIA HOUSING DEVELOPMENT AUTHORITY

**† September 21, 2004 - 9 a.m.** -- Open Meeting  
601 South Belvidere Street, Richmond, Virginia. 

A regular meeting of the Board of Commissioners to review and, if appropriate, approve the minutes from the prior monthly meeting; consider for approval and ratification mortgage loan commitments under its various programs; review the authority's operations for the prior months; and consider such other matters and take such other actions as they may deem appropriate. Various committees of the Board of Commissioners, including the Programs Committee, the Audit/Operations Committee, the Executive 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 ☎

## VIRGINIA INTERAGENCY COORDINATING COUNCIL

**September 8, 2004 - 9:30 a.m.** -- Open Meeting  
Henrico Area Mental Health, 10299 Woodman Road, Glen Allen, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly meeting to advise and assist the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services, as lead agency for Part C (of IDEA), early intervention for infants and toddlers with disabilities and their families. Discussion focuses on issues related to Virginia's implementation of the Part C program.

**Contact:** LaKeisha White, Part C Office Specialist, Department of Mental Health, Mental Retardation and Substance Abuse Services, Early Intervention, 9th Floor, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-3710, FAX (804) 371-7959.

## VIRGINIA INFORMATION TECHNOLOGIES AGENCY

### E-911 Wireless Board

**September 15, 2004 - 9 a.m.** -- Open Meeting  
110 South 7th Street, 1st Floor, Telecommunications Conference Room, Suite 100, Richmond, Virginia. ♿

A meeting of the subcommittee. A request will be made to hold the meeting in closed session.

**Contact:** Steve Marzolf, Public Safety Communications Coordinator, Virginia Information Technologies Agency, 110 S. 7th St., Richmond, VA, telephone (804) 371-0015, FAX (804) 786-4177, toll-free (866) 482-3911, e-mail [steve.marzolf@vita.virginia.gov](mailto:steve.marzolf@vita.virginia.gov).

**September 15, 2004 - 10 a.m.** -- Open Meeting  
110 South 7th Street, 3rd Floor Conference Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular board meeting.

**Contact:** Steve Marzolf, Public Safety Communications Coordinator, Virginia Information Technologies Agency, 110 S. 7th St., Richmond, VA, telephone (804) 371-0015, FAX (804) 786-4177, toll-free (866) 482-3911, e-mail [steve.marzolf@vita.virginia.gov](mailto:steve.marzolf@vita.virginia.gov).

## JAMESTOWN-YORKTOWN FOUNDATION

**October 6, 2004 - Noon** -- Open Meeting  
The Library of Virginia, 800 East Broad Street, Conference Rooms A and B, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting of the Jamestown 2007 Steering Committee.

**Contact:** Stacy Ruckman, Administrative Office Manager, Jamestown-Yorktown Foundation, P.O. Box 1607, Williamsburg, VA 23187, telephone (757) 253-4253, FAX (757) 253-5299, (757) 253-5110/TTY ☎, e-mail [sruckman@jyf.state.va.us](mailto:sruckman@jyf.state.va.us).

**November 15, 2004 - Noon** -- Open Meeting  
**November 16, 2004 - 8 a.m.** -- Open Meeting  
Williamsburg Hospitality House, 415 Richmond Road, Williamsburg, Virginia. ♿ (Interpreter for the deaf provided upon request)

A semiannual two-day meeting of the Board of Trustees and the board's standing committees, detailed schedule to be determined. Opportunity for public comment will be included on the agenda for the November 16 business meeting.

**Contact:** Laura W. Bailey, Executive Assistant to the Boards, Jamestown-Yorktown Foundation, P.O. Box 1607, Williamsburg, VA 23187, telephone (757) 253-4840, FAX (757) 253-5299, toll-free (888) 593-4682, (757) 253-7236/TTY ☎, e-mail [lwbailey@jyf.state.va.us](mailto:lwbailey@jyf.state.va.us).

**† December 1, 2004 - 2 p.m.** -- Open Meeting  
McGuireWoods, One James Center, 901 East Cary Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting of the Jamestown 2007 Executive Committee.

**Contact:** Stacy Ruckman, Administrative Office Manager, Jamestown-Yorktown Foundation, P.O. Box 1607, Williamsburg, VA 23187, telephone (757) 253-4253, FAX (757) 253-5299, (757) 253-5110/TTY ☎, e-mail [sruckman@jyf.state.va.us](mailto:sruckman@jyf.state.va.us).

## STATE BOARD OF JUVENILE JUSTICE

NOTE: CHANGE IN MEETING DATE

**September 8, 2004 - 9 a.m.** -- Open Meeting  
Cedar Lodge Training Facility, 1701 Old Bon Air Road, Richmond, Virginia. ♿

Committees of the board (Secure Services Committee and Non-Secure Services Committee) meet at 9 a.m. to receive certification audit reports. The full board meets at 10 a.m. to take certification action and to hear comments from the public on proposed changes to regulations governing juvenile residential facilities.

**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, e-mail [carigndr@djj.state.va.us](mailto:carigndr@djj.state.va.us).

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# Calendar of Events

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**September 9, 2004 - 10 a.m.** -- Public Hearing  
Cedar Lodge Training Facility, 1701 Old Bon Air Road,  
Richmond, Virginia.

**October 15, 2004** - Public comments may be submitted until 5  
p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the  
Code of Virginia that the State Board of Juvenile Justice  
intends to amend regulations entitled **6 VAC 35-140,  
Standards for Juvenile Residential Facilities**. As a result  
of the mandated periodic review of this regulation, and  
through discussions with the Virginia Commission on Youth  
and the superintendents of juvenile detention facilities, the  
department recommends that the regulation be amended to  
include additional standards for post-dispositional programs  
as mandated by the General Assembly in the 2000  
Appropriations Act and § 16.1-284. 1 D of the Code of  
Virginia, which states: "Standards for these facilities shall  
require juveniles placed pursuant to this section for a period  
which exceeds 30 calendar days to be provided separate  
services for their rehabilitation, consistent with the intent of  
this section."

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

**Contact:** Donald R. Carignan, Regulatory Coordinator,  
Department of Juvenile Justice, P.O. Box 1110, Richmond,  
VA 23218-1110, telephone (804) 371-0743, FAX (804) 371-  
0773 or e-mail carigndr@djj.state.va.us.

## DEPARTMENT OF LABOR AND INDUSTRY

### Virginia Apprenticeship Council

**September 16, 2004 - 10 a.m.** -- Open Meeting  
Confederate Hills Recreation Building, 302 Lee Avenue,  
Highland Springs, Virginia. (Interpreter for the deaf provided  
upon request)

A quarterly meeting.

**Contact:** Beverley Donati, Program Director, Department of  
Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St.,  
Richmond, VA 23219, telephone (804) 786-2382, FAX (804)  
786-8418, (804) 786-2376/TTY, e-mail  
beverley.donati@doli.virginia.gov.

## VIRGINIA LATINO ADVISORY COMMISSION

† **September 10, 2004 - 2 p.m.** -- Open Meeting  
Ferlazzo Building, 15941 Donald Curtis Drive, Woodbridge,  
Virginia.

A meeting followed by a public forum.

**Contact:** Maribel Ramos, Latino Liaison, Office of the  
Governor, 202 North 9th Street, Richmond, VA 23219,  
telephone (804) 786-2211, e-mail  
Maribel.Ramos@governor.virginia.gov.

## STATE LIBRARY BOARD

**September 20, 2004 - 8:15 a.m.** -- Open Meeting  
**November 15, 2004 - 8:15 a.m.** -- Open Meeting  
The Library of Virginia, 800 East Broad Street, Richmond,  
Virginia.

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

**September 13, 2004 - 10 a.m.** -- Open Meeting  
The Jackson Center, 501 North 2nd Street, 1st Floor Board  
Room, Richmond, Virginia.

A regular meeting.

**Contact:** Ted McCormack, Associate Director, Commission  
on Local Government, 501 N. Second St., Richmond, VA  
23219, telephone (804) 786-6508, FAX (804) 371-7090, (804)  
828-1120/TTY, e-mail Ted.Mccormack@dhcd.virginia.gov.

## LONGWOOD UNIVERSITY

† **September 10, 2004 - 9 a.m.** -- Open Meeting  
Longwood University, 201 High Street, Lancaster Hall 215,  
Stallard Board Room, Farmville, Virginia.

Meetings of the following committees:

9 a.m. - Audit  
9:15 a.m. - Academic and Student Affairs  
1 p.m. - Administration, Finance and Facilities  
3:30 p.m. - University Advancement

**Contact:** Jeanne Hayden, Office of the President, Longwood  
University, 201 High St., Farmville, VA 23909, telephone (434)  
395-2004, e-mail haydenjs@longwood.edu.


† **September 11, 2004 - 9 a.m.** -- Open Meeting  
Longwood University, 201 High Street, Lancaster Hall 215,  
Stallard Board Room, Farmville, Virginia.

A meeting of the Board of Visitors to conduct routine  
business.




**Contact:** Jeanne S. Hayden, Office of the President, Longwood University, 201 High St., Farmville, VA 23909, telephone (434) 395-2004, e-mail haydenjs@longwood.edu.


## MARINE RESOURCES COMMISSION

**September 28, 2004 - 9:30 a.m.** -- Open Meeting  
**October 26, 2004 - 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:** Jean McCroskey, Commission Secretary, Marine Resources Commission, 2600 Washington Ave., 3rd Floor, Newport News, VA 23607, telephone (757) 247-2215, FAX (757) 247-8101, toll-free (800) 541-4646, (757) 247-2292/TTY , e-mail jmccroskey@mrc.virginia.gov.

## BOARD OF MEDICAL ASSISTANCE SERVICES

**September 14, 2004 - 10 a.m.** -- Open Meeting  
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor Conference Room, Richmond, Virginia. 

A quarterly meeting.

**Contact:** Nancy Malczewski, Board Liaison, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-8096, FAX (804) 371-4981, (800) 343-0634/TTY , e-mail nancy.malczewski@dmas.virginia.gov.

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES


**September 10, 2004** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled **12 VAC 30-40, Eligibility Conditions and Requirements**. The purpose of the proposed action is to (i) eliminate the resource test for Low-Income Families with Children and for Individuals Under Age 21 for whom a public agency is assuming full or partial financial responsibility; (ii) eliminate the counting of all earned income of a child younger than age 19 who is a student; and (iii) eliminate the counting of all in-kind support and maintenance received by members of the family and children's covered groups.


Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia.

**Contact:** Pat Sykes, Eligibility Manager, Department of Medical Assistance Services, 600 E. Broad St., Richmond, VA 23219, telephone (804) 786-7958, FAX (804) 786-1680 or e-mail Patricia.sykes@dmas.virginia.gov.


**September 15, 2004 - 1 p.m.** -- Open Meeting  
**November 17, 2004 - 1 p.m.** -- Open Meeting

Department of Medical Assistance Services, 600 East Broad Street, 13th Floor Board Room, Richmond, Virginia. 


A meeting of the Medicaid Transportation Advisory Committee to discuss issues and concerns about Medicaid transportation with the committee and the community.

**Contact:** Donna Garrett, Administrative Assistant, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-0194, FAX (804) 786-5799, (800) 343-0634/TTY , e-mail donna.garrett@dmas.virginia.gov.

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**September 20, 2004 - 9 a.m.** -- Open Meeting  
Department of Medical Assistance Services, 600 East Broad Street, Board Room, 13th Floor, Richmond, Virginia. 

A meeting of the Pharmacy and Therapeutics Committee to conduct the annual review of Phase I PDL drug classes.

**Contact:** Adrienne Fegans, Program Operations Administrator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-4112, FAX (804) 371-4981, (800) 343-0634/TTY , e-mail adrienne.fegans@dmas.virginia.gov.

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**September 24, 2004** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled **12 VAC 30-10, State Plan Under Title XIX of the Social Security Act Medical Assistance Program; General Provisions, and 12 VAC 30-130, Amount, Duration and Scope of Selected Services**. The purpose of the proposed action is to modify the prospective drug utilization review provisions in order to better protect recipients from harmful drug interactions and potential prescription overdoses.

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia.

Public comments may be submitted until September 24, 2004, to Javier Menendez, R.Ph., Manager, Pharmacy Services, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959, FAX (804) 786-1680 or e-mail vicki.simmons@dmas.virginia.gov.

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**September 24, 2004** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations **12 VAC 30-50,**

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# Calendar of Events

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**Amount, Duration, and Scope of Medical and Remedial Care Services.** The purpose of the proposed action is to expand Medicaid covered services in the schools for children in special education.

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia; Item 325 XX and EEE of Chapter 1042 of the 2003 Acts of Assembly.

Public comments may be submitted until September 24, 2004, to Adrienne Fegans, Program Ops Administrator, Department of Medical Assistance Services, 600 East Broad Street, Richmond, VA 23219.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959, FAX (804) 786-1680 or e-mail vicki.simmons@dmas.virginia.gov.

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**September 24, 2004** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations **12 VAC 30-50, Amount, Duration, and Scope of Medical and Remedial Care Services, 12 VAC 30-80, Methods and Standards for Establishing Payment Rates; Other Types of Care; and 12 VAC 30-130, Amount, Duration and Scope of Selected Services.** The purpose of the proposed action is to promulgate permanent regulations to provide for the Preferred Drug List, Pharmacy and Therapeutics Committee, State Supplemental Rebates for drugs, and Utilization Review of High Drug Thresholds.

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia; Item 325 ZZ of Chapter 1042 of the 2003 Acts of Assembly.

Public comments may be submitted until September 24, 2004, to Adrienne Fegans, Program Ops Administrator, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959, FAX (804) 786-1680 or e-mail vicki.simmons@dmas.virginia.gov.

**November 11, 2004 - 1 p.m.** -- Open Meeting  
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor, Board Room. Richmond, Virginia. ♿

A meeting of the Pharmacy Liaison Committee to discuss current Pharmacy issues and programs.

**Contact:** Javier Menendez, RPh, Pharmacy Manager, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-2196, FAX (804) 786-1680, (800) 343-0634/TTY ♿, e-mail jmenendez@dmas.state.va.us.

## Drug Utilization Review Board

**November 4, 2004 - 2 p.m.** -- Open Meeting  
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor, Board Room, Richmond, Virginia. ♿

A regular meeting.

**Contact:** Javier Menendez, Pharmacy Manager, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300 Richmond, VA 23219, telephone (804) 786-2196, FAX (804) 786-1680, (800) 343-0634/TTY ♿, e-mail jmenendez@dmas.state.va.us.

## BOARD OF MEDICINE

**September 8, 2004 - 9 a.m.** -- Open Meeting  
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia.

**September 14, 2004 - 9:15 a.m.** -- Open Meeting  
Clarion Hotel, 3315 Ordway Drive, Roanoke, Virginia.

An informal conference committee of the board will convene 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 may review cases with staff for case disposition including consideration of consent orders for settlement. The committee will meet in open and closed sessions pursuant to the Code of Virginia. Public comment will not be received.

**Contact:** Peggy Sadler/Renee Dixon, Staff, Board of Medicine, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-7332, FAX (804) 662-9517, (804) 662-7197/TTY ♿, e-mail peggy.sadler@dhp.virginia.gov.

**† September 15, 2004 - 8:45 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia.

A Special Conference Committee of the board will convene informal conferences 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 board may review cases with staff for case disposition including consideration of consent orders for settlement. The board will meet in open and closed sessions pursuant to the Code of Virginia. Public comment will not be received.

**Contact:** Peggy Sadler/Renee Dixon, Staff, Board of Medicine, 6603 W. Broad St., Richmond, VA, telephone (804) 662-7332, FAX (804) 662-9517, (804) 662-7197/TTY ♿, e-mail peggy.sadler@dhp.virginia.gov.

**September 24, 2004 - 2 p.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia.

The Ad Hoc Committee on Death Certificates will discuss proposed regulations regarding completion of death certificates by physicians. Public comment on agenda items 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.virginia.gov](mailto:william.harp@dhp.virginia.gov).

**October 14, 2004 - 8 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia.

A meeting to consider regulatory and disciplinary matters as may be presented on the agenda. Public comment on agenda items 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](mailto:william.harp@dhp.state.va.us).

**October 14, 2004 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 3, Richmond, Virginia.

The Credentials Committee will meet to consider applicants for licensure and other matters of the board. 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](mailto:william.harp@dhp.state.va.us).

**October 14, 2004 - 1 p.m.** -- Open Meeting

**October 15, 2004 - 8 a.m.** -- Open Meeting

**October 16, 2004 - 8 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, Richmond, Virginia. ♿

Formal hearings and informal conferences 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 board may review cases with other staff members for case disposition including consideration of consent orders for settlement. The board will convene into open and closed sessions pursuant to the Code of Virginia. Public comment will not be received.

**Contact:** Peggy Sadler/Renee Dixon, Staff, Board of Medicine, Alcoa Bldg., 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.virginia.gov](mailto:peggy.sadler@dhp.virginia.gov).

**October 29, 2004 - 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 regulatory matters 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](mailto:william.harp@dhp.state.va.us).

**November 19, 2004 - 8 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia.

The Executive Committee will consider regulatory and disciplinary matters 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.virginia.gov](mailto:william.harp@dhp.virginia.gov).

## Advisory Board on Acupuncture

**September 22, 2004 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia.

A meeting to consider issues related to the regulation of acupuncture. 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.virginia.gov](mailto:william.harp@dhp.virginia.gov).

## Advisory Board on Athletic Training

**September 23, 2004 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia.

A meeting to consider issues related to the regulation of athletic training. 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.virginia.gov](mailto:william.harp@dhp.virginia.gov).

## Advisory Board on Physician Assistants

**September 23, 2004 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia.

A meeting to consider issues related to the regulation of physician assistants. 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.virginia.gov](mailto:william.harp@dhp.virginia.gov).

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# Calendar of Events

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## Advisory Board of Occupational Therapy

**September 21, 2004 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Board Room 4, Richmond, Virginia.

A meeting to consider issues related to the regulation of occupational therapy. 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.virginia.gov](mailto:william.harp@dhp.virginia.gov).

## Advisory Board on Radiologic Technology

**September 22, 2004 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Board Room 4, Richmond, Virginia.

A meeting to consider issues related to the regulation of radiologic technology. 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.virginia.gov](mailto:william.harp@dhp.virginia.gov).

## Advisory Board on Respiratory Care

**September 21, 2004 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Board Room 4, Richmond, Virginia.

A meeting to consider issues related to the regulation of respiratory care. 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.virginia.gov](mailto:william.harp@dhp.virginia.gov).

## DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

**September 8, 2004 - 11 a.m.** -- Open Meeting  
**September 9, 2004 - 9 a.m.** -- Open Meeting  
Virginia Housing Development Authority, 601 Belvidere Street,  
Richmond, Virginia. ♿ (Interpreter for the deaf provided upon  
request)

A meeting of the Olmstead Community Integration  
Oversight Advisory Committee.

**Contact:** Viktoria Glenn, Admin. Asst., Department of Mental Health, Mental Retardation and Substance Abuse Services, 8004 Franklin Farms Dr., P.O. Box K300, Richmond, VA

23288, telephone (804) 662-7069, e-mail  
[glennvh@dhs.state.va.us](mailto:glennvh@dhs.state.va.us).

**September 24, 2004 - 9 a.m.** -- Open Meeting  
**October 26, 2004 - 1 p.m.** -- Open Meeting  
**November 16, 2004 - 1 p.m.** -- Open Meeting  
Virginia Housing and Development Authority, 601 South  
Belvidere Street, Richmond, Virginia. ♿

A meeting of the Olmstead Community Integration  
Implementation Team.

**Contact:** Viktoria Glenn, Administrative Assistant,  
Department of Rehabilitative Services, 8004 Franklin Farms  
Dr., P.O. Box K-300, Richmond, VA 23288, telephone (804)  
662-7069, FAX (804) 662-7662, e-mail  
[glennvh@dhs.state.va.us](mailto:glennvh@dhs.state.va.us).

## VIRGINIA COMMISSION ON MILITARY BASES

† **October 8, 2004 - 10 a.m.** -- Open Meeting  
Riverfront Plaza, 901 East Byrd Street, West Tower, 20th  
Floor, Presentation Center, Richmond, Virginia. ♿

A regular quarterly meeting.

**Contact:** Valerie Hubbard, Communications Manager,  
Virginia Commission on Military Bases, P.O. Box 798,  
Richmond, VA 23218, telephone (804) 225-3743, FAX (804)  
786-1121.

## DEPARTMENT OF MINES, MINERALS AND ENERGY

**September 8, 2004 - 9:30 a.m.** -- Open Meeting  
Powell River Project Pavilion, Wise County off State Route  
620, NW of Norton, Virginia. ♿ (Interpreter for the deaf  
provided upon request)

A meeting of the Virginia Remining Ad Hoc Advisory Work  
Group to provide updates on pending regulation changes  
and other remining incentives.

**Contact:** Bradley C. Lambert, Reclamation Specialist -  
Remining, Department of Mines, Minerals and Energy, P.O.  
Drawer 900, Big Stone Gap, VA 24219, telephone (276) 523-  
8286, (800) 828-1120/TTY ☎, e-mail  
[bradley.lambert@dmme.virginia.gov](mailto:bradley.lambert@dmme.virginia.gov).

**September 8, 2004 - 3 p.m.** -- Open Meeting  
Powell River Project Pavilion near Norton, Virginia. ♿  
(Interpreter for the deaf provided upon request)

A semiannual meeting. Review of current and outstanding  
issues of the Abandoned Mine Land Program (AML) and  
Rural Abandoned Mine Program (RAMP). Anyone wishing  
to comment will have an opportunity do so prior to the close  
of the meeting. Those in need of special accommodations  
should contact the department one week prior to the  
meeting date.

**Contact:** Roger A. Williams, Abandoned Mine Land Services  
Manager, Department of Mines, Minerals and Energy, P.O.  
Box 900, Big Stone Gap, VA 24219, telephone (276) 523-  
8208, FAX (804) 692-3237, (800) 828-1120/TTY ☎, e-mail  
[roger.williams@dmme.virginia.gov](mailto:roger.williams@dmme.virginia.gov).

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**September 26, 2004** - 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 Mines, Minerals and Energy intends to amend regulations entitled **4 VAC 25-130, Coal Surface Mining Reclamation Regulations**. The purpose of the proposed action is to amend alternative bond release procedures to be consistent with performance bond procedures.

Statutory Authority: §§ 45.1-161.3 and 45.1-230 of the Code of Virginia.

Public comments may be submitted until September 26, 2004, to Butch Lambert, Reclamation Specialist, Division of Mined Land Reclamation, Department of Mines, Minerals and Energy, Drawer 900, Big Stone Gap, VA 24219, telephone (276) 523-8286.

**Contact:** Stephen Walz, Regulatory Coordinator, 202 N. 9th St., 8th Floor, Richmond, VA 23219, telephone (804) 692-3211, FAX (804) 692-3237 or e-mail Stephen.Walz@dmme.virginia.gov.

## Board of Coal Mining Examiners

† **September 23, 2004 - 9 a.m.** -- Open Meeting  
Department of Mines Minerals and Energy, Buchanan-Smith Office Building, 3405 Mountain Empire Drive, Room 219, Big Stone Gap, Virginia. (Interpreter for the deaf provided upon request)

A meeting to discuss general board business as well as to review recent regulatory changes. Anyone wishing to speak may do so prior to the conclusion of the meeting. Anyone with special needs should contact the department at least one week prior to the meeting.

**Contact:** Frank Linkous, Mine Chief, Department of Mines, Minerals and Energy, P.O. Box 900, Big Stone Gap, VA 24219, telephone (276) 523-8226, FAX (804) 692-3237, (800) 828-1120/TTY, e-mail frank.linkous@dmme.virginia.gov.

## VIRGINIA MUSEUM OF FINE ARTS

**September 9, 2004 - 8 a.m.** -- Open Meeting  
**October 5, 2004 - 8 a.m.** -- Open Meeting  
**November 2, 2004 - 8 a.m.** -- Open Meeting  
Virginia Museum of Fine Arts, Main Lobby Conference Room, 200 North Boulevard, Richmond, Virginia.

A 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, 200 N. Boulevard, Richmond, VA 23220-4007, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY, e-mail sbroyles@vmfa.state.va.us.

**September 21, 2004 - 1 p.m.** -- Open Meeting  
Virginia Museum of Fine Arts, CEO Parlor, 200 North Boulevard, Richmond, Virginia.

A meeting for staff to orient new trustees. Public comment will not be heard.

**Contact:** Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond, VA 23220-4007, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY, e-mail sbroyles@vmfa.state.va.us.

† **September 22, 2004 - 9 a.m.** -- Open Meeting  
Virginia Museum of Fine Arts, 200 North Boulevard, CEO Parlor, Richmond, Virginia.

A meeting for staff to update the Expansion Committee. Public comment will not be received.

**Contact:** Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 200 N. Blvd., Richmond, VA 23220-4007, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY, e-mail sbroyles@vmfa.state.va.us.

† **September 22, 2004 - 11 a.m.** -- Open Meeting  
Virginia Museum of Fine Arts, 200 North Boulevard, CEO Parlor, Richmond, Virginia.

The following committees will meet:

11 a.m. - Art Acquisitions - Main Lobby Conference Room  
Noon - Artistic Oversight - CEO Parlor  
3 p.m. - Government Affairs - CEO Parlor  
4 p.m. - Nominating and Governance - CEO Parlor

Public comment will not be received.

**Contact:** Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 200 N. Blvd., Richmond, VA 23220-4007, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY, e-mail sbroyles@vmfa.state.va.us.

† **September 23, 2004 - 9 a.m.** -- Open Meeting  
Virginia Museum of Fine Arts, 200 North Boulevard, CEO Parlor, Richmond, Virginia.

A meeting for staff to update the Fiscal Oversight Committee. Public comment will not be received.

**Contact:** Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 200 N. Blvd., Richmond, VA 23220-4007, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY, e-mail sbroyles@vmfa.state.va.us.

† **September 23, 2004 - Noon** -- Open Meeting  
Virginia Museum of Fine Arts, 200 North Boulevard, CEO Parlor, Richmond, Virginia.

A meeting for staff to update the trustees. Public comment will not be received.


**Contact:** Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 200 N. Blvd., Richmond, VA 23220-4007, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY, e-mail sbroyles@vmfa.state.va.us.

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# Calendar of Events


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## VIRGINIA MUSEUM OF NATURAL HISTORY


† **September 10, 2004 - 1 p.m.** -- Open Meeting  
Virginia Museum of Natural History, 1001 Douglas Avenue,  
Martinsville, Virginia. 


A meeting of the Executive Committee to discuss direction and management of the museum.

**Contact:** Cindy Rorrer, Director's Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (276) 666-8616, FAX (276) 632-6487, (276) 666-8638/TTY , e-mail [crorrer@vmnh.net](mailto:crorrer@vmnh.net).


† **September 11, 2004 - 8:30 a.m.** -- Open Meeting  
Quality Inn/Dutch Inn, 2360 Virginia Avenue, Collinsville,  
Virginia. 

A meeting of the Science and Learning Committee.

**Contact:** Cindy Rorrer, Director's Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (276) 666-8616, FAX (276) 632-6487, (276) 666-8638/TTY , e-mail [crorrer@vmnh.net](mailto:crorrer@vmnh.net).

† **September 11, 2004 - 10 a.m.** -- Open Meeting  
Virginia Museum of Natural History, 1001 Douglas Avenue,  
Martinsville, Virginia. 

A meeting of the Board of Trustees to receive reports from all standing board committees.


**Contact:** Cindy Rorrer, Director's Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (276) 666-8616, FAX (276) 632-6487, (276) 666-8638/TTY , e-mail [crorrer@vmnh.net](mailto:crorrer@vmnh.net).

## BOARD OF NURSING

**September 9, 2004 - 9:30 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Richmond, Virginia. 


A meeting of the Nursing Practice Advisory Committee to discuss nursing practice issues.


**Contact:** Jay P. Douglas, Executive Director, Board of Nursing, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, e-mail [nursebd@dhp.virginia.gov](mailto:nursebd@dhp.virginia.gov).

**September 20, 2004 - 9 a.m.** -- Open Meeting  
**September 22, 2004 - 9 a.m.** -- Open Meeting  
**September 23, 2004 - 9 a.m.** -- Open Meeting  
**November 15, 2004 - 9 a.m.** -- Open Meeting  
**November 17, 2004 - 9 a.m.** -- Open Meeting  
**November 18, 2004 - 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:** Jay P. Douglas, R.N., M.S.M., C.S.A.C., 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.virginia.gov](mailto:nursebd@dhp.virginia.gov).

**September 21, 2004 - 9 a.m.** -- Open Meeting  
**November 16, 2004 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Board Room 2, Richmond, Virginia. 


A general business meeting including committee reports, consideration of regulatory action, and disciplinary case decisions as presented on the agenda. Public comment will be received at 11 a.m.

**Contact:** Jay P. Douglas, R.N., M.S.M., C.S.A.C., 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 [jay.douglas@dhp.virginia.gov](mailto:jay.douglas@dhp.virginia.gov).


**October 4, 2004 - 9 a.m.** -- Open Meeting  
**October 12, 2004 - 9 a.m.** -- Open Meeting  
**October 13, 2004 - 9 a.m.** -- Open Meeting  
**October 19, 2004 - 9 a.m.** -- Open Meeting  
**October 26, 2004 - 9 a.m.** -- Open Meeting  
† **December 2, 2004 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Conference Room 3, Richmond, Virginia. 

**October 14, 2004 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Conference Room 1, Richmond, Virginia. 

A Special Conference Committee comprised of two or three members of the Virginia Board of Nursing will conduct informal conferences with licensees and certificate holders. Public comment will not be received.

**Contact:** Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 6603 West Broad Street, 5th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY , e-mail [nursebd@dhp.virginia.gov](mailto:nursebd@dhp.virginia.gov).

## JOINT BOARDS OF NURSING AND MEDICINE

**September 21, 2004 - 11 a.m.** -- Public Hearing  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Board Room 2, Richmond, Virginia. 

**October 8, 2004** - 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 Boards of Nursing and Medicine intend to amend regulations entitled **18 VAC 90-30, Regulations Governing the Licensure of Nurse Practitioners**. The purpose of the proposed action is to clarify that congruency in education, certification and licensure is required and that a graduate degree is necessary for initial licensure; to provide an avenue for licensure to those who may not meet current qualifications but who have been safely practicing in other states as advanced practice nurses; and to update categories of nurse practitioners and names of certifying bodies.

Statutory Authority: §§ 54.1-2400 and 54.1-2957 of the Code of Virginia.

Public comments may be submitted until October 8, 2004, to Jay P. Douglas, R.N., Executive Director, Board of Nursing, 6603 West Broad Street, Richmond, VA 23230.


**Contact:** Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or email Elaine.yeatts@dhp.virginia.gov.

**October 20, 2004 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 


A meeting of the Joint Boards of Nursing and Medicine.

**Contact:** Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, e-mail nursebd@dhp.virginia.gov.


## BOARD OF NURSING HOME ADMINISTRATORS

**October 13, 2004 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 1, Richmond, Virginia 

A meeting to discuss regular board business. There will be a comment period 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.virginia.gov.

## OLD DOMINION UNIVERSITY

**September 10, 2004 - 1 p.m.** -- Open Meeting  
Webb University Center, Old Dominion University, Norfolk, Virginia. 

A quarterly meeting of the Board of Visitors to discuss business of the board and the institution as determined by the Rector and the President.


**Contact:** Donna Meeks, Executive Secretary to the Board of Visitors, Old Dominion University, 204 Koch Hall, Old Dominion University, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, e-mail dmeeks@odu.edu.

**October 18, 2004 - 3 p.m.** -- Open Meeting  
**November 15, 2004 - 3 p.m.** -- Open Meeting  
Webb University Center, Old Dominion University, Norfolk, Virginia. 

A regular meeting of the Board of Visitors' Executive Committee to discuss business of the board and the institution as determined by the Rector and the President.

**Contact:** Donna Meeks, Executive Secretary to the Board of Visitors, Old Dominion University, 204 Koch Hall, Old Dominion University, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, e-mail dmeeks@odu.edu.


## BOARD FOR OPTICIANS

**September 24, 2004 - 10 a.m.** -- Public Hearing  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 


**September 24, 2004** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board for Opticians intends to amend regulations entitled **18 VAC 100-20, Board for Opticians Regulations**. The purpose of the proposed action is to amend regulations for registration for voluntary practice by out-of-state licensees in accordance with § 54.1-1701.5 of the Code of Virginia.

Statutory Authority: § 54.1-201 of the Code of Virginia and Chapter 740 of the 2002 Acts of Assembly.

**Contact:** William H. Ferguson, II, Executive Director, Board for Opticians, 3600 West Broad Street, Richmond, VA 23230-4917, telephone (804) 367-8310, FAX (804) 367-6295, (804) 367-9753/TTY , or e-mail opticians@dpor.virginia.gov.


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**September 24, 2004 - 10 a.m.** -- Public Hearing  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 


**October 8, 2004** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board for Opticians intends to amend regulations entitled **18 VAC 100-20, Board for Opticians Regulations**. The purpose of the proposed action is to amend regulations to adjust fees in accordance with the Callahan Act, § 54.1-113 of the Code of Virginia.

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

**Contact:** William H. Ferguson, II, Executive Director, Board for Opticians, 3600 West Broad Street, Richmond, VA 23230-4917, telephone (804) 367-8310, FAX (804) 367-6295, (804) 367-9753/TTY , or e-mail opticians@dpor.virginia.gov.

NOTE: CHANGE IN MEETING DATE

**October 15, 2004 - 9:30 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

The board will conduct a general business meeting to consider regulatory issues as may be presented on the agenda. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Public comment will be heard at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to this meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** William H. Ferguson, II, Executive Director, Board for Opticians, 3600 West Broad Street, Richmond, VA 23230-

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# Calendar of Events

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4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY ☎, or e-mail [opticians@dpor.virginia.gov](mailto:opticians@dpor.virginia.gov).

## VIRGINIA OUTDOORS FOUNDATION

**September 23, 2004 - 10 a.m.** -- Open Meeting  
Department of Forestry, Fontaine Research Park, 900 Natural Resources Drive, Charlottesville, Virginia. ♿

A regular quarterly meeting of the Board of Trustees to review and accept easement proposals.

**Contact:** Tamara A. Vance, Executive Director, Virginia Outdoors Foundation, 900 S. Main St., Blacksburg, VA 24060, telephone (540) 951-2822, FAX (540) 951-2695, e-mail [tvance@vofonline.org](mailto:tvance@vofonline.org).

## VIRGINIA BOARD FOR PEOPLE WITH DISABILITIES

**September 8, 2004 - 8:30 a.m.** -- Open Meeting  
202 North 9th Street, 10th Floor Conference Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

Orientation for new board members.

**Contact:** Sandra Smalls, Executive Assistant, Virginia Board for People with Disabilities, 202 N. 9th St., Richmond, VA 23219, telephone (804) 786-9368, FAX (804) 786-1118, toll-free (800) 846-4464, (804) 846-4464/TTY ☎, e-mail [smallsse@vbpd.state.va.us](mailto:smallsse@vbpd.state.va.us).

## PESTICIDE CONTROL BOARD

**October 14, 2004 - 9 a.m.** -- Public Hearing  
Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, Room 204, Richmond, Virginia.

**November 1, 2004** - 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 Pesticide Control Board intends to amend regulations entitled **2 VAC 20-40, Rules and Regulations Governing Licensing of Pesticide Businesses by the Department of Agriculture and Consumer Services Operating Under Authority of the Virginia Pesticide Control Act**. The purpose of the proposed action is to review the regulations for effectiveness and continued need. The proposed regulations (i) establish standards for the licensure of pesticide businesses and for the denial, suspension, or revocation of the license; (ii) establish record keeping requirements for licensed pesticide businesses, as a means of ensuring that pesticides are stored and used safely; and (iii) protect the public's health, safety and welfare with the least possible cost and intrusiveness to the citizens and businesses of the Commonwealth.

Statutory Authority: § 3.1-249.30 of the Code of Virginia.

**Contact:** W. Wayne Surles, Program Manager, Department of Agriculture and Consumer Services, P.O. Box 1163,

Richmond, VA 23218, telephone (804) 371-6558, FAX (804) 371-8598, toll-free 1-800-552-9963, or e-mail [wsurles@vdacs.state.va.us](mailto:wsurles@vdacs.state.va.us).

## BOARD OF PHARMACY

**September 15, 2004 - 9 a.m.** -- Open Meeting  
NOTE: CHANGE IN MEETING ROOM  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ♿

The board will consider such regulatory and disciplinary matters as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

**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.virginia.gov](mailto:scottirussell@dhp.virginia.gov).

† **September 17, 2004 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, conference Room 4, Richmond, Virginia. ♿

A Special Conference Committee will meet to 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, Virginia 23230, telephone (804) 662-9911, FAX (804) 662-9313, e-mail [scottirussell@dhp.virginia.gov](mailto:scottirussell@dhp.virginia.gov).

## BOARD OF PHYSICAL THERAPY

**October 15, 2004 - 9 a.m.** -- Canceled  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

The quarterly business meeting has been canceled.

**Contact:** Elizabeth Young, Executive Director, Board of Physical Therapy, Alcoa Bldg., 6603 West Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9924, FAX (804) 662-9523, (804) 662-7197/TTY ☎, e-mail [elizabeth.young@dhp.virginia.gov](mailto:elizabeth.young@dhp.virginia.gov).

## BOARD OF PROFESSIONAL AND OCCUPATIONAL REGULATION

**September 20, 2004 - 10 a.m.** -- Open Meeting  
**November 15, 2004 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Conference Room 5W, Richmond, Virginia. ♿

A quarterly meeting.

**Contact:** Judy Spiller, Executive Secretary, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8519, FAX (804) 367-9537, (804) 367-9753/TTY ☎, e-mail [judy.spiller@dpor.virginia.gov](mailto:judy.spiller@dpor.virginia.gov).



## DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

† **September 16, 2004 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, 4th Floor, Room 453, Richmond,  
Virginia. ♿

An informal fact-finding conference.

**Contact:** Karen W. O'Neal, Regulatory Programs Coordinator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail karen.o'neal@dpor.virginia.gov.

## BOARD OF PSYCHOLOGY

**October 12, 2004 - 9:30 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Richmond, Virginia.

A business meeting to include reports from standing committees and any other disciplinary or regulatory matters as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

**Contact:** Evelyn B. Brown, Executive Director, Board of Psychology, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9913, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail evelyn.brown@dhp.virginia.gov.

## VIRGINIA PUBLIC GUARDIAN AND CONSERVATOR ADVISORY BOARD

NOTE: CHANGE IN MEETING DATE

**September 30, 2004 - 10 a.m.** -- Open Meeting  
1610 Forest Avenue, Suite 100, Richmond, Virginia. ♿

A regular meeting to review regulations for the public guardianship program.

**Contact:** Janet Riddick, Director, Elder Rights Center, Virginia Public Guardian and Conservator Advisory Board, 1610 Forest Ave., Richmond, VA 23229, telephone (804) 662-7050, FAX (804) 662-9354, toll-free (800) 552-3402, (804) 662-9333/TTY ☎, e-mail Janet.Riddick@vda.virginia.gov.

## VIRGINIA RACING COMMISSION

**September 10, 2004** - 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 Racing Commission intends to promulgate regulations entitled **11 VAC 10-45, Advance Deposit Account Wagering**. The purpose of the proposed action is to establish licensure requirements for individuals and entities conducting advance deposit account wagering in Virginia, including the application and license renewal procedures.

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

**Contact:** David S. Lermond, Regulatory Coordinator, Virginia Racing Commission, P.O. Box 208, 10700 Horsemen's Rd., New Kent, VA 23124, telephone (804) 966-7404, FAX (804) 966-7422, e-mail David.Lermond@vrc.virginia.gov.

## REAL ESTATE APPRAISER BOARD

**September 8, 2004 - 9 a.m.** -- Open Meeting  
† **September 16, 2004 - 10:30 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, 4th Floor, Room 453, Richmond,  
Virginia. ♿

An informal fact-finding conference.

**Contact:** Karen W. O'Neal, Regulatory Programs Coordinator, Real Estate Appraiser Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail karen.o'neal@dpor.virginia.gov.

**November 9, 2004 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia.

A meeting to conduct board business.

**Contact:** Karen W. O'Neal, Regulatory Programs Coordinator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail karen.o'neal@dpor.virginia.gov.

## REAL ESTATE BOARD

**September 16, 2004 - 9 a.m.** -- Open Meeting  
**September 20, 2004 - 10 a.m.** -- Open Meeting  
**October 7, 2004 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, 4th Floor, Room 453, Richmond,  
Virginia. ♿

An informal fact-finding conference.

**Contact:** Karen W. O'Neal, Regulatory Programs Coordinator, Real Estate Appraiser Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail karen.o'neal@dpor.virginia.gov.

## VIRGINIA RECYCLING MARKETS DEVELOPMENT COUNCIL

† **September 7, 2004 - 1 p.m.** -- Open Meeting  
Roanoke City Library, 706 South Jefferson Street, Main Branch Auditorium, Roanoke, Virginia. ♿

The Local Government Assistance Subcommittee is seeking comment from representatives of Virginia local governments on ways the Virginia Recycling Markets Development Council, the private sector, or state agencies could assist them in identifying markets for or eliminating barriers that exist to getting to market the recyclable

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## Calendar of Events

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materials they collect or wish to collect within their jurisdiction. The subcommittee seeks comments on recycling needs and is particularly interested in input from those areas that are having difficulty meeting the 25% annual recycling mandate on ways they believe could assist them to meet the mandate. The meeting will begin with a briefing from the subcommittee members and a brief review of the powers and duties of the council.

**Contact:** Philip F. Abraham, The Vector Corporation, 411 E. Franklin St., Suite 602, Richmond, VA 23219, telephone (804) 644-6600.

**September 24, 2004 - 10:30 a.m.** -- Open Meeting  
Henrico Training Center, Parham and Shrader Roads, Glen Allen, Virginia.

A regular meeting.

**Contact:** Michael P. Benedetto, Tidewater Fibre Corp., 1958 Diamond Hill Rd., Chesapeake, VA 23324, telephone (757) 543-5766, e-mail [mike@tfcrecycling.com](mailto:mike@tfcrecycling.com).

### REFORESTATION OF TIMBERLANDS BOARD


† **September 16, 2004 - 10 a.m.** -- Open Meeting  
Virginia Forestry Association, 3808 Augusta Avenue, Richmond, Virginia.

A meeting of the Subcommittee on Tax Form Modification to discuss issues concerning the Reforestation of Timberlands' Board forest products tax initiative. Agenda items include establishing a task force to address a forest products tax that reflects current products and purchasing methods reportable in a convenient format, reviewing forest products tax legislation and tax payment history, and reviewing payment methodology and tax payment form.


**Contact:** Phil T. Grimm, Staff Forester, Natural Resource Specialist IV, Department of Forestry, 900 Natural Resources Dr. #800, Charlottesville, VA 22903, telephone (434) 977-6555, FAX (434) 296-2369, e-mail [phil.grimm@dof.virginia.gov](mailto:phil.grimm@dof.virginia.gov).

### DEPARTMENT OF REHABILITATIVE SERVICES


#### Commonwealth Neurotrauma Initiative Advisory Board

† **September 17, 2004 - 10 a.m.** -- Open Meeting  
Department of Rehabilitative Services, 1606 Santa Rosa Road, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting.

**Contact:** Kristie Chamberlain, CNI Program Administrator/Staff to CNI Board, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond VA 23229, telephone (804) 662-7154, FAX (804) 662-7663, toll-free (800) 552-5019, (804) 464-9950/TTY , e-mail [chambekl@drs.state.va.us](mailto:chambekl@drs.state.va.us).


### VIRGINIA RESOURCES AUTHORITY

**September 21, 2004 - 9 a.m.** -- Open Meeting  
Eighth and Main Building, 707 East Main Street, 2nd Floor, Richmond, Virginia. 

A regular meeting of the Board of Directors to (i) review and, if appropriate, approve the minutes from the most recent monthly meeting; (ii) review the authority's operations for the prior month; (iii) review applications for loans submitted to the authority for approval; (iv) consider loan commitments for approval and ratification under its various programs; (v) approve the issuance of any bonds; (vi) review the results of any bond sales; and (vii) consider such other matters and take such other actions as it may deem appropriate. Various committees of the Board of Directors may also meet immediately before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting and any committee meetings will be available at the offices of the authority one week prior to the date of the meeting. Any person who needs any accommodation in order to participate in the meeting should contact the authority at least 10 days before the meeting so that suitable arrangements can be made.

**Contact:** Bonnie 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 [bmcr@a.vra.state.va.us](mailto:bmcr@a.vra.state.va.us).


### SEWAGE HANDLING AND DISPOSAL APPEAL REVIEW BOARD

**September 15, 2004 - 10 a.m.** -- Open Meeting  
**October 20, 2004 - 10 a.m.** -- Canceled  
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia. 

A meeting to hear appeals of health department denials of septic tank permits.

**Contact:** Susan Sherertz, Secretary to the Board, Department of Health, 109 Governor St., 5th Floor, Richmond, VA 23219, telephone (804) 864-7464, FAX (804) 864-7475, e-mail [susan.sherertz@vdh.virginia.gov](mailto:susan.sherertz@vdh.virginia.gov).

### VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

† **September 15, 2004 - Noon** -- Open Meeting  
Department of Business Assistance, 707 East Main Street, 3rd Floor, Board Room, Richmond, Virginia. 

A meeting to review applications for loans submitted to the authority for approval and general business of the board. The meeting time is subject to change depending upon the board's agenda.

**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, toll-free (866) 248-8814, e-mail [scott.parsons@dba.virginia.gov](mailto:scott.parsons@dba.virginia.gov).

## STATE BOARD OF SOCIAL SERVICES

**October 8, 2004** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to **repeal** regulations entitled **22 VAC 40-120, Minimum Standards for Licensed Family Day-Care Systems** and **adopt** regulations entitled **22 VAC 40-121, Standards for Licensed Family Day Systems**. The purpose of the proposed action is to repeal the current Minimum Standards for Licensed Family Day-Care Systems (22 VAC 40-120) and replace it with a new regulation, Standards for Licensed Family Day Systems (22 VAC 40-121).

Statutory Authority: §§ 63.2-217, 63.2-1701 and 63.2-1734 of the Code of Virginia.

**Contact:** Doris Sherrod, Program Development Consultant, Division of Licensing Programs, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7153, FAX (804) 726-7132 or e-mail [doris.sherrod@dss.virginia.gov](mailto:doris.sherrod@dss.virginia.gov).

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**October 8, 2004** - 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 **adopt** regulations entitled **22 VAC 40-170, Voluntary Registration of Family Day Homes-Requirements for Contracting Organizations**. The purpose of the proposed action is to update statutory references in Title 63.2; eliminate requirements that have been found to be inefficient or burdensome; clarify contracting organizations' responsibilities; add requirements that establish time frames for submission of reports and for notification of the department of certain events and changes; transfer responsibility for providing certain information to parents and for processing all aspects of adverse enforcement actions from contracting organizations to the department.

Statutory Authority: §§ 63.2-217, 63.2-1704 and 63.2-1734 of the Code of Virginia.

**Contact:** Doris Sherrod, Program Development Consultant, Department of Social Services, Division of Licensing Programs, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7153, FAX (804) 726-7132 or e-mail [doris.sherrod@dss.virginia.gov](mailto:doris.sherrod@dss.virginia.gov).

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**October 8, 2004** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to **repeal** regulations entitled **22 VAC 40-660, Child Day Care Services Policy**, and **adopt** regulations entitled

**22 VAC 40-661, Child Care Program**. The purpose of the proposed action is to repeal the current regulation pertaining to the Child Care and Development Fund and replace it with a new regulation. New federal regulations and changes in policies in Virginia necessitate that new regulations be created.

Statutory Authority: §§ 63.2-217, 63.2-319, 63.2-510, 63.2-611, and 63.2-616 of the Code of Virginia; Child Care and Development Block Grant of 1990 as amended by the Personal Responsibility and Work Opportunity Act of 1996 (P.L. 104-193) and the Balanced Budget Act of 1997 (P.L. 105-33), as implemented in regulation 45 CFR Parts 98 and 99; the Food Stamp Act of 1977 as amended.

**Contact:** Mary Ward, Program Consultant, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7638, FAX (804) 726-7655 or e-mail [mary.ward@dss.virginia.gov](mailto:mary.ward@dss.virginia.gov).

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**October 8, 2004** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to **repeal** regulations entitled **22 VAC 40-770, Standards and Regulations for Agency Approved Providers**, and **adopt** regulations entitled **22 VAC 40-771, Local Department-Approved Provider Standards**. The purpose of the proposed action is to repeal the existing regulation and replace it with a new regulation. The current regulation addresses standards used by local departments of social services to approve and regulate service providers including adult service providers, child care providers, and adoptive and foster providers.


Statutory Authority: § 63.2-217 of the Code of Virginia.

**Contact:** Sue Murdock, Family Specialist, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7616, FAX (804) 726-7895 or e-mail [susan.murdock@dss.virginia.gov](mailto:susan.murdock@dss.virginia.gov).

## BOARD OF SOCIAL WORK

**September 10, 2004 - 10 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
Fifth Floor, Conference Room 1, Richmond, Virginia. 

A regularly business meeting.

**Contact:** Evelyn B. Brown, Executive Director, Board of Social Work, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9914, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail [evelyn.brown@dhp.virginia.gov](mailto:evelyn.brown@dhp.virginia.gov).


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# Calendar of Events

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## DEPARTMENT OF TAXATION


### State Land Evaluation Advisory Council

**September 7, 2004 - 11 a.m.** -- Open Meeting  
Department of Taxation, 2220 West Broad Street, Richmond, Virginia. 

A meeting to adopt suggested ranges of values for agricultural, horticultural, forest and open-space land use and the use-value assessment program.


**Contact:** H. Keith Mawyer, Property Tax Manager, Department of Taxation, 2220 W. Broad St., Richmond, VA 23220, telephone (804) 367-8020, FAX (804) 367-8662, e-mail [kmawyer@tax.state.va.us](mailto:kmawyer@tax.state.va.us).

## COMMONWEALTH TRANSPORTATION BOARD

† **September 16, 2004 - 8:30 a.m.** -- Open Meeting  
Department of Transportation, 87 Deacon Road, Auditorium, Fredericksburg, Virginia. 

A work session of the CTB. VDOT and DRPT staff provide updates on projects, policy development, budgets and pending action items. A public comment period will not be provided at the workshop.


**Contact:** Katherine Tracy, Assistant Secretary of the CTB, Department of Transportation, Policy Division, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-3090, FAX (804) 225-4700, e-mail [Katherine.Tracy@virginiadot.org](mailto:Katherine.Tracy@virginiadot.org).

† **September 16, 2004 - 10:30 a.m.** -- Open Meeting  
Department of Transportation, 87 Deacon Road, Auditorium, Fredericksburg, Virginia. 

A meeting of the CTB to vote on action items presented regarding bids, conveyances, and any other matter requiring board approval. Public comments will be received at the outset of the meeting. Remarks will be limited to five minutes. Groups are requested to select a spokesperson. CTB reserves the right to amend these conditions. Committee meetings, which are open to the public, may be held upon the call of the chairman and will be posted separately.

**Contact:** Katherine Tracy, Assistant Secretary of the CTB, Department of Transportation, Policy Division, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-3090, FAX (804) 225-4700, e-mail [Katherine.Tracy@virginiadot.org](mailto:Katherine.Tracy@virginiadot.org).

## TREASURY BOARD

† **September 15, 2004 - 9 a.m.** -- Open Meeting  
† **October 20, 2004 - 9 a.m.** -- Open Meeting  
101 North 14th Street, 3rd Floor, Treasury Board Room, Richmond, Virginia. 

A regular meeting.

**Contact:** Melissa Mayes, Secretary, Department of the Treasury, 101 N. 14th St., 3rd Floor, Richmond, VA 23219, telephone (804) 371-6011, FAX (804) 225-3187, e-mail [melissa.mayes@trs.virginia.gov](mailto:melissa.mayes@trs.virginia.gov).

## BOARD OF VETERANS SERVICES

**September 27, 2004 - 1 p.m.** -- Open Meeting  
American Legion Building, 1708 Commonwealth Avenue, Richmond, Virginia.

A regular meeting.

**Contact:** Steven Combs, Assistant to the Commissioner, Department of Veterans Services, 900 E. Main St., Richmond VA 23219, telephone (804) 786-0286, e-mail [steven.combs@dvs.virginia.gov](mailto:steven.combs@dvs.virginia.gov).

## DEPARTMENT OF VETERANS SERVICES

### Joint Leadership Council of Veterans Service Organizations

**September 7, 2004 - Noon** -- Open Meeting  
VSE Corporation, 2550 Huntington Avenue, Mount Vernon Room, Alexandria, Virginia.

A regular meeting.

**Contact:** Steven Combs, Assistant to the Commissioner, Department of Veterans Services, 900 E. Main St., Richmond, VA 23219, telephone (804) 786-0286, e-mail [steven.combs@dvs.virginia.gov](mailto:steven.combs@dvs.virginia.gov).

## Veterans Services Foundation

**September 30, 2004 - 11:30 a.m.** -- Open Meeting  
American Legion Department of VA Building, 1708 Commonwealth Avenue, Richmond, Virginia.

A regular meeting.

**Contact:** Steven Combs, Assistant to the Commissioner, Department of Veterans Services, 900 E. Main St., Richmond, VA 23219, Richmond VA 23219, telephone (804) 786-0286, e-mail [steven.combs@dvs.virginia.gov](mailto:steven.combs@dvs.virginia.gov).

## BOARD OF VETERINARY MEDICINE

NOTE: CHANGE IN MEETING DATE

**October 7, 2004 - 8:30 a.m.** -- Public Hearing  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia.

**October 8, 2004** - 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 amend definitions of "immediate and direct supervision" and "surgery" for consistency with current board policies.

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

Public comments may be submitted until October 8, 2004, to Elizabeth A. Carter, Ph.D., Executive Director, Board of

Veterinary Medicine, 6603 West Broad Street, Richmond, VA 23230.

**Contact:** Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or email Elaine.yeatts@dhp.virginia.gov.

† **October 7, 2004 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. ♿

Informal hearings (disciplinary proceedings). These are public meetings, but public comment will not be received.

**Contact:** Terri H. Behr, Administrative Assistant, Board of Veterinary Medicine, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9915, FAX (804) 662-7098, (804) 662-7197/TTY ♿, e-mail terri.behr@dhp.virginia.gov.

## VIRGINIA WASTE MANAGEMENT BOARD

† **November 17, 2004 - 1 p.m.** -- Open Meeting

† **November 18, 2004 - 9 a.m.** -- Open Meeting

Williamsburg, Virginia area; location to be determined. ♿

A meeting of representatives of the three regulatory citizen boards: State Air Pollution Control Board, Virginia Waste Management Board and the State Water Pollution Control Board.

**Contact:** Cindy Berndt, Regulatory Coordinator, State Air Pollution Control Board, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378, FAX (804) 698-4346, e-mail cberndt@deq.virginia.gov.

## STATE WATER CONTROL BOARD

**September 7, 2004 - 2 p.m.** -- Open Meeting

Isle of Wight Virginia Cooperative Extension Office, Public Services Center, 17100 Monument Circle, Suite B, Isle of Wight, Virginia. ♿

The first advisory committee meeting for the development of TMDLs to address multiple bacteria impairments on tributaries to the Blackwater River located in Isle of Wight and Surry Counties. The public notice appears in the August 23, 2004, Virginia Register of Regulations. The comment period closes on October 7, 2004.

**Contact:** Chris French, Department of Environmental Quality, 4949-A Cox Rd., Glen Allen, VA 23060, telephone (804) 527-5124, FAX (804) 527-5106, e-mail rcfrench@deq.virginia.gov.

**September 8, 2004 - 2 p.m.** -- Open Meeting  
Sussex Department of Social Services, Newsome Building, 20103 Princeton Road, Sussex, Virginia. ♿

The first advisory committee meeting on the development of a TMDL to address bacteria impairments on Sappony Creek and Raccoon Creek in Sussex and Southampton Counties. The public notice appears in the Virginia Register of Regulations on August 23, 2004. The comment period closes on October 8, 2004.

**Contact:** Chris French, Department of Environmental Quality, 4949-A Cox Rd., Glen Allen, VA 23060, telephone (804) 527-5124, FAX (804) 527-5106, e-mail rcfrench@deq.virginia.gov.

**September 9, 2004 - 7 p.m.** -- Open Meeting  
Cumberland County Elementary School, 60 School Road, Cumberland, Virginia. ♿

The first public meeting on the development of the implementation plan for the fecal coliform bacteria TMDL for a segment of the Willis River located in Buckingham and Cumberland Counties. The public notice appears in the August 23, 2004, Virginia Register of Regulations. The comment period closes on October 12, 2004.

**Contact:** Kelly J. Wills, Department of Environmental Quality, 7705 Timberlake Rd., Lynchburg, VA 24502, telephone (434) 582-5120, FAX (434) 582-5125, e-mail kjwills@deq.virginia.gov.

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**September 10, 2004** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled **9 VAC 25-660, Virginia Water Protection General Permit for Impacts Less than One-Half of an Acre**. The purpose of the proposed action is to correct several administrative procedures, clarify application and permitting requirements and allow for a more efficient application review process.

Statutory Authority: §§ 62.1-44.15 and 62.1-44.15:5 of the Code of Virginia and § 401 of the Clean Water Act (33 USC § 1251 et seq.).

**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.virginia.gov.

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**September 10, 2004** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled **9 VAC 25-670, Virginia Water Protection General Permit for Facilities and Activities of Utility and Public Service Companies Regulated by the Federal Energy Regulatory Commission or the State Corporation Commission and Other Utility Line Activities**. The purpose of the proposed action is to allow for revisions to the general permit regulation to correct several administrative procedures, clarify application and permitting requirements, and allow for a more efficient application review process.

Statutory Authority: §§ 62.1-44.15 and 62.1-44.15:5 of the Code of Virginia and § 401 of the Clean Water Act (33 USC § 1251 et seq.).

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# Calendar of Events

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**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.virginia.gov](mailto:egilinsky@deq.virginia.gov).

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**September 10, 2004** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled **9 VAC 25-680, Virginia Water Protection General Permit for Linear Transportation Projects**. The purpose of the proposed action is to allow for revisions to the general permit regulation to correct several administrative procedures, clarify application and permitting requirements and allow for a more efficient application review process.

Statutory Authority: §§ 62.1-44.15 and 62.1-44.15:5 of the Code of Virginia and § 401 of the Clean Water Act (33 USC § 1251 et seq.).

**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.virginia.gov](mailto:egilinsky@deq.virginia.gov).

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**September 10, 2004** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled **9 VAC 25-690, Virginia Water Protection General Permit for Impacts from Development and Certain Mining Activities**. The purpose of the proposed action is to correct several administrative procedures, clarify application and permitting requirements and allow for a more efficient application review process.

Statutory Authority: §§ 62.1-44.15 and 62.1-44.15:5 of the Code of Virginia and § 401 of the Clean Water Act (33 USC § 1251 et seq.).

**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.virginia.gov](mailto:egilinsky@deq.virginia.gov).

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**September 10, 2004** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled **9 VAC 25-260, Water Quality Standards**. The purpose of the proposed action is to amend the antidegradation policy of the Water Quality Standards by designating a section of Ragged Island Creek as an exceptional water.

Statutory Authority: § 62.1-44.15 of the Code of Virginia, Clean Water Act (33 USC § 1251 et seq.) and 40 CFR Part 131.

**Contact:** Jean W. Gregory, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4113, FAX (804) 698-4522 or e-mail [jwgregory@deq.virginia.gov](mailto:jwgregory@deq.virginia.gov).

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**September 10, 2004** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled **9 VAC 25-260, Water Quality Standards**. The purpose of the proposed action is to amend the antidegradation policy of the Water Quality Standards by designating a section of Little Stony Creek as an exceptional water.

Statutory Authority: § 62.1-44.15 of the Code of Virginia, Clean Water Act (33 USC § 1251 et seq.) and 40 CFR Part 131.

**Contact:** Jean W. Gregory, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4113, FAX (804) 698-4522 or e-mail [jwgregory@deq.virginia.gov](mailto:jwgregory@deq.virginia.gov).

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**September 10, 2004** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled **9 VAC 25-260, Water Quality Standards**. The purpose of the proposed action is to amend the antidegradation policy of the Water Quality Standards by designating a section of Bottom Creek as an exceptional water.

Statutory Authority: § 62.1-44.15 of the Code of Virginia, Clean Water Act (33 USC § 1251 et seq.) and 40 CFR Part 131.

**Contact:** Jean W. Gregory, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4113, FAX (804) 698-4522 or e-mail [jwgregory@deq.virginia.gov](mailto:jwgregory@deq.virginia.gov).

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**September 10, 2004** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled **9 VAC 25-260, Water Quality Standards**. The purpose of the proposed action is to amend the antidegradation policy of the Water Quality Standards by designating Lake Drummond and portions of Brown Mountain Creek, Laurel Fork, North Fork of the

Buffalo River, Pedlar River, Ramseys Draft and Whitetop Laurel Creek as exceptional waters.


Statutory Authority: § 62.1-44.15 of the Code of Virginia, Clean Water Act (33 USC § 1251 et seq.) and 40 CFR Part 131.

**Contact:** Jean W. Gregory, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4113, FAX (804) 698-4522 or e-mail [jwgregory@deq.virginia.gov](mailto:jwgregory@deq.virginia.gov).

**September 13, 2004 - 8:30 a.m.** -- Open Meeting  
Department of Environmental Quality Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 


A meeting of the full reconvened Water Policy Technical Advisory Committee.

**Contact:** Scott W. Kudlas, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4456, FAX (804) 698-4346, e-mail [swkudlas@deq.virginia.gov](mailto:swkudlas@deq.virginia.gov).

**September 14, 2004 - 7 p.m.** -- Open Meeting  
War Memorial Building, Main and Church Streets, Madison, Virginia. 


The first public meeting on the development of a fecal coliform bacteria TMDL for Robinson River and Little Dark Run watersheds located in Madison County. The public notice appears in the August 23, 2004, issue of the Virginia Register. The comment period is September 14, 2004, through October 13, 2004.

**Contact:** Bryant Thomas, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3843, FAX (703) 583-3841, e-mail [bhthomas@deq.virginia.gov](mailto:bhthomas@deq.virginia.gov).

**September 15, 2004 - 7 p.m.** -- Open Meeting  
Lightfoot Elementary School, 10285 Zachary Taylor Highway, Unionville, Virginia. 

The first public meeting on the development of a fecal coliform bacteria TMDL for segments in the Mountain Run and Mine Run watersheds located in Orange County. The public notice appears in the August 23, 2004, issue of the Virginia Register of Regulations. The public comment period runs from September 15, 2004, through October 14, 2004.


**Contact:** Bryant Thomas, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3843, FAX (703) 583-3841, e-mail [bhthomas@deq.virginia.gov](mailto:bhthomas@deq.virginia.gov).

**September 15, 2004 - 1 p.m.** -- Open Meeting  
Patrick Henry Memorial Library, 204 Lynchburg Avenue, Brookneal, Virginia. 

The first meeting of the advisory committee for the Roanoke River watershed TMDL for segments in Pittsylvania, Campbell, Halifax and Charlotte Counties. The public notice appears in the Virginia Register on August 23, 2004.


**Contact:** Kelly J. Wills, Department of Environmental Quality, 7705 Timberlake Rd., Lynchburg, VA 24502, telephone

(434) 582-5120, FAX (434) 582-5125, e-mail [kjwills@deq.virginia.gov](mailto:kjwills@deq.virginia.gov).

**September 20, 2004 - 8:30 a.m.** -- Open Meeting  
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

A meeting of the Steering Committee of the Water Policy Technical Advisory Committee.


**Contact:** Scott W. Kudlas, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4456, FAX (804) 698-4347, e-mail [swkudlas@deq.virginia.gov](mailto:swkudlas@deq.virginia.gov).

**September 30, 2004 - 2:30 p.m.** -- Open Meeting  
Albemarle County Office Building, Lane Auditorium, 401 McIntire Road, Charlottesville, Virginia. 

A public meeting to receive comments on a notice of intent to adopt a general Virginia Water Protection permit for minor water withdrawals. The NOIRA will appear in the Virginia Register on August 23, 2004. The comment period will run from August 23, 2004, until October 8, 2004.


**Contact:** Ellen Gilinsky, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4375, FAX (804) 698-4347, e-mail [egilinsky@deq.virginia.gov](mailto:egilinsky@deq.virginia.gov).

**† November 17, 2004 - 1 p.m.** -- Open Meeting

**† November 18, 2004 - 9 a.m.** -- Open Meeting  
Williamsburg, Virginia area; location to be determined. 

A meeting of representatives of the three regulatory citizen boards: State Air Pollution Control Board, Virginia Waste Management Board and the State Water Pollution Control Board.


**Contact:** Cindy Berndt, Regulatory Coordinator, State Air Pollution Control Board, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378, FAX (804) 698-4346, e-mail [cmberndt@deq.virginia.gov](mailto:cmberndt@deq.virginia.gov).

**† December 2, 2004 - 9:30 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. 

A regular board meeting.

**Contact:** Cindy Berndt, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378, FAX (804) 698-4346, e-mail [cmberndt@deq.virginia.gov](mailto:cmberndt@deq.virginia.gov).

## BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

**September 14, 2004 - 8:30 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, Executive Director, Board for Waterworks and Wastewater Works Operators, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507,

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# Calendar of Events

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FAX (804) 367-6128, (804) 367-9753/TTY ☎, e-mail waterwasteoper@dpor.virginia.gov.

## VIRGINIA WORKFORCE COUNCIL

**October 18, 2004 - Noon** -- Open Meeting  
Richmond Marriott Hotel, 500 East Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A business meeting. Public comment will be scheduled and limited to five minutes per person and a written copy of comments is required. The agenda will be announced at a later date.

**Contact:** Gail Robinson, Workforce Council Liaison, Virginia Employment Commission, 703 E. Main St., Richmond, VA 23219, telephone (804) 225-3070, FAX (804) 225-2190, toll-free (800) 828-1120, e-mail grobinson@vec.state.va.us.

## INDEPENDENT

### STATE LOTTERY BOARD

† **September 29, 2004 - 9:30 a.m.** -- Open Meeting  
Virginia Lottery, 900 East Main Street, 13th Floor, Richmond, Virginia. ♿

A regular meeting to conduct routine business. There will be an opportunity for public comment shortly after the meeting is convened.

**Contact:** Frank S. Ferguson, Director, Legislative and Regulatory Affairs, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7901, FAX (804) 692-7905, e-mail fferguson@valottery.state.va.us.

### BOARD FOR PROTECTION AND ADVOCACY

† **September 10, 2004 - 9 a.m.** -- Open Meeting  
Virginia Office for Protection and Advocacy, Byrd Building, 1910 Byrd Avenue, Suite 5, Richmond, Virginia ♿ (Interpreter for the deaf provided upon request)

Public comment will be accepted at the start of the meeting. If you wish to provide public comment via telephone, or if interpreter services or other accommodations are required, please contact Lisa Shehi at 1-800-552-3962 or via e-mail at shehilm@vopa.state.va.us no later than Friday, September 3, 2004.

**Contact:** Lisa Shehi, Administrative Assistant, Virginia Office for Protection and Advocacy, 1910 Byrd Ave., Suite 5, Richmond, Virginia, telephone (804) 225-2042, FAX (804) 662-7431, toll-free (800) 552-3962, (804) 225-2042/TTY ☎, e-mail shehilm@vopa.state.va.us.

### VIRGINIA RETIREMENT SYSTEM

**October 6, 2004 - 2:30 p.m.** -- Open Meeting  
Virginia Retirement System Headquarters Building, 1200 East Main Street, Richmond, Virginia. ♿

A regular meeting of the Benefits and Actuarial Committee. No public comment will be received at the meeting.

**Contact:** LaShaunda B. King, Executive Assistant, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3124/TTY ☎, e-mail lking@vrs.state.va.us.

NOTE: CHANGE IN MEETING DATE AND TIME

† **October 20, 2004 - 10:30 a.m.** -- Open Meeting

**November 24, 2004 - 9 a.m.** -- Open Meeting

Virginia Retirement System Headquarters Building, 1200 E. Main Street, Richmond, Virginia. ♿

A regular meeting of the Board of Trustees. No public comment will be received at the meeting.

**Contact:** LaShaunda B. King, Executive Assistant, Virginia Retirement System, 1200 E. Main Street, Richmond, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, or e-mail lking@vrs.state.va.us.

**November 16, 2004 - Noon** -- Open Meeting

Virginia Retirement System Headquarters Building, 1200 East Main Street, Richmond, Virginia. ♿

A meeting of the Optional Retirement Plan Advisory Committee. No public comment will be received.

**Contact:** LaShaunda B. King, Executive Assistant, Virginia Retirement System, 1200 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 lking@vrs.state.va.us.

**November 17, 2004 - 11 a.m.** -- Open Meeting

Virginia Retirement System Headquarters Building, 1200 East Main Street, Richmond, Virginia. ♿

Meetings of the following committees:

- 11 a.m. -- Investment Advisory Committee
- 2:30 p.m. - Benefits and Actuarial
- 4 p.m. - Administration and Personnel
- 4 p.m. - Audit and Compliance

No public comment will be received.

**Contact:** LaShaunda B. King, Executive Assistant, Virginia Retirement System, 1200 E. Main Street, Richmond, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail lking@vrs.state.va.us.

## LEGISLATIVE

### JOINT COMMISSION ON ADMINISTRATIVE RULES

**September 8, 2004 - 1 p.m.** -- Open Meeting

NOTE: CHANGE IN MEETING LOCATION


Boys' Home, 306 Boys' Home Road, Covington, Virginia.

A meeting to discuss certain agency regulations.



**Contact:** Heather K. Butros, Division of Legislative Services, General Assembly Building, 2nd Floor, 910 Capitol Street, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625, e-mail hbutros@leg.state.va.us.


## JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION

**September 13, 2004 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia. 

A meeting to review the study on Replacing Income Tax Revenues with Sales and Use Tax Revenues, to review proposed Child Day Care Regulations, and to review DGS Internal Service Funds.

**Contact:** Trish Bishop, Principal Legislative Analyst, Joint Legislative Audit and Review Commission, General Assembly Bldg., Suite 1100, Richmond, VA 23219, telephone (804) 786-1258, FAX (804) 371-0101, e-mail tbishop@leg.state.va.us.


## VIRGINIA CODE COMMISSION

**September 15, 2004 - 10 a.m.** -- Open Meeting  
**October 20, 2004 - 10 a.m.** -- Open Meeting  
**November 17, 2004 - 10 a.m.** -- Open Meeting  
**December 15, 2004 - 10 a.m.** -- Open Meeting  
General Assembly Building, 910 Capitol Street, 6th Floor, Speaker's Conference Room, Richmond, Virginia. 

A meeting to continue with the revisions of Titles 1, 3.1 and 37.1 and to conduct any other business that may come before the commission. A brief public comment period is scheduled at the end of the meeting.

**Contact:** Jane Chaffin, Registrar of Regulations, Virginia Code Commission, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625, e-mail jchaffin@leg.state.va.us.


## HOUSE FINANCE COMMITTEE

† **September 21, 2004 - 2 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, 2nd Floor, Richmond, Virginia. 

A meeting of the Special Finance Subcommittee for House Bill 1486 (Virginia Income Tax Checkoffs). Questions regarding the meeting should be directed to Joan Putney or David Rosenberg, Division of Legislative Services, telephone (804) 786-3591.


**Contact:** William L. Owen, Committee Operations, telephone (804) 698-1540.


## VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

**September 16, 2004 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, 2nd Floor, Room 250, Richmond, Virginia. 

FOIA and Geographic Information System Subcommittee meeting.

**Contact:** Lynda Waddill, Administrative Assistant, or Lisa Wallmeyer, Assistant Director, Virginia Freedom of Information Advisory Council, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 225-3056, FAX (804) 371-0169, toll-free (866) 448-4100, e-mail foiaacouncil@leg.state.va.us.


**September 16, 2004 - 2 p.m.** -- Open Meeting  
NOTE: CHANGE IN MEETING LOCATION  
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia. 

† **December 2, 2004 - 2 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 

A regular meeting.

**Contact:** Lynda Waddill, Administrative Assistant, or Lisa Wallmeyer, Assistant Director, Virginia Freedom of Information Advisory Council, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 225-3056, FAX (804) 371-0169, toll-free (866) 448-4100, e-mail foiaacouncil@leg.state.va.us.

## JOINT COMMISSION ON TECHNOLOGY AND SCIENCE

**September 8, 2004 - 9:30 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 


A full commission meeting to discuss computer security.

**Contact:** Mitchell Goldstein, Director, Joint Commission on Technology and Science, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 371-0169, e-mail jcots@leg.state.va.us.

NOTE: CHANGE IN MEETING TIME  
**September 21, 2004 - 1 p.m.** -- Open Meeting  
**October 19, 2004 - 9:30 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 

A meeting of the JCOTS Computer Crimes Advisory Committee.

**Contact:** Mitchell Goldstein, Director, Joint Commission on Technology and Science, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 371-0169, e-mail jcots@leg.state.va.us.

**September 22, 2004 - 1:30 p.m.** -- Open Meeting  
**October 20, 2004 - 1:30 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 

A meeting of the JCOTS Nanotechnology Advisory Committee.

**Contact:** Eric Link, Staff Attorney, Joint Commission on Technology and Science, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 371-0169, e-mail jcots@leg.state.va.us.

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# Calendar of Events

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**October 5, 2004 - 9:30 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House  
Room D, Richmond, Virginia. ♿

A meeting of the JCOTS's Integrated Government Advisory  
Committee.

**Contact:** Eric Link, Staff Attorney, Joint Commission on  
Technology and Science, General Assembly Bldg., 910  
Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804)  
786-3591, FAX (804) 371-0169, e-mail jcots@leg.state.va.us.

**October 6, 2004 - 1:30 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House  
Room D, Richmond, Virginia. ♿

A meeting of the JCOT's Privacy Advisory Committee.

**Contact:** Mitchell Goldstein, Director, Joint Commission on  
Technology and Science, General Assembly Bldg., 910  
Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804)  
786-3591, FAX (804) 371-0169, e-mail jcots@leg.state.va.us.

**† December 1, 2004 - 9:30 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House  
Room D, Richmond, Virginia. ♿

A full commission meeting to discuss 2005 legislative  
proposals.

**Contact:** Mitchell Goldstein, Director, Joint Commission on  
Technology and Science, General Assembly Bldg., 910  
Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804)  
786-3591, FAX (804) 371-0169, e-mail jcots@leg.state.va.us.

## CHRONOLOGICAL LIST

### OPEN MEETINGS

#### September 7

Agriculture and Consumer Services, Department of  
- Virginia Horse Industry Board  
Alzheimer's Disease and Related Disorders Commission  
Funeral Directors and Embalmers, Board of  
† Higher Education for Virginia, State Council of  
Taxation, Department of  
- State Land Evaluation Advisory Council  
Veterans Services, Department of  
- Joint Leadership Council of Veterans Service  
Organizations  
† Virginia Recycling Markets Development Council  
Water Control Board, State

#### September 8

Administrative Rules, Joint Commission on  
Air Pollution Control Board, State  
† Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for  
Community Colleges, State Board for  
Conservation and Recreation, Department of  
† Forestry, Board of  
Health Professions, Department of  
† Historic Resources, Board of  
Interagency Coordinating Council, Virginia

Juvenile Justice, State Board of  
Medicine, Board of  
Mental Health, Mental Retardation and Substance Abuse  
Services, Department of  
Mines, Minerals and Energy, Department of  
People with Disabilities, Virginia Board for  
Real Estate Appraiser Board  
Technology and Science, Joint Commission on  
Water Control Board, State

#### September 9

Aging, Commonwealth Council on  
† Agriculture and Consumer Services, Department of  
- Virginia Cattle Industry Board  
Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for  
Community Colleges, State Board for  
Conservation and Recreation, Department of  
Criminal Justice Services Board  
† Dentistry, Board of  
Environmental Quality, Department of  
† Higher Education for Virginia, State Council of  
Mental Health, Mental Retardation and Substance Abuse  
Services, Department of  
Museum of Fine Arts, Virginia  
Nursing, Board of  
Water Control Board, State

#### September 10

Accountancy, Board of  
Dentistry, Board of  
† Longwood University  
† Museum of Natural History, Virginia  
Old Dominion University  
† Protection and Advocacy, Board for  
Social Work, Board of  
† Virginia Latino Advisory Commission

#### September 11

† Conservation and Recreation, Department of  
- Virginia Cave Board  
† Longwood University  
† Museum of Natural History, Virginia

#### September 13

Alcoholic Beverage Control Board  
† Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for  
Audit and Review Commission, Joint Legislative  
† Conservation and Recreation, Department of  
Local Government, Commission on  
Water Control Board, State

#### September 14

Charitable Gaming Board  
Contractors, Board for  
Corrections, Board of  
† Economic Development Partnership, Virginia  
Higher Education for Virginia, State Council of  
Medical Assistance Services, Board of  
Medicine, Board of  
Water Control Board, State  
Waterworks and Wastewater Works Operators, Board for

#### September 15

† Accountancy, Board of

Code Commission, Virginia  
 † Compensation Board  
 Conservation and Recreation, Department of  
 Corrections, Board of  
 Health, Department of  
 Information Technologies Agency, Virginia  
 - E-911 Wireless Board  
 Medical Assistance Services, Department of  
 - Medicaid Transportation Advisory Committee  
 † Medicine, Board of  
 Pharmacy, Board of  
 Sewage Handling and Disposal Appeal Review Board  
 † Small Business Financing Authority, Virginia  
 † Treasury Board  
 Water Control Board, State

## September 16

Conservation and Recreation, Department of  
 - Virginia Soil and Water Conservation Board  
 † Contractors, Board for  
 Design-Build/Construction Management Review Board  
 Freedom of Information Advisory Council, Virginia  
 † Health, Department of  
 - Sewage Handling and Disposal Regulations Advisory  
 Committee  
 Labor and Industry, Department of  
 -Virginia Apprenticeship Council  
 † Professional and Occupational Regulation, Department of  
 † Real Estate Appraiser Board  
 Real Estate Board  
 † Reforestation of Timberlands Board  
 † Transportation Board, Commonwealth

## September 17

† Correctional Education, Board of  
 Dentistry, Board of  
 † Pharmacy, Board of  
 † Rehabilitative Services, Department of  
 - Commonwealth Neurotrauma Initiative Trust Fund  
 Advisory Board

## September 20

Library Board, State  
 Medical Assistance Services, Department of  
 - Pharmacy and Therapeutics Committee  
 Nursing, Board of  
 Professional and Occupational Regulation, Board for  
 Real Estate Board  
 Water Control Board, State

## September 21

Contractors, Board for  
 Environmental Quality, Department of  
 † House Finance Committee  
 - House Bill 1486 Subcommittee  
 † Housing Development Authority, Virginia  
 Medicine, Board of  
 - Advisory Board of Occupational Therapy  
 - Advisory Board on Respiratory Care  
 Museum of Fine Arts, Virginia  
 Nursing, Board of  
 Resources Authority, Virginia  
 Technology and Science, Joint Commission on

## September 22

Cemetery Board  
 Education, Board of

† Environmental Quality, Department of  
 Medicine, Board of  
 - Advisory Board of Acupuncture  
 - Advisory Board on Radiologic Technology  
 † Museum of Fine Arts, Virginia  
 Nursing, Board of  
 Technology and Science, Joint Commission on

## September 23

† Auctioneers Board  
 Conservation and Recreation, Department of  
 - Virginia Scenic River Board  
 † Environmental Quality, Department of  
 Medicine, Board of  
 - Advisory Board on Athletic Training  
 - Advisory Board on Physician Assistants  
 † Mines, Minerals and Energy, Department of  
 - Board of Coal Mining Examiners  
 † Museum of Fine Arts, Virginia  
 Nursing, Board of  
 Outdoors Foundation, Virginia

## September 24

Accountancy, Board of  
 Agriculture and Consumer Services, Board of  
 Medicine, Board of  
 Mental Health, Mental Retardation and Substance Abuse  
 Services, Department of  
 † Virginia Recycling Markets Development Council

## September 27

Alcoholic Beverage Control Board  
 Barbers and Cosmetology, Board for  
 Veterans Services, Board of

## September 28

† Contractors, Board of  
 Marine Resources Commission

## September 29

Air Pollution Control Board, State  
 † Lottery Board, State

## September 30

Asbestos, Lead, and Home Inspectors, Virginia Board for  
 † Contractors, Board for  
 Public Guardian and Conservator Advisory Board, Virginia  
 Veterans Services, Department of  
 - Veteran Services Foundation  
 Water Control Board, State

## October 1

Art and Architectural Review Board  
 Dentistry, Board of

## October 4

Nursing, Board of

## October 5

† Contractors, Board for  
 Funeral Directors and Embalmers, Board of  
 Museum of Fine Arts, Virginia  
 Technology and Science, Joint Commission on

## October 6

Conservation and Recreation, Department of  
 Jamestown-Yorktown Foundation  
 Retirement System, Virginia  
 Technology and Science, Joint Commission on

## October 7

† Contractors, Board for

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# Calendar of Events

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- † Environmental Quality, Department of  
Real Estate Board
- † Veterinary Medicine, Board of
- October 8**  
Accountancy, Board of  
Health Professions, Department of  
† Military Bases, Virginia Commission on
- October 12**  
Nursing, Board of  
Psychology, Board of
- October 13**  
† Contractors, Board for  
Geology, Board for  
Nursing, Board of  
Nursing Home Administrators, Board of
- October 14**  
† Auctioneers Board  
Medicine, Board of  
Nursing, Board of
- October 15**  
Dentistry, Board of  
Medicine, Board of  
Opticians, Board for
- October 16**  
Medicine, Board of
- October 18**  
Old Dominion University  
Workforce Council, Virginia
- October 19**  
Contractors, Board for  
Nursing, Board of  
Technology and Science, Joint Commission on
- October 20**  
Code Commission, Virginia  
Nursing and Medicine, Joint Boards of  
† Retirement System, Virginia  
Technology and Science, Joint Commission on  
† Treasury Board
- October 21**  
Design-Build/Construction Management Review Board  
Health, State Board of
- October 22**  
Health, State Board of
- October 26**  
Marine Resources Commission  
Mental Health, Mental Retardation and Substance Abuse  
Services, Department of  
Nursing, Board of
- October 27**  
Education, Board of
- October 29**  
Medicine, Board of
- November 2**  
Museum of Fine Arts, Virginia
- November 3**  
Air Pollution Control Board, State  
Asbestos, Lead, and Home Inspectors, Board for
- November 4**  
Medical Assistance Services, Department of  
- Drug Utilization Review Board  
Counseling, Board of
- November 5**  
Art and Architectural Review Board  
Counseling, Board of  
Dentistry, Board of
- November 8**  
Hearing Aid Specialists, Board for
- November 9**  
Real Estate Appraiser Board
- November 11**  
Audiology and Speech-Language Pathology, Board of  
Medical Assistance Services, Department of  
- Pharmacy Liaison Committee
- November 12**  
Dentistry, Board of
- November 15**  
Jamestown-Yorktown Foundation  
Library Board, State  
Nursing, Board of  
Old Dominion University  
Professional and Occupational Regulation, Board for
- November 16**  
Community Colleges, State Board for  
Jamestown-Yorktown Foundation  
Mental Health, Mental Retardation and Substance Abuse  
Services, Department of  
Nursing, Board of  
Retirement System, Virginia
- November 17**  
† Air Pollution Control Board, State  
Code Commission, Virginia  
Community Colleges, State Board for  
Education, Board of  
Medical Assistance Services, Department of  
- Medicaid Transportation Advisory Committee  
Nursing, Board of  
Retirement System, Virginia  
† Waste Management Board, Virginia  
† Water Control Board, State
- November 18**  
† Air Pollution Control Board, State  
Community Colleges, State Board for  
Design-Build/Construction Management Review Board  
Nursing, Board of  
† Waste Management Board, Virginia  
† Water Control Board, State
- November 19**  
Dentistry, Board of  
Medicine, Board of
- November 24**  
Retirement System, Virginia
- December 1**  
† Jamestown-Yorktown Foundation  
† Technology and Science, Joint Commission on
- December 2**  
† Freedom of Information Advisory Council, Virginia  
† Nursing, Board of  
† Water Control Board, State
- December 3**  
† Art and Architectural Review Board  
† Dentistry, Board of
- December 15**  
Code Commission, Virginia

## PUBLIC HEARINGS

### September 9

Air Pollution Control Board, State  
Criminal Justice Services Board  
Juvenile Justice, State Board of

### September 13

† Housing and Community Development, Board of

### September 21

Nursing and Medicine, Joint Boards of

### September 22

Education, Board of

### September 23

Air Pollution Board, State  
Geology, Board for

### September 24

Opticians, Board for

### September 27

Alcoholic Beverage Control Board

### October 6

Fair Housing Board

### October 7

Veterinary Medicine, Board of

### October 14

Pesticide Control Board

### December 9

† Criminal Justice Services Board

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# Calendar of Events

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