



# Virginia Register of Regulations

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# THE VIRGINIA REGISTER INFORMATION PAGE

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**THE VIRGINIA REGISTER OF REGULATIONS** is an official state publication issued every other week throughout the year. Indexes are published quarterly, and are cumulative for the year. The *Virginia Register* has several functions. The new and amended sections of regulations, both as proposed and as finally adopted, are required by law to be published in the *Virginia Register*. In addition, the *Virginia Register* is a source of other information about state government, including petitions for rulemaking, emergency regulations, executive orders issued by the Governor, the Virginia Tax Bulletin issued periodically by the Department of Taxation, and notices of public hearings and open meetings of state agencies.

## **ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS**

An agency wishing to adopt, amend, or repeal regulations must first publish in the *Virginia Register* a notice of intended regulatory action; a basis, purpose, substance and issues statement; an economic impact analysis prepared by the Department of Planning and Budget; the agency's response to the economic impact analysis; a summary; a notice giving the public an opportunity to comment on the proposal; and the text of the proposed regulation.

Following publication of the proposal in the *Virginia Register*, the promulgating agency receives public comments for a minimum of 60 days. The Governor reviews the proposed regulation to determine if it is necessary to protect the public health, safety and welfare, and if it is clearly written and easily understandable. If the Governor chooses to comment on the proposed regulation, his comments must be transmitted to the agency and the Registrar no later than 15 days following the completion of the 60-day public comment period. The Governor's comments, if any, will be published in the *Virginia Register*. Not less than 15 days following the completion of the 60-day public comment period, the agency may adopt the proposed regulation.

The Joint Commission of Administrative Rules (JCAR) or the appropriate standing committee of each house of the General Assembly may meet during the promulgation or final adoption process and file an objection with the Registrar and the promulgating agency. The objection will be published in the *Virginia Register*. Within 21 days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative body, and the Governor.

When final action is taken, the agency again publishes the text of the regulation as adopted, highlighting all changes made to the proposed regulation and explaining any substantial changes made since publication of the proposal. A 30-day final adoption period begins upon final publication in the *Virginia Register*.

The Governor may review the final regulation during this time and, if he objects, forward his objection to the Registrar and the agency. In addition to or in lieu of filing a formal objection, the Governor may suspend the effective date of a portion or all of a regulation until the end of the next regular General Assembly session by issuing a directive signed by a majority of the members of the appropriate legislative body and the Governor. The Governor's objection or suspension of the regulation, or both, will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation have substantial impact, he may require the agency to provide an additional 30-day public comment period on the changes. Notice of the additional public comment period required by the Governor will be published in the *Virginia Register*.

The agency shall suspend the regulatory process for 30 days when it receives requests from 25 or more individuals to solicit additional public comment, unless the agency determines that the changes have minor or inconsequential impact.

A regulation becomes effective at the conclusion of the 30-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date

specified, which shall be after the expiration of the 21-day objection period; (ii) the Governor exercises his authority to require the agency to provide for additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the period for which the Governor has provided for additional public comment; (iii) the Governor and the General Assembly exercise their authority to suspend the effective date of a regulation until the end of the next regular legislative session; or (iv) the agency suspends the regulatory process, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 30-day public comment period and no earlier than 15 days from publication of the readopted action.

Proposed regulatory action may be withdrawn by the promulgating agency at any time before the regulation becomes final.

## **FAST-TRACK RULEMAKING PROCESS**

Section 2.2-4012.1 of the Code of Virginia provides an exemption from certain provisions of the Administrative Process Act for agency regulations deemed by the Governor to be noncontroversial. To use this process, Governor's concurrence is required and advance notice must be provided to certain legislative committees. Fast-track regulations will become effective on the date noted in the regulatory action if no objections to using the process are filed in accordance with § 2.2-4012.1.

## **EMERGENCY REGULATIONS**

If an agency demonstrates that (i) there is an immediate threat to the public's health or safety; or (ii) Virginia statutory law, the appropriation act, federal law, or federal regulation requires a regulation to take effect no later than (a) 280 days from the enactment in the case of Virginia or federal law or the appropriation act, or (b) 280 days from the effective date of a federal regulation, it then requests the Governor's approval to adopt an emergency regulation. The emergency regulation becomes operative upon its adoption and filing with the Registrar of Regulations, unless a later date is specified. Emergency regulations are limited to addressing specifically defined situations and may not exceed 12 months in duration. Emergency regulations are published as soon as possible in the *Register*.

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures. To begin promulgating the replacement regulation, the agency must (i) file the Notice of Intended Regulatory Action with the Registrar within 60 days of the effective date of the emergency regulation and (ii) file the proposed regulation with the Registrar within 180 days of the effective date of the emergency regulation. If the agency chooses not to adopt the regulations, the emergency status ends when the prescribed time limit expires.

## **STATEMENT**

The foregoing constitutes a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia be examined carefully.

## **CITATION TO THE VIRGINIA REGISTER**

The *Virginia Register* is cited by volume, issue, page number, and date. **23:7 VA.R. 1023-1140 December 11, 2006**, refers to Volume 23, Issue 7, pages 1023 through 1140 of the *Virginia Register* issued on December 11, 2006.

*The Virginia Register of Regulations* is published pursuant to Article 6 (§ 2.2-4031 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia.

Members of the Virginia Code Commission: **R. Steven Landes**, Chairman; **John S. Edwards**, Vice Chairman; **Ryan T. McDougle**; **Robert Hurt**; **Robert L. Calhoun**; **Frank S. Ferguson**; **E.M. Miller, Jr.**; **Thomas M. Moncure, Jr.**; **James F. Almand**; **S. Bernard Goodwyn**.

Staff of the Virginia Register: **Jane D. Chaffin**, Registrar of Regulations; **June T. Chandler**, Assistant Registrar.

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# PUBLICATION SCHEDULE AND DEADLINES

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This schedule is available on the *Register's* Internet home page (<http://register.state.va.us>).

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## May 2007 through March 2008

<u>Volume: Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
23:18	April 25, 2007	May 14, 2007
23:19	May 9, 2007	May 28, 2007
23:20	May 23, 2007	June 11, 2007
<b>INDEX 3 Volume 23</b>		<b>July 2007</b>
23:21	June 6, 2007	June 25, 2007
23:22	June 20, 2007	July 9, 2007
23:23	July 2, 2007 ( <b>Monday</b> )	July 23, 2007
23:24	July 18, 2007	August 6, 2007
23:25	August 1, 2007	August 20, 2007
23:26	August 15, 2007	September 3, 2007
<b>FINAL INDEX - Volume 23</b>		<b>October 2007</b>
24:1	August 29, 2007	September 17, 2007
24:2	September 12, 2007	October 1, 2007
24:3	September 26, 2007	October 15, 2007
24:4	October 10, 2007	October 29, 2007
24:5	October 24, 2007	November 12, 2007
24:6	November 7, 2007	November 26, 2007
24:7	November 20, 2007 ( <b>Tuesday</b> )	December 10, 2007
<b>INDEX 1 Volume 24</b>		<b>January 2008</b>
24:8	December 5, 2007	December 24, 2008
24:9	December 19, 2007	January 7, 2008
24:10	January 2, 2008	January 21, 2008
24:11	January 16, 2008	February 4, 2008
24:12	January 30, 2008	February 18, 2008
24:13	February 13, 2008	March 3, 2008
24:14	February 27, 2008	March 17, 2008

\*Filing deadlines are Wednesdays unless otherwise specified.

# 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 2007 VAC Supplement includes final regulations published through *Virginia Register* Volume 23, Issue 9, dated January 8, 2007). 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 2. Agriculture</b>			
2 VAC 5-195 (Form)	Added	23:15 VA.R. 2512	--
<b>Title 3. Alcoholic Beverages</b>			
3 VAC 5-10-40	Amended	23:13 VA.R. 2117	5/19/07
3 VAC 5-10-50	Amended	23:13 VA.R. 2117	5/19/07
3 VAC 5-10-60	Amended	23:13 VA.R. 2117	5/19/07
3 VAC 5-10-130	Amended	23:13 VA.R. 2117	5/19/07
3 VAC 5-10-150	Amended	23:13 VA.R. 2117	5/19/07
3 VAC 5-10-230	Amended	23:13 VA.R. 2118	5/19/07
3 VAC 5-10-360	Amended	23:13 VA.R. 2118	5/19/07
3 VAC 5-10-400	Amended	23:13 VA.R. 2118	5/19/07
3 VAC 5-10-480	Amended	23:13 VA.R. 2129	5/19/07
3 VAC 5-40-20	Amended	23:13 VA.R. 2133	5/19/07
3 VAC 5-40-50	Amended	23:13 VA.R. 2134	5/19/07
3 VAC 5-60-20	Amended	23:13 VA.R. 2137	5/19/07
3 VAC 5-60-40	Amended	23:13 VA.R. 2138	5/19/07
3 VAC 5-60-80	Amended	23:13 VA.R. 2138	5/19/07
3 VAC 5-60-100	Added	23:13 VA.R. 2139	5/19/07
3 VAC 5-70-100	Amended	23:13 VA.R. 2142	5/19/07
3 VAC 5-70-150	Amended	23:13 VA.R. 2143	5/19/07
3 VAC 5-70-160	Amended	23:13 VA.R. 2143	5/19/07
3 VAC 5-70-230	Added	23:13 VA.R. 2143	5/19/07
<b>Title 4. Conservation and Natural Resources</b>			
4 VAC 20-70-100	Amended	23:12 VA.R. 1958	2/1/07
4 VAC 20-200-10	Amended	23:11 VA.R. 1659	2/1/07
4 VAC 20-200-20	Amended	23:11 VA.R. 1659	2/1/07
4 VAC 20-200-30	Amended	23:11 VA.R. 1659	2/1/07
4 VAC 20-200-40	Amended	23:11 VA.R. 1660	2/1/07
4 VAC 20-200-50	Amended	23:11 VA.R. 1660	2/1/07
4 VAC 20-270-30 emer	Amended	23:14 VA.R. 2276	3/1/07-3/30/07
4 VAC 20-270-30	Amended	23:17 VA.R. 2737	3/30/07
4 VAC 20-270-40 emer	Amended	23:14 VA.R. 2276	3/1/07-3/30/07
4 VAC 20-270-40	Amended	23:17 VA.R. 2737	3/30/07
4 VAC 20-300-20 emer	Amended	23:14 VA.R. 2277	3/1/07-3/30/07
4 VAC 20-300-20	Amended	23:17 VA.R. 2738	3/30/07
4 VAC 20-310-55	Added	23:15 VA.R. 2481	3/1/07
4 VAC 20-430-20	Amended	23:17 VA.R. 2738	3/30/07
4 VAC 20-430-45	Added	23:17 VA.R. 2738	3/30/07
4 VAC 20-450-30	Amended	23:17 VA.R. 2739	3/30/07
4 VAC 20-490-42	Amended	23:10 VA.R. 1540	12/21/06

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 20-510-10	Amended	23:12 VA.R. 1958	2/1/07
4 VAC 20-510-20	Amended	23:12 VA.R. 1958	2/1/07
4 VAC 20-510-33	Added	23:12 VA.R. 1959	2/1/07
4 VAC 20-510-35	Added	23:12 VA.R. 1959	2/1/07
4 VAC 20-510-37	Added	23:12 VA.R. 1959	2/1/07
4 VAC 20-530-10 emer	Amended	23:12 VA.R. 1959	2/1/07-3/1/07
4 VAC 20-530-20 emer	Amended	23:12 VA.R. 1959	2/1/07-3/1/07
4 VAC 20-530-31 emer	Amended	23:12 VA.R. 1960	2/1/07-3/1/07
4 VAC 20-530-31	Added	23:13 VA.R. 2144	2/1/07-3/1/07
4 VAC 20-530-31	Amended	23:15 VA.R. 2482	3/1/07
4 VAC 20-530-32 emer	Amended	23:12 VA.R. 1960	2/1/07-3/1/07
4 VAC 20-530-32	Added	23:13 VA.R. 2145	2/1/07-3/1/07
4 VAC 20-530-32	Amended	23:15 VA.R. 2482	3/1/07
4 VAC 20-610-30	Amended	23:11 VA.R. 1660	2/1/07
4 VAC 20-610-60	Amended	23:11 VA.R. 1662	2/1/07
4 VAC 20-620-50	Amended	23:15 VA.R. 2483	3/1/07
4 VAC 20-620-60	Amended	23:15 VA.R. 2483	3/1/07
4 VAC 20-620-70	Amended	23:15 VA.R. 2483	3/1/07
4 VAC 20-670-15	Added	23:17 VA.R. 2739	3/30/07
4 VAC 20-670-30	Amended	23:17 VA.R. 2739	3/30/07
4 VAC 20-720-40 emer	Amended	23:10 VA.R. 1540	1/1/07-1/30/07
4 VAC 20-720-50 emer	Amended	23:10 VA.R. 1541	1/1/07-1/30/07
4 VAC 20-950-40 emer	Amended	23:12 VA.R. 1961	2/1/07-3/1/07
4 VAC 20-950-40	Amended	23:15 VA.R. 2484	3/1/07
4 VAC 20-950-47 emer	Amended	23:12 VA.R. 1961	2/1/07-3/1/07
4 VAC 20-950-47	Amended	23:15 VA.R. 2484	3/1/07
4 VAC 20-950-47	Amended	23:17 VA.R. 2740	3/30/07
4 VAC 20-950-48.2 emer	Amended	23:12 VA.R. 1961	2/1/07-3/1/07
4 VAC 20-950-48.2	Amended	23:15 VA.R. 2484	3/1/07
4 VAC 20-950-48	Amended	23:17 VA.R. 2740	3/30/07
4 VAC 20-1090-30	Amended	23:11 VA.R. 1663	2/1/07
4 VAC 25-20-420	Amended	23:13 VA.R. 2146	4/4/07
4 VAC 25-130-700.12	Amended	23:13 VA.R. 2146	4/4/07
4 VAC 25-130-773.21	Amended	23:13 VA.R. 2147	4/4/07
4 VAC 25-130-775.11	Amended	23:13 VA.R. 2147	4/4/07
4 VAC 25-130-775.13	Amended	23:13 VA.R. 2148	4/4/07
4 VAC 25-130-784.20	Amended	23:13 VA.R. 2148	4/4/07
4 VAC 25-130-785.25	Amended	23:16 VA.R. 2592	5/16/07
4 VAC 25-130-800.51	Amended	23:13 VA.R. 2149	4/4/07
4 VAC 25-130-816.105	Amended	23:13 VA.R. 2150	4/4/07
4 VAC 25-130-816.116	Amended	23:16 VA.R. 2592	5/16/07
4 VAC 25-130-817.11	Amended	23:13 VA.R. 2150	4/4/07
4 VAC 25-130-817.64	Amended	23:13 VA.R. 2151	4/4/07
4 VAC 25-140-817.116	Amended	23:16 VA.R. 2594	5/16/07
4 VAC 25-130-817.121	Amended	23:13 VA.R. 2151	4/4/07
4 VAC 25-130-842.15	Amended	23:13 VA.R. 2153	4/4/07
4 VAC 25-130-843.12	Amended	23:13 VA.R. 2153	4/4/07
4 VAC 25-130-843.13	Amended	23:13 VA.R. 2154	4/4/07
4 VAC 25-130-843.15	Amended	23:13 VA.R. 2155	4/4/07
4 VAC 25-130-843.16	Amended	23:13 VA.R. 2156	4/4/07
4 VAC 25-130-845.13	Amended	23:13 VA.R. 2156	4/4/07

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 25-130-845.15	Amended	23:13 VA.R. 2158	4/4/07
4 VAC 25-130-845.18	Amended	23:13 VA.R. 2158	4/4/07
4 VAC 25-130-845.19	Amended	23:13 VA.R. 2159	4/4/07
4 VAC 25-130-846.14	Amended	23:13 VA.R. 2159	4/4/07
<b>Title 8. Education</b>			
8 VAC 20-350-10 through 8 VAC 20-350-660	Repealed	23:12 VA.R. 1962	5/8/07
8 VAC 20-700-10 through 8 VAC 20-700-50	Added	23:10 VA.R. 1541-1543	2/21/07
8 VAC 20-710-10 through 8 VAC 20-710-30	Added	23:10 VA.R. 1543-1544	2/21/07
<b>Title 9. Environment</b>			
9 VAC 5-50-400	Amended	23:17 VA.R. 2742	6/1/07
9 VAC 5-50-410	Amended	23:17 VA.R. 2742	6/1/07
9 VAC 5-60-60	Amended	23:17 VA.R. 2747	6/1/07
9 VAC 5-60-90	Amended	23:17 VA.R. 2748	6/1/07
9 VAC 5-60-100	Amended	23:17 VA.R. 2748	6/1/07
9 VAC 5-140-1010 through 9 VAC 5-140-1080	Added	23:14 VA.R. 2279-2292	4/18/07
9 VAC 5-140-1100 through 9 VAC 5-140-1150	Added	23:14 VA.R. 2292-2295	4/18/07
9 VAC 5-140-1200 through 9 VAC 5-140-1240	Added	23:14 VA.R. 2295-2296	4/18/07
9 VAC 5-140-1400 through 9 VAC 5-140-1430	Added	23:14 VA.R. 2296-2302	4/18/07
9 VAC 5-140-1500 through 9 VAC 5-140-1570	Added	23:14 VA.R. 2302-2306	4/18/07
9 VAC 5-140-1600 through 9 VAC 5-140-1620	Added	23:14 VA.R. 2307	4/18/07
9 VAC 5-140-1700 through 9 VAC 5-140-1750	Added	23:14 VA.R. 2307-2312	4/18/07
9 VAC 5-140-1800 through 9 VAC 5-140-1880	Added	23:14 VA.R. 2312-2317	4/18/07
9 VAC 5-140-2010 through 9 VAC 5-140-2080	Added	23:14 VA.R. 2317-2333	4/18/07
9 VAC 5-140-2100 through 9 VAC 5-140-2150	Added	23:14 VA.R. 2333-2336	4/18/07
9 VAC 5-140-2200 through 9 VAC 5-140-2240	Added	23:14 VA.R. 2336-2337	4/18/07
9 VAC 5-140-2400 through 9 VAC 5-140-2430	Added	23:14 VA.R. 2337-2342	4/18/07
9 VAC 5-140-2500 through 9 VAC 5-140-2570	Added	23:14 VA.R. 2342-2347	4/18/07
9 VAC 5-140-2600 through 9 VAC 5-140-2620	Added	23:14 VA.R. 2347	4/18/07
9 VAC 5-140-2700 through 9 VAC 5-140-2750	Added	23:14 VA.R. 2347-2353	4/18/07
9 VAC 5-140-2800 through 9 VAC 5-140-2880	Added	23:14 VA.R. 2353-2359	4/18/07
9 VAC 5-140-3010 through 9 VAC 5-140-3080	Added	23:14 VA.R. 2359-2371	4/18/07
9 VAC 5-140-3100 through 9 VAC 5-140-3150	Added	23:14 VA.R. 2371-2374	4/18/07
9 VAC 5-140-3200 through 9 VAC 5-140-3240	Added	23:14 VA.R. 2374-2375	4/18/07
9 VAC 5-140-3400 through 9 VAC 5-140-3420	Added	23:14 VA.R. 2375	4/18/07
9 VAC 5-140-3500 through 9 VAC 5-140-3570	Added	23:14 VA.R. 2375-2380	4/18/07
9 VAC 5-140-3600 through 9 VAC 5-140-3620	Added	23:14 VA.R. 2380-2381	4/18/07
9 VAC 5-140-3700 through 9 VAC 5-140-3750	Added	23:14 VA.R. 2381-2386	4/18/07
9 VAC 5-140-3800 through 9 VAC 5-140-3880	Added	23:14 VA.R. 2386-2391	4/18/07
9 VAC 5-140-5010 through 9 VAC 5-140-5750	Added	23:13 VA.R. 2160-2186	4/4/07
9 VAC 5-140-1020	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-1061	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-1062	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-1130	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-1420	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-1700	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-1740	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-2020	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-2030	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-2040	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-2060	Erratum	23:16 VA.R. 2673	--

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 5-140-2062	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-2740	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-3062	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-3840	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-5020	Erratum	23:16 VA.R. 2672	--
9 VAC 5-140-5060	Erratum	23:16 VA.R. 2672	--
9 VAC 5-140-5100	Erratum	23:16 VA.R. 2672	--
9 VAC 5-140-5150	Erratum	23:16 VA.R. 2672	--
9 VAC 5-140-5420	Erratum	23:16 VA.R. 2672	--
9 VAC 5-140-5510	Erratum	23:16 VA.R. 2672	--
9 VAC 5-140-5540	Erratum	23:16 VA.R. 2672	--
9 VAC 5-140-5560	Erratum	23:16 VA.R. 2672	--
9 VAC 5-140-5600	Erratum	23:16 VA.R. 2672	--
9 VAC 5-151-10 through 9 VAC 5-151-70	Added	23:17 VA.R. 2755-2764	5/31/07
9 VAC 5-240-10 through 9 VAC 5-240-50	Added	23:16 VA.R. 2595-2596	5/16/07
9 VAC 20-110-90	Amended	23:11 VA.R. 1665	3/21/07
9 VAC 20-110-110	Amended	23:11 VA.R. 1665	3/21/07
9 VAC 20-200-10 through 9 VAC 20-200-70	Added	23:11 VA.R. 1666-1667	3/21/07
9 VAC 25-71-20	Amended	23:15 VA.R. 2485	5/2/07
9 VAC 25-71-50	Amended	23:15 VA.R. 2485	5/2/07
9 VAC 25-71-70	Amended	23:15 VA.R. 2485	5/2/07
9 VAC 25-720-50	Amended	23:11 VA.R. 1669	3/21/07
9 VAC 25-720-50	Amended	23:15 VA.R. 2486	5/2/07
9 VAC 25-720-60	Amended	23:12 VA.R. 1966	5/21/07
9 VAC 25-720-80	Amended	23:11 VA.R. 1670	3/21/07
9 VAC 25-720-90	Amended	23:11 VA.R. 1671	3/21/07
9 VAC 25-720-100	Amended	23:11 VA.R. 1671	3/21/07
9 VAC 25-720-130	Amended	23:15 VA.R. 2487	5/2/07
<b>Title 10. Finance and Financial Institutions</b>			
10 VAC 5-160-40	Amended	23:13 VA.R. 2187	2/10/07
<b>Title 11. Gaming</b>			
11 VAC 10-130-10	Amended	23:11 VA.R. 1672	1/10/07
11 VAC 10-130-60	Amended	23:11 VA.R. 1673	1/10/07
<b>Title 12. Health</b>			
12 VAC 5-70-10 through 12 VAC 5-70-50	Repealed	23:13 VA.R. 2187	4/4/07
12 VAC 5-71-10 through 12 VAC 5-71-190	Added	23:13 VA.R. 2188-2195	4/4/07
12 VAC 5-90 (Forms)	Erratum	23:15 VA.R. 2507-2509	--
12 VAC 5-90-10	Amended	23:15 VA.R. 2488	5/2/07
12 VAC 5-90-40	Amended	23:15 VA.R. 2493	5/2/07
12 VAC 5-90-80	Amended	23:15 VA.R. 2493	5/2/07
12 VAC 5-90-90	Amended	23:15 VA.R. 2497	5/2/07
12 VAC 5-90-100	Amended	23:15 VA.R. 2500	5/2/07
12 VAC 5-90-103	Added	23:15 VA.R. 2500	5/2/07
12 VAC 5-90-107	Added	23:15 VA.R. 2502	5/2/07
12 VAC 5-90-110	Amended	23:15 VA.R. 2503	5/2/07
12 VAC 5-90-130	Amended	23:15 VA.R. 2504	5/2/07
12 VAC 5-90-225	Amended	23:15 VA.R. 2504	5/2/07
12 VAC 5-90-250 through 12 VAC 5-90-280	Amended	23:15 VA.R. 2505-2506	5/2/07
12 VAC 5-90-330	Amended	23:15 VA.R. 2506	5/2/07
12 VAC 5-90-350	Amended	23:15 VA.R. 2507	5/2/07
12 VAC 5-90-360	Amended	23:15 VA.R. 2507	5/2/07

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 5-371-10	Amended	23:10 VA.R. 1544	3/1/07
12 VAC 5-371-20	Repealed	23:10 VA.R. 1546	3/1/07
12 VAC 5-371-30	Amended	23:10 VA.R. 1547	3/1/07
12 VAC 5-371-40	Amended	23:10 VA.R. 1547	3/1/07
12 VAC 5-371-50	Repealed	23:10 VA.R. 1548	3/1/07
12 VAC 5-371-60	Amended	23:10 VA.R. 1548	3/1/07
12 VAC 5-371-70 through 12 VAC 5-371-130	Amended	23:10 VA.R. 1548-1551	3/1/07
12 VAC 5-371-150	Amended	23:10 VA.R. 1551	3/1/07
12 VAC 5-371-160	Amended	23:10 VA.R. 1551	3/1/07
12 VAC 5-371-190	Amended	23:10 VA.R. 1551	3/1/07
12 VAC 5-371-200	Amended	23:10 VA.R. 1552	3/1/07
12 VAC 5-371-400	Amended	23:10 VA.R. 1552	3/1/07
12 VAC 5-371-410	Amended	23:10 VA.R. 1552	3/1/07
12 VAC 5-410-10	Amended	23:10 VA.R. 1554	3/1/07
12 VAC 5-410-30	Amended	23:10 VA.R. 1555	3/1/07
12 VAC 5-410-70	Amended	23:10 VA.R. 1555	3/1/07
12 VAC 5-410-80	Amended	23:10 VA.R. 1555	3/1/07
12 VAC 5-410-100	Amended	23:10 VA.R. 1555	3/1/07
12 VAC 5-410-110	Amended	23:10 VA.R. 1555	3/1/07
12 VAC 5-410-130	Amended	23:10 VA.R. 1555	3/1/07
12 VAC 5-410-140	Amended	23:10 VA.R. 1555	3/1/07
12 VAC 5-410-150	Amended	23:10 VA.R. 1556	3/1/07
12 VAC 5-410-180	Amended	23:10 VA.R. 1556	3/1/07
12 VAC 5-410-210	Amended	23:10 VA.R. 1556	3/1/07
12 VAC 5-410-220	Amended	23:10 VA.R. 1557	3/1/07
12 VAC 5-410-270	Amended	23:10 VA.R. 1558	3/1/07
12 VAC 5-410-442	Amended	23:10 VA.R. 1558	3/1/07
12 VAC 5-410-445	Amended	23:10 VA.R. 1559	3/1/07
12 VAC 5-410-650	Amended	23:10 VA.R. 1560	3/1/07
12 VAC 5-410-720	Amended	23:10 VA.R. 1560	3/1/07
12 VAC 5-410-760	Amended	23:10 VA.R. 1560	3/1/07
12 VAC 5-410-1150	Amended	23:10 VA.R. 1560	3/1/07
12 VAC 5-410-1170	Amended	23:10 VA.R. 1561	3/1/07
12 VAC 5-410-1350	Amended	23:10 VA.R. 1561	3/1/07
12 VAC 5-410-1380	Amended	23:10 VA.R. 1561	3/1/07
12 VAC 30-10-140	Amended	23:16 VA.R. 2653	7/1/07
12 VAC 30-10-560	Amended	23:14 VA.R. 2396	9/1/07
12 VAC 30-20-140	Amended	23:14 VA.R. 2397	9/1/07
12 VAC 30-30-60	Added	23:11 VA.R. 1673	3/7/07
12 VAC 30-40-10	Amended	23:11 VA.R. 1674	3/7/07
12 VAC 30-40-290	Amended	23:14 VA.R. 2398	9/1/07
12 VAC 30-50-20	Amended	23:16 VA.R. 2654	7/1/07
12 VAC 30-50-35	Added	23:11 VA.R. 1675	3/7/07
12 VAC 30-50-60	Amended	23:16 VA.R. 2654	7/1/07
12 VAC 30-50-75	Added	23:11 VA.R. 1676	3/7/07
12 VAC 30-50-320	Amended	23:16 VA.R. 2654	7/1/07
12 VAC 30-50-321	Added	23:16 VA.R. 2655	7/1/07
12 VAC 30-50-325	Added	23:16 VA.R. 2655	7/1/07
12 VAC 30-50-328	Added	23:16 VA.R. 2655	7/1/07
12 VAC 30-50-530	Amended	23:11 VA.R. 1676	3/7/07



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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-90-264	Amended	23:14 VA.R. 2400	4/18/07
12 VAC 30-120-61	Amended	23:16 VA.R. 2655	7/1/07
12 VAC 30-120-62	Amended	23:16 VA.R. 2657	7/1/07
12 VAC 30-120-64	Amended	23:16 VA.R. 2659	7/1/07
12 VAC 30-120-65	Amended	23:16 VA.R. 2660	7/1/07
12 VAC 30-120-66	Amended	23:16 VA.R. 2660	7/1/07
12 VAC 30-120-68	Amended	23:16 VA.R. 2661	7/1/07
12 VAC 30-130-900	Amended	23:12 VA.R. 1967	3/21/07
12 VAC 30-130-910	Amended	23:12 VA.R. 1968	3/21/07
12 VAC 30-130-930	Amended	23:12 VA.R. 1968	3/21/07
12 VAC 35-45-10	Amended	23:10 VA.R. 1562	2/21/07
12 VAC 35-45-25	Added	23:10 VA.R. 1565	2/21/07
12 VAC 35-45-70	Amended	23:10 VA.R. 1564	2/21/07
12 VAC 35-45-80	Amended	23:10 VA.R. 1564	2/21/07
12 VAC 35-45-210	Added	23:10 VA.R. 1564	2/21/07
12 VAC 35-105-20	Amended	23:10 VA.R. 1567	2/21/07
12 VAC 35-105-30	Amended	23:10 VA.R. 1575	2/21/07
12 VAC 35-105-115 emer	Added	23:10 VA.R. 1566	1/3/07-1/2/08
12 VAC 35-105-590	Amended	23:10 VA.R. 1575	2/21/07
12 VAC 35-105-660	Amended	23:10 VA.R. 1576	2/21/07
<b>Title 13. Housing</b>			
13 VAC 5-111-10 through 13 VAC 5-111-400	Repealed	23:12 VA.R. 1971	3/21/07
13 VAC 5-112-10 through 13 VAC 5-112-560	Added	23:12 VA.R. 1971-1994	3/21/07
<b>Title 14. Insurance</b>			
14 VAC 5-200-20	Repealed	23:17 VA.R. 2766	9/1/07
14 VAC 5-200-30 through 14 VAC 5-200-60	Amended	23:17 VA.R. 2766-2770	9/1/07
14 VAC 5-200-70 through 14 VAC 5-200-90	Amended	23:17 VA.R. 2770-2774	9/1/07
14 VAC 5-200-110	Amended	23:17 VA.R. 2774	9/1/07
14 VAC 5-200-120	Amended	23:17 VA.R. 2777	9/1/07
14 VAC 5-200-153	Amended	23:17 VA.R. 2777	9/1/07
14 VAC 5-200-170	Amended	23:17 VA.R. 2780	9/1/07
14 VAC 5-200-175	Amended	23:17 VA.R. 2781	9/1/07
14 VAC 5-200-181	Added	23:17 VA.R. 2782	9/1/07
14 VAC 5-200-183	Added	23:17 VA.R. 2782	9/1/07
14 VAC 5-200-185	Amended	23:17 VA.R. 2783	9/1/07
14 VAC 5-200-187	Amended	23:17 VA.R. 2785	9/1/07
14 VAC 5-200-200	Amended	23:17 VA.R. 2786	9/1/07
14 VAC 5-200-201	Added	23:17 VA.R. 2788	9/1/07
14 VAC 5-200-205	Added	23:17 VA.R. 2788	9/1/07
14 VAC 5-321-10	Amended	23:10 VA.R. 1577	1/1/07
14 VAC 5-321-20	Amended	23:10 VA.R. 1577	1/1/07
14 VAC 5-321-30	Amended	23:10 VA.R. 1578	1/1/07
14 VAC 5-321-70	Added	23:10 VA.R. 1578	1/1/07
14 VAC 5-322-10 through 14 VAC 5-322-50	Added	23:10 VA.R. 1579-1581	1/1/07
<b>Title 16. Labor and Employment</b>			
16 VAC 25-55-10 and 16 VAC 25-55-20	Added	23:12 VA.R. 1995-1996	3/22/07
16 VAC 25-90-1910.134	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1000	Amended	23:12 VA.R. 1996	3/21/07
16 VAC 25-90-1910.1001	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1017	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1018	Amended	23:12 VA.R. 1997	3/21/07

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
16 VAC 25-90-1910.1025	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1027	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1028	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1029	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1043	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1044	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1045	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1047	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1048	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1050	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1052	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-100-1915.5	Amended	23:12 VA.R. 1998	3/21/07
16 VAC 25-100-1915.505	Amended	23:12 VA.R. 1998	3/21/07
16 VAC 25-100-1915.507	Amended	23:12 VA.R. 1998	3/21/07
16 VAC 25-100-1915.1000	Amended	23:12 VA.R. 1996	3/21/07
16 VAC 25-100-1915.1001	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-175-1926.55	Added	23:12 VA.R. 1996	3/21/07
16 VAC 25-175-1926.60	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-175-1926.62	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-175-1926.1002, Appendix A of Subpart W	Amended	23:12 VA.R. 1999	3/21/07
16 VAC 25-175-1926.1101	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-175-1926.1127	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-190-1928.52	Amended	23:12 VA.R. 1999	3/21/07
16 VAC 25-190-1928.53, Appendix B to Subpart C	Amended	23:12 VA.R. 1999	3/21/07
<b>Title 18. Professional and Occupational Licensing</b>			
18 VAC 5-10-10 through 18 VAC 5-10-90	Amended	23:11 VA.R. 1678-1680	4/23/07
18 VAC 15-20 (Forms)	Added	23:15 VA.R. 2514	--
18 VAC 15-30 (Forms)	Amended	23:15 VA.R. 2514	--
18 VAC 41-60-10 through 18 VAC 41-60-220	Added	23:12 VA.R. 2000-2009	4/1/07
18 VAC 50-30-10 through 18 VAC 50-30-50	Amended	23:12 VA.R. 2020-2025	4/1/07
18 VAC 50-30-60	Repealed	23:12 VA.R. 2025	4/1/07
18 VAC 50-30-70	Amended	23:12 VA.R. 2025	4/1/07
18 VAC 50-30-80	Repealed	23:12 VA.R. 2025	4/1/07
18 VAC 50-30-90 through 18 VAC 50-30-150	Amended	23:12 VA.R. 2026-2028	4/1/07
18 VAC 50-30-180	Repealed	23:12 VA.R. 2028	4/1/07
18 VAC 50-30-185	Added	23:12 VA.R. 2028	4/1/07
18 VAC 50-30-190	Amended	23:12 VA.R. 2028	4/1/07
18 VAC 50-30-200	Amended	23:12 VA.R. 2029	4/1/07
18 VAC 50-30-210 through 18 VAC 50-30-260	Added	23:12 VA.R. 2030-2031	4/1/07
18 VAC 60-20-180	Amended	23:15 VA.R. 2510	5/2/07
18 VAC 65-40-10	Amended	23:12 VA.R. 2031	3/21/07
18 VAC 65-40-40	Amended	23:12 VA.R. 2031	3/21/07
18 VAC 65-40-90	Amended	23:12 VA.R. 2032	3/21/07
18 VAC 65-40-110	Amended	23:12 VA.R. 2032	3/21/07
18 VAC 65-40-130	Amended	23:12 VA.R. 2032	3/21/07
18 VAC 65-40-160	Repealed	23:12 VA.R. 2032	3/21/07
18 VAC 65-40-220	Amended	23:12 VA.R. 2032	3/21/07
18 VAC 65-40-250	Amended	23:12 VA.R. 2032	3/21/07
18 VAC 65-40-300	Repealed	23:12 VA.R. 2032	3/21/07
18 VAC 65-40-320	Amended	23:12 VA.R. 2033	3/21/07

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 65-40-340	Amended	23:12 VA.R. 2033	3/21/07
18 VAC 85-20-235	Amended	23:11 VA.R. 1692	4/21/07
18 VAC 85-20-290	Amended	23:13 VA.R. 2206	4/4/07
18 VAC 85-101-50	Amended	23:15 VA.R. 2511	5/2/07
18 VAC 85-130-10 through 18 VAC 85-130-170	Added	23:10 VA.R. 1582-1586	2/21/07
18 VAC 90-20-60	Amended	23:12 VA.R. 2033	3/21/07
18 VAC 90-30-120	Amended	23:14 VA.R. 2404	4/18/07
18 VAC 90-30-230	Amended	23:12 VA.R. 2034	3/21/07
18 VAC 90-40-140	Amended	23:12 VA.R. 2034	3/21/07
18 VAC 110-20-285	Amended	23:17 VA.R. 2791	5/30/07
18 VAC 115-20-20	Amended	23:14 VA.R. 2404	4/18/07
18 VAC 115-30-30	Amended	23:14 VA.R. 2405	4/18/07
18 VAC 115-40-20	Amended	23:14 VA.R. 2405	4/18/07
18 VAC 115-50-20	Amended	23:14 VA.R. 2405	4/18/07
18 VAC 115-60-20	Amended	23:14 VA.R. 2406	4/18/07
18 VAC 125-20-30	Amended	23:12 VA.R. 2035	3/21/07
18 VAC 125-30-20	Amended	23:12 VA.R. 2035	3/21/07
<b>Title 19. Public Safety</b>			
19 VAC 30-20-80	Amended	23:10 VA.R. 1587	3/1/07
<b>Title 22. Social Services</b>			
22 VAC 15-10-40	Amended	23:10 VA.R. 1587	3/1/07
22 VAC 15-10-50	Amended	23:10 VA.R. 1587	3/1/07
22 VAC 40-740-10	Amended	23:10 VA.R. 1588	3/1/07
22 VAC 40-740-15	Added	23:10 VA.R. 1591	3/1/07
22 VAC 40-740-20	Repealed	23:10 VA.R. 1592	3/1/07
22 VAC 40-740-21	Added	23:10 VA.R. 1592	3/1/07
22 VAC 40-740-30	Repealed	23:10 VA.R. 1593	3/1/07
22 VAC 40-740-31	Added	23:10 VA.R. 1593	3/1/07
22 VAC 40-740-40	Amended	23:10 VA.R. 1593	3/1/07
22 VAC 40-740-50	Amended	23:10 VA.R. 1594	3/1/07
22 VAC 40-740-60	Amended	23:10 VA.R. 1595	3/1/07
22 VAC 40-740-70	Added	23:10 VA.R. 1596	3/1/07
22 VAC 40-740-80	Added	23:10 VA.R. 1596	3/1/07
<b>Title 24. Transportation and Motor Vehicles</b>			
24 VAC 30-320	Repealed	23:16 VA.R. 2665	3/22/07
24 VAC 30-325-10	Added	23:16 VA.R. 2665	3/22/07
24 VAC 30-325-20	Added	23:16 VA.R. 2666	3/22/07
24 VAC 30-330	Repealed	23:16 VA.R. 2665	3/22/07

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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 22. SOCIAL SERVICES

### DEPARTMENT OF SOCIAL SERVICES

#### † Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the Department of Social Services has WITHDRAWN the Notice of Intended Regulatory Action for **22 VAC 40-305, Cash Assistance for Two-Parent Families**, relating to establishing a separate state program, as that term is defined by federal regulations governing the Temporary Assistance for Needy Families (TANF) Program, 45 CFR 260.30, for the purpose of providing cash assistance payments to two-parent families, which was published in 17:5 VA.R. 683 November 20, 2000.

**Contact:** L. Richard Martin, Jr., Office of Legislative and Regulatory Affairs, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7902, or email richard.martin@dss.virginia.gov.

VA.R. Doc. No. R01-42; Filed April 24, 2007, 8:28 a.m.

Statutory Authority: Chapter 382 of the 2007 Acts of Assembly (§ 33.1-70.3 of the Code of Virginia).

Public comments may be submitted until May 16, 2007.

**Contact:** Nick Donohue, Special Assistant, Office of the Secretary of Transportation, Patrick Henry Bldg., 1111 E. Broad St., 3rd Floor, Richmond, VA 23219, telephone (804) 786-8032, FAX (804) 786-6683 or email nicholas.donohue@drpt.virginia.gov.

VA.R. Doc. No. R07-181; Filed March 28, 2007, 10 a.m.



## TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

### COMMONWEALTH TRANSPORTATION BOARD

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Commonwealth Transportation Board intends to considering repealing regulations entitled **24 VAC 30-91, Subdivision Street Requirements**, and promulgating regulations entitled **24 VAC 30-92, Secondary Street Acceptance Requirements**. The purpose of the proposed action is to develop and promulgate, by regulation, secondary street requirements to determine the conditions and standards that must be met before secondary streets constructed by developers, localities and entities other than the Virginia Department of Transportation (VDOT) will be accepted into the state secondary system for maintenance by VDOT, pursuant to the mandate set by Chapter 382 (SB 1181) of the 2007 Acts of Assembly. The new regulation will replace and supersede the current Subdivision Street Requirements (24 VAC 30-91). The provisions of the Administrative Process Act (§ 2.2-4000 et seq.) do not apply to initial regulations promulgated pursuant to Chapter 382.

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

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# REGULATIONS

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For information concerning the different types of regulations, see the Information Page.

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## Symbol Key

Roman type indicates existing text of regulations. Underscored language indicates proposed new text. Language that has been stricken indicates proposed text for deletion. Brackets are used in final regulations to indicate changes from the proposed regulation.

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## TITLE 5. CORPORATIONS

### STATE CORPORATION COMMISSION

<p><u>REGISTRAR'S NOTICE:</u> 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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#### Proposed Regulation

Title of Regulation: **5 VAC 5-30. Uniform Commercial Code Filing Rules (amending 5 VAC 5-30-10 through 5 VAC 5-30-70).**

Statutory Authority: §§ 8.9A-526 and 12.1-13 of the Code of Virginia.

Public Hearing Date: Upon request -- Public comments may be submitted until June 1, 2007.

Agency Contact: Joel H. Peck, Clerk of the Commission, State Corporation Commission, P.O. Box 2118, Richmond, VA 23218, telephone (804) 371-9834, FAX (804) 371-9133, or email joel.peck@scc.virginia.gov.

#### Summary:

*The proposed amendments modify the fees charged by the State Corporation Commission for providing and certifying copies of Uniform Commercial Code records in order to comport with statutory changes that will take effect on July 1, 2007. The proposed amendments also make various technical revisions to the Uniform Commercial Code Filing Rules.*

AT RICHMOND, APRIL 25, 2007

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. CLK-2007-00003

Ex Parte: In re: Uniform Commercial Code Filing Rules

#### ORDER TO TAKE NOTICE

WHEREAS, § 8.9A-526 of the Code of Virginia authorizes the State Corporation Commission ("Commission") to promulgate rules governing the practices of the Clerk's Office when acting as the filing office for financing statements and

associated records permitted to be filed under Title 8.9A of the Code of Virginia;

WHEREAS, effective July 1, 2001, the Commission adopted rules to implement Title 8.9A of the Code of Virginia, which are set forth at 5 VAC 5-30-10 et seq. ("UCC Filing Rules");

WHEREAS, effective July 1, 2007, Chapter 239 of the 2007 Acts of Assembly amends § 12.1-21.1 of the Code of Virginia, which prescribes the fees charged by the Clerk of the Commission for providing and certifying a copy of a Uniform Commercial Code record; and

WHEREAS, the Clerk of the Commission has proposed corresponding changes to 5 VAC 5-30-40 as well as various other amendments to the UCC Filing Rules;

IT IS THEREFORE ORDERED THAT:

(1) The proposed regulations are appended hereto and made a part of the record herein.

(2) Comments or requests for hearing on the proposed regulations must be submitted in writing to Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, on or before June 1, 2007. Requests for hearing shall state why a hearing is necessary and why the issues cannot be adequately addressed in written comments. All correspondence shall contain a reference to Case No. CLK-2007-00003. Interested persons desiring to submit comments electronically may do so by following the instructions available at the Commission's website: <http://www.scc.virginia.gov/caseinfo.htm>.

(3) The proposed regulations shall be posted on the Commission's website at <http://www.scc.virginia.gov/caseinfo.htm>.

AN ATTESTED COPY hereof, together with a copy of the proposed regulations, shall be sent to the Registrar of Regulations for publication in the Virginia Register.

AN ATTESTED COPY hereof shall be sent to the Manager of the Uniform Commercial Code section of the Clerk's Office, who shall forthwith mail a copy of this Order, together with the proposed regulations, to such interested persons as he may designate.

#### **5 VAC 5-30-10. Scope; severability.**

This chapter governs the filing and handling of records in the Clerk's Office of the State Corporation Commission pursuant to Title 8.9A of the Code of Virginia. Each provision of this regulation chapter is severable from all other provisions.

**5 VAC 5-30-20. Definitions.**

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

"Active record" means a UCC record that has not reached the one-year anniversary of its lapse date.

"Amendment" means a UCC record that amends the information contained in a financing statement. Amendments include (i) assignments and (ii) continuation and termination statements.

"Assignment" means an amendment that assigns all or a part of a secured party's power to authorize an amendment to a financing statement.

"Continuation statement" shall have the meaning prescribed by § 8.9A-102(a)(27) of the Code of Virginia.

"Correction statement" means a UCC record that indicates that a financing statement is inaccurate or wrongfully filed.

"File number" shall have the meaning prescribed by § 8.9A-519(b) of the Code of Virginia.

"Filing office" means the Clerk's Office of the State Corporation Commission.

"Filing officer" means the Clerk of the State Corporation Commission.

"Filing officer statement" means a statement entered into the filing office's information system to correct an error by the filing office.

"Financing statement" shall have the meaning prescribed by § 8.9A-102(a)(39) of the Code of Virginia.

"Inactive record" means a UCC record that has reached the first anniversary of its lapse date.

"Individual" means a natural person, living or deceased.

"Initial financing statement" means a UCC record containing the information required to be in an initial financing statement and that causes the filing office to establish the initial record of existence of a financing statement.

"Organization" means a legal person that is not an individual.

"Remitter" means a person who tenders a UCC record to the filing officer for filing, whether the person is a filer or an agent of a filer responsible for tendering the record for filing. "Remitter" does not include a person responsible merely for the delivery of the record to the filing office, such as the postal service or a courier service but does include a service provider who acts as a filer's representative in the filing process.

"Secured party of record" shall have the meaning prescribed by § 8.9A-511 of the Code of Virginia.

"Termination statement" shall have the meaning prescribed by § 8.9A-102(a)(79) of the Code of Virginia.

"UCC" means the Uniform Commercial Code - Secured Transactions (§ 8.9A-101 et seq. of the Code of Virginia).

"UCC record" means an initial financing statement, an amendment, and a correction or filing officer statement, and shall not be deemed to refer exclusively to paper or paper-based writings.

**5 VAC 5-30-30. General filing and search requirements.**

A. UCC records may be tendered for filing at the filing office as follows:

1. By personal delivery, at the filing office street address;
2. By courier delivery, at the filing office street address; or
3. By postal delivery, to the filing office mailing address.

B. The filing time for a UCC record delivered by ~~these~~ any of the foregoing methods is the time the UCC record is date-and-time stamped by the filing office even though the UCC record may not yet have been accepted for filing and may be subsequently rejected.

C. UCC search requests may be delivered to the filing office by any of the ~~means~~ methods by which UCC records may be delivered to the filing office. ~~A search request for a debtor named on an initial financing statement may be made on the initial financing statement form if the form is accepted and the relevant search fee is also tendered.~~

**5 VAC 5-30-40. Forms, fees, and payments.**

A. Forms.

1. The filing office shall only accept forms for UCC records that conform to the requirements of this chapter.
2. The forms set forth in § 8.9A-521 of the Code of Virginia shall be accepted.
3. ~~A form for the relevant filing of a UCC record approved by the International Association of Corporation Administrators on or after July 28, 1998. The forms approved by the International Association of Commercial Administrators as they appear on the filing office's website ([http://www.scc.virginia.gov/division/clk/fee\\_ucc.htm](http://www.scc.virginia.gov/division/clk/fee_ucc.htm)) shall be accepted.~~
4. The filing officer may approve ~~additional~~ other forms for acceptance, including additional forms promulgated by the International Association of ~~Corporation~~ Commercial Administrators.

B. Fees.

1. The fee for filing and indexing a UCC record communicated on paper is \$20.

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2. The fee for a UCC search request communicated on paper is \$7.00.
3. The fee for UCC search copies is ~~\$1.00 for each of the first two pages and 50¢~~ \$1.50 for each additional page. The fee for affixing the seal of the commission to a certificate is ~~\$1.00~~ \$3.00.

C. Methods of payment. Filing fees and fees for services provided under this regulation may be paid by the following methods:

1. Payment in cash shall be accepted if paid in person at the filing office.
2. Personal checks, cashier's checks and money orders made payable to the State Corporation Commission or Treasurer of Virginia shall be accepted for payment if drawn on a bank acceptable to the filing office or if the drawer is acceptable to the filing office.

D. Overpayment and underpayment policies.

1. The filing officer shall notify the remitter of the amount of any overpayment exceeding \$24.99 and send the remitter the appropriate procedure and form for requesting a refund. The filing officer shall refund an overpayment of \$24.99 or less only upon the written request of the remitter. A request for a refund shall be delivered to the filing office within 12 months from the date of payment.
2. Upon receipt of a UCC record with an insufficient filing fee, the filing officer shall return the record to the remitter with a notice stating the deficiency and shall retain the filing fee.
3. ~~If a filer requests a name search at the time a UCC record is filed, the name searched will be the debtor name as set forth on the form. If the remitter furnishes the appropriate fee for filing but omits the search fee, the UCC record will be filed subject to 5 VAC 5-30-50 and the search will not be performed.~~

E. Federal liens. A notice of lien, certificate and other notice affecting a federal tax lien or other federal lien presented to the filing office pursuant to the provisions of the Uniform Federal Lien Registration Act (§ 55-142.1 et seq. of the Code of Virginia) shall be treated as the most analogous UCC record unless the Uniform Federal Lien Registration Act or federal law provides otherwise.

## **5 VAC 5-30-50. Acceptance and refusal of records; continuation statements.**

A. The duties and responsibilities of the filing officer with respect to the administration of the UCC are ministerial. In accepting for filing or refusing to file a UCC record pursuant to this chapter, the filing officer does none of the following:

1. Determine the legal sufficiency or insufficiency of a record;

2. Determine that a security interest in collateral exists or does not exist;
3. Determine that information in the record is correct or incorrect, in whole or in part; or
4. Create a presumption that information in the record is correct or incorrect, in whole or in part.

B. The first day on which a continuation statement may be filed is the day of the month corresponding to the date upon which the related financing statement would lapse in the sixth month preceding the month in which the financing statement would lapse. If there is no such corresponding date, the first day on which a continuation statement may be filed is the last day of the sixth month preceding the month in which the financing statement would lapse. The last day on which a continuation statement may be filed is the date upon which the financing statement lapses. If the lapse date falls on a Saturday, Sunday or other day on which the filing office is not open, then the last day on which a continuation statement may be filed is the last day the filing office is open prior to the lapse date.

C. Except as provided in 5 VAC 5-30-40 D, if the filing officer finds grounds to refuse a UCC record, the filing officer shall return the record to the remitter and shall retain the filing fee.

D. Nothing in this chapter ~~prevents~~ shall prevent a filing officer from communicating to a filer or a remitter that the filing officer noticed apparent potential defects in a UCC record, whether or not it was filed or refused for filing. However, the filing officer is under no obligation to do so and may not, in fact, have the resources ~~to do so or~~ to identify such potential defects. The responsibility for the legal effectiveness of filing rests with filers and remitters and the filing office bears no responsibility for such effectiveness.

E. If a secured party or a remitter demonstrates to the satisfaction of the filing officer that a UCC record that was refused for filing should not have been refused, the filing officer shall file the UCC record as provided in this chapter with a filing date and time assigned when the record was originally tendered for filing. The filing officer shall also file a filing officer statement that states the effective date and time of filing, which shall be the date and time the UCC record was originally tendered for filing.

## **5 VAC 5-30-60. Filing and data entry procedures.**

A. The filing office may correct errors ~~of~~ made by its personnel in the UCC information management system at any time. If the correction occurs after the filing officer has issued a certification, the filing officer shall file a filing officer statement in the UCC information management system identifying the record to which it relates, the date of the correction, and explaining the nature of the corrective action taken. The record shall be preserved as long as the

record of the initial financing statement is preserved in the UCC information management system.

B. An error by a filer or remitter is the responsibility of that person. It can be corrected by filing an amendment or it can be disclosed by filing a correction statement pursuant to § 8.9A-518 of the Code of Virginia.

C. 1. A UCC record tendered for filing shall designate whether a name is a name of an individual or an organization. If the name is that of an individual, the first, middle and last names and any suffix shall be given.

2. Organization names are entered into the UCC information management system exactly as set forth in the UCC record, even if it appears that multiple names are set forth in the record or if it appears that the name of an individual has been included in the field designated for an organization name.

3. The filing office will only accept forms that designate separate fields for individual and organization names and separate fields for first, middle, and last names and any suffix. Such forms diminish the possibility of filing office error and help assure that filers' expectations are met. However, ~~filers should be aware that~~ the inclusion of names in an incorrect field or ~~failures the failure~~ to transmit names accurately to the filing office ~~might~~ may cause ~~filings a financing statement~~ to be ineffective.

D. The filing officer shall take no action upon receipt of a notification, formal or informal, of a bankruptcy proceeding involving a debtor named in the UCC information management system.

**5 VAC 5-30-70. Search requests and reports.**

A. The filing officer maintains for public inspection a searchable index for all UCC records ~~of UCC documents~~. The index shall provide for the retrieval of all filed records by the name of the debtor and by the file number of the initial financing statement.

B. Search requests shall be made only on the National Information Request Form (Form UCC11) and shall contain the following information:

1. The name of the debtor to be searched, specifying whether the debtor is an individual or organization. A search request will be processed using the exact name provided by the requestor.
2. The name and address of the person to whom the search report is to be sent.
3. The appropriate fee shall be enclosed, payable by a method described herein.

~~C. If a filer requests a search at the time a UCC record is filed the name searched will be the debtor name as set forth on the form. The requesting party shall be the remitter of the UCC~~

~~record, and the search request shall be deemed to request a search that would retrieve all financing statements filed on or prior to the date the UCC record is filed.~~

~~D. C.~~ Search requests may contain ~~any~~ of the following information:

1. A request that copies of records found in the search be included with the search report, or
- ~~2. A request to limit the copies of records by restricting the search to a locality or a filing date or a range of filing dates, or~~
- ~~3.~~ 2. Instructions on the mode of delivery desired, if other than by ordinary mail, which request shall be honored if the requested mode is available to the filing office.

~~E. D.~~ Search results are produced by the application of standardized search logic to the name presented to the filing officer. The following ~~requirements~~ criteria apply to searches:

1. There is no limit to the number of matches that may be returned in response to the search ~~criteria~~ request.
2. No distinction is made between upper and lower case letters.
3. Punctuation marks and accents are disregarded.
4. "Noise words" ~~include, but~~ are ~~not~~ limited to; "an," "and," "for," "of," and "the." The word "the" always will be disregarded and other noise words appearing anywhere except at the beginning of an organization name will be disregarded. Certain business words are modified to a standard abbreviation: company to "co," corporation to "corp," limited to "ltd," incorporated to "inc."
5. All spaces are disregarded.
6. After using the preceding ~~subdivisions~~ criteria to modify the name to be searched, the search will reveal names of debtors that are contained in unlapsed or all initial financing statements in an alphabetical list.

~~E. E.~~ Reports created in response to a search request shall include the following:

1. The date the report was generated.
2. Identification of the name searched.
3. Identification of each unlapsed initial financing statement or all initial financing statements filed on or prior to the report date and time corresponding to the search criteria, by name of debtor, by identification number, and by file date and file time.
4. For each initial financing statement on the report, a listing of all related UCC records filed by the filing officer on or prior to the report date.



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5. Copies of all UCC records revealed by the search and requested by the requestor.

~~G. F. During the statutory transition period of July 1, 2001, to July 1, 2006, the~~ The filing office may provide access to a ~~database~~ the searchable index via the Internet that produces search results beyond exact name matches. ~~The supplemental database shall not be considered part of the standard search logic and~~ Search results obtained via the Internet shall not constitute an official search ~~of~~ and will not be certified by the filing office.

**NOTICE:** The forms used in administering 5 VAC 5-30, Uniform Commercial Code Filing Rules, are not being published; however, the name of each form is listed below. The forms are available for public inspection at the State Corporation Commission, 1300 East Main Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

## FORMS

UCC Financing Statement, Form UCC1, (rev. 5/02).

UCC Financing Statement Addendum, Form UCC1Ad, (rev. 5/02).

UCC Financing Statement Additional Party, Form UCC1AP, (rev. 5/02).

UCC Financing Statement Amendment, Form UCC3, (rev. 5/02).

National UCC Financing Statement Amendment Addendum, Form UCC3Ad, (rev. 7/98).

UCC Financing Statement Amendment Additional Party, Form UCC3AP, (rev. 5/02).

Correction Statement, Form UCC5, (rev. 5/04).

Information Request, Form UCC11, (rev. 5/01).

VA.R. Doc. No. R07-198; Filed April 25, 2007, 10:35 a.m.

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## TITLE 9. ENVIRONMENT

### STATE AIR POLLUTION CONTROL BOARD

#### Notice of Suspension of Effective Date and Reopening of Public Comment Period

**Title of Regulation:** 9 VAC 5-140. Regulation for Emissions Trading (Rev. E05) (9 VAC 5-140-1061, 9 VAC 5-140-1062, 9 VAC 5-140-2061, 9 VAC 5-140-2062, 9 VAC 5-140-3061, and 9 VAC 5-140-3062).

**Statutory Authority:** §§ 10.1-1308, 10.1-1327 and 10.1-1328 A 5 of the Code of Virginia.

Notice is hereby given in accordance with § 2.2-4007 K of the Code of Virginia that the State Air Pollution Control Board is suspending the effective date of certain provisions of its regulation entitled: Regulation for Emissions Trading, specifically the provisions concerning nonattainment area requirements (9 VAC 5-140-1061, 9 VAC 5-140-1062, 9 VAC 5-140-2061, 9 VAC 5-140-2062, 9 VAC 5-140-3061, and 9 VAC 5-140-3062) and seeking comment on the changes made to these provisions from publication of the proposed regulation to publication of the final regulation.

**Background and Notice of Reopening:** In 22:22 VA.R. 3074-3080 July 10, 2006, the board published for public comment a proposal to amend its regulations concerning emissions trading. In response to that request, comments were submitted that resulted in several changes being made to the original proposal. Additional changes were made to the original proposal based on legislation enacted by the 2006 General Assembly.

On December 6, 2006, the board adopted final amendments to its regulations concerning emission trading, which were to become effective date on April 18, 2007. The final regulation amendments as adopted were published in the Virginia Register in 23:14 VA.R. 2291-2292, 2331-2333, and 2370-2371 March 19, 2007. Pursuant to § 2.2-4007 K of the Code of Virginia, at least 25 persons requested an opportunity to submit oral and written comments on specific changes to the proposal. Because of the substantive nature of these additional changes and the requests from petitioners, the board is now reopening the nonattainment area requirements of the proposal (Revision E05) for public comment on those changes to the final regulation and suspending the effective date of nonattainment area requirements (9 VAC 5-140-1061, 9 VAC 5-140-1062, 9 VAC 5-140-2061, 9 VAC 5-140-2062, 9 VAC 5-140-3061, and 9 VAC 5-140-3062) of the regulation. The board is receiving comment only on the changes the board made to the nonattainment area requirements of the proposed regulation to make it final. These changes are shown in brackets in the final version of 9 VAC 5-140-1061, 9 VAC 5-140-1062, 9 VAC 5-140-2061, 9 VAC 5-140-2062, 9 VAC 5-140-3061, and 9 VAC 5-140-3062 of the regulation published in the Virginia Register on March 19, 2007. Only comments received in response to this notice will be considered in making the decision on the final regulation. Comments made in response to the original notice of public comment issued on July 10, 2006, will not be reconsidered in making the decision on the final regulation.

**Summary of Changes to Original Proposed Regulation:** A number of changes have been made to the original proposal; they are enumerated below. The changes are derived from (i) changes to the Code of Virginia as a result of the 2006 Acts of Assembly (Chapters 867 and 920) subsequent to the close of the public comment period on the original proposal, (ii) comments made by the Environmental Protection Agency during the public comment period on the original proposal

and during subsequent discussions and negotiations, and (iii) clarifications and other improvements noted by the Department of Environmental Quality (DEQ) staff during subsequent reviews.

1. 9 VAC 5-140-1061 and 9 VAC 5-140-1062 (9 VAC 5-140, Part II - NO<sub>x</sub> Annual Trading Program)

a. The provisions of 9 VAC 5-140-1060 H were reformatted as 9 VAC 5-140-1061.

b. The provisions of 9 VAC 5-140-1061 related to compliance in nonattainment areas were revised to establish an independent annual emissions cap equivalent to the number of allowances issued to the affected unit under the CAIR program. Compliance must be demonstrated on an annual basis for the preceding control period, based on a comparison of (i) the total NO<sub>x</sub> emissions (expressed in tons) from each unit and (ii) the annual emissions cap for the unit.

c. The provisions of 9 VAC 5-140-1061 that would have allowed for a waiver from the prohibition on trading allowances to demonstrate compliance in nonattainment areas were removed.

d. The provisions of 9 VAC 5-140-1062 were added to allow the compliance demonstration to be made in the aggregate for all units at a single source or facility.

2. 9 VAC 5-140-2061 and 9 VAC 5-140-2062 (9 VAC 5-140, Part III - NO<sub>x</sub> Ozone Season Trading Program)

a. The provisions of 9 VAC 5-140-2060 H were reformatted as 9 VAC 5-140-2061.

b. The provisions of 9 VAC 5-140-2061 related to compliance in nonattainment areas were revised to establish an independent ozone season emissions cap equivalent to the number of allowances issued to the affected unit under the CAIR program. Compliance must be demonstrated on an annual basis for the preceding control period, based on a comparison of (i) the total NO<sub>x</sub> emissions (expressed in tons) from each unit and (ii) the ozone season emissions cap for the unit.

c. The provisions of 9 VAC 5-140-2061 that would have allowed for a waiver from the prohibition on trading allowances to demonstrate compliance in nonattainment areas were removed.

d. The provisions of 9 VAC 5-140-2062 were added to allow the compliance demonstration to be made in the aggregate for all units at a single source or facility.

3. 9 VAC 5-140-3061, and 9 VAC 5-140-3062 (9 VAC 5-140, Part IV - SO<sub>2</sub> Annual Trading Program)

Provisions have been added to address compliance in nonattainment areas similar to those for the NO<sub>x</sub> trading programs (Parts II and III).

**Request for Comments:** Along with suspending the effective date of the provisions of the regulatory action (Revision E05) concerning the nonattainment area requirements, the purpose of this notice is to provide the public with the opportunity to comment on changes made to the nonattainment area requirements of the proposal. The DEQ accepts written comments by email, facsimile transmission and postal mail. In order to be considered, written comments must include the full name, address and telephone number of the person commenting and be received by DEQ by 5 p.m. on June 18, 2007. Due to problems with the quality of facsimile transmissions, commenters are encouraged to provide the signed original by postal mail within one week. Both oral and written comments are accepted at the public meeting. DEQ prefers that comments be provided in writing, along with any supporting documents or exhibits. All testimony, exhibits and documents received are part of the public record.

**Public Meeting:** A public meeting will be held by DEQ to accept public testimony on changes made to the proposal. The date, time and location of the meeting are shown below:

June 18, 2007 - 9:00 a.m. - Public Meeting  
 Department of Environmental Quality  
 629 East Main Street  
 First Floor Conference Room  
 Richmond, Virginia

**Agency Contact:** The DEQ contact for public comments, document requests and additional information is: Mary E. Major, Environmental Program Manager, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 1105, Richmond, Virginia 23218, phone (804) 698-4423, FAX (804) 698-4510, email memajor@deq.virginia.gov.

**To Review Regulation Documents:** The proposal and supporting documents are available on the Town Hall website ([www.townhall.virginia.gov](http://www.townhall.virginia.gov)), the DEQ Air Public Notices for Regulations website (<http://www.deq.virginia.gov/air/permitting/regnotes.htm>), and in the Virginia Register of Regulations (23:14 VA.R. 2277 March 19, 2007; <http://legis.state.va.us/codecomm/register/vol23/iss14/v23i14.pdf>). The documents may also be obtained by contacting the DEQ contact named above. The public may review the documents between 8:30 a.m. and 4:30 p.m. of each business day until the close of the public comment period at the DEQ Central Office, 629 E. Main Street, 8th Floor, Richmond, Virginia, telephone (804) 698-4070.

VA.R. Doc. No. R05-230; Filed April 18, 2007; 4:46 p.m.



# Regulations

## TITLE 10. FINANCE AND FINANCIAL INSTITUTIONS

### STATE CORPORATION COMMISSION

**REGISTRAR'S NOTICE:** The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 2.2-4002 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly granted any of the powers of a court of record.

#### Final Regulation

**Title of Regulation:** 10 VAC 5-40. Credit Unions (adding 10 VAC 5-40-50).

**Statutory Authority:** §§ 6.1-225.3:1, 6.1-225.22 and 12.1-13 of the Code of Virginia.

**Effective Date:** May 1, 2007.

**Agency Contact:** George Latham, Deputy Commissioner, Bureau of Financial Institutions, State Corporation Commission, P.O. Box 640, Richmond, VA 23218, telephone (804) 371-9698, FAX (804) 371-9416, or email george.latham@scc.virginia.gov.

#### Summary:

*The regulation gives state-chartered credit unions parity with federal credit unions in relation to providing certain financial services to nonmembers within their fields of membership.*

AT RICHMOND, FEBRUARY 27, 2007

COMMONWEALTH OF VIRGINIA, *ex rel.*

STATE CORPORATION COMMISSION

CASE NO. BFI-2007-00015

**Ex Parte:** In re: services for nonmembers within the field of membership

#### ORDER ADOPTING A REGULATION

By Order entered in this case on February 27, 2007, the State Corporation Commission ("Commission") directed that notice be given of its proposal, acting pursuant to §§ 6.1-225.3:1 and 6.1-225.22 of the Code of Virginia, to promulgate a regulation permitting state-chartered credit unions to provide certain financial services to nonmembers within their fields of membership to the extent permitted for federal credit unions. Notice of the proposed regulation was published in the Virginia Register on March 19, 2007, posted on the Commission's website, and sent by the Commissioner of Financial Institutions to all state-chartered credit unions and others. Interested parties were afforded an opportunity to request a hearing or file written comments on or before

April 6, 2007. The Commission received several comments in favor of the proposed regulation but no comments against the proposal or requests for a hearing.

NOW THE COMMISSION, having considered the record, the proposed regulation, the comments filed, and Staff recommendations, concludes that the proposed regulation is a proper exercise of our authority under §§ 6.1-225.3:1 and 6.1-225.22 of the Code of Virginia, will promote parity with federal credit unions, and should be adopted as proposed.

THEREFORE, IT IS ORDERED THAT:

(1) The proposed regulation, 10 VAC 5-40-50, attached hereto is adopted effective May 1, 2007.

(2) The regulation shall be posted on the Commission's website at <http://www.scc.virginia.gov/caseinfo.htm>.

(3) AN ATTESTED COPY hereof, together with a copy of the regulation, shall be sent to the Registrar of Regulations for publication in the Virginia Register.

(4) This case is dismissed from the Commission's docket of active cases.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to the Commissioner of Financial Institutions, who shall forthwith mail a copy of this Order, together with a copy of the regulation, to all state-chartered credit unions and such other interested parties as he may designate.

#### **10 VAC 5-40-50. Services for nonmembers within the field of membership.**

A state-chartered credit union shall have the power to provide the following services to persons within its field of membership regardless of such persons' membership status:

1. Selling negotiable checks (including travelers checks), money orders, and other similar money transfer instruments (including international and domestic electronic fund transfers); and

2. Cashing checks and money orders and receiving international and domestic electronic fund transfers for a fee.

VA.R. Doc. No. R07-158; Filed April 25, 2007, 10:36 a.m.

## TITLE 11. GAMING

### VIRGINIA RACING COMMISSION

#### Final Regulation

**REGISTRAR'S NOTICE:** The Virginia Racing Commission is exempt from the Administrative Process Act pursuant to

subdivision A 18 of § 2.2-4002 of the Code of Virginia (i) when acting by and through its duly appointed stewards or in matters related to any specific race meeting or (ii) in promulgating technical rules regulating actual live horse racing at race meetings licensed by the commission.

**Title of Regulation:** 11 VAC 10-20. Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering (amending 11 VAC 10-20-310, 11 VAC 10-20-330 and 11 VAC 10-20-340).

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

**Effective Date:** May 31, 2007.

**Agency Contact:** David S. Lermond, Jr., Regulatory Coordinator, Virginia Racing Commission, 10700 Horsemen's Lane, New Kent, VA 23024, telephone (804) 966-7404, FAX (804) 966-7418, or email david.lermond@vrc.virginia.gov.

**Summary:**

*The changes are made to conform to the Model Rules of Racing published by the Association of Racing Commissioners International. By conforming to the Model Rules, it will be easier for horsemen from other jurisdictions to race their horses in Virginia and also make the regulations for pari-mutuel wagering fairer for the betting public.*

**11 VAC 10-20-310. Wagering interests.**

A. Generally. The licensee shall be responsible for the coupling of horses for wagering purposes in accordance with these regulations and shall provide wagering opportunities in accordance with the success and integrity of horse racing as well as the public interest.

B. Coupled entries. When two or more horses run in a race and are coupled for wagering purposes, a wager on one of the horses shall be a wager on all of them. The horses so coupled are called "an entry."

C. Mutuel field. When the individual horses competing in a race exceed the numbering capacity of the display devices, the highest numbered horses within the capacity of the display devices and all horses of a higher number shall be grouped together and called the "mutuel field," and a wager on one of them shall be a wager on all of them.

D. Pools dependent upon wagering interests. Unless the commission otherwise provides, at the time the pools are opened for wagering, the licensee:

- ~~1. May offer win, place and show wagering on all races with six or more wagering interests;~~
- ~~2. May be allowed to prohibit show wagering on any race with five or fewer wagering interests scheduled to start;~~

~~3. May be allowed to prohibit place wagering on any race with four or fewer wagering interests scheduled to start;~~

~~4. May be allowed to prohibit quinella wagering on any race with three or fewer wagering interests scheduled to start;~~

~~5. May be allowed to prohibit exacta wagering on any race with three or fewer wagering interests scheduled to start;~~

~~6. May prohibit twin trifectas wagering on any race with seven or fewer wagering interests scheduled to start; and~~

~~7. May prohibit twin superfecta wagering on any race with seven or fewer wagering interests scheduled to start.~~

1. Shall offer win wagering on all contests with three or more betting interests.

2. Shall offer place wagering on all contests with four or more betting interests.

3. Shall offer show wagering on all contests with five or more betting interests.

4. May offer quinella wagering on all contests with three or more betting interests.

5. May offer quinella double wagering on all contests with three or more betting interests.

6. May offer exacta wagering on all contests with two or more betting interests.

7. May offer trifecta wagering on all contests with three or more betting interests.

8. May offer superfecta wagering on all contests with four or more betting interests.

9. Shall not offer twin trifecta wagering on any contests with six or less betting interests.

E. Steward's approval. Once pools are opened for wagering, no changes to or cancellations of the betting pools shall be made without prior approval of the stewards.

~~E.~~ F. Extraordinary circumstances. In extraordinary circumstances, discretion is vested in the stewards to cancel any trifecta, exacta, quinella, or any other multiple wager pool, and assign multiple wagering pools to other races when the stewards believe it would best maintain in horse racing complete honesty and integrity.

~~F.~~ G. Stake races and special events. In the case of stake races, handicaps, futurities, and other special events, the licensee may offer any straight and multiple wagering pools regardless of the number of wagering interest upon submission of a request in writing to the commission and approval from the commission or its executive secretary.

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## 11 VAC 10-20-330. Multiple wagering.

A. Generally. Daily double, quinella, exacta, trifecta, quinella double, pick (n), twin trifecta, and superfecta pari-mutuel wagering pools shall be considered "multiple wagering." In any race or races, the daily double, quinella, exacta, trifecta, quinella double, pick (n), twin trifecta, and superfecta pools are treated separately and the distribution of the pools are calculated independently of each other. The "net pool" to be distributed shall be all sums wagered in the pool, less retainage and breakage, as defined elsewhere.

B. Daily double pools. The daily double wager is the purchase of a pari-mutuel ticket to select the two horses that will finish first in the two races specified as the daily double. If either of the selections fails to win, the pari-mutuel ticket is void, except as otherwise provided. The amount wagered on the winning combination, the horse or wagering interest which finishes first in the first race coupled with the horse or wagering interest finishing first in the second race of the daily double, is deducted from the net pool to determine the profit. The profit is divided by the amount wagered on the winning combination, the quotient being the profit per dollar wagered on the winning daily double. The return to the holder includes the amount wagered and the profit. In addition, the following provisions apply to daily double pools:

1. If there is a dead heat for first including two different wagering interests in one of the two daily double races, the daily double pool is distributed as if it were a place pool, with one-half of the net pool allocated to wagers combining the single winner of one daily double race and one of the wagering interests involved in the dead heat in the other daily double race, and with the other one-half of the net pool allocated to the wagers combining the single winner of one daily double race and the other wagering interest involved in the dead heat in the other daily double race.
2. If there are dead heats for first involving different wagering interests in each of the daily double races which result in winning combinations, the net pool shall be allocated equally to the winning combinations after first deducting from the net pool the amount wagered on all winning combinations for proportionate allocation to the winning daily double combinations.
3. If no daily double ticket is sold combining the horse or wagering interest which finishes first in one of the daily double races, the daily double pool is distributed as if it were a win pool, with the net pool allocated to wagering combinations which include the horse or wagering interest which finished first in one of the daily double races.
4. If no daily double ticket is sold combining the horses or wagering interests which finish first in both the first and second race of the daily double, then the winning combinations for distribution of the daily double profit

shall be that combining the horses or wagering interests which finished second in each of the daily double races.

5. If, after daily double wagering has begun, a horse not coupled with another as a wagering interest in the first race of the daily double is excused by the stewards or is prevented from obtaining a fair start, then daily double wagers combining the horse shall be deducted from the daily double pool and shall be promptly refunded.

6. If, after the first race of the daily double has been run, a horse not coupled with another as a wagering interest in the second race of the daily double is excused by the stewards or prevented from obtaining a fair start, then daily double wagers combining the winner of the first daily double race with the horse, which was excused or was prevented from obtaining a fair start, shall be allocated a consolation daily double.

7. Consolation daily double payoffs shall be determined by dividing the net daily double pool by the amount wagered combining the winner of the first daily double race with every horse or wagering interest scheduled to start in the second daily double race, the quotient being the consolation payoff per dollar wagered combining the winner of the first daily double race with the horse prevented from racing in the second daily double race. The return to the holder includes the amount wagered and the profit. The consolation payoff shall be deducted from the net daily double pool before calculation and allocation of wagers on the winning daily double combination.

8. If for any reason the first race of the daily double is cancelled and declared "no contest" a full and complete refund shall be promptly made of the daily double pool.

9. If for any reason the second race of the daily double is cancelled and declared "no contest," the net daily double pool shall be paid to the holders of daily double tickets which include the winner of the first race. If no such ticket is sold, then the net daily double pool shall be paid to the holders of daily double tickets which include the second place horse. If no daily double tickets were sold on the second place horse, then the licensee shall make a prompt refund.

C. Quinella pools. The quinella wager is the purchase of a pari-mutuel ticket to select the first two horses to finish in the race. The order in which the horses finish is immaterial. The amount wagered on the winning combination, the first two finishers irrespective of which horse finishes first and which horse finishes second, is deducted from the net pool to determine the profit. The net pool is divided by the amount wagered on the winning combination. The return to the holder includes the amount wagered and the profit. In addition, the following provisions apply to the quinella pools:

1. If there is a dead heat for first between horses including two different wagering interests, the net quinella pool is distributed as if no dead heat occurred. If there is a dead heat among horses involving three different wagering interests, the net quinella pool is distributed as if it were a show pool and the pool is allocated to wagers combining any of the three horses finishing in the dead heat for first.

2. If there is a dead heat for second between horses including two different wagering interests, the net quinella pool is distributed as if it were a place pool and it is allocated to wagers combining the first finisher with either horse finishing in a dead heat for second. If the dead heat is among horses involving three different wagering interests, the net quinella pool is distributed as if it were a show pool and it is allocated to wagers combining the first horse with each of the three horses finishing in a dead heat for second.

3. If horses representing a single wagering interest finish first and second, the net quinella pool shall be allocated to wagers combining the single wagering interest with the horse or wagering interest with the horses or wagering interest which finishes third.

4. If no quinella ticket is sold combining the first finisher with one of the horses finishing in a dead heat for second, then the net quinella pool is allocated to wagers combining the first finisher with the other horse finishing in a dead heat for second.

5. If no quinella ticket is sold combining the first finisher with either of the horses finishing in a dead heat for second, then the net quinella pool is allocated to wagers combining the two horses which finished in the dead heat for second.

6. If no quinella ticket is sold combining the first finisher with either of the horses finishing in a dead heat for second, or combining the two horses which finished in a dead heat for second, the net quinella pool is distributed as if it were a show pool and it is allocated to wagers combining any of the first three finishers with any other horses.

7. If no quinella ticket is sold combining the first two finishers, then the net quinella pool shall be distributed as if it were a place pool and it is allocated to wagers combining the first finisher with any other horses and to wagers combining the second finisher with any other horse.

8. If no quinella ticket is sold combining horses or wagering interests as would require distribution, a full and complete refund shall be made of the entire quinella pool.

9. If a horse is excused by the stewards, no further quinella tickets shall be issued designating that horse, and all quinella tickets previously issued designating that horse shall be refunded and deducted from the gross pool.

D. Exacta pools. The exacta wager is the purchase of a parimutuel ticket to select the two horses that will finish first and

second in a race. Payment of the ticket shall be made only to the purchaser who has selected the same order of finish as officially posted. The amount wagered on the winning combination, the horse finishing first and the horse finishing second, in exact order, is the amount to be deducted from the net exacta pool to determine the profit. The profit is divided by the amount wagered on the winning combination, the quotient being the profit per dollar wagered on the winning exacta combination. The return to the holder includes the amount wagered and the profit. In addition, the following provisions apply to the exacta pool:

1. If no ticket is sold on the winning combination of an exacta pool, the net exacta pool shall be distributed equally between holders of tickets selecting the winning horse to finish first and holders of tickets selecting the second place horse to finish second.

2. If there is a dead heat between two horses for first place, the net exacta pool shall be calculated and distributed as a place pool, one-half of the net exacta pool being distributed to holders of tickets selecting each of the horses in the dead heat to finish first with the other horse to finish second.

In case of a dead heat between two horses for second place, the net exacta pool shall be calculated as a place pool, one-half of the net exacta pool being distributed to holders of tickets selecting the horse to finish first and one horse in the dead heat, and the other one-half being distributed to holders selecting the horse to finish first and the other horse in the dead heat.

3. If there is a dead heat for second place and if no ticket is sold on one of the two winning combinations, the entire net exacta pool shall be calculated as a win pool and distributed to holders of the other winning combination. If no tickets combine the winning horse with either of the place horses in the dead heat, the net exacta pool shall be calculated and distributed as a place pool to holders of tickets representing any interest in the net pool.

4. If an entry finishes first and second, or mutuel field horses finish first and second, the net pool shall be distributed to holders of tickets selecting the entry to win combined with the horses having finished third.

5. If no ticket is sold that would require distribution of an exacta pool, the licensee shall make a complete and full refund of the exacta pool.

6. If a horse is excused by the stewards, no further exacta tickets shall be issued designating that horse, and all exacta tickets previously issued designating that horse shall be refunded and deducted from the gross pool.

E. Trifecta pools. The trifecta wager is purchase of a parimutuel ticket to select the three horses that will finish first, second, and third in a race. Payment of the ticket shall be made only to the holder who has selected the same order of

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finish as officially posted. The amount wagered on the winning combination, the horse finishing first, the horse finishing second, and the horse finishing third, in exact order, is deducted from the pool to determine the profit. The profit is divided by the amount wagered on the winning combination, the quotient being the profit per dollar wagered on the winning combination. The return to the holder includes the amount wagered and the profit.

1. If no ticket is sold on the winning combination, the net trifecta pool shall be distributed equally among holders of tickets designating the first two horses in order.
2. If no ticket is sold designating, in order, the first two horses, the net trifecta pool shall be distributed equally among holders of tickets designating the horse to finish first.
3. If no ticket is sold designating the first horse to win, the net trifecta pool shall be distributed equally among holders of tickets designating the second and third horses in order. If no such ticket is sold, then the licensee shall make a prompt refund.
4. If less than three horses finish, the payout shall be made on tickets selecting the actual finishing horses, in order, ignoring the balance of the selection.
5. If there is a dead heat, all trifecta tickets selecting the correct order of finish, counting a horse in a dead heat as finishing in either position involved in the dead heat, shall be winning tickets. The net trifecta pool shall be calculated as a place pool.
6. The uncoupling for wagering purposes of horses having common ties is prohibited in races upon which trifecta wagering is conducted except for stakes, futurities, and other special events.
7. If a horse is excused by the stewards, no further trifecta tickets shall be issued designating that horse, and all trifecta tickets previously issued designating the horse shall be refunded and deducted from the gross pool.

F. Quinella double pools. The quinella double requires selection of the first two finishers, irrespective of order, in each of two specified races.

1. The net quinella double pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
  - a. If a coupled entry or mutuel field finishes as the first two contestants in either race, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate wagering interest in the official order of finish for that race, as well as the first two finishers in the alternate quinella double race; otherwise

- b. As a single price pool to those who selected the first two finishers in each of the two quinella double races; but if there are no such wagers, then

- c. As a profit split to those who selected the first two finishers in either of the two quinella double races; but if there are no such wagers on one of those races, then

- d. As a single price pool to those who selected the first two finishers in the one covered quinella double race; but if there were no such wagers, then

- e. The entire pool shall be refunded on quinella double wagers for those races.

2. If there is a dead heat for first in either of the two quinella double races involving:

- a. Horses representing the same wagering interest, the quinella double pool shall be distributed to those selecting the coupled entry or mutuel field combined with the next separate wagering interest in the official order of finish for that race.

- b. Horses representing two wagering interests, the quinella double pool shall be distributed as if no dead heat occurred.

- c. Horses representing three or more wagering interests, the quinella double pool shall be distributed as a profit split.

3. If there is a dead heat for second in either of the quinella double races involving horses representing the same wagering interest, the quinella double pool shall be distributed as if no dead heat occurred.

4. If there is a dead heat for second in either of the quinella double races involving horses representing two or more wagering interests, the quinella double pool shall be distributed as profit split.

5. Should a wagering interest in the first half of the quinella double be scratched prior to the first quinella pool race being declared official, all money wagered on combinations including the scratched wagering interest shall be deducted from the quinella double pool and refunded.

6. Should a wagering interest in the second half of the quinella double be scratched prior to the close of wagering on the first quinella double contest, all money wagered on combinations including the scratched wagering interest shall be deducted from the quinella double pool and refunded.

7. Should a wagering interest in the second half of the quinella double be scratched after the close of wagering on the first quinella double race, all wagers combining the winning combination in the first race with a combination including the scratched wagering interest in the second race

shall be allocated a consolation payout. In calculating the consolation payout, the net quinella double pool shall be divided by the total amount wagered on the winning combination in the first race and an unbroken consolation price obtained. The unbroken consolation price is multiplied by the dollar value of wagers on the winning combination in the first race combined with a combination including the scratched wagering interest in the second race to obtain the consolation payout. Breakage is not declared in this calculation. The consolation payout is deducted from the net quinella double pool before calculation and distribution of the winning quinella double payout. In the event of a dead heat involving separate wagering interests, the net quinella double pool shall be distributed as a profit split.

8. If either of the quinella double races is cancelled prior to the first quinella double race or the first quinella double race is declared "no contest," the entire quinella double pool shall be refunded on quinella double wagers for those races.

9. If the second quinella double race is cancelled or declared "no contest" after the conclusion of the first quinella double race, the net quinella double pool shall be distributed as a single price pool to wagers selecting the winning combination in the first quinella double race. If there are no wagers selecting the winning combination in the first quinella double race, the entire quinella double pool shall be refunded on quinella double wagers for those races.

G. Pick (n) pools. The pick (n) pool requires selection of the first-place finisher in each of a designated number of races. The licensee must obtain approval from the commission or its executive secretary concerning the scheduling of pick (n) contests, the designation of one of the methods prescribed in subdivision 1 of this subsection and the amount of any cap to be set on the carryover. Any changes to the approved pick (n) format require prior approval from the commission or its executive secretary.

1. The pick (n) pool shall be apportioned under one of the following methods:

a. Method 1, pick (n) with carryover. The net pick (n) pool and carryover, if any, shall be distributed as a single price pool to those who selected the first-place finisher in each of the pick (n) races, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) races; and the remainder shall be added to the carryover.

b. Method 2, pick (n) with minor pool and carryover. The major share of the net pick (n) pool and carryover, if any, shall be distributed to those who selected the first-place

finisher in each of the pick (n) races, based upon the official order of finish. The minor share of the net pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of pick (n) races, based upon the official order of finish. If there are no wagers selecting the first-place finisher of all pick (n) contests, the minor share of the pick (n) pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) races; and the major share shall be added to the carryover.

c. Method 3, pick (n) with no minor pool and no carryover. The net pick (n) pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) races, based upon the official order of finish. If there are no winning wagers, the pool is refunded.

d. Method 4, pick (n) with minor pool and no carryover. The major share of the net pick (n) pool shall be distributed to those who selected the first place finisher in the greatest number of pick (n) races, based upon the official order of finish. The minor share of the net pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of pick (n) races, based upon the official order of finish. If there are no wagers selecting the first-place finisher in a second greatest number of pick (n) races, the minor share of the net pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) races. If the greatest number of first-place finishers selected is one, the major and minor shares are combined for distribution as a single price pool. If there are no winning wagers, the pool is refunded.

e. Method 5, pick (n) with minor pool and no carryover. The major share of net pick (n) pool shall be distributed to those who selected the first-place finisher in each of the pick (n) races, based on the official order of finish. The minor share of the net pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of pick (n) races, based upon the official order of finish. If there are no wagers selecting the first-place finisher in all pick (n) races, the entire net pick (n) pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) races. If there are no wagers selecting the first-place finisher in a second greatest number of pick (n) races, the minor share of the pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first-place finisher in each of the pick (n) races. If there are no winning wagers, the pool is refunded.



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f. Method 6, pick (n) with minor pool, jackpot, major carryover and jackpot carryover. Predetermined percentages of the net pick (n) pool shall be set aside as a major pool, minor pool, and jackpot pool. The major share of the net pick (n) pool and the major carryover, if any, shall be distributed to those who selected the first-place finisher of each of the pick (n) races, based on the official order of finish. If there are no tickets selecting the first-place finisher in each of the pick (n) races, the major net pool shall be added to the major carryover. If there is only one single ticket selecting the first-place finisher of each of the pick (n) races, based on the official order of finish, the jackpot share of the net pick (n) pool and the jackpot carryover, if any, shall be distributed to the holder of that single ticket, along with the major net pool and the major carryover, if any. If more than one ticket selects the first-place finisher of each of the pick (n) races, the jackpot net pool shall be added to the jackpot carryover. The minor share of the net pick (n) pool shall be distributed to those who selected the first-place finisher of the second greatest number of pick (n) races, based on the official order of finish. If there are no wagers selecting the first-place finisher of all pick (n) races, the minor net pool of the pick (n) pool shall be distributed as a single price pool to those who selected the first-place finisher of the greatest number of pick (n) races.

2. If there is a dead heat for first in any of the pick (n) races involving:

- a. Horses representing the same wagering interest, the pick (n) pool shall be distributed as if no dead heat occurred.
- b. Horses representing two or more wagering interests, the pick (n) pool shall be distributed as a single price pool with each winning wager receiving an equal share of the profit.

3. Should a wagering interest in any of the pick (n) races be scratched, the actual favorite, as evidenced by total amounts wagered in the win pool at the host track for the race at the close of wagering on that race, shall be substituted for the scratched wagering interest for all purposes, including pool calculations. In the event that the win pool total for two or more favorites is identical, the substitute selection shall be the wagering interest with the lowest program number. The totalizator shall produce reports showing each of the wagering combinations with substituted wagering interests which became winners as a result of the substitution, in addition to the normal winning combination. When the condition of the racecourse warrants a change of racing surface in any of the legs of a pick (n) with four or more races included, and such change has not been known to the public prior to the close of wagering for the pick (n) pool, the stewards shall declare

the changed leg(s) an "all win" race(s) for pick (n) wagering purposes only. An "all win" race(s) will assign the winner of that race(s) to each pick (n) ticket holder as their selection for that race.

4. The pick (n) pool shall be cancelled and pick (n) wagers for the individual performance shall be refunded if:

- a. At least two races included as part of a pick three are cancelled or declared "no contest."
- b. At least three races included as part of a pick four, pick five or pick six are cancelled or declared "no contest."
- c. At least four races included as part of a pick seven, pick eight or pick nine are cancelled or declared "no contest."
- d. At least five races included as part of a pick 10 are cancelled or declared "no contest."

5. If at least one race included as part of a pick (n) is cancelled or declared "no contest," but not more than the number specified in subdivision 4 of this subsection, the net pool shall be distributed as a single price pool to those whose selection finished first in the greatest number of pick (n) races for that program. The distribution shall include the portion ordinarily retained for the pick (n) carryover but not the carryover from previous performances.

6. The pick (n) carryover may be capped at a designated level approved by the commission so that if, at the close of any program, the amount in the pick (n) carryover equals or exceeds the designated cap, the pick (n) carryover will be frozen until it is won or distributed under other provisions of this chapter. After the pick (n) carryover is frozen, 100% of the net pool, part of which ordinarily would be added to the pick (n) carryover, shall be distributed to those whose selection finished first in the greatest number of pick (n) races for that program.

7. A licensee may request permission from the commission to distribute the pick (n) carryover on a specific program. The request must contain justification for the distribution, an explanation of the benefit to be derived and the intended date and program for the distribution.

8. Should the pick (n) carryover be designated for distribution on a specified date and performance in which there are no wagers selecting the first-place finisher in each of the pick (n) races, the entire pool shall be distributed as a single price pool to those whose selection finished first in the greatest number of pick (n) races. The pick (n) carryover shall be designated for distribution on a specified date and program only under the following circumstances:

- a. Upon approval from the commission as provided in subdivision 7 of this subsection;

b. Upon approval from the commission when there is a change in the carryover cap, a change from one type of pick (n) wagering to another, or when the pick (n) is discontinued;

c. On the closing program of a race meeting.

9. If, for any reason, the pick (n) carryover must be held to the corresponding pick (n) pool to a subsequent race meeting, the carryover shall be deposited in an interest-bearing account approved by the commission. The pick (n) carryover plus accrued interest shall then be added to the net pick (n) pool on a date and program of the race meeting designated by the commission.

10. With the approval of the commission, a licensee may contribute to the pick (n) carryover a sum of money up to the amount of any designated cap.

11. Providing information to any person regarding the covered combinations, amounts wagered on specific combinations, number of tickets sold or number of live tickets remaining is strictly prohibited. This chapter shall not prohibit necessary communication between totalizator and mutuel employees for processing of pool data.

12. The licensee may suspend previously approved pick (n) wagering with the approval of the commission. Any carryover shall be held until the suspended pick (n) wagering is reinstated. The licensee may request approval of a pick (n) wager or separate wagering pool for specific programs.

H. Superfecta pools. The superfecta pool requires selection of the first four finishers, in their exact order, for a single race.

1. The net superfecta pool shall be distributed to winning wagers in the following precedence based upon the official order of finish:

a. As a single price pool to those whose combination finished in correct sequence as the first four wagering interests; but if there are no such wagers, then

b. As a single price pool to those whose combination included, in correct sequence, the first three wagering interests; but if there are no such wagers, then

c. As a single price pool to those whose combination included, in correct sequence, the first two wagering interests; but if there are no such wagers, then

d. As a single price pool to those whose combination correctly selected the first-place wagering interest only; but if there are no such wagers, then

e. The entire pool shall be refunded on superfecta wagers for that race.

2. If less than four wagering interests finish and the race is declared official, payouts will be made based upon the

order of finish of those wagering interests completing the race. The balance of any selection beyond the number of wagering interests completing the race shall be ignored.

3. If there is a dead heat for first involving:

a. Horses representing four or more wagering interests, all of the wagering combinations selecting four wagering interests which correspond with any of the wagering interests involved in the dead heat shall share in a profit split.

b. Horses representing three wagering interests, all of the wagering combinations selecting the three dead-heated wagering interests, irrespective of order, along with the fourth-place wagering interest shall share in a profit split.

c. Horses representing two wagering interests, both of the wagering combinations selecting the two dead-heated wagering interests, irrespective of order, along with the third and fourth-place wagering interests shall share in a profit split.

4. If there is a dead heat for second involving:

a. Horses representing three or more wagering interests, all of the wagering combinations correctly selecting the winner combined with any of the three wagering interests involved in the dead heat for second shall share in a profit split.

b. Horses representing two wagering interests, all of the wagering combinations correctly selecting the winner, the two dead-heated wagering interests, irrespective of order, and the fourth-place wagering interest shall share in a profit split.

5. If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers, in correct sequence, along with any two of the wagering interests involved in the dead heat for fourth shall share in a profit split.

6. If there is a dead heat for fourth, all wagering combinations correctly selecting the first three finishers, in correct sequence, along with any of the wagering interests involved in the dead heat for fourth shall share in a profit split.

I. Twin trifecta pools. The twin trifecta pool requires selection of the first three finishers in their exact order, in each of two designated races. Each winning ticket for the first twin trifecta race must be exchanged for a free ticket on the second twin trifecta race in order to remain eligible for the second-half twin trifecta pool. The tickets may be exchanged only at attended windows prior to the second twin trifecta race. Winning first-half twin trifecta wagers will receive both an exchange and a monetary payout. Both of the designated twin trifecta races shall be included in only one twin trifecta pool.

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1. After wagering closes for the first-half of the twin trifecta and retainage has been deducted from the pool, the net pool shall then be divided into separate pools: the first-half twin trifecta pool and the second-half twin trifecta pool.
2. In the first twin trifecta race only, winning wagers shall be determined using the following precedence, based upon the official order of finish for the first twin trifecta race:
  - a. As a single price pool to those whose combination finished in correct sequence as the first three wagering interests; but if there is no winning wager, then
  - b. As a single price pool to those whose combination included, in correct sequence, the first two wagering interests; but if there is no winning wager, then
  - c. As a single price pool to those whose combination correctly selected the first-place wagering interest only; but if there is no winning wager, then
  - d. The entire twin trifecta pool shall be refunded to twin trifecta wagers for that race and the second-half race shall be cancelled.
3. If no first-half twin trifecta ticket selects the first three finishers of that race in exact order, winning ticket holders shall not receive any exchange tickets for the second-half twin trifecta pool. In this case, the second-half twin trifecta pool shall be retained and added to any existing twin trifecta carryover pool.
4. Winning tickets from the first-half of the twin trifecta shall be exchanged for tickets selecting the first three finishers of the second-half of the twin trifecta. The second-half twin trifecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second twin trifecta race:
  - a. As a single price pool, including any existing carryover moneys, to those whose combination finished in correct sequence as the first three wagering interests; but if there are no winning tickets, then
  - b. The entire second-half twin trifecta pool for that race shall be added to any existing carryover moneys and retained for the corresponding second-half twin trifecta pool of the next consecutive program.
5. If a winning first-half twin trifecta ticket is not presented for cashing and exchange prior to the second-half twin trifecta race, the ticket holder may still collect the monetary value associated with the first-half twin trifecta pool but forfeits all rights to any distribution of the second-half twin trifecta pool.
6. Should a wagering interest in the first-half of the twin trifecta be scratched, those twin trifecta wagers including the scratched wagering shall be refunded.
7. Should a wagering interest in the second-half of the twin trifecta be scratched, announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched wagering interest. If tickets have not been exchanged prior to the close of wagering of the second twin trifecta race, the ticket holder forfeits all rights to the second-half twin trifecta pool. However, if the scratch in the second-half of the twin trifecta occurs five minutes or less prior to post time, then the licensee shall have discretion to cancel all twin trifecta wagers and make a prompt refund.
8. If, due to a late scratch, the number of wagering interests in the second-half of the twin trifecta is reduced to fewer than the minimum, all exchange tickets and outstanding first-half winning tickets shall be entitled to the second-half twin trifecta pool for that contest as a single price pool, but not the twin trifecta carryover.
9. If there is a dead heat or multiple dead heats in either the first or second-half of the twin trifecta, all twin trifecta wagers selecting the correct order of finish, counting a wagering interest involved in a dead heat as finishing in any dead-heated position, shall be a winner. In the case of a dead heat occurring in:
  - a. The first-half of the twin trifecta, the payout shall be calculated as a profit split; and
  - b. The second-half of the twin trifecta, the payout shall be calculated as a single price pool.
10. If either of the twin trifecta races are cancelled prior to the first twin trifecta race or the first twin trifecta race is declared "no contest," the entire twin trifecta pool shall be refunded in twin trifecta wagers for that race and the second-half shall be cancelled.
11. If the second-half twin trifecta race is cancelled or declared "no contest," all exchange tickets and outstanding first-half winning twin trifecta tickets shall be entitled to the net twin trifecta pool for that race as a single price pool, but not twin trifecta carryover. If there are no such tickets, the net twin trifecta pool shall be distributed as described in subdivision 3 of this subsection.
12. The twin trifecta carryover may be capped at a designated level approved by the commission so that if, at the close of any program, the amount in the twin trifecta carryover equals or exceeds the designated cap, the twin trifecta carryover will be frozen until it is won or distributed under other provisions of this chapter. After the twin trifecta carryover is frozen, 100% of the net twin trifecta pool for each individual race shall be distributed to winners of the first-half of the twin trifecta pool.
13. A written request for permission to distribute the twin trifecta carryover on a specific program may be submitted to the commission. The request must contain justification

for the distribution, an explanation of the benefit to be derived and the intended date and program for the distribution.

14. Should the twin trifecta carryover be designated for distribution on a specified date and program, the following precedence will be followed in determining winning tickets for the second-half of the twin trifecta after completion of the first-half of the twin trifecta:

- a. As a single price pool to those whose combination finished in correct sequence as the first three wagering interests; but if there are no such wagers, then
- b. As a single price pool to those whose combination included, in correct sequence, the first two wagering interests; but if there are no such wagers, then
- c. As a single price pool to those whose combination correctly selected the first-place wagering interest only; but if there are no such wagers, then
- d. As a single price pool to holders of valid exchange tickets.
- e. As a single price pool to holders of outstanding first-half winning tickets.

15. During a program designated by the commission to distribute the twin trifecta carryover, exchange tickets will be issued for those combinations selecting the greatest number of wagering interests in their correct order of finish for the first-half of the twin trifecta. If there are no wagers correctly selecting the first, second or third-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first and second-place wagering interests. If there are no wagers correctly selecting the first and second place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first-place wagering interest only. If there are no wagers selecting the first-place wagering interest only in the first-half of the twin trifecta, all first-half tickets will become winners and will receive 100% of that day's net twin trifecta pool and any existing twin trifecta carryover.

16. The twin trifecta carryover shall be designated for distribution on a specified date and program only under the following circumstances:

- a. Upon written approval from the commission as provided in subdivision 14 of this subsection.
- b. Upon written approval from the commission when there is a change in the carryover cap or when the twin trifecta is discontinued.
- c. On the closing program of the race meeting.

17. If, for any reason, the twin trifecta carryover must be held over to the corresponding twin trifecta pool of a

subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the commission. The twin trifecta carryover plus accrued interest shall then be added to the second-half twin trifecta pool of the following meet on a date and program so designated by the commission.

18. Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold or number of valid exchange tickets is prohibited. This shall not prohibit necessary communication between totalizator and pari-mutuel department employees for processing of pool data.

19. The licensee must obtain written approval from the commission concerning the scheduling of twin trifecta contests, the percentages of the net pool added to the first-half pool and second-half pool, and the amount of any cap to be set on the carryover. Any changes to the approved twin trifecta format require prior approval from the commission.

**11 VAC 10-20-340. Refunds.**

A. Generally. For all wagers other than the daily double, pick three or pick six, a refund at face value shall be made to all holders of pari-mutuel tickets on horses that have been excused by the stewards, participated in a race where no horse finished, or a race, where in the discretion of the stewards, was declared "no contest" for wagering purposes. Unless otherwise provided for in this chapter, no refund shall be made if the horse excused by the stewards is part of a coupled entry or the field.

B. Nonstarters. If any horse is prevented from obtaining a fair start by failure of the starting gate or other untoward events, the stewards, in their discretion, may order a prompt refund in any pool on that horse.

C. Cancelling pools due to nonstarters. If any horse or horses are prevented from obtaining a fair start so that it would reduce the total number of starters below six, the following shall apply:

- 1. If horses representing five wagering interests obtain a fair start, the licensee may refund the entire amount wagered in the show pool;
- 2. If horses representing four or fewer wagering interests obtain a fair start, the licensee may refund the entire amount wagered in the show pool as well as place pool; and
- 3. If horses representing fewer than two interests obtain a fair start, the race may be declared "no contest" and the entire amount wagered in the win, place and show pools shall be promptly refunded.

D. Cancelling pools due to late scratches. After wagering has commenced on a race and prior to the race being run, should a

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horse or horses be excused by the stewards resulting in a field of less than six different wagering interests, the following apply:

1. If horses representing five wagering interests will start, the licensee may refund the entire amount wagered in the show pool;
2. If horses representing five or fewer wagering interests will start, the licensee may refund the entire amount wagered in the show pool as well as place pool;
3. If horses representing fewer than two interests will start, the race may be cancelled and the entire amount wagered in the win, place and show pools shall be promptly refunded. However, the horse or horses shall race for the purse as a nonwagering event.

E. No refunds. If a horse is left at the post at the start, or the rider or driver is unseated, there shall be no refund.

F. Scratches in entries. If two or more horses in a race are coupled as a wagering interest or the field, there shall be no refund unless all of the horses so coupled are excused by the stewards or all of the horses so coupled are prevented from obtaining a fair start. Discretion, however, is vested in the stewards to order a refund where a part of an entry ~~in a stake, handicap, futurity or other special event~~ is excused by the stewards or prevented from obtaining a fair start, where it is in the public interest to do so. In this instance, the remaining part of the entry may race for the purse only.

G. Postponed races. In the case of a race postponed beyond the day originally scheduled, all money wagered on the race shall be refunded.

H. Cancelling turf races. In the event conditions require a race to be moved from the turf to the main racing surface, any advance wager shall be refunded at the request of the holder of the pari-mutuel ticket up until post time of the race. This regulation does not apply to pick (n) wagering.

I. Announcement of refunds. In those cases where a refund is due the public or a pari-mutuel pool is cancelled, the licensee shall promptly inform the public through the public address system and other appropriate means of communication.

VA.R. Doc. No. R07-177; Filed April 20, 2007, 8:54 a.m.

## Final Regulation

**REGISTRAR'S NOTICE:** The Virginia Racing Commission is exempt from the Administrative Process Act pursuant to subdivision A 18 of § 2.2-4002 of the Code of Virginia (i) when acting by and through its duly appointed stewards or in matters related to any specific race meeting or (ii) in promulgating technical rules regulating actual live horse racing at race meetings licensed by the commission.

**Title of Regulation:** 11 VAC 10-100. Horses (amending 11 VAC 10-100-30).

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

**Effective Date:** May 31, 2007.

**Agency Contact:** David S. Lermond, Jr., Regulatory Coordinator, Virginia Racing Commission, 10700 Horsemen's Lane, New Kent, VA 23024, telephone (804) 966-7404, FAX (804) 966-7418, or email david.lermond@vrc.virginia.gov.

### Summary:

The amendment allows for the use of a microchip implanted in a Thoroughbred horse's neck to be used instead of a lip tattoo for identification purposes. This amendment is intended to accommodate horses from Europe and other countries where microchips are now being used for the identification of racehorses.

### 11 VAC 10-100-30. Lip tattoo requirements.

No horse may start in a race without a legible lip tattoo number being applied by the designated personnel appropriate to the breed of horse. The stewards, in their discretion, may approve a readable microchip approved by The Jockey Club for identification purposes if appropriate. In harness racing, no Standardbred may start in a race without either a legible lip tattoo or a freeze brand number being applied by the designated personnel appropriate.

VA.R. Doc. No. R07-170; Filed April 20, 2007, 8:54 a.m.

## Final Regulation

**REGISTRAR'S NOTICE:** The Virginia Racing Commission is exempt from the Administrative Process Act pursuant to subdivision A 18 of § 2.2-4002 of the Code of Virginia (i) when acting by and through its duly appointed stewards or in matters related to any specific race meeting or (ii) in promulgating technical rules regulating actual live horse racing at race meetings licensed by the commission.

**Title of Regulation:** 11 VAC 10-110. Entries (amending 11 VAC 10-110-30 and 11 VAC 10-110-90).

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

**Effective Date:** May 31, 2007.

Agency Contact: David S. Lermond, Jr., Regulatory Coordinator, Virginia Racing Commission, 10700 Horsemen's Lane, New Kent, VA 23024, telephone (804) 966-7404, FAX (804) 966-7418, or email david.lermond@vrc.virginia.gov.

Summary:

The amendments conform the regulation to the Model Rules of Racing published by the Association of Racing Commissioners International. The amendments (i) allow readable microchips approved by The Jockey Club to be used for purposes of identification and establishing whether a horse is eligible to race and (ii) modify the requirements for coupling of entries.

**11 VAC 10-110-30. Horses ineligible to start.**

A horse is ineligible to start in a race when:

1. The owner does not possess the required permit issued by the commission or has not applied for the appropriate permit;
2. The trainer, authorized agent or the person having care and supervision of the horse does not possess the appropriate permit issued by the commission or has not applied for the required permit;
3. The horse's certificate of foal registration, eligibility certificate or other registration document issued by the appropriate breed registry is not on file with the racing secretary or permission to start the horse without these documents has not been obtained from the stewards;
4. The horse has not been lip-tattooed or does not possess a readable microchip approved by The Jockey Club for the purposes of identification or is a Standardbred that has not had a freeze-brand number applied;
5. The ownership of the horse has been transferred without notifying the racing secretary and the appropriate breed registry;
6. The horse is subject to a lien or lease that has not been approved by the stewards and filed with the racing secretary and horsemen's bookkeeper; or
7. Nominating, sustaining, entry, starting or any other required fees have not been paid for the horse by the time specified in the published conditions of the race.

**11 VAC 10-110-90. Coupling.**

~~All horses entered in the same race and trained by the same trainer shall be joined as a mutuel entry and shall be a single wagering interest.~~ All horses entered in the same race and owned wholly or partially by the same owner or spouse or other common ownership ties, shall be joined as a mutuel entry and shall constitute a single wagering interest, ~~except that in stakes races, futurities or other events, the stewards, in~~

~~their discretion, may permit horses having common trainers but different owners to run as separate wagering interests. No trainer shall enter more than two horses in a race except in split races. No trainer of any horse shall have any ownership interest or lease interest in any other horse in the same race unless such horses are coupled as a single wagering interest.~~ The following provisions shall apply to mutuel entries:

1. The racing secretary shall be responsible for coupling entries for wagering purposes ~~whether based on common owners or trainers;~~
2. No more than two horses having common ties through ownership ~~or training~~, which would result in a mutuel entry and a single wagering interest, may be entered in an overnight race;
3. When two horses having common ties through ownership ~~or training~~ are entered in an overnight race, ~~then the nominator shall indicate a preference for one of the two horses to start, in Standardbred races, the determination will be based on the preference date~~ preference shall be given to the horse with the earliest preference date or the most stars;
4. Two horses having common ties through ownership ~~or training~~ shall not start as a mutuel entry in an overnight race to the exclusion of another horse nor shall a trainer be permitted to run two horses in a race to the exclusion of another horse; ~~and~~
5. The racing secretary shall be responsible for assigning horses to the mutuel field when the number of wagering interests exceeds the numbering capacity of the totalizator system; and
6. The uncoupling of two horses having common ties through training is subject to the approval of the trainer.

VA.R. Doc. No. R07-178; Filed April 20, 2007, 8:55 a.m.

**Final Regulation**

**REGISTRAR'S NOTICE:** The Virginia Racing Commission is exempt from the Administrative Process Act pursuant to subdivision A 18 of § 2.2-4002 of the Code of Virginia (i) when acting by and through its duly appointed stewards or in matters related to any specific race meeting or (ii) in promulgating technical rules regulating actual live horse racing at race meetings licensed by the commission.

Title of Regulation: **11 VAC 10-120. Claiming Races (amending 11 VAC 10-120-80).**

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

Effective Date: May 31, 2007.

Agency Contact: David S. Lermond, Jr., Regulatory Coordinator, Virginia Racing Commission, 10700 Horsemen's Lane, New Kent, VA 23024, telephone (804)

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966-7404, FAX (804) 966-7418, or email david.lermond@vrc.virginia.gov.

## Summary:

The amendment corrects the claiming rule for harness racing. In harness racing, a horse may run in a race for any claiming price after being claimed regardless of what price that horse was claimed for in his previous start.

### **11 VAC 10-120-80. Restrictions on a claimed horse.**

When a horse is claimed out of a claiming race other than steeplechase races, the following restrictions shall apply to the horse for 30 calendar days after the day that the horse was claimed:

1. The horse may only start in claiming races for a designated price of 25% more than the amount for which the horse was claimed, except in harness racing a horse may start in claiming races for any price ~~other than the amount for which the horse was claimed;~~
2. The horse may not be sold or transferred wholly or in part to another person, except in another claiming race;
3. The horse may not remain in the same stable or under the control or supervision of its former owner or trainer, unless reclaimed;
4. The horse may not race elsewhere until after the close of the meeting at which it was claimed or 30 calendar days, whichever occurs first, except with the permission of the stewards; and
5. All horses claimed in other jurisdictions and racing in Virginia shall be subject to the conditions of the claiming regulation in the jurisdiction where the claim was made.

VA.R. Doc. No. R07-179; Filed April 20, 2007, 8:56 a.m.

### **Final Regulation**

<p><b>REGISTRAR'S NOTICE:</b> The Virginia Racing Commission is exempt from the Administrative Process Act pursuant to subdivision B 21 of § 2.2-4002 of the Code of Virginia when promulgating regulations relating to the Virginia Breeders Fund created pursuant to § 59.1-372 of the Code of Virginia.</p>
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Title of Regulation: **11 VAC 10-130. Virginia Breeders Fund (amending 11 VAC 10-130-10).**

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

Effective Date: April 30, 2007.

Agency Contact: David S. Lermond, Jr., Regulatory Coordinator, Virginia Racing Commission, 10700 Horsemen's Lane, New Kent, VA 23024, telephone (804) 966-7404, FAX (804) 966-7418, or email david.lermond@vrc.virginia.gov.

## Summary:

*The definition of "Virginia bred Standardbred horse" is changed to provide that for a horse to qualify as Virginia bred it must either be sired by a Virginia sire, foaled in Virginia with the foaling mare staying in Virginia from July 15 through December 31 of the same year in which the horse is foaled, or foaled in Virginia with the foaling mare bred back to a Virginia sire in the same breeding season. By changing this definition, there will be more of an incentive for people to breed and foal their horses in Virginia that will in turn benefit the economy and the breeding industry.*

### **11 VAC 10-130-10. Definitions.**

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

"Breeding season" means a period of time beginning on February 1 and ending on August 1 of each year. For Standardbreds, the breeding season means a period of time beginning February 15 and ending on July 15 of each year.

"Registered" means the completion of the process of filing an application with the commission or its designee to satisfy the requirements for participation in the Virginia Breeders Fund.

"Stallion owner" means an owner or lessee of record of a stallion that covered mares in the Commonwealth of Virginia during the breeding season in which it sired a Virginia-bred horse.

"Virginia-bred Arabian horse" means a registered Arabian horse foaled in the Commonwealth of Virginia.

"Virginia Arabian horse breeder" means the owner or lessee of record of the mare at the time of foaling of a Virginia-bred Arabian horse.

"Virginia Arabian sire" means a registered Arabian stallion that covered mares only in the Commonwealth of Virginia during the breeding season in which it sired a Virginia-bred Arabian horse.

"Virginia-bred Quarter Horse" means a registered Quarter Horse foaled or conceived in the Commonwealth of Virginia.

"Virginia Quarter Horse breeder" means the owner or lessee of record of the mare at the time of conception of a Virginia-bred Quarter Horse.

"Virginia Quarter Horse sire" means a registered Quarter Horse stallion or registered Virginia Thoroughbred stallion that covered mares only in the Commonwealth of Virginia during the breeding season in which it sired a Virginia-bred Quarter Horse.

~~"Virginia bred Standardbred horse" means a registered Standardbred horse foaled or conceived in the~~

~~Commonwealth of Virginia, sired by a Virginia Standardbred sire or purchased or owned by a Virginia resident and meeting the following requirements:~~

~~1. During the first nine calendar years of live pari-mutuel harness racing in the Commonwealth, a foal not meeting the requirements of the previous paragraph may still be registered as Virginia bred providing it is registered by a Virginia resident and owner with the commission or its designee by submitting documentation proving that the horse was purchased prior to April 1 of its two year old year and prior to making its first start in a nonqualifying race. For purposes of registration under this subdivision, neither the stallion owner of a sire standing outside the Commonwealth nor the breeder of a Standardbred foaled outside the Commonwealth shall be eligible for any award from the Virginia Breeders Fund;~~

~~2. For purposes of determining the eligibility for an owner to register a Virginia Standardbred, a Virginia resident and owner shall be defined as a person legally required to file a resident income tax return with the Commonwealth that year or a partnership, corporation, stable name or other entity that is solely owned by Virginia residents and owners legally required to file resident income tax returns with the Commonwealth that year; and~~

~~3. After December 31 of the seventh calendar year of live harness racing in the Commonwealth, foals of that year and each succeeding year must be sired by a Virginia Standardbred sire to qualify as Virginia bred Standardbreds.~~

"Virginia resident" means a person legally required to file a resident income tax return with the Commonwealth of Virginia or a partnership, corporation, stable name or other entity that is solely owned by Virginia residents and owners legally required to file resident income tax returns with the Commonwealth.

"Virginia-bred Standardbred horse" means a registered Standardbred horse sired by a Virginia Standardbred sire, a registered Standardbred horse foaled in the Commonwealth of Virginia provided that the foal-producing mare is domiciled in the Commonwealth from July 15 through December 31 of the year in which the horse is foaled, or a registered Standardbred horse foaled in the Commonwealth provided that the foal-producing mare is bred back that same breeding season to a Virginia Standardbred sire with the following exceptions:

1. A registered Standardbred horse that is purchased in its two-year-old year by a Virginia resident before April 1, 2007, prior to making its first start in a nonqualifying race;

2. A registered Standardbred horse that is purchased or owned by a Virginia resident after December 31, 2004, and

before April 30, 2007, provided that the horse was sired by a Virginia Standardbred sire; or

3. A registered Standardbred horse that was foaled in the Commonwealth of Virginia prior to April 30, 2007.

"Virginia Standardbred horse breeder" means the owner or lessee of record of the mare at the time of conception of a Virginia-bred Standardbred horse.

"Virginia Standardbred sire" means a registered Standardbred stallion that stood only in the Commonwealth of Virginia during the breeding season in which it sired a Virginia-bred Standardbred horse. Shipment of semen for the breeding of mares outside the Commonwealth shall be permitted so long as any resulting foals meet the requirements of this chapter in all other respects.

"Virginia-bred Thoroughbred horse" means a registered Thoroughbred horse foaled in Virginia.

"Virginia-sired Thoroughbred horse" means a registered Thoroughbred horse sired by a Virginia Thoroughbred sire, but not foaled in Virginia or not otherwise satisfying the requirements for a Virginia-bred Thoroughbred horse.

"Virginia Thoroughbred horse breeder" means the owner or lessee of record of the mare at the time of foaling a Virginia-bred Thoroughbred horse.

"Virginia Thoroughbred sire" means a registered Thoroughbred stallion that covers mares, other than test mares, only in the Commonwealth during the breeding season in which it sires a Virginia-bred Thoroughbred horse, or only during that part of the breeding season after entering the Commonwealth.

V.A.R. Doc. No. R07-195; Filed April 20, 2007, 8:56 a.m.

## Final Regulation

<p><b>REGISTRAR'S NOTICE:</b> The Virginia Racing Commission is exempt from the Administrative Process Act pursuant to subdivision A 18 of § 2.2-4002 of the Code of Virginia (i) when acting by and through its duly appointed stewards or in matters related to any specific race meeting or (ii) in promulgating technical rules regulating actual live horse racing at race meetings licensed by the commission.</p>
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**Title of Regulation:** 11 VAC 10-140. Flat Racing (amending 11 VAC 10-140-210; adding 11 VAC 10-140-12 and 11 VAC 10-140-15).

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

**Effective Date:** May 31, 2007.

**Agency Contact:** David S. Lermond, Jr., Regulatory Coordinator, Virginia Racing Commission, 10700 Horsemen's Lane, New Kent, VA 23024, telephone (804)



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966-7404, FAX (804) 966-7418, or email david.lermond@vrc.virginia.gov.

## Summary:

The amendments (i) remove the word "willfully" from the section that defines interference during the running of a race and (ii) add requirements on the use of safety equipment for not only the jockeys riding in a race, but for the exercise riders in the morning and people who load the horses into the starting gate before the start of each race.

## **11 VAC 10-140-12. Safety helmets.**

Any person mounted on a horse or stable pony on association grounds must wear a safety helmet approved by the American Society for Testing and Materials (ASTM) securely fastened under the chin at all times.

## **11 VAC 10-140-15. Safety vests.**

### A. A safety vest shall be worn when:

1. Racing, parading, or warming up a horse prior to racing;
2. Jogging, training, or exercising a horse at any time; or
3. Handling horses in the starting gate.

### B. A safety vest shall:

1. Cover the torso, front and back, from the collar bone to the hip bone;
2. Be of uniform material and thickness over the whole of the vest except for localized:
  - a. Variation due to pattern, for example, quilting;
  - b. Thinner areas to aid fit, for example, under the arms, at fastenings and at edges; and
  - c. Thicker areas in regard to particularly sensitive areas of the body, for example, the spine; and
3. Equal or exceed a minimum shock absorbance rating of five according to the specifications established by the British Equestrian Trade Association (BETA), which are as follows:
  - a. Use a critical height apparatus to measure the maximum deceleration on impact of a striker consisting of a spherical indentor weighing 5.9 (+/-0.05) kilograms with a diameter of 215 (+/-2) millimeters;
  - b. Condition the vest and the striker for a minimum of three hours at 23° (+/-2°) Centigrade;
  - c. With the vest lying on a smooth, flat massive concrete base with the inside of the vest facing the striker and positioned so that the striker will impact on an area of typical thickness, not reinforced by additional material, raise and release the striker starting at a height of 0.2 meter and increasing the height by increments of 0.2

meter to a height that will result in a deceleration of over 300 gravity units (1G=9.81 ms<sup>-1</sup>) as measured by recording the signal from an accelerometer through the impact from the time before the striker impacts the vest until the accelerometer returns to the same level as before the impact;

d. Record the gravity units measured at each height increment on a line graph that has the gravity units in ascending order as the vertical axis and the release height in meters in ascending meters as the horizontal axis.

e. Plot the height in meters at which the deceleration reached 300 gravity units; and

f. Multiply the height obtained in subdivision 3 e of this subsection by 10 to calculate the shock absorbance rating.

## **11 VAC 10-140-210. Interference.**

During a race, no jockey shall ~~willfully~~ strike, strike at or touch another jockey or another jockey's horse or equipment, or jostle another horse to interfere with that jockey or horse.

VA.R. Doc. No. R07-171; Filed April 20, 2007, 8:57 a.m.

## **Final Regulation**

**REGISTRAR'S NOTICE:** The Virginia Racing Commission is exempt from the Administrative Process Act pursuant to subdivision A 18 of § 2.2-4002 of the Code of Virginia (i) when acting by and through its duly appointed stewards or in matters related to any specific race meeting or (ii) in promulgating technical rules regulating actual live horse racing at race meetings licensed by the commission.

**Title of Regulation:** 11 VAC 10-150. Harness Racing (adding 11 VAC 10-150-12 and 11 VAC 10-150-15).

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

**Effective Date:** May 31, 2007.

**Agency Contact:** David S. Lermond, Jr., Regulatory Coordinator, Virginia Racing Commission, 10700 Horsemen's Lane, New Kent, VA 23024, telephone (804) 966-7404, FAX (804) 966-7418, or email david.lermond@vrc.virginia.gov.

## Summary:

The amendments add requirements for the use of safety equipment for the drivers of Standardbred horses. The use of the specified equipment will be required whether drivers are driving in an actual race or exercising a horse in the morning.

The specifications for the safety equipment were taken from the Model Rules of Racing, which were written by the Association of Racing Commissioners International.

**11 VAC 10-150-12. Safety helmets.**

A protective helmet, meeting the 2000 Standard for Protective Headgear (Snell Memorial Foundation), meeting Federal Motor Vehicle Safety Standard No. 218 (49 CFR 571.218), or that is ASTM/SEI certified, securely fastened under the chin, must be worn at all times on association grounds when:

- 1. Racing, parading, or warming up a horse prior to racing; or
- 2. Jogging, training, or exercising a horse at any time.

**11 VAC 10-150-15. Safety vests.**

A. A safety vest shall be worn when:

- 1. Racing, parading or warming up a horse prior to racing; or
- 2. Jogging, training or exercising a horse at any time.

B. A safety vest shall:

- 1. Cover the torso, front and back, from the collar bone to the hip bone;
- 2. Be of uniform material and thickness over the whole of the vest except for localized:
  - a. Variation due to pattern, for example, quilting;
  - b. Thinner areas to aid fit, for example, under the arms, at fastenings and at edges; and
  - c. Thicker areas in regard to particularly sensitive areas of the body, for example, the spine; and
- 3. Equal or exceed a minimum shock absorbance rating of five according to the specifications established by the British Equestrian Trade Association (BETA), which are as follows:
  - a. Use a critical height apparatus to measure the maximum deceleration on impact of a striker consisting of a spherical indentor weighing 5.9 (+/-0.05) kilograms with a diameter of 215 (+/- 2) millimeters,
  - b. Condition the vest and the striker for a minimum of three hours at 23° (+/-2°) Centigrade,
  - c. With the vest lying on a smooth, flat massive concrete base with the inside of the vest facing the striker and positioned so that the striker will impact on an area of typical thickness, not reinforced by additional material, raise and release the striker starting at a height of 0.2 meter and increasing the height by increments of 0.2 meter to a height that will result in a deceleration of over 300 gravity units (1G=9.81 ms<sup>-1</sup>) as measured by recording the signal from an accelerometer through the impact from the time before the striker impacts the vest until the accelerometer returns to the same level as before the impact,

d. Record the gravity units measured at each height increment on a line graph that has the gravity units in ascending order as the vertical axis and the release height in meters in ascending meters as the horizontal access,

e. Plot the height in meters at which the deceleration reached 300 gravity units, and

f. Multiply the height obtained in subdivision 3 e of this subsection by 10 to calculate the shock absorbance rating.

VA.R. Doc. No. R07-172; Filed April 20, 2007, 8:58 a.m.

◆ ————— ◆  
**DEPARTMENT OF MEDICAL ASSISTANCE SERVICES**

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

**Final Regulation**

**Titles of Regulations: 12 VAC 30-40. Eligibility Conditions and Requirements (amending 12 VAC 30-40-20).**

**12 VAC 30-110. Eligibility and Appeals (amending 12 VAC 30-110-950).**

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

**Effective Date:** July 1, 2007.

**Agency Contact:** Cindy Olson, Manager, Policy and Research Division, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 225-4282, FAX (804) 786-1680 or email cindy.olson@dmas.virginia.gov.

**Summary:**

*The amendment is pursuant to the 2007 Appropriation Act, Item 302 NNN, which directs the department to increase the personal needs allowance for institutionalized Medicaid recipients.*

**12 VAC 30-40-20. Post-eligibility treatment of institutionalized individuals.**

The following amounts are deducted from gross income when computing the application of an individual's or couple's income to the cost of institutional care:

# Regulations

## 1. Personal needs allowance.

a. Aged, blind, disabled:

Individuals: ~~\$30~~ 40 PLUS \*

Couples: \$60 PLUS \*

For the following individuals with greater need-- \* (1) Patients in institutions who participate in work programs as part of treatment. The first \$75.00 of earnings plus 1/2 the remainder, up to a maximum of \$190.00 monthly is allowed to be retained for personal needs. \* (2) Patients receiving institutional or home- and community-based waiver services who pay guardianship fees, the actual cost of guardian fees up to a maximum of 5% of gross income.

b. AFDC related:

Children: ~~\$30~~ 40

Adults: \$60

c. Individuals under age 21 covered in this plan as specified in Item b.7 of 12 VAC 30-30-20: ~~\$30~~ 40

### **12 VAC 30-110-950. Mandatory deductions from institutionalized spouse's income.**

The following amounts shall be deducted from the institutionalized spouse's gross monthly income:

1. A personal needs allowance of ~~\$30~~ 40;
2. The community spouse monthly income allowance as calculated pursuant to 12 VAC 30-110-960;
3. The family maintenance allowance, if any, as calculated pursuant to 12 VAC 30-110-970; and
4. Incurred medical and remedial care expenses recognized under state law, not covered under the State Plan and not subject to third party payment.

VA.R. Doc. No. R07-197; Filed April 25, 2007, 10:08 a.m.

## TITLE 14. INSURANCE

### STATE CORPORATION COMMISSION

**REGISTRAR'S NOTICE:** The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 2.2-4002 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly granted any of the powers of a court of record.

#### Proposed Regulation

**Title of Regulation:** 14 VAC 5-215. Rules Governing Independent External Review of Final Adverse Utilization Review Decisions (amending 14 VAC 5-215-20, 14 VAC 5-215-30, 14 VAC 5-215-50, 14 VAC 5-215-60 and 14 VAC 5-215-80).

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

**Public Hearing Date:** Upon request -- Public comments may be submitted until May 25, 2007.

**Agency Contact:** Kim R. Naoroz, Manager, External Appeals, Bureau of Insurance, State Corporation Commission, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9915, FAX (804) 371-9944, or email kim.naoroz@scc.virginia.gov.

#### Summary:

*The proposed revisions to the Rules are necessary as a result of the passage of an amendment to §§ 38.2-5902 and 38.2-5905 of the Code of Virginia relating to expedited appeals of final adverse decisions regarding health care coverage. The revisions include provisions for expedited consideration of appeals involving a terminal condition. The provisions include a requirement that the Commissioner or his designee shall issue his written ruling affirming, modifying, or reversing the final adverse decision no later than one business day following the receipt of such recommendation.*

AT RICHMOND, APRIL 20, 2007

COMMONWEALTH OF VIRGINIA  
At the relation of the  
STATE CORPORATION COMMISSION

CASE NO. INS-2007-00138

Ex Parte: In the matter of  
adopting revisions to the  
Rules Governing Independent  
External Review of Final Adverse  
Utilization Review Decisions

ORDER TO TAKE NOTICE

Section 12.1-13 of the Code of Virginia provides that the State Corporation Commission ("Commission") shall have the power to promulgate rules and regulations in the enforcement and administration of all laws within its jurisdiction, § 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, and § 38.2-5905 of the Code of Virginia provides for the Commission to promulgate regulations to include provisions for expedited consideration of appeals.

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 ("Bureau") has submitted to the Commission proposed revisions to Chapter 215 of Title 14 of the Virginia Administrative Code entitled "Rules Governing Independent External Review of Final Adverse Utilization Review Decisions," which amend the Rules at 14 VAC 5-215-20, 14 VAC 5-215-30, 14 VAC 5-215-50, 14 VAC 5-215-60, and 14 VAC 5-215-80.

The proposed revisions to the Rules are necessary as a result of the passage of an amendment to Code of Virginia §§ 38.2-5902 and 38.2-5905 relating to expedited appeals of final adverse decisions regarding health care coverage. The revisions include provisions for expedited consideration of appeals involving a terminal condition. The provisions include a requirement that the Commissioner or his designee shall issue his written ruling affirming, modifying, or reversing the final adverse decision no later than one business day following the receipt of such recommendation.

The Commission is of the opinion that the proposed revisions to Ch. 215 of Title 14 of the Virginia Administrative Code should be considered for adoption.

THEREFORE, IT IS ORDERED THAT:

(1) The proposed revisions to the "Rules Governing Independent External Review of Final Adverse Utilization

Review Decisions," which amend the Rules at 14 VAC 5-215-20, 14 VAC 5-215-30, 14 VAC 5-215-50, 14 VAC 5-215-60, and 14 VAC 5-215-80 be attached hereto and made a part hereof.

(2) All interested persons who desire to comment in support of or in opposition to, or request a hearing to oppose the adoption of the proposed revisions shall file such comments or hearing request on or before May 25, 2007, 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-2007-00138.

(3) If no written request for a hearing on the proposed revisions is filed on or before May 25, 2007, the Commission, upon consideration of any comments submitted in support of or in opposition to the proposed revisions, may adopt the revisions proposed by the Bureau of Insurance.

(4) AN ATTESTED COPY hereof, together with a copy of the proposed revisions, 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 proposed adoption of the revisions by mailing a copy of this Order, together with the proposed revisions, to all health carriers with managed care health insurance plan (MCHIP) authority and licensed by the Commission to write accident and sickness insurance in the Commonwealth of Virginia, including health maintenance organizations and health services plans, as well as all interested parties.

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

(6) 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.

**14 VAC 5-215-20. Evidence of coverage forms Notifications.**

~~A. The right of appeal contained in this chapter shall commence with regard to final adverse decisions rendered on or after May 17, 2000. Evidences of coverage affected by this chapter that are issued, extended, renewed, amended, or reissued on or after February 15, 2000, shall conform to the provisions of this chapter. Evidences of coverage in force on February 15, 2000, shall be deemed to be in compliance with~~

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# Regulations

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~~this chapter and may continue to be used until the date that they are extended, renewed, amended, or reissued. If any provision of an evidence of coverage in force February 15, 2000, conflicts with provisions of this chapter, the Bureau of Insurance and the impartial health entity shall use the provision more beneficial to the covered person.~~

~~B.~~ In the event of a final adverse decision, a utilization review entity shall provide to the covered person or treating health care provider requesting the decision a clear and understandable written notification of (i) the right to appeal final adverse decisions to the Bureau of Insurance in accordance with the provisions of Chapter 59 (§ 38.2-5900 et seq.) of Title 38.2 of the Code of Virginia; (ii) the procedures for making such an appeal; and (iii) the binding nature and effect of such an appeal. The notice shall include a copy of the ~~then current~~ Instructions (Form 215A), Important Terms and Definitions (Form 215B), Appeal of Final Adverse Decision Form (Form 215C), and Authorization (Form 215D), or such other form or forms as may then be required by the Bureau of Insurance pursuant to 14 VAC 5-215-120.

## 14 VAC 5-215-30. Definitions.

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

"Appellant" means (i) the covered person; (ii) the covered person's parent, guardian, legal custodian, or other individual authorized by law to act on behalf of the covered person if the covered person is a minor; (iii) the covered person's spouse, parent, committee, legal guardian, or other individual authorized by law to act on behalf of the covered person if the covered person is not a minor but is incompetent or incapacitated; or (iv) the covered person's treating health care provider acting with the consent of the covered person, the covered person's parent, guardian, legal custodian, or other individual authorized by law to act on behalf of the covered person if the covered person is a minor, or the covered person's spouse, parent, committee, legal guardian, or other individual authorized by law to act on behalf of the covered person if the covered person is not a minor but is incompetent or incapacitated.

"Commission" means the Virginia State Corporation Commission.

"Commissioner" means the Commissioner of Insurance.

"Covered person" means an individual, whether a policyholder, subscriber, enrollee, covered dependent, or member of a managed care health insurance plan, who is entitled to health care services or benefits provided, arranged for, paid for or reimbursed pursuant to a managed care health insurance plan as defined in and subject to regulation under Chapter 58 (§ 38.2-5800 et seq.) of Title 38.2 of the Code of

Virginia, when such coverage is provided under a contract issued in this Commonwealth.

"Emergency health care" means health care items and medical services furnished or required to evaluate and treat an emergency medical condition.

"Emergency medical condition" means the sudden and, at the time, unexpected onset of a health condition or illness that requires immediate medical attention, the absence of which would result in a serious impairment to bodily functions, serious dysfunction of a bodily organ or part, or would place the person's health in serious jeopardy. "Emergency medical condition" also means a health condition or illness that if not treated within the time frame allotted for a standard review under this chapter will result in a serious impairment to bodily functions, serious dysfunction of a bodily organ or part, or would place the person's health in serious jeopardy.

"Emergency medical condition" also means a health condition that would be terminal without the requested treatment, as determined by the person's treating health care provider.

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

"Final adverse decision" means a utilization review determination (i) declining to grant an expedited review in a situation involving an alleged emergency medical condition; (ii) declining to provide coverage or services for an alleged emergency medical condition, ~~whether before or~~ after granting an expedited review; or (iii) denying benefits or coverage, and concerning which all internal appeals available to the covered person pursuant to Title 32.1 of the Code of Virginia have been exhausted. For purposes of this chapter, a final adverse decision shall be deemed to have been made on the date that it is communicated to the covered person or treating health care provider.

"Treating health care provider" or "provider" means a licensed health care provider who renders or proposes to render health care services to a covered person.

"Utilization review" means a system for reviewing the necessity, appropriateness, and efficiency of hospital, medical or other health care services rendered or proposed to be rendered to a patient or group of patients for the purpose of determining whether such services should be covered or provided by an insurer, health services plan, managed care health insurance plan licensee, or other entity or person. As used herein, "utilization review" shall include, but shall not be limited to, preadmission, concurrent and retrospective medical necessity determination, and review related to the

appropriateness of the site at which services were or are to be delivered.

"Utilization review" shall also include determinations of medical necessity based upon contractual limitations regarding "experimental" or "investigational" procedures, by whatever terms designated in the evidence of coverage. "Utilization review" shall not include any: (i) denial of benefits or services for a procedure which is explicitly excluded pursuant to the terms of the contract or evidence of coverage; (ii) review of issues concerning contractual restrictions on facilities to be used for the provision of services; or (iii) determination by an insurer as to the reasonableness and necessity of services for the treatment and care of an injury suffered by an insured for which reimbursement is claimed under a contract of insurance covering any classes of insurance defined in §§ 38.2-117 through 38.2-119, 38.2-124 through 38.2-126, 38.2-130 through 38.2-132, and 38.2-134 of the Code of Virginia.

"Utilization review entity" or "entity" means an insurer or managed care health insurance plan licensee that performs utilization review or upon whose behalf utilization review is performed with regard to the health care or proposed health care that is the subject of the final adverse decision.

#### 14 VAC 5-215-50. Appeals.

A. An appeal of a final adverse decision made by a utilization review entity shall be submitted to the Bureau of Insurance within 30 days of the final adverse decision. The appeal shall be made by (i) completing and signing a copy of the ~~then current~~ Appeal of Final Adverse Decision Form, (Form 215C) or such other form or forms as may then be required by the Bureau of Insurance pursuant to 14 VAC 5-215-120; (ii) completing and signing an Authorization to Release Medical Information (Form 215D) in a form and manner required by the Bureau of Insurance; and (iii) forwarding a check or money order made payable to the Treasurer of Virginia in the amount of \$50. The Bureau of Insurance shall provide a copy of the written appeal to the utilization review entity that made the final adverse decision.

B. The \$50 fee required to file an appeal may be waived or refunded for good cause shown upon a determination by the Bureau of Insurance that payment of the filing fee will cause undue financial hardship for the covered person. Such determination shall be based upon information provided on the Appeal of Final Adverse Decision Form ~~then~~ (Form 215C) required by the Bureau of Insurance, and any supplemental information required by the Bureau of Insurance. The decision of the Bureau of Insurance as to whether good cause has been shown that payment of the filing fee will cause undue financial hardship shall be final.

C. A preliminary review of the appeal shall be conducted by the Bureau of Insurance or its designee to determine the following: (i) that the person on whose behalf the appeal has

been filed is, or was, a covered person at the time the health care service in question was requested; (ii) that the appellant satisfies the definition of "appellant" set forth in 14 VAC 5-215-30; (iii) that the benefit or service that is the subject of the appeal reasonably appears to be a covered service for which the actual cost to the covered person would exceed \$300 if the final adverse decision is not reversed; (iv) that all other appeal procedures available to the appellant have been exhausted, except in the case of an appeal accepted as one requiring expedited review; and (v) that the appeal is otherwise complete and filed in accordance with this section. The Bureau of Insurance shall not accept an appeal that does not meet the foregoing requirements.

D. The preliminary review shall be conducted within 10 working days of receipt of all information and documentation necessary to conduct the preliminary review.

E. The Bureau of Insurance shall notify the appellant and the utilization review entity in writing within five working days of the completion of the preliminary review whether the appeal has been accepted for review, and if not accepted, the reason or reasons ~~therefor~~.

F. The appellant, the treating health care provider, if not the appellant, and the utilization review entity shall provide to the Bureau of Insurance or its designee copies of all medical records relevant to the final adverse decision within 20 working days after the Bureau of Insurance has mailed, via certified mail, return receipt requested, written notice of its acceptance of the appeal. Failure to comply with ~~such the~~ request within the required time may result in the dismissal of the appeal or reversal of the final adverse decision, at the discretion of the commissioner. The confidentiality of these medical records shall be maintained in accordance with the confidentiality and disclosure laws of the Commonwealth.

G. The Bureau of Insurance, or its designee, may request additional medical records from the appellant, the treating health care provider, if not the appellant, or the utilization review entity. Such medical records shall be provided to the entity making the request, whether the Bureau of Insurance or its designee, within 20 working days of the request. The confidentiality of these medical records shall be maintained in accordance with the confidentiality and disclosure laws of the Commonwealth. Failure to comply with the request within the required time may result in dismissal of the appeal or reversal of the final adverse decision at the discretion of the commissioner.

H. The commissioner, upon good cause shown, may provide an extension of time for the covered person, the treating health care provider, the utilization review entity and the Bureau of Insurance to meet the time requirements set forth in this section.

I. If an appeal that is reviewed as an expedited appeal by a utilization review entity results in a final adverse decision, the

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# Regulations

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utilization review entity shall take the following actions immediately: (i) notify the person who requested the expedited review of the final adverse decision; and (ii) notify the appellant, by telephone, ~~telefacsimile fax~~, or electronic mail, that the appellant is eligible for an expedited appeal to the Bureau of Insurance without the necessity of providing the justification required pursuant to subdivision 1 of 14 VAC 5-215-80. The notification shall be followed within 24 hours by written notice to the appellant and the treating health care provider, if not the appellant, clearly informing them of the right to appeal this decision to the Bureau of Insurance and providing the appropriate forms (Forms 215A, 215B, 215C, and 215D) by which ~~such the~~ appeal to the Bureau of Insurance may be filed. A copy of this written notice shall be retained by the utilization review entity and included with any materials forwarded to the Bureau of Insurance in the event the utilization review entity's decision is appealed to the Bureau of Insurance.

J. If a request for an expedited review is denied by a utilization review entity, the entity shall take the following actions immediately: (i) notify the appellant of the decision by telephone, ~~telefacsimile fax~~, or electronic mail; and (ii) inform the appellant that the appellant has the right to file a request for an expedited appeal with the Bureau of Insurance pursuant to subdivision 1 of 14 VAC 5-215-80. This notification shall be followed within 24 hours by a written notice to the appellant and the treating health care provider, if not the appellant, clearly informing them of the right to appeal this decision to the Bureau of Insurance and providing the appropriate forms (Forms 215A, 215B, 215C, and 215D) by which ~~such the~~ appeal to the Bureau of Insurance may be filed. A copy of the written notice shall be retained by the utilization review entity and included with any materials forwarded to the Bureau of Insurance in the event the utilization review entity's decision is appealed to the Bureau of Insurance.

K. If the Bureau of Insurance, or its designee, determines that a request for an expedited review which has been reviewed in accordance with subsection J of this section does not meet its criteria for an expedited review, the appellant shall be notified in writing by the Bureau of Insurance, or its designee, within two working days from the time ~~such the~~ determination is made. The notice shall instruct the appellant wishing to pursue the appeal to contact the issuer of coverage and request a review through the standard review process of the issues for which an expedited review was sought.

## **14 VAC 5-215-60. Impartial health entity.**

The Bureau of Insurance shall contract with one or more impartial health entities to perform the review of final adverse decisions made by utilization review entities. The impartial health entity shall examine the final adverse decision and determine whether the decision is objective, clinically valid, compatible with established principles of health care, and

appropriate under the terms of the contractual obligations to the covered person. The impartial health entity shall issue its written recommendation affirming, modifying, or reversing the final adverse decision within 30 working days of the date that the impartial health entity has received from all parties all documentation and information necessary for it to complete its review in the case of a standard review as set forth in 14 VAC 5-215-70. In the case of an expedited review, the impartial health entity shall issue its written recommendation within five working days of ~~the acceptance of the appeal by the Bureau of Insurance~~ its receipt of sufficient information to review the appeal.

## **14 VAC 5-215-80. Expedited review.**

Appeals presented to the Bureau of Insurance as requiring emergency health care shall be evaluated as follows:

1. Immediately upon receipt of an appeal indicating that emergency health care is required and otherwise meeting the requirements for review as provided in 14 VAC 5-215-50 C, the Bureau of Insurance shall consult with the impartial health entity to which the appeal normally would be assigned, and such entity shall determine if the appeal involves emergency health care.

2. If, after consultation with the impartial health entity, a determination is made by the Bureau of Insurance that the appeal does not qualify for an expedited review, the person making the request for the expedited review shall be notified within two working days of receipt by the Bureau of Insurance of sufficient information to support the request for expedited review. The declination by the Bureau of Insurance to provide an expedited review shall not preclude the appellant from resuming the normal appeal process within the utilization review entity or from filing a request for a standard review by the Bureau of Insurance, provided the requirements set forth in 14 VAC 5-215-50 A have been met.

3. Immediately upon acceptance of an appeal for expedited review, the Bureau of Insurance shall notify the utilization review entity and the appellant by the most expeditious means available, including telephone, ~~telefacsimile fax~~, or electronic mail, of their right to submit information and supporting documentation. Such information shall be submitted to the Bureau of Insurance or the impartial health entity within two working days of the acceptance of the appeal.

4. Upon the acceptance of the appeal for expedited review, the Bureau of Insurance shall assign the appeal to an impartial health entity for clinical review as provided in 14 VAC 5-215-60. The impartial health entity shall review the appeal and make a decision as required under 14 VAC 5-215-60 as soon as possible consistent with the medical exigencies of the case, but in no event more than five

working days after its receipt of sufficient information to review the appeal.

5. a. Immediately upon receipt of the assigned impartial health entity's recommendation, the commissioner shall review the recommendation to ensure that it is not arbitrary or capricious.

b. The commissioner shall notify the appellant and the utilization review entity in writing of the decision to uphold or reverse the final adverse decision by issuing a written ruling affirming, modifying or reversing the final adverse decision. The written ruling shall bind the covered person and the issuer of the covered person's policy or contract for health benefits to the same extent to which each would have been bound by a judgment entered in an action at law or in equity with respect to the issues which the impartial health entity may examine when reviewing a final adverse decision. If the decision is regarding treatment for a covered person whose condition would be terminal without the treatment, the commissioner or his designee shall issue his written ruling no later than one business day following the receipt of the recommendation.

c. The commissioner shall include in the notice sent pursuant to subdivision 5 b of this section:

(1) The principal reason or reasons for the decision, including, as an attachment to the notice or in any other manner that the commissioner considers appropriate, the information provided by the assigned impartial health entity supporting its recommendations; and

(2) If applicable, the principal reason or reasons why the commissioner did not follow the assigned impartial health entity's recommendation.

d. Upon notice of a decision pursuant to subdivision 5 a of this section reversing the final adverse decision, the utilization review entity immediately shall approve and provide, or provide reimbursement for, any and all medical services that were the subject of the final adverse decision.

**NOTICE:** The forms used in administering 14 VAC 5-215, Rules Governing Independent External Review of Final Adverse Utilization Review Decisions, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

## FORMS

Instructions for Completing the Appeal of Final Adverse Decision Form, Form 215A (rev. ~~7/00~~ 7/07).

Important Terms and Definitions, Form 215B (rev. ~~7/00~~ 7/07).

Appeal of Final Adverse Decision Form, Form 215C (rev. ~~7/00~~ 7/07).

Authorization to Release Medical Information, Form 215D (rev. ~~7/00~~ 7/07).



STATE CORPORATION COMMISSION  
BUREAU OF INSURANCE

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Form 215A  
(rev. 7/00 7/07)



State Corporation Commission  
Bureau of Insurance  
External Appeals  
P.O. Box 1157  
Richmond, VA 23218  
(804) 371-9913

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## INSTRUCTIONS FOR COMPLETING THE APPEAL

### OF FINAL ADVERSE DECISION FORM

#### Please Read Carefully Before Completing the Form

Before completing the attached form, please read the following instructions carefully. We also recommend that you review the form itself as well as the "Important Terms and Definitions" list attached.

The law requires that in order to be "appealable" the actual cost to the covered person of the services or procedures in question exceed \$300 if the final adverse decision is not reversed. Please verify the cost of the service(s) before requesting an appeal of a final adverse decision.

**1. Name and Address**

Please type (or print) the covered person's full name. Include the address, daytime telephone number, date of birth, sex and policy number, certificate number, or other identifying number of the covered person.

**2. Appellant Information**

This section is to be completed by the appellant who is making the appeal on behalf of the covered person. This section does not need to be completed if the covered person is requesting the external review on his own behalf.

**3. Name of the Managed Care Health Insurance Plan**

Please provide the name, address and telephone number of the Managed Care Health Insurance Plan (MCHIP). The MCHIP name should be the same as the insurance company or health maintenance organization providing the covered person's coverage. If the covered person is covered by insurance through an employer, please provide the name, address and phone number of the employer, if available. ~~If the plan is self-funded, please indicate that information as well (optional).~~

**4. Describe the Covered Person's Situation**

Please clearly and accurately describe the nature of the circumstances surrounding the covered person's request for an appeal of a final adverse decision. ~~Attach copies of any pertinent and essential documentation that supports your request, including the letter from the covered person's MCHIP denying coverage for the service or services you want reviewed. This could include, but is not limited to, correspondence from treating physicians and medical records.~~

**5. Expedited Review**

In certain situations, an expedited review of an appeal of a final adverse decision may be requested. Please review the definition of "emergency medical condition" provided with this form. If the situation involves an "emergency medical condition," please indicate this by checking the "yes" box and attach supporting documentation.

STATE CORPORATION COMMISSION  
BUREAU OF INSURANCE

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Form 215A

Page 2

**6. Treatment for Terminal Conditions**

Please indicate whether the requested treatment has already been provided and whether, in the opinion of the covered person's treating health care provider, the covered person's condition would be terminal without this treatment.

**6. 7. Filing Fee Waiver**

Please note that the \$50 filing fee may be waived. If you wish to request that the filing fee be waived, please describe the reason or reasons for the request and provide supporting documentation.

**8. Total Cost of Denied Services**

Please provide an estimate of the total cost to you if services remain denied. If a prescription drug has been denied, please estimate the cost for the length of the prescription. This cost estimate is for our records and will not have any bearing on any party's payment responsibility following the final decision.

**7. 9. Authorization/Authorization to Release Medical Information**

Please carefully read the "Authorization" section on the "Appeal of Final Adverse Decision" form and the separate "Authorization to Release Medical Information" form included with this package. Information that you provide or authorize to be released may be shared with an impartial health entity. The signature of the covered person or other authorized signature is required on both of these forms in order for the appeal of the final adverse decision to occur.



State Corporation Commission  
Bureau of Insurance  
External Appeals  
P.O. Box 1157  
Richmond, VA 23218  
(804) 371-9913

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## IMPORTANT TERMS AND DEFINITIONS

**"Appellant"** - means (i) the covered person; (ii) the covered person's parent, guardian, legal custodian, or other individual authorized by law to act on behalf of the covered person, if the covered person is a minor; (iii) the covered person's spouse, parent, committee, legal guardian, or other individual authorized by law to act on behalf of the covered person, if the covered person is not a minor but is incompetent or incapacitated; or (iv) the covered person's treating health care provider acting with the consent of the covered person, the covered person's parent, guardian, legal custodian, or other individual authorized by law to act on behalf of the covered person, if the covered person is a minor, or the covered person's spouse, parent, committee, legal guardian or other individual authorized by law to act on behalf of the covered person, if the covered person is not a minor but is incompetent or incapacitated.

**"Covered person"** - means an individual, whether a policyholder, subscriber, enrollee, covered dependent, or a member of a managed care health insurance plan, who is entitled to health care services or benefits provided, arranged for, paid for, or reimbursed pursuant to a managed care health insurance plan as defined in and subject to regulation under Chapter 58 (§ 38.2-5800 et seq.) of Title 38.2 of the Code of Virginia, when such coverage is provided under a contract issued in this Commonwealth.

**"Cost of Service"** - the total amount paid by the covered person for a rendered service or the assumed liability for that service by the covered person for a rendered service. The law requires that in order for an appeal of a final adverse decision to occur, the actual cost to the covered person of the service if the final adverse decision is not reversed must exceed \$300.

**"Emergency Medical Condition"** - the sudden and, at the time, unexpected onset of a health condition or illness that requires immediate medical attention, the absence of which would result in a serious impairment to bodily functions, serious dysfunction of a bodily organ or part, or would place the person's health in serious jeopardy. "Emergency medical condition" also means a health condition or illness that if not treated within the time frame allotted for a standard review will result in a serious impairment to bodily functions, serious dysfunction of a bodily organ or part, or would place the covered person's health in serious jeopardy. "Emergency medical condition" also means a health condition which would be terminal without the requested treatment as determined by the person's treating health care provider.

**"Expedited Review"** - a review of a final adverse decision that is provided in an urgent manner due to the fact that the covered person has an emergency medical condition.

**"Final Adverse Decision"** - means a utilization review determination: (i) declining to grant an expedited review in a situation involving an alleged emergency medical condition; (ii) declining to provide coverage or services for an alleged emergency medical condition, ~~whether before or after~~ granting an expedited review; or (iii) denying benefits or coverage, and concerning which all internal appeals available to the covered person pursuant to Title 32.1 of the Code of Virginia have been exhausted. In other words, and except in emergency situations, it is the final decision of the plan after the internal appeal process has been exhausted.

STATE CORPORATION COMMISSION  
BUREAU OF INSURANCE

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Form 215B  
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**IMPORTANT TERMS AND DEFINITIONS, continued**

**"Impartial Health Entity"** - an organization selected by the Bureau of Insurance that performs, under contract with the Bureau of Insurance, reviews of final adverse decisions. The Bureau of Insurance is not an impartial health entity.

**"Managed Care Health Insurance Plan" or "MCHIP"** - an arrangement for the delivery of health care in which a health carrier undertakes to provide, arrange and pay for, or reimburse any of the costs of health care services for a covered person on a prepaid or insured basis which contains one or more incentive arrangements, including any credentialing requirements intended to influence the cost or level of health care services between the health carrier and one or more providers with respect to the delivery of health care services and requires or creates benefit payment differential incentives for covered persons to use providers that are directly or indirectly managed, owned, under contract with, or employed by the health carrier.

**"Self-funded Plan"** ~~—an employer sponsored group health plan administered by an insurance company or MCHIP. The employer actually pays for claims that are processed and administered by the insurance company or MCHIP.~~

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Form 215C  
(rev. 7/00 7/07)



State Corporation Commission  
Bureau of Insurance  
External Appeals  
P.O. Box 1157  
Richmond, VA 23218  
(804) 371-9913

**APPEAL OF FINAL ADVERSE DECISION FORM**

If you meet the definition of an **appellant**<sup>1</sup>, and have had a request for approval of health care service(s) denied by a **Managed Care Health Insurance Plan (MCHIP)**, you may have the right to an external review of the **MCHIP's** decision. An **impartial health entity** selected by the Bureau of Insurance will review the appropriateness of the **MCHIP's** decision, and make a recommendation to the Commissioner of Insurance as to whether the health care service(s) should be covered. In order for such a review to occur, the **appellant** must complete and sign this form. Additionally, the appeal in question must meet the following criteria:

1. The **cost of service** in question must exceed \$300;
2. The appeal must be filed within 30 days of the **final adverse decision** by the **MCHIP**;
3. The **MCHIP's** internal appeal process must have been exhausted (except for **expedited reviews**); and
4. A \$50 filing fee must be submitted with this form by check or money order made payable to the Treasurer of Virginia. This fee may be waived or refunded if it can be demonstrated that paying the fee constitutes a financial hardship to the **covered person** (see item 6 7 on the following page); and is refundable if the appeal is not accepted for review.

Additional instructions and definitions of key terms for completing this form are attached. If you have questions while completing this form or if you have questions that are not addressed in the instruction form, you may contact The Office of the Managed Care Ombudsman toll free at (877) 310-6560, or locally at (804) 371-9032, for assistance.

The decision reached as a result of this external review process is binding upon the **covered person** as well as the issuer of the **covered person's** policy to the same extent that each would be bound by a judgment entered in a court action at law or in equity.

I request an external review of the **MCHIP's final adverse decision** by an **impartial health entity** as chosen by the Bureau of Insurance. I certify that the **covered person's MCHIP's** internal appeals have been exhausted, or that the requirements for an **expedited review** have been met. I enclose copies of all correspondence or other documents which may include patient medical records, correspondence from medical providers and/or the **MCHIP** relating to this matter that may help the Bureau of Insurance and the **impartial health entity** in its evaluation of my request for review.

(Please type or print clearly all requested information in the spaces provided, or use additional pages, if necessary.)

1. Name of the **Covered Person**: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Daytime Phone Number(s): \_\_\_\_\_  
 Date of Birth: \_\_\_\_\_ Sex: \_\_\_\_\_  
 ID# (Policy or Certificate Number): \_\_\_\_\_

<sup>1</sup> Words in bold type are defined key terms.

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Form 215C  
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2. If you are an **appellant other than the covered person**, please tell us your name and what your relationship is with the **covered person**: \_\_\_\_\_  
\_\_\_\_\_

3. Complete Name of **MCHIP**: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number:(\_\_\_\_) \_\_\_\_\_

Is this health coverage provided through an employer?  Yes  No

If yes, please provide the employer's name, address, and telephone number: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is this a **self-funded plan**?  Yes  No  
(This question can be left unanswered if you are unsure.)

4. On a separate sheet of paper, please describe the situation you are seeking help with and describe the service(s) or procedure(s) in question:

Please send us a copy of the letter informing the **covered person** of the **MCHIP's final adverse decision**. Include information such as medical records from the medical provider of the **covered person** that supports that the service in question is medically appropriate and necessary. Attach copies of any information that you or the **covered person's** health care provider believes is essential to the requested review.

5. Are you requesting an **expedited review**?  Yes  No

If yes, please provide documentation that the **covered person's** situation involves an **emergency medical condition**.

6. a. In the opinion of the covered person's health care provider, is the covered person's condition terminal without this treatment?  Yes  No If Yes, continue to b. If No, skip to question 7.

b. Has the requested treatment already been provided?  Yes  No If Yes, skip to question 7. If No, continue to c.

c. Do you plan to delay the treatment requested while awaiting this external appeal decision?  Yes  No

6. 7. Are you requesting a waiver of the \$50 filing fee?  Yes  No

If yes, please provide the reason and documentation to support the claim that paying the \$50 filing fee would cause financial hardship to the **covered person**.

7. 8. The estimated total cost of the denied services to the appellant covered person: \$ \_\_\_\_\_.

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**AUTHORIZATION**

I understand and agree that a copy of this form and any information I provide may be forwarded to the **MCHIP** and to the **impartial health entity**.

\_\_\_\_\_  
Signature of **Appellant** (if not the **Covered Person**)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of **Covered Person** or Other Authorized Signature

\_\_\_\_\_  
Date

STATE CORPORATION COMMISSION  
BUREAU OF INSURANCE

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Form 215D  
(rev. 7/00 7/07)



State Corporation Commission  
Bureau of Insurance  
External Appeals  
P.O. Box 1157  
Richmond, VA 23218  
(804) 371-9913

**AUTHORIZATION TO RELEASE MEDICAL INFORMATION**

**This authorization must be signed by (i) the covered person; (ii) the covered person's parent, legal guardian, legal custodian, or other individual authorized by law to act on behalf of the covered person, if the covered person is a minor; (iii) the covered person's spouse, parent, committee, legal guardian, or other individual authorized by law to act on behalf of the covered person, if the covered person is not a minor but is incompetent or incapacitated; or (iv) the covered person's treating health care provider acting with the consent of the covered person, the covered person's parent, guardian, legal custodian, or other individual authorized by law to act on behalf of the covered person, if the covered person is a minor, or the covered person's spouse, parent, committee, legal guardian or other individual authorized by law to act on behalf of the covered person, if the covered person is not a minor but is incompetent or incapacitated.**

Any health care provider of services or supplies, insurance company, or any other organization, institution or person that has a record or knowledge regarding the covered person named below and such person's health, is hereby authorized to furnish to the Bureau of Insurance, or its designated impartial health entity, information concerning services or supplies provided or proposed to be provided to such covered person.

If I am not the covered person listed below, I hereby certify that I am authorized by law to execute this authorization on the covered person's behalf.

This authorization is given for the purpose of conducting an external review of a final adverse decision made by a utilization review entity. This authorization is valid for 90 days from the date below.

Printed Name of Covered Person: \_\_\_\_\_

Social Security # of Covered Person: \_\_\_\_\_

Covered Person's Date of Birth: \_\_\_\_\_

Signature of Covered Person: \_\_\_\_\_

Date: \_\_\_\_\_

OR

Other Authorized Signature: \_\_\_\_\_

Date: \_\_\_\_\_

VA.R. Doc. No. R07-196; Filed April 24, 2007, 2:14 p.m.





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## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### BOARDS OF NURSING AND MEDICINE

#### Proposed Regulation

**Title of Regulation:** 18 VAC 90-30. Regulations Governing the Licensure of Nurse Practitioners (amending 18 VAC 90-30-80 and 18 VAC 90-30-160).

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

**Public Hearing Date:** May 15, 2007 - 11:30 a.m.

Public comments may be submitted until July 13, 2007.  
(See Calendar of Events section for additional information)

**Agency Contact:** Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 6603 West Broad Street, Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114, or email [elaine.yeatts@dhp.virginia.gov](mailto:elaine.yeatts@dhp.virginia.gov).

**Basis:** Section 54.1-2400 of the Code of Virginia provides the Boards of Nursing and Medicine the authority to promulgate regulations to administer the regulatory system.

**Purpose:** Amendments are proposed to clarify that in order to hold a license and practice as a nurse practitioner in Virginia, one must hold an active, current license as a registered nurse in Virginia or hold a current multistate licensure privilege as a registered nurse. Nurse practitioner licensure has always been based on the RN license, but since the Board of Nursing is proposing an inactive RN license, this regulation had to be amended to ensure that it was clear that someone could not have an inactive RN license and maintain licensure as a nurse practitioner. Licensure and practice as a nurse practitioner is dependent on the foundational license as a registered nurse, and it is necessary for public health and safety to maintain a current, active license. If the RN license is suspended or revoked by the boards, the nurse practitioner license is likewise restricted or revoked.

**Substance:** Amendments to the regulation will clarify that it is necessary to have a current, active license as a registered nurse in order to practice as a nurse practitioner.

**Issues:** There are no disadvantages to the public. Nurses who would request inactive RN licensure would not actively practicing in any setting, so their inactive status would disqualify them from practicing as a nurse practitioner.

There are no advantages or disadvantages to the agency or the Commonwealth.

There is no other pertinent matter of interest related to this action.

#### Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Regulation. The proposed regulations will allow issuance of inactive nursing licenses. The rules for obtaining an inactive license, restrictions on practice, and the requirements for reactivation to active status will also be established.

Result of Analysis. The benefits likely exceed the costs for at least one of the proposed changes.

Estimated Economic Impact. The proposed regulations will allow nurses with a current, unrestricted license to take an inactive status. A \$50 fee will be established for an inactive license and a \$15 fee for late renewal of an inactive license. Nurses in inactive status will also be required to take 15 hours of continuing education. A nurse with an inactive license will not be allowed to perform work even in a voluntary status.

The proposed regulations do not impose any requirements on nurses but rather provide an option to obtain an inactive license provided certain criteria are met. Currently, nurses who do not practice nursing but want to maintain their license must either pay the \$95 biennial licensure renewal or give up their license. According to the Department of Health Professions (DHP), some nurses (especially retired nurses) desire to maintain their "registered nurse" or "licensed practical nurse" titles even though they may not be practicing the profession. The proposed regulations will allow a nurse to take an inactive status.

While making a decision to obtain the inactive status, a rational nurse is expected to compare the value of being an inactive nurse to the cost of obtaining this status. The main costs of inactive licensure status include \$50 inactive license fee, the fees paid for obtaining 15 hours of continuing education, and the time spent on the application procedure and on the continuing education requirements. Because a rational nurse would apply for inactive status if the benefits from such status outweigh the costs, the proposed regulations are expected to produce net benefits for the applicant nurses.

The net fiscal impact of the inactive licensure on DHP is uncertain. Using the statistics available from inactive doctors of medicine, DHP estimates that approximately 805 licensed practical nurses and 3,026 registered nurses may take the inactive license status. If this occurs, the revenue loss would be \$86,198 per year or 1.3% of the total revenues. However, some nurses who would otherwise allow their licenses to lapse may now choose to obtain an inactive status creating additional revenues for DHP. Thus, the net revenue impact depends on the magnitude of the two opposing revenue effects.

In addition, DHP expects to incur approximately \$2,900 in administrative costs in order to reconfigure the information

system to set up a new license type under the Board of Nursing.

**Businesses and Entities Affected.** The proposed regulations are estimated to affect approximately 805 licensed practical nurses and 3,026 registered nurses who may be interested in obtaining an inactive license under the proposed regulations.

**Localities Particularly Affected.** The proposed regulations apply throughout the Commonwealth.

**Projected Impact on Employment.** The proposed regulations are not expected to affect unemployment as an inactive nurse is not allowed to practice nursing.

**Effects on the Use and Value of Private Property.** The proposed regulations are not expected to have significant effect on the use and value of private property.

**Small Businesses: Costs and Other Effects.** The proposed regulations are not likely to create any costs or other effects on small businesses.

**Small Businesses: Alternative Method that Minimizes Adverse Impact.** The proposed regulations are not expected to affect small businesses.

**Legal Mandate.** 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. Further, if the proposed regulation has an adverse effect on small businesses, § 2.2-4007 H requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.

**Agency's Response to the Department of Planning and Budget's Economic Impact Analysis:** The Boards of Nursing and Medicine concur with the analysis of the Department of Planning and Budget for the proposed action on regulations

for inactive licensure for registered nurses in 18 VAC 90-30, Regulations Governing the Practice of Nurse Practitioners.

**Summary:**

*The amendments specify that a person must hold a current, unrestricted license as a registered nurse to hold a license and practice as a nurse practitioner.*

**18 VAC 90-30-80. Qualifications for initial licensure.**

A. An applicant for initial licensure as a nurse practitioner shall:

1. ~~Be currently licensed~~ Hold a current, active license as a registered nurse in Virginia or hold a current multistate licensure privilege as a registered nurse;
2. Submit evidence of a graduate degree in nursing or in the appropriate nurse practitioner specialty from an educational program designed to prepare nurse practitioners that is an approved program as defined in 18 VAC 90-30-10;
3. Submit evidence of professional certification that is consistent with the specialty area of the applicant's educational preparation issued by an agency accepted by the boards as identified in 18 VAC 90-30-90;
4. File the required application; and
5. Pay the application fee prescribed in 18 VAC 90-30-50.

B. Provisional licensure may be granted to an applicant who satisfies all requirements of this section with the exception of subdivision A 3 of this section, provided the board has received evidence of the applicant's eligibility to sit for the certifying examination directly from the national certifying body. An applicant may practice with a provisional license for either six months from the date of issuance or until issuance of a permanent license or until he receives notice that he has failed the certifying examination, whichever occurs first.

**18 VAC 90-30-160. Prohibited practice.**

Practice as a licensed nurse practitioner shall be prohibited if:

1. The license has lapsed; or
2. The license as a registered nurse is lapsed, inactive, revoked or suspended.

VA.R. Doc. No. R07-129; Filed April 10, 2007, 3:43 p.m.

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# Regulations

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## TITLE 22. SOCIAL SERVICES

### DEPARTMENT OF SOCIAL SERVICES

#### Withdrawal of Proposed Regulations

Titles of Regulations: **22 VAC 40-200. Foster Care - Guiding Principles** (repealing 22 VAC 40-200-10 and 22 VAC 40-200-20).

**22 VAC 40-201. Permanency Services - Prevention, Foster Care, Adoption and Independent Living** (adding 22 VAC 40-201-10 through 22 VAC 40-201-210).

**22 VAC 40-210. Foster Care - Assessing the Client's Service Needs** (repealing 22 VAC 40-210-10 through 22 VAC 40-210-40).

**22 VAC 40-240. Nonagency Placement for Adoption - Consent** (repealing 22 VAC 40-240-10 through 22 VAC 40-240-30).

**22 VAC 40-250. Agency Placement Adoptions - AREVA** (repealing 22 VAC 40-250-10 and 22 VAC 40-250-20).

**22 VAC 40-260. Agency Placement Adoptions - Subsidy** (repealing 22 VAC 40-260-10 and 22 VAC 40-260-20).

**22 VAC 40-280. Nonagency Placements for Adoption - Adoptive Home Study** (repealing 22 VAC 40-280-10 and 22 VAC 40-280-20).

**22 VAC 40-800. Family Based Social Services** (repealing 22 VAC 40-800-10 through 22 VAC 40-800-170).

Statutory Authority: § 63.2-217 of the Code of Virginia.

Notice is hereby given that the Department of Social Services has **WITHDRAWN** the proposed regulatory actions for **22 VAC 40-200, Foster Care - Guiding Principles; 22 VAC 40-201, Permanency Services - Prevention, Foster Care, Adoption and Independent Living** (adding 22 VAC 40-201-10 through 22 VAC 40-201-210); **22 VAC 40-210, Foster Care - Assessing the Client's Service Needs; 22 VAC 40-240, Nonagency Placement for Adoption - Consent; 22 VAC 40-250; Agency Placement Adoptions - AREVA; 22 VAC 40-260, Agency Placement Adoptions - Subsidy; 22 VAC 40-280, Nonagency Placements for Adoption - Adoptive Home Study; and 22 VAC 40-800, Family Based Social Services**, which were published in 23:5 VA.R. 748 November 13, 2006.

**Contact:** L. Richard Martin, Jr., Office of Legislative and Regulatory Affairs, Department of Social Services, 7 North 8th Street, Richmond, VA 23219, telephone (804) 726-77902, or email richard.martin@dss.virginia.gov.

VA.R. Doc. Nos. R04-148, R04-149, R04-150, R04-151, R04-152, R04-153, R04-154;  
Filed April 24, 2007, 8:28 a.m.

#### Withdrawal of Proposed Regulation

Title of Regulation: **22 VAC 40-211. Resource, Foster and Adoptive Family Home Approval Standards** (adding 22 VAC 40-211-10 through 22 VAC 40-211-140).

Statutory Authority: §§ 63.2-217 and 63.2-901.1 of the Code of Virginia.

Notice is hereby given that the Department of Social Services has **WITHDRAWN** the proposed regulatory action for **22 VAC 40-211, Resource, Foster and Adoptive Family Home Approval Standards**, which was published in 23:9 VA.R. 1431 January 8, 2007.

**Contact:** L. Richard Martin, Jr., Office of Legislative and Regulatory Affairs, Department of Social Services, 7 North 8th Street, Richmond, VA 23219, telephone (804) 726-7902, or email richard.martin@dss.virginia.gov.

VA.R. Doc. No. R05-233; Filed April 24, 2007, 8:28 a.m.

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## TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

### DEPARTMENT OF TRANSPORTATION

#### Final Regulation

**REGISTRAR'S NOTICE:** The Department of Transportation is exempt from the Administrative Process Act pursuant to the third enactment of Chapter 527 of the 2006 Acts of Assembly, which provides that the department is not subject to the Administrative Process Act when promulgating regulations by December 31, 2006, to carry out the provisions of Chapter 527 of the 2006 Acts of Assembly.

Title of Regulation: **24 VAC 30-155. Traffic Impact Analysis Regulations** (adding 24 VAC 20-155-10 through [ ~~24 VAC 20-155-90~~ **24 VAC 20-155-100** ]).

Statutory Authority: Chapter 527 of the 2006 Acts of Assembly; § 15.2-2222.1 of the Code of Virginia (as it will become effective July 1, 2007).

Effective Date: July 1, 2007.

Agency Contact: Robert W. Hofrichter, Assistant Director for Land Use, Asset Management Division, Department of Transportation, 1401 East Broad Street, Richmond, VA 23219, telephone (804) 662-9612, FAX (804) 662-9405, or email robert.hofrichter@vdot.virginia.gov.

#### Summary:

*Chapter 527 of the 2006 Acts of Assembly added § 15.2-2222.1 to the Code of Virginia. The amendment establishes*

procedures by which localities submit proposals that will affect the state-controlled transportation network to the Virginia Department of Transportation (VDOT) for review and comment. The chapter also directs VDOT to promulgate regulations to carry out the provisions of the statute. The intent of the statute is to improve the manner in which land use and transportation planning decisions are coordinated and executed throughout the Commonwealth by establishing standardized methodologies (definitions, analytical methods, etc.) and procedures for analyzing transportation impacts.

Specifically, the regulations set forth procedures and requirements governing VDOT's review of and submission of comments regarding comprehensive plans and amendments to comprehensive plans, rezoning proposals, and subdivision plats, site plans and plans of development and the accompanying traffic impact statements. The regulation also identifies when such comprehensive plans and amendments to comprehensive plans, rezoning proposals, and subdivision plats, site plans and plans of development must be submitted, and the documents and information that must be submitted to VDOT to facilitate the required review and submission of comments. The regulation further establishes the scope and nature of the review and a schedule of fees to be paid upon submission of a proposal to VDOT for review.

Changes that occurred to the regulations between publication in proposed form and publication in final form include: (i) revision of the Definitions section to add and delete words and terms; (ii) addition of an Authority section; (iii) deletion of references to the "residency administrator" and "district planning manager"; (iv) revisions to the table of minimum required elements to be included in traffic impact statements; (v) revisions to criteria concerning bicycle and pedestrian accommodations; (vi) revisions to technical items such as pass-by trip reduction percentages, deadlines for submittal of comprehensive plans, their amendments, trip generation criteria, etc.; (vii) revisions to fees, including changes to the fee structure and the addition of a method of appealing VDOT determinations of deficient submittals; (viii) addition of a new section concerning phased implementation of the regulations, as allowed by Chapter 792 of the 2007 Acts of Assembly; and (ix) addition of a document incorporated by reference (Transportation Research Board's "Transit Capacity and Quality of Service Manual").

**CHAPTER 155.**

**TRAFFIC IMPACT ANALYSIS REGULATIONS.**

**24 VAC 30-155-10. Definitions.**

~~[ "District planning manager" means the VDOT employee assigned to supervise the department's regional and local~~

~~transportation planning functions within a construction district.~~

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

"Connectivity index" means the number of street links divided by the number of nodes.

"Link" means a segment of street that is between intersections or between an intersection and terminus, such as a cul-de-sac or other dead end. A stub out consisting of a short street segment that is intended to serve future development but that shall only provide service to parcels within the current development shall only constitute a link for the purposes of this chapter if, based upon the adjacent zoning, terrain, and land uses, there is a reasonable expectation that the stub out will provide a connection to future development. ]

"Locality" means any local government, pursuant to § 15.2-2223 of the Code of Virginia, that must prepare and recommend a comprehensive plan for the physical development of the territory within its jurisdiction.

[ "Node" means an intersection of two or more streets or the terminus of a street, such as the end of a cul-de-sac or dead end. The terminus of a stub out and the intersection of a street with only a stub out do not constitute nodes for the purposes of this chapter.

"Pedestrian facility coverage" means the ratio of: (length of pedestrian facilities, such as sidewalks, foot paths, and multiuse trails, along both sides of a roadway) divided by (length of roadway multiplied by two). ]

"Redevelopment site" means any existing use that generates traffic and is intended to be developed as a different or more dense land use.

~~[ "Residency administrator" means the VDOT employee assigned to supervise departmental operations within a specified geographical portion of the Commonwealth, or his designee. In districts having centralized functions for the review and approval of site plans, this position may be either the district land development manager or any other position specifically designated to perform plan approval functions.~~

"Service level" means a measure of the quality, level or comfort of a service calculated using methodologies approved by VDOT. ]

"State-controlled highway" means a highway in Virginia that is part of the interstate, primary, or secondary systems of state highways and that is maintained by the state under the direction and supervision of the Commonwealth Transportation Commissioner. Highways for which localities receive maintenance payments pursuant to §§ 33.1-23.5:1 and 33.1-41.1 of the Code of Virginia are not considered state-controlled highways for the purposes of this regulation.

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# Regulations

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"Traffic impact statement" means the document showing how a proposed development will relate to existing and future transportation facilities.

"VDOT" means the Virginia Department of Transportation, the Commonwealth Transportation Commissioner, or a designee.

## 24 VAC 30-155-20. [ (Reserved.) Authority.

Section 15.2-2222.1 of the Code of Virginia requires localities to submit comprehensive plans and amendments to comprehensive plans that will substantially affect transportation on state-controlled highways to VDOT in order for the agency to review and provide comments on the impact of the item submitted. This section also requires localities to submit traffic impact statements along with proposed rezonings, site plans, subdivision plats, and subdivision development plans that will substantially affect transportation on state-controlled highways to VDOT for comment by the agency. Chapter 527 of the 2006 Acts of Assembly directs VDOT to promulgate regulations for the implementation of these requirements. ]

## 24 VAC 30-155-30. Comprehensive plan and comprehensive plan amendment.

A. Plan and amendment submittal. Prior to adoption of any comprehensive plan pursuant to § 15.2-2223 of the Code of Virginia, any part of a comprehensive plan pursuant to § 15.2-2228 of the Code of Virginia, or any amendment to any comprehensive plan as described in § 15.2-2229 of the Code of Virginia, if required by this section of this chapter, the locality shall submit such plan or amendment to [ ~~the department~~ VDOT ] for review and comment, such submission should take place at least [ ~~90~~ 100 ] days prior to anticipated final action by the locality. The Virginia Department of Transportation shall, upon request, provide localities with technical assistance in preparing the transportation component of the comprehensive plan. The comprehensive plan or comprehensive plan amendment package shall be submitted to [ ~~the department~~ VDOT ] , [ ~~who shall forward it to the district planning manager,~~ ] if it is reasonably anticipated to result in substantial changes or impacts to the existing transportation network. For the purposes of this section, a substantial impact shall be defined as a change that would allow the generation of [ ~~2,000~~ 5,000 ] additional vehicle trips per day on state-controlled highways assuming the highest density of permissible use in accordance with the Institute of Transportation Engineers Trip Generation Handbook (see [ ~~24 VAC 30-155-90~~ 24 VAC 30-155-100 ] ) or [ , subject to the approval of VDOT, ] the regional model as adopted by the local Metropolitan Planning Organization, and substantial changes shall include those changes that [ materially ] alter future transportation infrastructure, travel patterns, or the ability to improve future transportation facilities on state-controlled highways.

B. Required elements. The submission by the locality to VDOT shall contain sufficient information so that VDOT may evaluate the system of new and expanded transportation facilities, outlined in the transportation plan, that are needed to support the current and planned development of the territory covered by the plan. In order to conduct this evaluation, the package submitted to VDOT shall contain the following items:

1. For a comprehensive plan or a transportation plan, the locality shall provide one copy of the following:

a. A cover sheet, containing:

- (1) Contact information for the locality, and
- (2) Summary of major changes made to the comprehensive plan or transportation plan;

b. The proposed comprehensive plan or transportation plan, and the following elements:

(1) Inventory – an inventory (written or graphic) of the existing transportation network, which shall include at a minimum all roadways within the Federal Aid system [ ~~that are classified as a collector or above. Additional roads may be included at the discretion of the locality~~ ].

(2) Assumptions – planning assumptions shall be detailed, since these assumptions directly influence the demand placed on the transportation system. Population growth, employment growth, location of critical infrastructure such as water and sewer facilities, among others, are examples of planning assumptions that may be addressed.

(3) Needs assessment – written or graphic evaluation of the transportation [ ~~systems~~ system's ] current and projected performance and conditions. The needs assessment identifies specific deficiencies.

(4) Recommendations – proposed improvements or additions to the transportation infrastructure. Recommendations should be specific so that the need, location and nature of the proposed improvements are clear and understandable. Localities are encouraged to include pedestrian, bicycle, transit, rail and other multimodal recommendations as they deem appropriate. The transportation plan shall include a map showing road and transportation improvements, taking into account the current and future needs of residents in the locality while considering the current and future needs of the planning district within which the locality is situated. Recommended improvements shall include cost estimates as available from VDOT.

2. For an amendment to a comprehensive plan or transportation plan, the locality shall provide one copy of the following:

- a. A cover sheet, containing:
  - (1) Contact information for the locality;
  - (2) Summary of proposed amendment or amendments to the comprehensive plan or transportation plan; and
  - (3) Overview of reasoning and purpose for amendments.
- b. Application forms and documentation presented to or prepared by the local jurisdiction,
- c. Associated maps or narratives that depict and detail the amendment under consideration,
- d. Any changes to the planning assumptions associated with the amendment, [ and ]
- e. Local assessment of the potential impacts the amendment may have on the transportation system [ ; and ]
- f. Those elements identified in subdivision 1 b of this subsection that VDOT determines are needed in order to review and comment on impacts to state-controlled highways.

C. Review process. [ After formal submission of a proposed plan or plan amendment for review, the department shall forward the plan or plan amendment to the district planning manager. ] VDOT may, pursuant to § 15.2-2222.1 of the Code of Virginia, request a meeting with the locality to discuss the plan or amendment. The request must be made within 30 days of receipt of the proposal. VDOT must provide written comments to the locality within 90 days of the receipt of the plan or plan amendment or by such later deadline as may be agreed to by the parties. VDOT will conduct its review and provide official comments to the locality for inclusion in the official public record of the locality. [ VDOT shall also make such comments available to the public. Nothing in this section shall prohibit a locality from acting on a comprehensive plan or plan amendment if VDOT's comments on the submission have not been received within the timelines in this section.

D. Concurrent consideration. For the purposes of this regulation, when a related comprehensive plan or comprehensive plan amendment and a rezoning proposal that cover the same geographical area are being considered concurrently by a locality, only a rezoning package as required under 24 VAC 30-155-40 shall be prepared and provided to VDOT for review. ]

**24 VAC 30-155-40. Rezoning.**

A. Proposal submittal. The locality shall submit a package to [ the department VDOT ] within 10 business days of receipt of a complete application for a rezoning proposal if the proposal substantially affects transportation on state-controlled highways. [ For the purposes of this section, a

rezoning proposal shall substantially affect transportation on state-controlled highways if it meets or exceeds one or more of the following trip generation criteria. ] All trip generation calculations used for the purposes of determining if a proposal meets the criteria shall be based upon the rates or equations published in the Institute of Transportation Engineers Trip Generation (see [ 24 VAC 30-155-90 24 VAC 30-155-100 ], and shall not be reduced through internal capture rates. For redevelopment sites, trips currently generated by existing development that will be removed may be deducted from the total site trips that are generated by the proposed land use.

[ 1. For the purposes of this section, a residential rezoning proposal shall substantially affect transportation on state-controlled highways if it meets or exceeds one or more of the following trip generation criteria. ]

[ ~~1. a.~~ ] Within a jurisdiction in which VDOT has maintenance responsibility for the secondary highway system, if the proposal generates more than 100 vehicle trips per peak hour of the generator at the site's connection to a state-controlled highway. For a site that does not have an entrance onto a state-controlled highway, the site's connection is assumed to be wherever the road network that the site connects with attaches to a state-controlled highway. In cases where the site has multiple entrances to highways volumes on all entrances shall be combined for the purposes of this determination; [ or ]

[ ~~2. b.~~ ] Within a jurisdiction in which VDOT does not have maintenance responsibility for the local highway system, if the proposal generates more than [ ~~1,000~~ 100 ] vehicle trips per [ ~~day~~ peak hour of the generator ] and [ whose nearest property line ] is within 3,000 feet, measured along [ public ] roads or streets, of a [ connection to a ] state-controlled highway; or

[ ~~3. c.~~ ] The proposal generates more than 200 daily vehicle trips on a state-controlled highway and more than doubles the daily traffic volume the highway presently carries. For the purposes of determining whether a proposal must be submitted to VDOT, the traffic carried on the state-controlled highway shall be assumed to be the most recently published amount measured in the last traffic count conducted by VDOT or the locality on that highway.

[ 2. For the purposes of this section, all other rezoning proposals shall substantially affect transportation on state-controlled highways if they meet or exceed one or more of the following trip generation criteria:

a. Within a jurisdiction in which VDOT has maintenance responsibility for the secondary highway system, if the proposal generates more than 250 vehicle trips per peak hour of the generator or 2,500 vehicle trips per day at the

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site's connection to a state-controlled highway. For a site that does not have an entrance onto a state-controlled highway, the site's connection is assumed to be wherever the road network that the site connects with attaches to a state-controlled highway. In cases where the site has multiple entrances to highways, volumes on all entrances shall be combined for the purposes of this determination; or

b. Within a jurisdiction in which VDOT does not have maintenance responsibility for the local highway system, if the proposal generates more than 250 vehicle trips per peak hour of the generator or 2,500 vehicle trips per day and whose nearest property line is within 3,000 feet, measured along public roads or streets, of a connection to a state-controlled highway. ]

B. Required proposal elements. The package submitted by the locality to VDOT shall contain sufficient information and data so that VDOT may determine the location of the rezoning, its size, its impact on state-controlled highways, and methodology and assumptions used in the analysis of the impact. Submittal of an incomplete package shall be considered deficient in meeting the submission requirements of § 15.2-2222.1 of the Code of Virginia and shall be returned to the locality [ and the applicant, if applicable, ] identifying the deficiencies noted. A package submitted to VDOT shall contain the following items:

1. A cover sheet containing:

- a. Contact information for locality and developer (or owner) [ if applicable ];
- b. Rezoning location, highways adjacent to site, and parcel number or numbers;
- c. Proposal summary with development name, size, and proposed zoning; and
- d. A statement regarding the proposal's compliance with the comprehensive plan.

2. A traffic impact statement prepared in accordance with 24 VAC 30-155-60.

3. A concept plan of the proposed development.

C. Review process. After formal submission of a rezoning proposal for review, VDOT may, pursuant to § 15.2-2222.1 of the Code of Virginia, request a meeting with the locality and rezoning applicant to discuss potential modifications to the proposal to address any concerns or deficiencies. The request must be made within 45 days of receipt [ by VDOT ] of the proposal. VDOT must provide written comments to the locality within 45 days of the receipt of [ the VDOT's ] proposal if no meeting is scheduled [ or has been requested ] or within 120 days of the receipt of the proposal otherwise. VDOT shall conduct its review and provide official comments to the locality for inclusion in the official public

record. [ VDOT shall also make such comments available to the public. Nothing in this section shall prohibit a locality from acting on a rezoning proposal if VDOT's comments on the submission have not been received within the timelines in this section. ]

## **24 VAC 30-155-50. Subdivision plat, site plan, plan of development.**

A. Proposal submittal. The locality must submit a package to [ the department VDOT ] within 10 business days of receipt of a complete development proposal if the proposal substantially affects transportation on state-controlled highways. [ For the purposes of this section, a development proposal shall substantially affect transportation on state-controlled highways if it meets or exceeds one or more of the following trip generation criteria. ] All trip generation calculations used for the purposes of determining if a proposal meets these requirements shall be based upon the rates or equations published in the Institute of Transportation Engineers Trip Generation (see [ 24 VAC 30-155-90 24 VAC 30-155-100 ]), and shall not be reduced through internal capture rates. For redevelopment sites, trips currently generated by existing development that will be removed may be deducted from the total site trips that are generated by the proposed land use.

[ 1. For the purposes of this section, a residential development proposal shall substantially affect transportation on state-controlled highways if it meets or exceeds one or more of the following trip generation criteria: ]

[ ~~1~~ a. ] Within a jurisdiction in which VDOT has maintenance responsibility for the secondary highway system, if the proposal generates more than 100 vehicle trips per peak hour of the generator at the site's connection to a state-controlled highway. For a site that does not have an entrance onto a state-controlled highway, the site's connection is assumed to be wherever the road network that the site connects with attaches to a state-controlled highway. In cases where the site has multiple entrances to highways volumes on all entrances shall be combined for the purposes of this determination; [ or ]

[ ~~2~~ b. ] Within a jurisdiction in which VDOT does not have maintenance responsibility for the local highway system, if the proposal generates more than [ ~~1,000~~ 100 ] vehicle trips per [ ~~day~~ peak hour of the generator ] and [ has an entrance that ] is within 3,000 feet, measured along [ public ] roads or streets, of a [ connection to a ] state-controlled highway; or

[ ~~3~~ c. ] The proposal generates more than 200 daily vehicle trips on a state-controlled highway and more than doubles the daily traffic volume the highway presently carries. For the purposes of determining whether a

proposal must be submitted to VDOT, the traffic carried on the state-controlled highway shall be assumed to be the most recently published amount measured in the last traffic count conducted by VDOT or the locality on that highway.

[ 2. For the purposes of this section, all other development proposals shall substantially affect transportation on state-controlled highways if they meet or exceed one or more of the following trip generation criteria:

a. Within a jurisdiction in which VDOT has maintenance responsibility for the secondary highway system, if the proposal generates more than 250 vehicle trips per peak hour of the generator or 2,500 vehicle trips per day at the site's connection to a state-controlled highway. For a site that does not have an entrance onto a state-controlled highway, the site's connection is assumed to be wherever the road network that the site connects with attaches to a state-controlled highway. In cases where the site has multiple entrances to highways, volumes on all entrances shall be combined for the purposes of this determination; or

b. Within a jurisdiction in which VDOT does not have maintenance responsibility for the local highway system, if the proposal generates more than 250 vehicle trips per peak hour of the generator or 2,500 vehicle trips per day and has an entrance that is within 3,000 feet, measured along public roads or streets, of a connection to a state-controlled highway. ]

**B. Required proposal elements.**

1. The package submitted by the locality to VDOT shall contain sufficient information and data so that VDOT may determine the location of the development, its size, its impact on state-controlled highways, and methodology and assumptions used in the analysis of the impact. Submittal of an incomplete package shall be considered deficient in meeting the submission requirements of § 15.2-2222.1 of the Code of Virginia and shall be returned to the locality [ and the applicant, if applicable, ] identifying the deficiencies noted. A package submitted to VDOT shall contain the following items.

a. A cover sheet containing:

- (1) Contact information for locality and developer (or owner);
- (2) Development location, highways connected to, and parcel number or numbers; and
- (3) Proposal summary with development name and size in acres.

b. A supplemental traffic analysis, as defined in 24 VAC 30-155-50 C.

c. A concept plan of the proposed development.

C. Supplemental traffic analysis. For the purposes of this subsection, a supplemental traffic analysis will be defined as follows:

1. In cases where a rezoning traffic impact statement has been submitted to VDOT in accordance with 24 VAC 30-155-40, if all assumptions made in the traffic impact statement prepared for the rezoning remain valid and if the submission of the subdivision plat, site plan, or plan of development to the locality occurs within two years of the locality's [ ~~submission~~ approval ] of the rezoning proposal [ ~~to VDOT in accordance with 24 VAC 30-155-40~~ ], the supplemental traffic analysis shall be a letter that provides VDOT with the following information:

- a. A statement that [ ~~the development's rezoning traffic impact statement is still valid~~ the impacts analyzed in the development's rezoning traffic impact statement have not materially changed nor have the adverse impacts on state-controlled highways increased ],
- b. The date of the VDOT letter providing the locality comments on the rezoning.

2. In cases where a rezoning traffic impact statement has been submitted to VDOT in accordance with 24 VAC 30-155-40, if all assumptions made in the traffic impact statement prepared for the rezoning [ ~~remain valid~~ have not materially [ changed, the adverse impacts of the proposal on state-controlled highways have not increased ] and if the submission of the subdivision plat, site plan, or plan of development to the locality occurs more than two years of the locality's [ ~~submission~~ approval ] of the rezoning [ ~~proposal to VDOT in accordance with 24 VAC 30-155-40~~ ], the supplemental traffic analysis shall be a letter that provides VDOT with the following information:

- a. A statement that [ ~~the development's rezoning traffic impact statement is still valid~~ the impacts analyzed in the development's rezoning traffic impact statement have not materially changed nor have the adverse impacts on state-controlled highways increased ];
- b. The date of the VDOT letter providing the locality comments on the rezoning;
- c. Documentation supporting the statement that the development's rezoning traffic impact statement is still valid; and
- d. A copy of the original traffic impact statement.

After review of such letter, [ ~~the department~~ VDOT ] may require submission in accordance with subdivision [ ~~3~~ 4 ] of this subsection.

3. In cases where the rezoning traffic impact statement has not been submitted to VDOT in accordance with 24 VAC



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30-155-40, [ the assumptions made in such traffic impact statement prepared for the rezoning no longer remain valid, or if required pursuant to subdivision 2 of this section, ] the supplemental traffic analysis shall contain the information required for rezoning traffic impact statements with 100 to 499 peak hour trips. If the subdivision plat, site plan, or plan of development will generate less than 100 peak hour trips then the [ lower standard lowest required elements ] for the rezoning traffic impact statement shall be used.

[ 4. In cases where a rezoning traffic impact statement has been submitted to VDOT in accordance with 24 VAC 30-155-40 and the conditions analyzed in such traffic impact statement have materially changed such that the adverse impacts of the proposal on state-controlled highways have increased or if required pursuant to subdivision 2 of this subsection, the supplemental traffic analysis shall contain those elements required for rezoning traffic impact statements with 100 to 499 peak hour trips, as determined by VDOT. If the subdivision plat, site plan, or plan of development will generate less than 100 peak hour trips then the lowest required elements for the rezoning traffic impact statement shall be used. ]

D. Review process. After formal submission of a subdivision plat, site plan, or plan of development [ to VDOT ] for review, VDOT may, pursuant to § 15.2-2222.1 of the Code of Virginia, request a meeting with the locality to discuss potential modifications to the proposal to address any concerns or deficiencies. The request must be made within 30 days of receipt [ by VDOT ] of the proposal. VDOT must provide written comments to the locality within 30 days of [ the VDOT's ] receipt of the proposal if no meeting is scheduled or within 90 days of the receipt of the proposal otherwise. VDOT will conduct its review and provide official comments to the locality for inclusion in the official public record. [ VDOT shall also make such comments available to the public. Nothing in this section shall prohibit a locality from acting on a subdivision plat, site plan, or plan of development if VDOT's comments on the submission have not been received within the timelines in this section. ]

## **24 VAC 30-155-60. Traffic impact statement.**

[ A. ] A Traffic Impact Statement (TIS) assesses the impact of a proposed development on the transportation system and recommends improvements to lessen or negate those impacts. It shall (i) identify any traffic issues associated with access from the site to the existing transportation network, (ii) outline solutions to potential problems, [ and ] (iii) [ address the sufficiency of the future transportation network, and (iv) ] present improvements to be incorporated into the proposed development. [ The TIS shall be reviewed and signed by a licensed professional engineer. ]

If a TIS is required, data collection shall be by the locality, developer, or owner, as determined by the locality and the locality shall prepare or have the developer or owner prepare

the TIS. [ If the locality prepares the TIS it shall provide a copy of the complete TIS to the applicant when one is provided to VDOT. ] The completed TIS shall be submitted to [ the department VDOT ].

The data and analysis contained in the TIS shall be organized and presented in a manner acceptable to the department and consistent with this regulation. Submittal of an incomplete TIS or one prepared using unapproved methodology or assumptions shall be considered deficient in meeting the submission requirements of § 15.2-2222.1 of the Code of Virginia and shall be returned to the locality [ and the applicant, if applicable, ] identifying the deficiencies noted by [ the department. The department shall also provide the applicant with a list of deficiencies noted by the department VDOT ].

### [ B. Scope of work meeting.

1. For proposals that generate less than 1,000 vehicle trips per peak hour of the generator representatives of the locality, the applicant, or the locality and the applicant may request a scope of work meeting with VDOT to discuss the required elements of a TIS for any project and VDOT shall reply to such request within 30 days of its receipt of such a request and provide a date, time and location for such a scope of work meeting to both the locality and the applicant, if applicable.

2. For proposals that generate 1,000 or more vehicle trips per peak hour of the generator representatives of the locality and applicant, if applicable, shall hold a scope of work meeting with VDOT to discuss the required elements of a TIS. Once a locality or applicant has contacted VDOT regarding the scheduling of a scope of work meeting, VDOT shall reply to both the locality and the applicant, if applicable, and provide a date, time and location for such a meeting.

At a scope of work meeting pursuant to this section, the locality, the applicant and VDOT shall review the elements, methodology and assumptions to be used in the preparation of the TIS, and identify any other related local requirements adopted pursuant to law. ]

[ B. C. ] Required elements. The required elements and scope of a TIS are dependent upon the scale and potential impact of the specific development proposal being addressed by the TIS [ as determined by VDOT in its sole discretion ]. [ The At a minimum, the TIS shall include the ] elements [required to be addressed in a TIS are ] shown in the table below. [ The site generated peak hour trips in the table below shall be based upon the gross vehicle trip generation of the site less internal capture and shall take into account bicycle, pedestrian, and transit reductions. ] When the type of development proposed would indicate significant potential for walking, bike or transit trips either on- or off-site, the TIS shall estimate

multimodal trips. [ All distances in the table below shall be measured along roads or streets. ]

<u>Item</u>	<u>Site Generated Peak Hour Trips</u>			
	<u>Less than 100</u>	<u>100 to 499</u>	<u>500 to 999</u>	<u>1,000 or more</u>
<u>Background information</u>	-	-	-	-
<u>[ List of all nonexistent transportation improvements assumed in the analysis ]</u>	<u>[ Required ]</u>	<u>[ Required ]</u>	<u>[ Required ]</u>	<u>[ Required ]</u>
<u>Map of site location, description of the parcel, general terrain features, and location within the jurisdiction and region.</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>
<u>Description of geographic scope / limits of study area.</u>	<u>Within 1,000 ft of site</u>	<u>[ To nearest off-site intersections or 1 mile, whichever is greater Within 2,000 feet of site and any roadway on which 10% or more of the new vehicle trips generated by the proposal are distributed – not to exceed two miles ]</u>	<u>[ To nearest off-site signalized intersections or 2 miles, whichever is greater Within 2,000 feet of site and any roadway on which 10% or more of the new vehicle trips generated by the proposal are distributed – not to exceed two miles ]</u>	<u>[ Within 2 – 5 miles of site, as determined by VDOT To be determined by VDOT in consultation with the locality ]</u>
<u>Plan at an engineering scale of the existing and proposed site uses.</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>
<u>Description and map or diagram of nearby uses, including parcel zoning.</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>
<u>Description and map or diagram of existing roadways.</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>
<u>Description and map or diagram of programmed improvements to roadways, intersections, and other transportation facilities within the study area.</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>
<u>Analysis of Existing Conditions</u>	-	-	-	-
<u>Collected daily and peak hour [ of the generator ] traffic volumes, tabulated and presented on diagrams with counts provided in an appendix.</u>	<u>Only diagrams required</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>
<u>Analyses for intersections and roadways identified by [ the Department VDOT ], Delay and Level of Service (LOS) are tabulated and LOS is presented on diagrams for each lane group.</u>	<u>Only diagrams required</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>

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<u>When the type of development proposed would indicate significant potential for walking, bike or transit trips either on [ - ] or off [ - ] site, analyses of pedestrian and bicycle facilities [ <del>under the forecast traffic</del>, and bus route or routes and segment or segments ] tabulated and presented on diagrams, if facilities [ or routes ] exist</u>	<u>At frontage, only diagrams required</u>	<u>Within [ <del>1,500 ft</del> 2,000 feet ] of site</u>	<u>Within [ <del>1,500 ft</del> 2,000 feet ] of site</u>	<u>[ <del>Within 1,500 ft of site</del> To be determined by VDOT in consultation with the locality ]</u>
<u>Speed Study</u>	<u>If requested by VDOT</u>	<u>If requested by VDOT</u>	<u>If requested by VDOT</u>	<u>[ <del>Required</del> If requested by VDOT ]</u>
<u>Crash history near site</u>	<u>If requested by VDOT</u>	<u>If requested by VDOT</u>	<u>[ <del>Required</del> If requested by VDOT ]</u>	<u>[ <del>Required</del> If requested by VDOT ]</u>
<u>Sight distance</u>	<u>If requested by VDOT</u>	<u>If requested by VDOT</u>	<u>[ <del>Required</del> If requested by VDOT ]</u>	<u>[ <del>Required</del> If requested by VDOT ]</u>
<u>Analysis of Future Conditions without Development</u>	-	-	-	-
<u>Description of and justification for the method and assumptions used to forecast future traffic volumes.</u>	<u>Optional</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>
<u>Analyses for intersections and roadways as identified by [ <del>the Department</del> VDOT ]. Delay and Level of Service (LOS) are tabulated and LOS is presented on diagrams [ for each lane group ].</u>	<u>Optional</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>
<u>When the type of development proposed would indicate significant potential for walking, bike or transit trips either on [ - ] or off [ - ] site, analyses of pedestrian and bicycle facilities [ <del>under the forecast traffic</del>, and bus route or routes and segment or segments ] tabulated and presented on diagrams, if facilities [ or routes ] exist or are planned.</u>	<u>At frontage, only diagrams required</u>	<u>Within [ <del>1,500 ft</del> 2,000 feet ] of site</u>	<u>Within [ <del>1,500 ft</del> 2,000 feet ] of site</u>	<u>[ <del>Within 1,500 ft of site</del> To be determined by VDOT in consultation with the locality at the scope of work meeting ]</u>
<u>Trip Generation</u>	-	-	-	-
<u>Site trip generation, with tabulated data, broken out by analysis year for multi-phase developments, and including justification for deviations from ITE rates, if appropriate.</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>
<u>Description and justification of internal capture reductions for mixed use developments and pass-by trip reductions, if appropriate, including table of calculations used.</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>

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<u>Site Traffic Distribution and Assignment</u>	-	-	-	-
<u>Description of methodology used to distribute trips, with supporting data.</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>
<u>Description of the direction of approach for site generated traffic and diagrams showing the traffic assignment to the road network serving the site for the appropriate time periods.</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>
<u>Analysis of Future Conditions With Development</u>	-	-	-	-
<u>Forecast daily and peak hour [ of the generator ] traffic volumes on the highway network in the study area, site entrances and internal roadways, tabulated and presented on diagrams.</u>	<u>Current traffic + site generated traffic</u>	<u>Future background + site generated traffic, at each expected phase and at build [ - ] out or [ 6 six ] years after start, whichever is later</u>	<u>Future background + site generated traffic, at each expected phase, at build [ - ] out, and [ 6 six ] years after build [ - ] out, [ which may be extended or reduced by VDOT in consultation with the locality ]</u>	<u>[ Future At a minimum the future ] background + site generated traffic, at each expected phase, at build [ - ] out, and [ 6 six ] years after build [ - ] out [ ; may be extended by VDOT in consultation with the locality ]</u>
<u>Analyses for intersections and roadways identified by [ the Department VDOT ], Delay and Level of Service (LOS) are tabulated and LOS presented on diagrams for each lane group.</u>	<u>Only diagrams required</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>
<u>When the type of development proposed would indicate significant potential for walking, bike or transit trips either on [ - ] or off [ - ] site, analyses of pedestrian and bicycle facilities [ under the forecast traffic, and bus route or routes and segment or segments ] tabulated and presented on diagrams, if facilities [ or routes ] exist or are planned.</u>	<u>At frontage, only diagrams required</u>	<u>Within [ 1,500-ft 2,000 feet ] of site</u>	<u>Within [ 1,500-ft 2,000 feet ] of site</u>	<u>[ Within 1,500 ft of site To be determined by VDOT in consultation with the locality ]</u>
<u>Recommended Improvements</u>	-	-	-	-
<u>Description and diagram of the location, nature, and extent of proposed improvements, with preliminary cost estimates [ as available from VDOT ].</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>
<u>Description of methodology used to calculate the effects of travel demand management (TDM) measures, if proposed, with supporting data.</u>	<u>Required if TDM proposed</u>	<u>Required if TDM proposed</u>	<u>Required if TDM proposed</u>	<u>Required if TDM proposed</u>

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<u>Analyses for all proposed and modified intersections in the study area under the forecast and site traffic. Delay, and Level of Service (LOS) are tabulated and LOS presented on diagrams [ for each lane group ]. For intersections expected to be signalized, MUTCD Signal Warrant analysis or ITE Manual for Traffic Signal Design, as determined by [ <del>the department</del> VDOT ], presented in tabular form.</u>	<u>Only diagrams required</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>
<u>When the type of development proposed would indicate significant potential for walking, bike or transit trips either on [ - ] or off [ - ] site, analyses of pedestrian and bicycle facilities [ <del>under the forecast traffic, and bus route or routes and segment or segments</del> ] tabulated and presented on diagrams, if facilities [ or routes ] exist or are planned.</u>	<u>At frontage, only diagrams required</u>	<u>Within [ <del>1,500 ft</del> 2,000 feet ] of site</u>	<u>Within [ <del>1,500 ft</del> 2,000 feet ] of site</u>	<u>[ <del>Within 1,500 ft. of site</del> To be determined by VDOT in consultation with the locality ]</u>
<u>Conclusions</u>	-	-	-	-
<u>Clear, concise description of the study findings.</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>

[ ~~The~~ Notwithstanding the geographic scope noted above, the ] geographic scope of the study noted above may be reduced or enlarged based upon layout of the local transportation network, the geographical size of the development, and the traffic volume on the existing network, as determined by VDOT [ in consultation with the locality and the applicant, if applicable. Typically, analysis will be conducted for any roadway on which the additional trips generated by the proposal have a materially detrimental impact on traffic conditions. The analysis presented in the TIS need not include all roadway and roadway segments located within the geographic scope of the study as determined by VDOT. ]

[ ~~C, D,~~ ] Methodology and standard assumptions. A TIS shall be prepared based upon methodology and assumptions noted below or as may be agreed upon by [ ~~the department~~ VDOT ] based upon the results of a [ ~~study scoping meeting~~ scope of work meeting ] held by VDOT [ ~~and the locality~~ pursuant to this section ].

1. Data collection. Preparers shall collect traffic data in accordance with the identified study area. The count data shall include at a minimum, weekday 24-hour counts, and directional turning movement counts during AM and PM peak times of the day. The 24-hour counts shall include vehicle classification counts. With approval of [ ~~the department~~ VDOT ], data collected by the

transportation professional preparer within the last [ ~~12~~ 24 ] months may be used, likewise for data from the VDOT count program.

The preparer shall monitor traffic operations during data collection to ensure extraneous events such as vehicle crashes or special event traffic do not affect integrity of count data. Preparers collecting data for utilization in traffic impact studies shall normally avoid data collection during the following instances:

- a. Holidays or times of the year when the traffic patterns are deemed to be unrepresentative of typical conditions, unless required by VDOT or the locality, or both.
- b. Summer months if school or schools in proximity.
- c. Fridays and weekends unless required by VDOT or the locality, or both.
- d. Other times of the year contingent upon existing adjacent land use activities.
- e. During times of inclement weather.

2. Trip generation. Estimates of trip generation by a proposed development shall be prepared using the Institute of Transportation Engineers Trip Generation (see [ ~~24 VAC 30-155-90~~ 24 VAC 30-155-100 ]), unless [ ~~the department~~ VDOT ] agrees to allow the use of

alternate trip generation rates based upon local trip generation studies. [ Rezoning proposals shall assume the highest vehicle trip generating use allowable under the proposed zoning classification. ] In determining which trip generation process (equation or rate) may be used, [ VDOT the preparer ] shall follow the guidance presented in the Trip Generation Handbook – an ITE Proposed Recommended Practice (see [ ~~24 VAC 30-155-90~~ 24 VAC 30-155-100 ]), which is summarized here. Regression equations to calculate trips as a result of development shall be utilized, provided the following is true:

- a. Independent variable falls within range of data; and
- b. Either the data plot has at least 20 points; or
- c. R<sup>2</sup> greater than 0.75, equation falls within data cluster in plot and standard deviation greater than 110% of weighted average rate.

If the above criteria are not met, then the preparer can use average trip rates, provided at least one of the following applies:

- d. At least three data points exist;
- e. Standard deviation less than 110% of weighted average rate;
- f. [ ~~R<sup>2</sup>~~ R<sup>2</sup> ] less than 0.75 or no regression equation provided; or
- g. Weighted average rate falls within data cluster in plot.

3. Internal capture and pass-by trips.

a. Internal capture rates consider site trips "captured" within a multiuse development, recognizing that trips from one land use can access another land use within a site development without having to access the adjacent street system. Multiuse developments include a combination of residential and nonresidential uses or a combination of nonresidential uses only. Internal capture allows reduction of site trips from adjacent intersections and roadways. Unless otherwise approved by [ the department VDOT ], the following internal capture rates should be used if appropriate:

- (1) Residential with a mix of nonresidential components - use the smaller of 15% of residential or 15% nonresidential trips generated.
- (2) Residential with office use - use the smaller of [ ~~§ 5.0~~ ] % of residential or [ ~~§ 5.0~~ ] % of office trips generated.
- (3) Residential with retail use - for AM peak hour, use the smaller of [ ~~§ 5.0~~ ] % residential or [ ~~§ 5.0~~ ] % retail trips generated; for PM peak hour, use the

smaller of 10% residential or 10% retail trips generated; for 24-hour traffic, use the smaller of 15% residential or 15% retail trips generated.

(4) Hotel/motel with office use - use 15% of hotel/motel trips, [ ~~if overall volume of office traffic is approximately similar to overall hotel/motel traffic unless the overall volume of the office traffic is more than the overall volume of hotel/motel traffic use in which case use the smaller of 10% of the hotel/motel traffic or the office traffic~~ ].

(5) Multiuse development with more than five million square feet of office and retail - internal capture rate should be determined in consultation with and approval of [ ~~the department~~ VDOT ].

b. Pass-by trip reductions consider site trips drawn from the existing traffic stream on an adjacent street, recognizing that trips drawn to a site would otherwise already traverse the adjacent street regardless of existence of the site. Pass-by trip reductions allow a percentage reduction in the forecast of trips otherwise added to the adjacent street from the proposed development. The reduction applies only to volumes on adjacent streets, not to ingress or egress volumes at entrances serving the proposed site. Unless otherwise approved by [ ~~the department~~ VDOT ], the following pass-by trip reductions may be used:

- (1) Shopping center - [ ~~15~~ 25 ] % of trips generated may be considered pass-by.
- (2) Convenience stores, service stations, fast food restaurants, [ ~~drive-in banks,~~ ] and similar land uses - [ ~~25~~ 40 ] % of trip generated may be considered pass-by.

4. Trip distribution. In the absence of more detailed information, trip distribution shall be in accordance with logical regional travel patterns as suggested by existing highway directional split and intersection movements or population and destination site distribution. If more detailed information is available from trip origin/destination studies, marketing studies, or regional planning models, this may be used to distribute trips upon approval of [ ~~the department~~ VDOT ].

5. Planning horizon. In general, the analysis years shall be related to (i) the opening date of the proposed development, (ii) build-out of major phases of a multiyear development, (iii) long-range transportation plans, and (iv) other significant transportation network changes. The preparer should establish the planning horizon in consultation with and subject to the acceptance of [ ~~the department~~ VDOT ].

6. Background traffic growth. Unless directed by [ ~~the department~~ VDOT ], geometric growth (or compound

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growth), based upon historical growth rates, shall generally be used for determining future background traffic levels where extensive traffic-count history is available and capacity constraint is not appropriate. This growth rate replicates "natural growth" and is typical for projecting urban growth. ~~[ Where growth within the development area is not stable, or historical data is not adequate as a result of the opening of other major developments, or significant transportation improvements have occurred, background traffic growth may be predicted based on demographic characteristics. For example, traffic growth within a study area could be tied directly to the anticipated population growth. Forecasts made using this method are performed using an average growth rate of two or more factors, including:~~

- ~~a. Total population based on population growth trends;~~
- ~~b. Income;~~
- ~~e. Automobile ownership; or~~
- ~~d. Land use types within the traffic impact analysis study area. ]~~

7. Future conditions. For the purpose of the TIS, future conditions shall include background traffic and additional vehicle trips anticipated to be generated by approved but not yet constructed or improved projects.

8. Level of service calculation. Level of service (LOS) analysis shall utilize the techniques described in the Highway Capacity Manual (see [ ~~24 VAC 30-155-90~~ 24 VAC 30-155-100 ]). Neither the intersection capacity utilization method nor the percentile delay method may be used in the traffic impact calculations of delay and level of service. Preparers shall consult with [ ~~the department~~ VDOT ] on which traffic analysis software package is to be used to conduct the LOS calculations. The results shall be tabulated and displayed graphically, with levels of service provided for each lane group for each peak period. All data used in the calculations must be provided along with the results of the capacity analysis. Any assumptions made that deviate from the programmed defaults must be documented and an explanation provided as to why there was a [ ~~change deviation~~ ]. Electronic files used for the analysis shall be provided to VDOT as a digital submission (e.g. .hcs, .sy6, .inp, .trf files), along with the printed report. If intersections analyzed are in close proximity to each other so that queuing may be a factor, [ ~~the department~~ VDOT ] may require the inclusion of an analysis with a micro simulation model. Unless actual on-ground conditions dictate otherwise, preparers should use the following defaults when utilizing the Highway Capacity Software (HCS) or other approved programs when evaluating roadway components:

a. Terrain – choose the appropriate terrain type. Most of the state will be level or rolling, but some areas may qualify for consideration as mountainous.

b. Twelve-foot wide lanes.

c. No parking or bus activity unless field conditions include such parking or bus activity or unless the locality has provided VDOT with a written statement of intent for the services to be provided.

d. Peak hour factor [ by approach ] – calculate from collected traffic counts (requires at least a peak hour count in 15-minute increments).

e. Heavy vehicle factor – calculate from collected traffic (classification) counts or obtain from VDOT count publications.

f. Area type – noncenter of business district.

~~The TIS shall identify any existing or proposed bicycle [ and pedestrian ] accommodation that would be [ impacted or enhanced affected ] by the proposal. For the purposes of this subsection, a bicycle accommodation is defined as on-street bike lanes, paved shoulders of roadways that are not part of the designated traveled way for vehicles, or exclusive and shared off-street bicycle paths. [ The LOS for bicycle accommodation shall be determined in accordance with the Highway Capacity Manual (see 24 VAC 30-155-90). The TIS shall provide recommendations for mitigation of impacts where adverse impacts are expected.~~

~~The TIS shall identify any pedestrian accommodations that will be affected by the proposal. The TIS shall include LOS analysis for pedestrian queuing areas, crosswalks, walkways, sidewalks, and, where sidewalks are not present, paved and unpaved shoulders of roadways. The TIS shall provide recommendations for mitigations of adverse impacts where the likelihood of non compliance by pedestrians using these facilities on a state controlled highway is high, LOS E, or very high, LOS F, according to the guidelines established in the Highway Capacity Manual (see 24 VAC 30-155-90). All LOS analyses shall be prepared in accordance with the Highway Capacity Manual (see 24 VAC 30-155-90). For the purposes of this subsection, a pedestrian accommodation is defined as sidewalks, intersection treatments and exclusive or shared off-street trails or paths. If significant potential for bicycle or pedestrian trips exists, the TIS shall include current and future service level analyses at build-out for existing or proposed bicycle and pedestrian accommodations. When the proposal requires or includes improvements or modifications to the roadway, bicycle or pedestrian accommodations, the TIS shall analyze the impacts of such improvements and modifications on bicycle and pedestrian~~

accommodations and service levels, and provide recommendations for mitigation of adverse impacts. ]

The TIS shall provide [LOS] analysis for all bus service with routes that have, or will have a station or stop within [ ~~1,500~~ 2,000 ] feet of the proposal. The TIS shall evaluate and discuss potential for increased demand for bus use due to the proposal, addressing whether such increases will demand longer dwell time at stops or more buses on a route. The [LOS quality of service analysis ] for bus service shall be determined in accordance with the [ ~~Highway Capacity Manual Transit Capacity and Quality of Service Manual~~ ] (see 24 VAC 30-155-90 24 VAC 30-155-100 ). [ ~~Where the LOS on a state-controlled highway is or is expected to drop below a LOS C, the TIS shall analyze the impacts of buses on the LOS of the affected state-controlled highway.~~ The TIS shall provide both route and segment quality of service.] The TIS shall provide recommendations for mitigation of adverse impacts where adverse impacts are expected to the [LOS quality of service ] to bus service [ ~~or the LOS on a state-controlled highway.~~ If an analysis of pedestrian quality or level of service is required for calculation of the bus quality of service, the preparer shall use a methodology approved by VDOT.

9. Trip reduction, and pedestrian and bicycle accommodations. When a proposal meets the criteria listed below, the preparer of the TIS may reduce the number of vehicle trips generated by the proposal in the TIS analysis in accordance with this subsection. Notwithstanding the percentages below, the total number of reductions used by a preparer in accordance with this subsection shall never exceed 500 vehicle trips per peak hour of the generator unless otherwise approved by VDOT.

a. Pedestrian accommodations. For the purposes of this subsection, a pedestrian accommodation is defined as a sidewalk, pedestrian path, or multiuse trail. Where a pedestrian service level of A exists, vehicle trips per peak hour of the generator may be reduced by 4.0%. Where a pedestrian service level of B exists, vehicle trips per peak hour of the generator may be reduced by 3.0%; where a pedestrian service level of C exists, vehicle trips per peak hour of the generator may be reduced by 1.5%. These reductions may only be taken if:

- (1) Pedestrian facility coverage in a 2,000-foot radius of the proposal is on or along at least 80% of the road network;
- (2) The connectivity index within the 2,000-foot radius is equal to or higher than 1.4; and
- (3) There are at least two of the 10 major land use classifications, as defined in ITE Trip Generation

(see 24 VAC 30-155-100), within the 2,000-foot radius.

b. Bicycle accommodations. For the purposes of this subsection, a bicycle accommodation is defined as a street with a design speed of 25 MPH or less that carries 400 vehicles per day or less, on-street bike lanes, a pedestrian accommodation, paved shoulders of roadways that are not part of the designated traveled way for vehicles and are at least two feet wide, or exclusive and shared off-street bicycle paths. Where a bicycle service level of A exists, vehicle trips per day may be reduced by 3.0%. Where a bicycle service level of B exists, vehicle trips per day may be reduced by 2.0%. Where a bicycle service level of C exists, vehicle trips per day may be reduced by 1.0%. These reductions may only be taken if:

- (1) Bicycle accommodations within a 2,000-foot radius of the proposal exist on or along at least 80% of the road network;
- (2) The connectivity index within the 2,000-foot radius is equal to or higher than 1.4; and
- (3) There are at least two of the 10 major land use classifications as defined in ITE Trip Generation (see 24 VAC 30-155-100), within the 2,000-foot radius.

10. Modal split and trip reduction. All vehicle trip reductions used in the TIS pursuant to this subsection are subject to the approval of VDOT.

a. If a proposal is located within 1/2 mile along roadways, pedestrian or bicycle accommodations of a transit station, excluding bus stops and stations, reasonable vehicle trip reductions of vehicle trips generated by the proposal may be made with approval of VDOT. The preparer shall submit documentation to justify any such vehicle trip reductions used with the TIS. When a proposal is located more than 1/2 mile but less than two miles from a transit stop, excluding bus stops and stations, with parking accommodations transit modal split vehicle trip reductions may be utilized. The analysis of capacity of the parking accommodations shall be included in the TIS when such trip reductions are used.

b. If a proposal is located within 1/4 mile along roadways, pedestrian or bicycle accommodations of a bus stop or station where the segment and route service levels are C or higher, reasonable vehicle trip reductions of vehicle trips generated by the proposal may be made with the approval of VDOT. The preparer shall submit documentation to justify any such vehicle trip reductions used with the TIS.



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c. Transit and bus modal split data from similar developments within the geographic scope of the TIS or one mile of the proposal, whichever is greater, shall be collected if the TIS vehicle trip reductions are used pursuant to this subsection and similar developments exist within the geographic scope of the TIS or one mile of the proposal, whichever is greater. ]

[ ~~9.~~ 11. ] Signal warrant analysis. Traffic signal warrant analysis shall be performed in accordance with the procedures set out in the Manual on Uniform Traffic Control Devices (see [ ~~24 VAC 30-155-90~~ 24 VAC 30-155-100 ]) or ITE Manual of Traffic Signal Design as determined by [ ~~the department~~ VDOT ].

[ ~~10.~~ 12. ] Recommended [ ~~Improvements~~ improvements ]. Recommendations made in the TIS for improvements to transportation facilities shall be in accordance with the geometric standards contained within the Road Design Manual (see [ ~~24 VAC 30-155-90~~ 24 VAC 30-155-100 ]).

## **24 VAC 30-155-70. Departmental analysis.**

After concluding its review of a proposed comprehensive plan or transportation plan or plan amendment, rezoning, or site or subdivision plan, [ ~~the department~~ VDOT ] shall provide the locality [ and applicant, if applicable, ] with a written report detailing its analysis and [ when appropriate ] recommending transportation improvements to mitigate any potential adverse impacts on state-controlled highways. [ VDOT shall provide recommendations for facilitating other modes of transportation including but not limited to transit, bus, bicycle and pedestrian facilities or accommodations where such facilities or accommodations are planned or exist, or where such facilities have a significant potential for use. ]

## **24 VAC 30-155-80. Fees.**

A. Locality initiated proposals. No fee shall be charged for review of any comprehensive plan, comprehensive plan amendment [ ~~or~~ ], rezoning proposal [ , subdivision plat, site plan, or plan of development ] initiated by a locality [ ; ~~unless the primary purpose of such proposal is to facilitate the development of a privately owned project or other public agency~~ ].

B. All other proposals. [ Any package submitted to a locality by an applicant that will be subject to VDOT review pursuant to this chapter shall include any required payment in a form payable directly to VDOT. ]

1. For initial or second review of all comprehensive plans, comprehensive plan amendments, and transportation plans submitted to [ ~~the department~~ VDOT ] for review, not initiated on behalf of the locality, there shall be a fee of \$1,000 charged to the applicant. This fee shall be paid upon submission of a

plan to [ ~~the department~~ VDOT ] for review. [ ~~In instances where the actual cost to the department to review the plan is less than \$1,000, the department shall return to the applicant any funds in excess of the actual cost to the department of carrying out its responsibilities pursuant to this chapter.~~ ]

2. For initial or second review of rezoning proposals [ , subdivision plats, site plans, or plans of development accompanied by a traffic impact statement or supplemental traffic analysis, not initiated on behalf of the locality, ] there shall be a [ single ] fee for [ review both reviews ] determined by the number of [ adjusted ] vehicle trips generated per peak hour, as follows:

[ ~~≤ Up to~~ ] 100 [ ~~VpPH~~ vehicles per peak hour ] - \$ [ ~~700~~ 500 ]

[ ~~100 to 499~~ VpPH ] - \$800

[ ~~500 to 999~~ VpPH ] - \$900 ]

[ ~~1,000 or more~~ VpPH Over 100 vehicles per peak hour ] - \$1,000

The fee shall be paid upon submission of a [ ~~plan~~ package ] to [ ~~the department~~ VDOT ] for review. [ ~~In instances where the actual cost to the department to review the proposal is less than \$1,000, the department shall return to the applicant any funds in excess of the actual cost to the department of carrying out its responsibilities pursuant to this chapter. In instances where the actual cost to the department to review the proposal is more than the initial fee charged, the applicant shall pay the department the remainder, not to exceed a total payment of \$1,000 total, within one month of completion of the department's review.~~ ]

3. For initial or second review of subdivision or site plans, there shall be a fee for review as follows:

a. ~~For supplemental traffic analyses described in subdivisions 24 VAC 30-155-50 C 1 and 24 VAC 30-155-50 C 2, the fee charged to the applicant for review shall be \$800.~~

b. ~~For supplemental traffic analyzes described in subdivision 24 VAC 30-155-50 C 3 of this chapter, the fee charged to the applicant for review shall be \$1,000.~~

c. ~~This fee shall be paid upon submission of a proposal to the department for review. In instances where the actual cost to the department to review the proposal is less than \$1,000, the department shall return to the applicant any funds in excess of the actual cost to the department of carrying out its responsibilities pursuant to this chapter. In instances where the actual cost to the department to review the proposal is more than the initial fee charged, the applicant shall pay the~~

~~department the remainder, not to exceed a total payment of \$1,000 total, within one month of completion of the department's review.~~

~~4. 3. ] For a third or subsequent submission pursuant to [ subdivision 1, 2, or 3 subdivisions 1 or 2 ] of this subsection, that is requested by [ the department VDOT ] on the basis of the failure of the applicant to address deficiencies previously identified by [ the department VDOT ], the applicant shall be required to pay an additional fee as though the third or subsequent submission were an initial submission and requiring the fees identified above. [ An applicant or locality may appeal to the district administrator a determination by VDOT that a submitted package failed to address deficiencies previously identified by VDOT. ]~~

**[ 24 VAC 30-155-90. Implementation.**

A. VDOT shall implement this chapter in phases beginning on July 1, 2007, so that it is in full effect by January 1, 2009.

B. Implementation by VDOT district. For the purposes of this chapter, the nine VDOT construction districts have been divided into three groups.

1. Group 1 consists of Northern Virginia, Richmond, and Salem Districts. Implementation will begin on July 1, 2007, for this group.

2. Group 2 consists of Culpeper, Fredericksburg, and Staunton Districts. Implementation will begin on January 1, 2008, for this group.

3. Group 3 consists of Bristol, Hampton Roads, and Lynchburg Districts. Implementation will begin on July 1, 2008, for this group.

C. Phasing by submission type and trip generation. Within each group of construction districts, implementation will be phased by the type of submission and the trip generation that each proposal is expected to generate.

1. Proposal submission that will be required at the start of each group's implementation:

a. All comprehensive plan and plan amendments submittals described in 24 VAC 30-155-30.

b. Rezoning, subdivision plat, site plan, and plan of development proposals as described in 24 VAC 30-155-40 and 24 VAC 30-155-50 for sites generating 500 vehicle trips per peak hour or more as described in 24 VAC 30-155-60.

2. All remaining proposal submissions subject to this chapter shall be required to be submitted beginning six months after the start of each group's implementation. ]

**[ ~~24 VAC 30-155-90~~ 24 VAC 30-155-100 ] . Listing of documents incorporated by reference.**

Requests for information pertaining to the availability and cost of any of these publications should be directed to the address indicated below the specific document. Requests for documents available from VDOT may be obtained from [ ~~the department's~~ VDOT's ] division and representative indicated; however, [ ~~department~~ VDOT ] documents may be available over the Internet at [ ~~www.virginiadot.org~~ www.vdot.virginia.gov ].

[ ~~A. 1. ] Trip Generation (effective November, 2003)~~

Institute of Transportation Engineers  
1099 14th Street NW  
Suite 300 West  
Washington, DC 20005

[ ~~B. 2. ] Trip Generation Handbook – an ITE Proposed Recommended Practice (effective 2004)~~

Institute of Transportation Engineers  
1099 14th Street NW  
Suite 300 West  
Washington, DC 20005

[ ~~C. 3. ] Road Design Manual (effective January 1, 2005)~~

Location and Design Division (VDOT)  
1401 E. Broad Street  
Richmond, Virginia 23219

[ ~~D. 4. ] Highway Capacity Manual (effective 2000)~~

Transportation Research Board  
500 Fifth Street NW  
Washington, DC 20001

[ ~~E. 5. ] Manual on Uniform Traffic Control Devices (effective December 22, 2003)~~

Federal Highway Administration  
Superintendent of Documents  
U.S. Government Printing Office  
P.O. Box 371954  
Pittsburgh, Pennsylvania 15250

[ ~~F. 6. ] ITE Manual of Traffic Signal Design (effective 1998)~~

Institute of Transportation Engineers  
1099 14th Street NW  
Suite 300 West  
Washington, DC 20005

[ 7. Transit Capacity and Quality of Service Manual, 2nd Edition (effective 2003)

Transportation Research Board of the National Academies  
Keck Center of the National Academies

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Transportation Research Board  
500 Fifth Street, NW  
Washington, DC 20001 ]

VA.R. Doc. No. R06-343; Filed April 25, 2007, 11:14 a.m.



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# GENERAL NOTICES/ERRATA

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## DEPARTMENT OF ENVIRONMENTAL QUALITY

### **Total Maximum Daily Loads (TMDL) - Roses Creek Watershed in Brunswick County and the Town of Lawrenceville**

Announcement of a public comment period for modifications of the TMDL study to restore water quality in the Roses Creek Watershed in Brunswick County and the Town of Lawrenceville.

Purpose of notice: To seek public comment on modifications of the water quality improvement study entitled "Bacteria TMDL for the Roses Creek Watershed, Virginia" by the Department of Environmental Quality (DEQ).

Description of study: A total maximum daily loads (TMDL) of bacteria was developed to address bacteria impairments in the Roses Creek Watershed. This TMDL was approved by the Environmental Protection Agency on July 6, 2004, and can be found at the following website:

<http://www.deq.virginia.gov/tmdl/apptmdls/chowanrvr/roses.pdf>

The DEQ seeks written comments from interested persons on the modification of this TMDL. The original TMDL omitted the discharge from the Lawrenceville Sewage Treatment Plant (STP). Additionally, the TMDL did not include an allowance for growth and expansion of permitted facilities in the watershed. Therefore, the revised report includes modifications to the wasteload allocations and TMDL to account for the Lawrenceville STP and allows for future expansions in the watershed. The load allocations remain unchanged, but the TMDLs were increased to reflect the increase in wasteload allocation.

The proposed increase will not cause a water quality violation because Virginia's water quality standards for bacteria require that treated effluent discharged into a receiving stream meet the bacteria criteria for the stream. DEQ has performed additional modeling to confirm that at two times the wasteload allocation, the water quality standard would not be violated if permitted dischargers are required to discharge at an E. coli concentration of 126 cfu/100ml. To review the proposed revisions to the wasteload allocation tables and TMDL equation tables, please contact Chris French using the contact information below.

How a decision is made: The modifications to the Roses Creek Bacteria TMDL will undergo a 30-day public comment period. After public comments have been considered and addressed, DEQ will prepare a TMDL modification document and submit the document to EPA for approval.

How to comment: DEQ accepts written comments by email, fax or postal mail. Written comments should include the name, address and telephone number of the person commenting, and be received by DEQ at the address provided

below during the comment period, May 14, 2007, to June 13, 2007.

Contact for additional information: Chris French, TMDL Coordinator, Virginia Department of Environmental Quality, Piedmont Regional Office, 4949A Cox Road, Glen Allen, VA 23060, telephone (804) 527-5124, FAX (804) 527-5106, or email [rcfrench@deq.virginia.gov](mailto:rcfrench@deq.virginia.gov).

## STATE WATER CONTROL BOARD

### **Proposed Consent Special Order - Associated Naval Architects, Incorporated**

Purpose of notice: To seek public comment on a proposed consent order from the Department of Environmental Quality (DEQ) for a facility in Portsmouth, Virginia.

Public comment period: May 14, 2007, to June 13, 2007.

Consent order description: The State Water Control Board proposes to issue a consent order to Associated Naval Architects, Incorporated, to address alleged violations of Virginia State Water Control Law. The location of the facility where the alleged violations occurred is 3400 Shipwright Street, Portsmouth, Virginia. The consent order describes a settlement to resolve alleged violations of the facility Virginia Pollutant Discharge Elimination Permit.

How to comment: DEQ accepts comments from the public by email, fax or postal mail. All comments must include the name, address and telephone number of the person commenting and be received by DEQ within the comment period. The public may review the proposed consent order at the DEQ office named below or on the DEQ website at [www.deq.virginia.gov](http://www.deq.virginia.gov).

Contact for public comments, document requests and additional information: John M. Brandt, Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Blvd, Virginia Beach, VA 23462, telephone (757) 518-2010, FAX (757) 518-2003, or email [jmbrandt@deq.virginia.gov](mailto:jmbrandt@deq.virginia.gov).

### **Proposed Consent Special Order - Hickory Green Dairy Farm, LLC**

Purpose of notice: To invite citizens to comment on a proposed consent order for Hickory Green Dairy Farm, LLC.

Public comment period: May 15, 2007, through June 14, 2007.

Consent order description: The State Water Control Board proposes to issue a consent order to Hickory Green Dairy Farm, LLC, to address alleged violations of its Virginia Pollution Abatement Permit. The location of the facility where the alleged violations occurred is 1724 Berry's Ferry

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Lane, White Post, Virginia. The consent order describes a settlement to resolve alleged operational violations.

How to comment: DEQ accepts comments from the public by email, fax or postal mail. All comments must include the name, address and telephone number of the person commenting and be received by close of business on the final day of the public comment period. The public may review the proposed consent order at the DEQ office named below or on the DEQ website at [www.deq.virginia.gov](http://www.deq.virginia.gov).

Contact for public comments, document requests and additional information: Edward A. Liggett, Department of Environmental Quality, Valley Regional Office, P.O. Box 3000, 4411 Early Road, Harrisonburg, VA 22801, telephone (540) 574-7901, FAX (540) 574-7878, or email [ealiggett@deq.virginia.gov](mailto:ealiggett@deq.virginia.gov).

### **Proposed Consent Special Order - Iluka Resources Incorporated**

Purpose of notice: To seek public comment on a proposed consent order from the Department of Environmental Quality (DEQ) for a facility in Dinwiddie County and a facility in Sussex County, Virginia.

Public comment period: May 14, 2007, to June 14, 2007.

Consent order description: The State Water Control Board proposes to issue a consent order to Iluka Resources, Incorporated, to address violations of its VPDES Permits Nos. VA0090981, VA0091456, VAR051396, VAR051217, and its VPA Permit No. 00563. The consent order describes a settlement to resolve permit violations that occurred at 12472 St. Johns Church Road, Stony Creek, Virginia, and at 16474 Walkers Mill Road, Sussex County, Virginia. The order requires modifying operation and maintenance procedures to prevent unauthorized discharges from the facilities, payment of a civil charge, and completion of a supplementary environmental project.

How to comment: DEQ accepts comments from the public by email, fax or postal mail. All comments must include the name, address and telephone number of the person commenting and be received by DEQ within the comment period. The public may review the proposed consent order at the DEQ office named below or on the DEQ website at [www.deq.virginia.gov](http://www.deq.virginia.gov).

Contact for public comments, document requests and additional information: Frank Lupini, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060, telephone (804) 527-5093, FAX (804) 527-5106, or email [felupini@deq.virginia.gov](mailto:felupini@deq.virginia.gov).

### **Proposed Consent Special Order - Kenan Transport Company**

Purpose of notice: To seek public comment on a proposed consent order from the Department of Environmental Quality for a discharge of gas from a tanker truck in Richmond, Virginia.

Public comment period: May 14, 2007, to June 14, 2007.

Consent order description: The State Water Control Board proposes to issue a consent order to Kenan Transport Company to address the discharge of gasoline from a pipeline at Barrington Subdivision in Henrico County, Virginia. Remediation of the site is being conducted under an order previously issued by the EPA. The order requires payment of a civil charge.

How to comment: DEQ accepts comments from the public by email, fax or postal mail. All comments must include the name, address and telephone number of the person commenting and be received by DEQ within the comment period. The public may review the proposed consent order at the DEQ office named below or on the DEQ website at [www.deq.virginia.gov](http://www.deq.virginia.gov).

Contact for public comments, document requests and additional information: Frank Lupini, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060, telephone (804) 527-5093, FAX (804) 527-5106, or email [felupini@deq.virginia.gov](mailto:felupini@deq.virginia.gov).

### **Proposed Consent Special Order - Mr. Stanley Koogler**

Purpose of notice: To invite citizens to comment on a proposed consent order for Mr. Stanley Koogler.

Public comment period: May 15, 2007, through June 14, 2007.

Consent order description: The State Water Control Board proposes to issue a consent order to Mr. Stanley Koogler to address alleged violations at Mr. Koogler's dairy farm. The location of the facility where the alleged violations occurred is 2494 West Mosby Road, Dayton, Virginia. The consent order describes a settlement to resolve alleged operational violations that resulted in an unpermitted discharge of dairy manure to state waters.

How to comment: DEQ accepts comments from the public by email, fax or postal mail. All comments must include the name, address and telephone number of the person commenting and be received by close of business on the final day of the public comment period. The public may review the proposed consent order at the DEQ office named below or on the DEQ website at [www.deq.virginia.gov](http://www.deq.virginia.gov).

Contact for public comments, document requests and additional information: Edward A. Liggett, Department of

Environmental Quality, Valley Regional Office, P.O. Box 3000, 4411 Early Road, Harrisonburg, VA 22801, telephone (540) 574-7901, FAX (540) 574-7878, or email [ealiggett@deq.virginia.gov](mailto:ealiggett@deq.virginia.gov).

### **Proposed Consent Special Order - The Lester Group, Inc.**

Citizens may comment on a proposed consent order for a facility in Salem, Virginia.

Public comment period: May 15, 2007, to June 14, 2007.

Purpose of notice: To invite the public to comment on a proposed consent order. A consent order is issued to a business owner or other responsible party to perform specific actions that will bring the entity into compliance with the relevant law and regulations. It is developed cooperatively with the facility and entered into by mutual agreement.

Project description: The Department of Environmental Quality (DEQ) proposes to issue a consent order to The Lester Group, Inc. to address violations of the Virginia regulations. The location of the facility where the violation occurred is a property adjacent to the Henry County Closed Sanitary Landfill in Henry County, Virginia. The consent order describes a settlement to resolve unpermitted alteration of a wetland. It requires payment of a civil charge and performance of a Supplemental Environmental Project.

How a decision is made: After public comments have been considered, DEQ will make a final decision.

How to comment: DEQ accepts comments from the public by email, fax or postal mail. All comments must include the name, address and telephone number of the person commenting and be received by DEQ within the comment period.

To review the consent order: The public may review the proposed consent order at the DEQ West Central Regional Office every work day by appointment or on the DEQ website at [www.deq.virginia.gov](http://www.deq.virginia.gov).

Contact for public comments, document requests and additional information: Robert Steele, Department of Environmental Quality, West Central Regional Office, Roanoke, VA 24019, telephone (540) 562-6777, FAX (540) 562-6725, or email [rpsteele@deq.virginia.gov](mailto:rpsteele@deq.virginia.gov).

### **Proposed Consent Special Order - Omega Protein, Inc.**

Purpose of notice: To seek public comment on a proposed consent order from the Department of Environmental Quality for a facility in Reedville, Virginia.

Public comment period: May 14, 2006, to June 14, 2006.

Consent order description: The State Water Control Board proposes to issue a consent order to Omega Protein, Inc. to

address violations of its VPDES Permit No. VA0003867. The location of the facility where the violation occurred is the end of Virginia State Highway 659 in Reedville, Virginia. The consent order describes a settlement to resolve wastewater permit discharge violations that occurred at the facility. The order requires wastewater treatment system modifications and payment of a civil charge.

How to comment: DEQ accepts comments from the public by email, fax or postal mail. All comments must include the name, address and telephone number of the person commenting and be received by DEQ within the comment period. The public may review the proposed consent order at the DEQ office named below or on the DEQ website at [www.deq.virginia.gov](http://www.deq.virginia.gov).

Contact for public comments, document requests and additional information: Frank Lupini, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060, telephone (804) 527-5093, FAX (804) 527-5106, or email [felupini@deq.virginia.gov](mailto:felupini@deq.virginia.gov).

### **Proposed Consent Special Order - Plantation Pipeline Company**

Purpose of notice: To seek public comment on a proposed consent order from the Department of Environmental Quality for a pipeline located in Henrico County, Virginia.

Public comment period: May 14, 2007, to June 14, 2007.

Consent order description: The State Water Control Board proposes to issue a consent order to Plantation Pipeline Company to address the discharge of petroleum products from a pipeline at Barrington Subdivision in Henrico County, Virginia. Remediation of the site is being conducted under an order previously issued by the EPA. This order requires payment of a civil charge.

How to comment: DEQ accepts comments from the public by email, fax or postal mail. All comments must include the name, address and telephone number of the person commenting and be received by DEQ within the comment period. The public may review the proposed consent order at the DEQ office named below or on the DEQ website at [www.deq.virginia.gov](http://www.deq.virginia.gov).

Contact for public comments, document requests and additional information: Frank Lupini, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060, telephone (804) 527-5093, FAX (804) 527-5106, or email [felupini@deq.virginia.gov](mailto:felupini@deq.virginia.gov).

### **Proposed Consent Special Order - Rennie Petroleum Corporation**

Purpose of notice: To seek public comment on a proposed consent order from the Department of Environmental Quality

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## General Notices/Errata

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(DEQ) for a facility in Aylett and another in West Point, Virginia.

Public comment period: May 14, 2007, to June 14, 2007.

Consent order description: The State Water Control Board proposes to issue a consent special order to Rennie Petroleum Corporation to address violations of underground storage tank (UST) regulations. The consent order describes a settlement to resolve UST violations that occurred at Rennie facilities located at 5033 Richmond Tappahannock Hwy, Aylett, Virginia, and at 515 14th Street, West Point, Virginia. The order requires line and tank tightness tests and compliance with financial responsibility regulations.

How to comment: DEQ accepts comments from the public by email, fax or postal mail. All comments must include the name, address and telephone number of the person commenting and be received by DEQ within the comment period. The public may review the proposed consent order at the DEQ office named below or on the DEQ website at [www.deq.virginia.gov](http://www.deq.virginia.gov).

Contact for public comments, document requests and additional information: Frank Lupini, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060, telephone (804) 527-5093, or FAX (804) 527-5106, or email [felupini@deq.virginia.gov](mailto:felupini@deq.virginia.gov).

### Proposed Consent Special Order - Sunoco Inc.

Purpose of notice: To invite citizens to comment on a proposed consent order for two facilities.

Public comment period: May 14, 2007, to June 14, 2007.

Consent order description: The State Water Control Board proposes to issue a consent order to Sunoco Inc., to address alleged violations of the regulations. The location of the UST facilities where the alleged violations occurred is in Rockbridge County and in Harrisonburg, Virginia. The consent order describes a settlement to resolve these violations.

How to comment: DEQ accepts comments from the public by email, fax or postal mail. All comments must include the name, address and telephone number of the person commenting and be received by DEQ within the comment period. The public may review the proposed consent order at the DEQ office named below or on the DEQ website at [www.deq.virginia.gov](http://www.deq.virginia.gov).

Contact for public comments, document requests and additional information: David C. Robinett, Department of Environmental Quality, Valley Regional Office, Post Office Box 3000, 4411 Early Road, Harrisonburg, VA 22801-9519, telephone (540) 574-7862, FAX (540) 574-7878, or email [dcrbinett@deq.virginia.gov](mailto:dcrbinett@deq.virginia.gov).

### Proposed Consent Order - Town of Surry

Purpose of notice: To seek public comment on a proposed consent order from the Department of Environmental Quality (DEQ) for a facility in Surry, Virginia.

Public comment period: May 14, 2007, to June 14, 2007.

Consent order description: The State Water Control Board proposes to issue a consent order to the Town of Surry to address violations of its VPDES Permit No. VA0061646. The location of the facility where the violation occurred is 11463 Rolfe Highway, Surry, Virginia. The consent order describes a settlement to resolve wastewater permit discharge violations that occurred at the facility. The order contains a schedule to connect to Surry County's Regional Sewer System and payment of a civil charge.

How to comment: DEQ accepts comments from the public by email, fax or postal mail. All comments must include the name, address and telephone number of the person commenting and be received by DEQ within the comment period. The public may review the proposed consent order at the DEQ office named below or on the DEQ website at [www.deq.virginia.gov](http://www.deq.virginia.gov).

Contact for public comments, document requests and additional information: Frank Lupini, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060, telephone (804) 527-5093, FAX (804) 527-5106, or email [felupini@deq.virginia.gov](mailto:felupini@deq.virginia.gov).

## VIRGINIA CODE COMMISSION

### Notice to State Agencies

**Mailing Address:** Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219.

### 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 CORPORATION COMMISSION**

Titles of Regulations: **21 VAC 5-10. General Administration - Securities Act.**

**21 VAC 5-20. Broker-Dealers, Broker-Dealer Agents and Agents of the Issuer: Registration, Expiration, Renewal, Updates and Amendments, Termination, Changing Connection, Merger or Consolidation, Examinations/Qualification, Financial Statements and Reports.**

Publication: 23:17 VA.R. 2791-2812 April 30, 2007.

Correction to Proposed Regulation:

Page 2791, Public Hearing Date: May 30, 2007, add "(if requested)"

\* \* \*

Title of Regulation: **21 VAC 5-110. Retail Franchising Act Rules.**

Publication: 23:17 VA.R. 2812-2821 April 30, 2007.

Correction to Proposed Regulation:

Page 2812, Public Hearing Date: May 29, 2007, add "(if requested)"



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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.virginia.gov](http://www.virginia.gov) 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 website's Legislative Information System (<http://leg1.state.va.us/lis.htm>) and select "Meetings."

VIRGINIA CODE COMMISSION

## EXECUTIVE

### BOARD OF ACCOUNTANCY

**May 15, 2007 - 7 p.m.** -- Open Meeting

Sheraton Richmond West Hotel, 6624 West Broad Street, Shula's, Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

**May 16, 2007 - 10 a.m.** -- Open Meeting

Sheraton Richmond West Hotel, 6624 West Broad Street, Chesapeake Room, Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

A working session for board members and staff to discuss strategic planning. No routine board business will be discussed and no public comment will be taken.

**Contact:** Nancy Taylor Feldman, Executive Director, Board of Accountancy, 3600 West Broad St., Suite 378, Richmond, VA 23230-4923, telephone (804) 367-8505, FAX (804) 367-2174, (804) 367-9753/TTY☎, email [boa@boa.virginia.gov](mailto:boa@boa.virginia.gov).

**June 27, 2007 - 10 a.m.** -- Open Meeting

Richmond Marriott West, 4240 Dominion Boulevard, Franklin Room, Glen Allen, Virginia.♿ (Interpreter for the deaf provided upon request)

A general business meeting including consideration of regulatory issues as may be presented on the agenda. 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:** Nancy Taylor Feldman, Executive Director, Board of Accountancy, 3600 West Broad St., Suite 378, Richmond, VA 23230-4923, telephone (804) 367-8505, FAX (804) 367-2174, (804) 367-9753/TTY☎, email [boa@boa.virginia.gov](mailto:boa@boa.virginia.gov).

### BOARD OF AGRICULTURE AND CONSUMER SERVICES

† **May 17, 2007 - 9 p.m.** -- Open Meeting

Oliver Hill Building, 102 Governor Street, 2nd Floor, 220 VDACS Board Room, Richmond, Virginia.♿

A meeting to discuss issues related to Virginia agriculture and consumer services. One regulation will be discussed: 2 VAC 5-490, Regulations Governing Grade "A" Milk. 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 Seward, Board Secretary, Department of Agriculture and Consumer Services, Oliver Hill Bldg., 102 Governor St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3538, FAX (804) 371-2945, email [roy.seward@vdacs.virginia.gov](mailto:roy.seward@vdacs.virginia.gov).

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Virginia Aquaculture Advisory Board

† **June 6, 2007 - 9:30 a.m.** -- Open Meeting

Virginia Institute of Marine Science, Eastern Shore Laboratory, Wachapreague, Virginia.♿

A meeting to discuss issues related to Virginia aquaculture. For directions, call the main office of the lab at (757) 787-

5816. 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 T. Robins Buck at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** T. Robins Buck, Board Secretary, Department of Agriculture and Consumer Services, Oliver Hill Bldg., 102 Governor St., 2nd Floor, Richmond, VA 23219, telephone (804) 371-6094, FAX (804) 371-2945, email [robins.buck@vdacs.virginia.gov](mailto:robins.buck@vdacs.virginia.gov).

## Virginia Horse Industry Board

† **June 20, 2007 - 10 a.m.** -- Open Meeting  
Department of Forestry, 900 Natural Resources Drive, 2nd Floor, Meeting Room, Charlottesville, Virginia. ♿

A meeting to (i) review the minutes from the last meeting and the budget to date, and (ii) discuss and plan marketing and promotional projects for the coming 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 Andrea Heid at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Andrea Heid, Equine Marketing Specialist/Program Manager, Department of Agriculture and Consumer Services, Oliver Hill Bldg., 102 Governor St., Room 318, 3rd Floor, Richmond, VA 23219, telephone (804) 786-5842, FAX (804) 371-7786, email [andrea.heid@vdacs.virginia.gov](mailto:andrea.heid@vdacs.virginia.gov).

## STATE AIR POLLUTION CONTROL BOARD

† **May 22, 2007 - 4 p.m.** -- Public Hearing  
Holiday Inn Alexandria – Telegraph Road, 2460 Eisenhower Avenue, Alexandria, Virginia. ♿

A public hearing to receive comments on (i) three draft State Operating Permits for Mirant Potomac River, LLC, and (ii) the following issues: (a) are intermittent controls allowed as part of the permit and if not, are they allowed during a phase-in period or in a consent order; and (b) is the proposed stack-merge project prohibited under federal or state law as a prohibited dispersion technique. The three state operating permits may be accessed under the “What’s New” section of the DEQ website <https://www.deq.virginia.gov>. Comments are to be submitted to Monica Harvey, [maharvey@deq.virginia.gov](mailto:maharvey@deq.virginia.gov), 629 E. Main Street, P.O. Box 1105, Richmond, VA 23218.

**Contact:** Troy Breathwaite, Department of Environmental Quality, P.O. Box 1105 Richmond, VA 23218, telephone (804) 698-4366, email [tdbreathwaite@deq.virginia.gov](mailto:tdbreathwaite@deq.virginia.gov).

† **May 23, 2007 - 9:30 a.m.** -- Open Meeting  
Holiday Inn Alexandria – Telegraph Road, 2460 Eisenhower Avenue, Alexandria, Virginia. ♿

A regular board meeting.

**Contact:** Cindy Berndt, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4378, FAX (804) 698-4346, email [cberndt@deq.virginia.gov](mailto:cberndt@deq.virginia.gov).

† **June 18, 2007 - 9 a.m.** -- Open Meeting  
Department of Environmental Quality, 629 East Main Street, First Floor Conference Room, Richmond, Virginia. ♿

The board is suspending the effective date of certain provisions of its regulation entitled: Regulation for Emissions Trading, specifically the provisions concerning nonattainment area requirements (9 VAC 5-140-1061, 9 VAC 5-140-1062, 9 VAC 5-140-2061, 9 VAC 5-140-2062, 9 VAC 5-140-3061, and 9 VAC 5-140-3062) and seeking comment on the changes made to these provisions from publication of the proposed regulation to publication of the final regulation. (See the full notice in the Regulations section of this Register.)

**Contact:** Mary E. Major, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4423, FAX (804) 698-4510, email [memajor@deq.virginia.gov](mailto:memajor@deq.virginia.gov).

## ALCOHOLIC BEVERAGE CONTROL BOARD

**May 21, 2007 - 9 a.m.** -- Open Meeting  
**June 4, 2007 - 9 a.m.** -- Open Meeting  
**June 18, 2007 - 9 a.m.** -- Open Meeting  
**July 2, 2007 - 9 a.m.** -- Open Meeting  
**July 16, 2007 - 9 a.m.** -- Open Meeting  
† **August 6, 2007 - 9 a.m.** -- Open Meeting  
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. ♿

An executive staff meeting to receive and discuss reports and activities from staff members and to discuss other matters as necessary.

**Contact:** W. Curtis Coleburn, III, Secretary to the Board, Alcoholic Beverage Control Board, 2901 Hermitage Rd., Richmond, VA 23220, telephone (804) 213-4409, FAX (804) 213-4411, (804) 213-4687/TTY ♿, email [curtis.coleburn@abc.virginia.gov](mailto:curtis.coleburn@abc.virginia.gov).

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## Calendar of Events

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

**May 14, 2007 - 9 a.m.** -- Open Meeting


† **August 14, 2007 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, 5th Floor, Virginia. 

A meeting of the Landscape Architects Section to conduct board business. 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 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or email [apelscidla@dpor.virginia.gov](mailto:apelscidla@dpor.virginia.gov).


**May 22, 2007 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia. 

A meeting of the Interior Designers Section to conduct board business. 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 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or email [apelscidla@dpor.virginia.gov](mailto:apelscidla@dpor.virginia.gov).

**May 24, 2007 - 9 a.m.** -- Open Meeting


Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia. 

A meeting of the Land Surveyors Section to conduct board business. 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 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or email [apelscidla@dpor.virginia.gov](mailto:apelscidla@dpor.virginia.gov).


**June 14, 2007 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. 

A regular meeting to discuss board business. 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 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or email [apelscidla@dpor.virginia.gov](mailto:apelscidla@dpor.virginia.gov).


**July 26, 2007 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting of the Architects Section to conduct board business. 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 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or email [apelscidla@dpor.virginia.gov](mailto:apelscidla@dpor.virginia.gov).

† **August 9, 2007 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia. 

A meeting of the Professional Engineers Section to conduct board business. 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 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or email [apelscidla@dpor.virginia.gov](mailto:apelscidla@dpor.virginia.gov).

## ART AND ARCHITECTURAL REVIEW BOARD

**June 1, 2007 - 10 a.m.** -- Open Meeting

**July 6, 2007 - 10 a.m.** -- Open Meeting

† **August 3, 2007 - 10 a.m.** -- Open Meeting


Science Museum of Virginia, 2500 West Broad Street, Forum Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A monthly meeting to review projects submitted by state agencies. Art and Architectural Review Board submittal forms and submittal instructions can be downloaded by visiting the DGS Forms Center at [www.dgs.virginia.gov](http://www.dgs.virginia.gov). Request form #DGS-30-905 or submittal instructions #DGS-30-906. The deadline for submitting project datasheets and other required information is two weeks prior to the meeting date.


**Contact:** Brian H. Ohlinger, Chairman, Art and Architectural Review Board, 700 W. Grace St., Suite 2200, Richmond, VA 23284, telephone (804) 827-9647, FAX (804) 827-1288 or email [bjohlinger@vcu.edu](mailto:bjohlinger@vcu.edu).

## VIRGINIA COMMISSION FOR THE ARTS


**June 14, 2007 - 8 a.m.** -- Open Meeting

Museum of the Shenandoah Valley, Winchester, Virginia.  (Interpreter for the deaf provided upon request)

**June 15, 2007 - 8 a.m.** -- Open Meeting


Shenandoah University, Board Room, Winchester, Virginia.  (Interpreter for the deaf provided upon request)

A quarterly meeting of the commissioners to review and approve the recommendations of the 07-08 grant panels.


**Contact:** Peggy Baggett, Executive Director, Virginia Commission for the Arts, 223 Governor St., Richmond, VA 23219, telephone (804) 225-3132, FAX (804) 225-4327, (804) 225-3132/TTY , email [peggy.baggett@arts.virginia.gov](mailto:peggy.baggett@arts.virginia.gov).

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

† **May 24, 2007 - 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 for licensing (LRD).


**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 , email [asbestos@dpor.virginia.gov](mailto:asbestos@dpor.virginia.gov).

## AUCTIONEERS BOARD

**July 12, 2007 - 10 a.m.** -- Open Meeting


Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, 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. 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:** Marian H. Brooks, Regulatory Board Administrator, Auctioneers Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-0795, (804) 367-9753/TTY , email [auctioneers@dpor.virginia.gov](mailto:auctioneers@dpor.virginia.gov).

## BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

**May 24, 2007 - 9:30 a.m.** -- Open Meeting


Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. 

A meeting to discuss general business matters including consideration of 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:** Lisa R. Hahn, Executive Director, Board of Audiology and Speech-Language Pathology, Alcoa Building, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9111, FAX (804) 662-9523, (804) 662-7197/TTY , email [lisa.hahn@dhp.virginia.gov](mailto:lisa.hahn@dhp.virginia.gov).

## BOARD FOR BARBERS AND COSMETOLOGY

† **August 6, 2007 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. 

A meeting to discuss general business matters including consideration of 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

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## Calendar of Events

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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 ☎, email [barbercosmo@dpor.virginia.gov](mailto:barbercosmo@dpor.virginia.gov).

### BOARD FOR THE BLIND AND VISION IMPAIRED

#### Statewide Rehabilitation Council

**June 9, 2007 - 10 a.m.** -- Open Meeting  
Department for the Blind and Vision Impaired, 397 Azalea Avenue, Rooms 1 and 2, Richmond, Virginia. ♿

A quarterly meeting to advise the Department for the Blind and Vision Impaired on matters related to vocational rehabilitation services for the blind and visually impaired of the Commonwealth.

**Contact:** Susan D. Payne, VR Program Director, Department for the Blind and Vision Impaired, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 373-3184, FAX (804) 371-3390, toll-free (800) 622-2155, (804) 371-3140/TTY ☎, email [susan.payne@dbvi.virginia.gov](mailto:susan.payne@dbvi.virginia.gov).

### BOARD FOR BRANCH PILOTS

**July 26, 2007 - 8:30 a.m.** -- Open Meeting  
Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia. ♿

A meeting of the Examination Administrators 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. All meetings are subject to cancellation. 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:** Mark N. Courtney, Executive Director, Board for Branch Pilots, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, email [branchpilots@dpor.virginia.gov](mailto:branchpilots@dpor.virginia.gov).

**July 27, 2007 - 9:30 a.m.** -- Open Meeting  
Virginia Port Authority, 600 World Trade Center, Norfolk, 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. All meetings are subject to cancellation. 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:** Mark N. Courtney, Executive Director, Board for Branch Pilots, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, email [branchpilots@dpor.virginia.gov](mailto:branchpilots@dpor.virginia.gov).

### DEPARTMENT OF BUSINESS ASSISTANCE

#### Small Business Advisory Board

† **May 14, 2007 - 10 a.m.** -- Open Meeting  
Richmond Convention Center, 300 North 15th Street, Richmond, Virginia. ♿

A regular meeting to be held following the Business Appreciation Week Governor's Kickoff Breakfast.

**Contact:** Barbara E. Anderson, Administrative Assistant, Department of Business Assistance, 707 E. Main St., Suite 300, Richmond, VA 23219, telephone (804) 371-6280, FAX (804) 371-8111, toll-free (866) 248-8814, email [barbara.anderson@dba.virginia.gov](mailto:barbara.anderson@dba.virginia.gov).

### CEMETERY BOARD

**June 6, 2007 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. ♿

A meeting to discuss board business.

**Contact:** Christine Martine, Executive Director, Cemetery Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-6946, (804) 367-9753/TTY ☎, email [cemetery@dpor.virginia.gov](mailto:cemetery@dpor.virginia.gov).

### CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

**June 18, 2007 - 10 a.m.** -- Open Meeting  
Location to be announced.

A regular business meeting to review local programs.

**Contact:** David C. Dowling, Policy, Planning, and Budget Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, email [david.dowling@dcr.virginia.gov](mailto:david.dowling@dcr.virginia.gov).

† **August 14, 2007 - 10 a.m.** -- Open Meeting  
James Monroe Building, 101 North 14th Street, 17th Floor Conference Room, Richmond, Virginia.

A regular meeting of the Northern Area Review Committee to review local programs.

**Contact:** David C. Dowling, Policy, Planning, and Budget Director, Department of Conservation and Recreation,


203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, email david.dowling@dcr.virginia.gov.

† **August 14, 2007 - 2 p.m.** -- Open Meeting  
James Monroe Building, 101 North 14th Street, 17th Floor Conference Room, Richmond, Virginia.


A regular meeting of the Southern Area Review Committee to review local programs.


**Contact:** David C. Dowling, Policy, Planning, and Budget Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, email david.dowling@dcr.virginia.gov.

## STATE BOARD FOR COMMUNITY COLLEGES


**May 16, 2007 - 1:30 p.m.** -- Open Meeting  
**July 18, 2007 - 1:30 p.m.** -- Open Meeting  
James Monroe Building, 101 North 14th Street, 15th Floor, Room 315, Godwin-Hamel Board Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The Budget and Finance Committee and the Academic, Student Affairs and Workforce Development Committee will meet at 1:30 p.m. The Audit Committee will meet at 3 p.m. and the Facilities Committee will meet with the Personnel Committee at 3:30 p.m.


**Contact:** Jeffrey J. Kraus, Assistant Vice Chancellor for Public Relations, State Board for Community Colleges, 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY 

**May 17, 2007 - 9 a.m.** -- Open Meeting  
**July 19, 2007 - 9 a.m.** -- Open Meeting  
James Monroe Building, 101 North 14th Street, 15th Floor, Room 315, Godwin-Hamel Board Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the full board. Public comment may be received upon written notification at least five working days prior to the meeting.

**Contact:** D. Susan Hayden, Director of Public Affairs, Virginia Community College System, 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY 

## COMPENSATION BOARD

**May 16, 2007 - 11 a.m.** -- Open Meeting  
† **June 20, 2007 - 11 a.m.** -- Open Meeting  
Compensation Board, 102 Governor Street, Lower Level, Room LL22, Richmond, Virginia. 

A monthly board meeting.

**Contact:** Cindy Waddell, Compensation Board, P.O. Box 710, Richmond, VA 23218, telephone (804) 225-3308, FAX (804) 371-0235, email cindy.waddell@scb.virginia.gov.

## DEPARTMENT OF CONSERVATION AND RECREATION

**May 17, 2007 - Noon** -- Open Meeting  
**June 21, 2007 - Noon** -- Open Meeting  
**July 19, 2007 - Noon** -- Open Meeting  
Richmond City Hall, 900 East Broad Street, 5th Floor, Planning Commission Conference Room, Richmond, Virginia.

A regular meeting of the Falls of the James Scenic River Advisory Committee to discuss river issues.

**Contact:** David C. Dowling, Policy, Planning, and Budget Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, email david.dowling@dcr.virginia.gov.

† **May 22, 2007 - 9 a.m.** -- Open Meeting  
The Science Museum of Virginia, 2500 West Broad Street, Discovery Room, Richmond, Virginia.

† **June 14, 2007 - 9 a.m.** -- Open Meeting  
The Science Museum of Virginia, 2500 West Broad Street, RF & P Room, Richmond, Virginia.

A Technical Advisory Committee Meeting to assist the department in considering revisions to the Virginia Soil and Water Conservation Board's Virginia Stormwater Management Program (VSMP) Permit Regulations.

**Contact:** David C. Dowling, Policy, Planning, and Budget Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, email david.dowling@dcr.virginia.gov.

**June 13, 2007 - 10 a.m.** -- Open Meeting  
Location to be announced.

A business meeting of the Virginia Land Conservation Foundation.

**Contact:** David C. Dowling, Policy, Planning, and Budget Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, email david.dowling@dcr.virginia.gov.

## Virginia Soil and Water Conservation Board

**May 17, 2007 - 9:30 a.m.** -- Open Meeting  
**July 19, 2007 - 9:30 a.m.** -- Open Meeting  
Location to be announced.

A regular board meeting.


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## Calendar of Events


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**Contact:** David C. Dowling, Policy, Planning, and Budget Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, email david.dowling@dcr.virginia.gov.

### BOARD FOR CONTRACTORS


**May 15, 2007 - 9 a.m.** -- Open Meeting  
**May 22, 2007 - 9 a.m.** -- Open Meeting  
**† June 7, 2007 - 9 a.m.** -- Open Meeting  
**† June 12, 2007 - 9 a.m.** -- Open Meeting  
**† June 26, 2007 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. 


An informal fact-finding conference.

**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 , email contractors@dpor.virginia.gov.


**May 22, 2007 - 9 a.m.** -- Canceled  
**June 5, 2007 - 9 a.m.** -- Open Meeting  
**July 24, 2007 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulations, 3600 West Broad Street, 4th Floor, Richmond, Virginia. 

A meeting to address policy and procedural issues and review and render decisions on matured complaints against licensees. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. 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:** 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 , email contractors@dpor.virginia.gov.

**May 22, 2007 - 1 p.m.** -- Canceled  
**June 4, 2007 - 4 p.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. 

A quarterly meeting of the Board for Contractors Committee. The meeting starts at the conclusion of the Board for Contractors regular meeting.


**Contact:** Kevin Hoelt, Regulatory Boards Administrator, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , email contractors@dpor.virginia.gov.

### BOARD OF CORRECTIONS

**May 15, 2007 - 10 a.m.** -- Open Meeting  
**July 17, 2007 - 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 correctional 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, email barbara.woodhouse@vadoc.virginia.gov.

**May 15, 2007 - 11 a.m.** -- Open Meeting  
**July 17, 2007 - 11 a.m.** -- Open Meeting  
Department of Corrections, 6900 Atmore Drive, 3rd Floor Board Room, Richmond, Virginia. 


A meeting of the Correctional Services/Policy and Regulations Committee 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, email barbara.woodhouse@vadoc.virginia.gov.

**May 16, 2007 - 9:30 a.m.** -- Open Meeting  
**July 18, 2007 - 9:30 a.m.** -- Open Meeting  
Department of Corrections, 6900 Atmore Drive, 3rd Floor, Room 3054, Richmond, Virginia. 

A meeting of the Administration Committee 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, email barbara.woodhouse@vadoc.virginia.gov.

**May 16, 2007 - 10 a.m.** -- Open Meeting  
**July 18, 2007 - 10 a.m.** -- Open Meeting  
Department of Corrections, 6900 Atmore Drive, 3rd Floor Board Room, Richmond, Virginia. 

A regular meeting of the full board to review and discuss all matters considered by board committees that require presentation to and action 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, email barbara.woodhouse@vadoc.virginia.gov.

## CRIMINAL JUSTICE SERVICES BOARD

**June 14, 2007 - 11 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. ♿

A meeting to conduct general business.

**Contact:** Leon D. Baker, Jr., Division Director, Criminal Justice Services Board, 8th Street Office Bldg., 805 E. Broad St., 10th Floor, Richmond, VA 23219, telephone (804) 225-4086, FAX (804) 786-0588, email [leon.baker@dcjs.virginia.gov](mailto:leon.baker@dcjs.virginia.gov).

## BOARD OF DENTISTRY

**May 25, 2007 - 9 a.m.** -- Open Meeting  
**July 13, 2007 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting of the Special Conference Committee A to hold informal conferences. There will not be a public comment period.

**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) 662-7246, (804) 662-7197/TTY ☎, email [sandra.reen@dhp.virginia.gov](mailto:sandra.reen@dhp.virginia.gov).

**June 7, 2007 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

Formal hearings. There will not be a public comment period.

**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) 662-7246, (804) 662-7197/TTY ☎, email [sandra.reen@dhp.virginia.gov](mailto:sandra.reen@dhp.virginia.gov).

**June 8, 2007 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting to discuss board business. There will be a 15-minute public comment period at the beginning 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) 662-7246, (804) 662-7197/TTY ☎, email [sandra.reen@dhp.virginia.gov](mailto:sandra.reen@dhp.virginia.gov).

**June 22, 2007 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

Informal conferences of Special Conference Committee B. There will not be a public comment period.

**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) 662-7246, (804) 662-7197/TTY ☎, email [sandra.reen@dhp.virginia.gov](mailto:sandra.reen@dhp.virginia.gov).

**June 29, 2007 - 9 a.m.** -- Open Meeting  
**† August 3, 2007 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

Informal conferences of Special Conference Committee C. There will not be a public comment period.

**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) 662-7246, (804) 662-7197/TTY ☎, email [sandra.reen@dhp.virginia.gov](mailto:sandra.reen@dhp.virginia.gov).

## DESIGN BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD

**May 17, 2007 - 11 a.m.** -- Open Meeting  
**June 21, 2007 - 11 a.m.** -- Open Meeting  
**July 19, 2007 - 11 a.m.** -- Open Meeting  
Department of General Services, 202 North Ninth Street, Room 412, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A monthly meeting to review requests submitted by localities to use the design build or construction management type contracts. Contact the Division of Engineering and Buildings to confirm this meeting. Board rules and regulations can be obtained on-line at [www.dgs.virginia.gov](http://www.dgs.virginia.gov) under DGS Forms, Form #DGS-30-904.

**Contact:** Kristy H. Martin, Administrative Assistant, Division of Engineering and Buildings, Department of General Services, 202 N. Ninth St., Richmond, VA 23219, telephone (804) 786-3263, FAX (804) 371-7934, (804) 786-6152/TTY ☎ email [rhonda.bishton@dgs.virginia.gov](mailto:rhonda.bishton@dgs.virginia.gov).




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# Calendar of Events

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## VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP

**May 16, 2007 - Noon** -- Open Meeting  
901 East Byrd Street, Riverfront Plaza, West Tower, 19th Floor Board Room, Richmond, Virginia. 

A meeting of the Finance Committee to discuss financial matters pertaining to the Virginia Economic Development Partnership.

**Contact:** Kimberly M. Ellett, Senior Executive Assistant, Virginia Economic Development Partnership, P.O. Box 798, Richmond, VA 23218, telephone (804) 545-5610, FAX (804) 545-5611, email kellett@yesvirginia.org.

## BOARD OF EDUCATION

**May 15, 2007 - 1 p.m.** -- Open Meeting  
James Monroe Building, 101 North 14th Street, 20th Floor, Wilson Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

**July 18, 2007 - 9 a.m.** -- Open Meeting  
**July 19, 2007 - 9 a.m.** -- Open Meeting  
**July 20, 2007 - 9 a.m.** -- Open Meeting  
Comfort Inn Conference Center, 3200 West Broad Street, Richmond, Virginia.


A meeting of the State Special Education Advisory Committee. For more information on times and agendas go to <http://www.doe.virginia.gov/VDOE/Instruction/Sped/sseac.html> or call the Department of Education Special Education and Student Services office at 804-225-3252 or (TTY) 800-422-1098.

**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, email [margaret.roberts@doe.virginia.gov](mailto:margaret.roberts@doe.virginia.gov).

† **May 15, 2007 - 1 p.m.** -- Open Meeting  
Department of Education, James Monroe Building, 101 North 14th Street, 20th Floor, Wilson Conference Room, Richmond, Virginia.

A meetings of the State Operated Programs Annual Plan Review subcommittee to receive public comment in keeping with the requirements for the SSEAC. Those persons wishing to make public comment but not able to attend the meeting may submit a written statement that will be read at the meeting.


**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, email [margaret.roberts@doe.virginia.gov](mailto:margaret.roberts@doe.virginia.gov).

**May 30, 2007 - 9 a.m.** -- Open Meeting  
**June 28, 2007 - 9 a.m.** -- Open Meeting  
**July 25, 2007 - 9 a.m.** -- Open Meeting  
James Monroe Building, 101 North 14th Street, 22nd Floor, Jefferson Conference Room, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)

A regular business meeting of the board. Public comment will be received. The agenda and the supporting materials will be posted on the Friday prior to the meeting on [http://www.doe.virginia.gov/VDOE/VA\\_Board/bd-sched.html](http://www.doe.virginia.gov/VDOE/VA_Board/bd-sched.html).

**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, email [margaret.roberts@doe.virginia.gov](mailto:margaret.roberts@doe.virginia.gov).

NOTE: CHANGE IN MEETING DATE

**May 31, 2007 - 9 a.m.** -- Open Meeting  
James Monroe Building, 101 North 14th Street, 22nd Floor, Jefferson Conference Room, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)

† **August 2, 2007 - 11:30 a.m.** -- Open Meeting  
Patrick Henry Building, 1111 East Broad Street, Richmond, Virginia.

An annual planning session of the board. This is a work session and public comment will not be received.

**Contact:** Dr. Margaret N. Roberts, Office of Policy and Communications, 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, email [margaret.roberts@doe.virginia.gov](mailto:margaret.roberts@doe.virginia.gov).

## SECRETARY OF EDUCATION

**May 16, 2007 - 10 a.m.** -- Open Meeting  
**June 20, 2007 - 10 a.m.** -- Open Meeting  
**July 18, 2007 - 10 a.m.** -- Open Meeting  
Capital One West Creek Campus, 1500 Capital One Drive, Richmond, Virginia.

A meeting of the Start Strong Pre-K Task Force.

**Contact:** Kendall Tyree, Special Assistant to the Secretary of Education, 1111 E. Broad St., Richmond, VA 23219, telephone (804) 692-2550, email [kendall.tyree@governor.virginia.gov](mailto:kendall.tyree@governor.virginia.gov).


NOTE: CHANGE IN MEETING DATE

**May 17, 2007 - 11:30 a.m.** -- Open Meeting  
Patrick Henry Building, 1111 East Broad Street, Richmond, Virginia.

A meeting of the Governor's P-16 Council.


**Contact:** Kendall Tyree, Special Assistant to the Secretary of Education, 1111 E. Broad St., Richmond, VA 23219, telephone (804) 692-2550, email kendall.tyree@governor.virginia.gov.

## DEPARTMENT OF ENVIRONMENTAL QUALITY

**May 15, 2007 - 9 a.m.** -- Open Meeting  
Department of Environmental Quality, 629 East Main Street, 1st Floor Conference Room, Richmond, Virginia. 


A regular meeting of the Ground Water Protection Steering Committee.

**Contact:** Mary Ann Massie, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4042, email mamassie@deq.virginia.gov.

**May 16, 2007 - 7 p.m.** -- Open Meeting  
Creeds Elementary School, 920 Princess Anne Road, Virginia Beach, Virginia. 


The first public meeting on the development of TMDL Implementation Plans for Nawney Creek, Milldam Creek and Middle West Neck Creek located in Virginia Beach. The implementation plans will include corrective actions for fecal bacteria impairments in the Back Bay and North Landing watersheds. The public notice appears in the Virginia Register of Regulations on April 30, 2007. The public comment period begins on May 16, 2007, and ends on June 16, 2007.

**Contact:** Jennifer Howell, Department of Environmental Quality, 5636 Southern Boulevard, Virginia Beach, VA 23262, telephone (527) 518-2111, FAX (527) 518-2003, email jshowell@deq.virginia.gov.

**† June 14, 2007 - 11 a.m.** -- Open Meeting  
Hampton Roads Planning District, 723 Woodlake Drive, Chesapeake, Virginia. 

A regular meeting of the Virginia Recycling Markets Development Council.

**Contact:** Thomas J. Smith, PE, Prince William County Public Works, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA, telephone (703) 792-6252, email tsmith@pwcgov.org.


**July 19, 2007 - 3 p.m.** -- Open Meeting  
Tappahannock USDA Service Center, 772 Richmond Beach Road, Meeting Room, Tappahannock, Virginia. 

A meeting on the advisory committee assisting in the development of a bacteria TMDL for Hoskins Creek and its tributaries in Essex County. The public notice appears in the Virginia Register of Regulations on April 30, 2007.

**Contact:** Chris French, Department of Environmental Quality, 4949-A Cox Rd., Glen Allen, VA 23060, telephone


(804) 527-5124, FAX (804) 527-5106, email rcfrench@deq.virginia.gov.

## VIRGINIA FIRE SERVICES BOARD

**† May 30, 2007 - 1 p.m.** -- Open Meeting  
VDFP Headquarters, 1005 Technology Park Drive, Glen Allen, Virginia. 


A fire prevention and control document work session.

**Contact:** Brook Pittinger, Virginia Fire Services Board, 1005 Technology Park Dr., Glen Allen, VA 23059-4500, telephone (804) 371-0220, email brook.pittinger@vdfp.virginia.gov.

**† May 31, 2007 - 8 a.m.** -- Open Meeting  
VDFP Headquarters, 1005 Technology Park Drive, Glen Allen, Virginia. 

A strategic plan work session.

**Contact:** Brook Pittinger, Virginia Fire Services Board, 1005 Technology Park Dr., Glen Allen, VA 23059-4500, telephone (804) 371-0220, email brook.pittinger@vdfp.virginia.gov.

**May 31, 2007 - 10 a.m.** -- Canceled  
VDFP Headquarters, 1005 Technology Park Drive, Glen Allen, Virginia. 

An Executive Committee meeting is canceled


**Contact:** Brook Pittinger, Virginia Fire Services Board, 1005 Technology Park Dr., Glen Allen, VA 23059-4500, telephone (804) 371-0220, email brook.pittinger@vdfp.virginia.gov.

**June 1, 2007 - 10 a.m.** -- Open Meeting  
Department of Forestry, 900 Natural Resources Drive, Charlottesville, Virginia. 

Meetings of the following committees:

- 10 a.m. - Education and Training
- 1 p.m. - Fire Prevention and Control
- 3 p.m. - Administration, Policy and Finance

**Contact:** Brook Pittinger, Department of Fire Services, 1005 Technology Park Dr., Glen Allen, VA 23059, telephone (804) 371-0220, email brook.pittinger@vdfp.virginia.gov.

**June 2, 2007 - 9 a.m.** -- Open Meeting  
Department of Forestry, 900 Natural Resources Drive, Charlottesville, Virginia. 

A full board meeting.

**Contact:** Brook Pittinger, Virginia Fire Services Board, 1005 Technology Park Dr., Glen Allen, VA 23059, telephone (804) 371-0220, email brook.pittinger@vdfp.virginia.gov.

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# Calendar of Events

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## BOARD OF FUNERAL DIRECTORS AND EMBALMERS

**May 24, 2007 - 9 a.m.** -- Open Meeting

**June 28, 2007 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 


A meeting of the Special Conference Committee to review and discuss discipline cases.

**Contact:** Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, Alcoa Building, 6603 West Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY , email [elizabeth.young@dhp.virginia.gov](mailto:elizabeth.young@dhp.virginia.gov).

**June 5, 2007 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 


A meeting to discuss board business as it relates to the practice of the Funeral Directors and Embalmers Board.

**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 , email [elizabeth.young@dhp.virginia.gov](mailto:elizabeth.young@dhp.virginia.gov).

**June 5, 2007 - 1 p.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

A formal hearing to receive and act upon evidence that may indicate violations of certain laws and regulations governing the practice of funeral services.

**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 , email [elizabeth.young@dhp.virginia.gov](mailto:elizabeth.young@dhp.virginia.gov).

## CHARITABLE GAMING BOARD

**June 5, 2007 - 10 a.m.** -- Canceled


Science Museum of Virginia, 2500 West Broad Street, RF and P Forum Room, Richmond, Virginia.

The regular board meeting is canceled.


**Contact:** Harry M. Durham, Interim Director, Charitable Gaming Board, 101 N. 14th St., 17th Floor, James Monroe Building, Richmond, VA 23219, telephone (804)786-2444, FAX (804) 786-1079, or email [harry.durham@dcp.virginia.gov](mailto:harry.durham@dcp.virginia.gov).

## BOARD FOR GEOLOGY

**July 11, 2007- 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A general business meeting to include consideration of 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:** David E. Dick, Executive Director, Board for Geology, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, (804) 367-9753/TTY , email [geology@dpor.virginia.gov](mailto:geology@dpor.virginia.gov).

## GOVERNOR'S HEALTHCARE REFORM COMMISSION


**June 12, 2007 - 1 p.m.** -- Open Meeting

James Madison University, 1301 Carrier Drive, Festival Conference and Student Center, Harrisonburg, Virginia.

A regular meeting. In person registration to speak will begin at 5:30 p.m. For directions call 703-993-1000 or visit [www.gmu.edu/fairfax](http://www.gmu.edu/fairfax).

**Contact:** Heidi Dix, Assistant Secretary of Health and Human Resources, Office of Governor, 1111 E. Broad St., Richmond, VA 23219, telephone (804) 786-7765, email [heidi.dix@governor.virginia.gov](mailto:heidi.dix@governor.virginia.gov)

**June 12, 2007 - 5:30 p.m.** -- Public Hearing

James Madison University, 1301 Carrier Drive, Festival Conference and Student Center, Harrisonburg, Virginia. 

The public is welcome to attend and make comments (three minutes max) on the Health Reform Commission. In person registration to speak will begin at 5:30 p.m. For directions call 540-568-2593 or visit [www.jmu.edu/festival](http://www.jmu.edu/festival).

**Contact:** Heidi Dix, Assistant Secretary of Health and Human Resources, Office of Governor, 1111 E. Broad St., Richmond, VA 23219, telephone (804) 786-7765, email [heidi.dix@governor.virginia.gov](mailto:heidi.dix@governor.virginia.gov).

## STATE BOARD OF HEALTH

**May 15, 2007 - 7 p.m.** -- Public Hearing  
Roanoke County Administration Center, 5204 Bernard Drive,  
Administrator Board Room, Roanoke, Virginia.

**May 17, 2007 - 7 p.m.** -- Public Hearing  
Washington Health Department, 15068 Lee Highway,  
Conference Room, Bristol, Virginia.

**May 22, 2007 - 7 p.m.** -- Public Hearing  
Farlazzo Administration Building, 15948 Donald Curtis  
Drive, Auditorium, Woodbridge, Virginia.

**May 23, 2007 - 7 p.m.** -- Public Hearing  
Rockingham/Harrisonburg Health Department, 110 North  
Mason Street, Downstairs Conference Room, Harrisonburg,  
Virginia.

**May 29, 2007 - 7 p.m.** -- Public Hearing  
Henrico Health Department, 8600 Dixon Powers Drive,  
Demonstration Kitchen, Richmond, Virginia.

**June 12, 2007 - 7 p.m.** -- Public Hearing  
Virginia Beach Health Department, 4452 Corporation Lane,  
Large Conference Room, Virginia Beach, Virginia.

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 5-421, Food Regulations**. The purpose of the proposed action is to conform the existing regulations to the 2003 supplement of the 2001 federal Food and Drug Administration Food Code.

Statutory Authority: §§ 35.1-11 and 35.1-14 of the Code of Virginia.

Public comments may be submitted until June 15, 2007.

**Contact:** Gary Hagy, Director, Food and General Environmental Services, Department of Health, 109 Governor St., 5th Floor, Richmond, VA 23219, telephone (804) 864-7455, FAX (804) 864-7475 or email gary.hagy@vdh.virginia.gov.

## DEPARTMENT OF HEALTH

**May 16, 2007 - 10 a.m.** -- Open Meeting

**June 27, 2007 - 10 a.m.** -- Open Meeting

**† August 8, 2007 - 10 a.m.** -- Open Meeting  
James Madison Building, 109 Governor Street, Main Floor  
Conference Room, Richmond, Virginia.

A meeting of the Sewage Handling and Disposal Appeals Review Board to hear all administrative appeals of denials of onsite sewage disposal system permits and appeals of refusals of indemnification requests filed pursuant to § 32.1-164.1:01 and render its decision on any such appeal, which decision shall be the final administrative decision.

**Contact:** Donna Tiller, Executive Secretary, Department of Health, 109 Governor St. Richmond, VA 23219, telephone (804) 864-7470, FAX (804) 864-7476, email donna.tiller@vdh.virginia.gov.

**May 18, 2007 - 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:** Donald Alexander, Division Director, Division of Onsite Sewage and Water Services, Department of Health, 109 Governor St., 5th Floor, Richmond, VA 23219, telephone (804) 864-7452, FAX (804) 864-7476, email donald.alexander@vdh.virginia.gov.

**June 12, 2007 - 9 a.m.** -- Open Meeting  
Department of Health, 109 Governor Street, 5th Floor  
Conference Room, Richmond, Virginia.

A meeting of the Authorized Onsite Soil Evaluator Regulations Advisory Committee to make recommendations to the commissioner regarding AOSE/PE policies and programs. The meeting will also be scheduled in remote locations via video conference.

**Contact:** Dwayne Roadcap, Program Manager, Department of Health, 109 Governor St., Richmond, VA 23219, telephone (804) 864-7462, FAX (804) 864-7476, email dwayne.roadcap@vdh.virginia.gov.

**† August 10, 2007 - 10 a.m.** -- Open Meeting  
Children's Hospital, 2924 Brook Road, Richmond, Virginia. 

A meeting of the Virginia Early Hearing Detection and Intervention Program Advisory Committee to assist the Department of Health in the implementation of the Virginia Early Hearing Detection and Intervention Program.

**Contact:** Pat Dewey, M.Ed, Program Manager, Department of Health, 109 Governor St., Richmond, VA 23219, telephone (804) 864-7713, email pat.dewey@vdh.virginia.gov.

## Emergency Medical Services Advisory Board

**May 17, 2007 - 1 p.m.** -- Open Meeting  
Richmond Marriott West, 4240 Dominion Boulevard, Glen Allen, Virginia. 

A quarterly meeting of the Financial Assistance Review Committee (FARC) to discuss upcoming grant cycle and initiatives, problems with past grants and Rescue Squad Assistance Fund (RSAF) finances. The FARC is responsible for recommending to the Commissioner of

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## Calendar of Events

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Health monetary awards as stipulated in the Code of Virginia.

**Contact:** Amanda Davis, Grants Administrator, Department of Health, 109 Governor St., Suite UB-55, Richmond, VA 23219, telephone (804) 864-7600, FAX (804) 864-7580, toll-free (800) 523-6019, email amanda.davis@vdh.virginia.gov.


**May 17, 2007 - 3 p.m.** -- Canceled

Richmond Marriott West, 4240 Dominion Boulevard, Glen Allen, Virginia. 

The regular business meeting of the Regulation and Policy Committee has been canceled.

**Contact:** Michael D. Berg, Manager, Regulation and Compliance, Department of Health, 109 Governor St., Suite UB-55 Richmond, VA 23219, telephone (804) 864-7600, FAX (804) 864-7580, toll-free (800) 523-6019, email michael.berg@vdh.virginia.gov.


**May 18, 2007 - 9 a.m.** -- Open Meeting

Richmond Marriott West, 4240 Dominion Boulevard, Glen Allen, Virginia. 

A quarterly meeting of the Communications Committee to review and recommend policies on EMS communications and coordinate the development and implementation of communications and associated technology that support EMS operations at the local, regional and state level.

**Contact:** Ken Crumpler, Communications Coordinator, Department of Health, 109 Governor St., Suite UB-55, Richmond, VA 23219, telephone (804) 864-7600, FAX (804) 864-7580, toll-free (800) 523-6019, email ken.crumpler@vdh.virginia.gov.

**May 18, 2007 - 1 p.m.** -- Open Meeting


Richmond Marriott West, 4240 Dominion Boulevard, Glen Allen, Virginia. 

A quarterly meeting to provide advice and counsel regarding methods and procedures for planning, developing and maintaining a statewide emergency medical services (EMS) systems to OEMS and the State Board of Health.

**Contact:** Gary R. Brown, Director, Office of Emergency Medical Services, Department of Health, 109 Governor St., Suite UB-55, Richmond, VA 23219, telephone (804) 864-7600, FAX (804) 864-7580, toll-free (800) 523-6019, email gary.brown@vdh.virginia.gov.


### BOARD FOR HEARING AID SPECIALISTS

**July 11, 2007 - 9 a.m.** -- Open Meeting


Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. 

A general business meeting including consideration of 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. Person 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 Hearing Aid Specialists, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY , email hearingaidspec@dpor.virginia.gov.

### STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

**July 10, 2007 - 11:30 a.m.** -- Open Meeting  
Norfolk State University, Norfolk, Virginia. 


Council meeting times are approximate and subject to change. Committee meetings will begin in the morning. Agenda materials will be available on the website approximately one week prior to the meeting at 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, James Monroe Bldg., 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2602, FAX (804) 371-7911, email leannrung@schev.edu.

### DEPARTMENT OF HISTORIC RESOURCES

#### Board of Historic Resources and State Review Board

**June 6, 2007 - 10 a.m.** -- Open Meeting

Halsey Lecture Hall at Virginia Historical Society, 428 North Boulevard, Richmond, Virginia. 

The State Review Board will consider nominations for recommendation to the Director of the Department of Historic Resources for listing in the National Register of Historic Places, as well as considering and commenting on the Preliminary Information Forms. The Historic Resources Board will consider nominations for listing in the Virginia Landmarks Register. They will also consider Virginia Highway Marker texts and Historic Preservation Easements.

**Contact:** Jean McRae, National and State Register Program Coordinator, Department of Historic Resources, 2801 Kensington Ave., Richmond, VA 23221, telephone (804) 367-2323, FAX (804) 367-2391, (804) 367-2386/TTY ☎, email jean.mcrae@dhr.virginia.gov.

## BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

† **June 25, 2007 - 10 a.m.** -- Open Meeting  
The Jackson Center, 501 North 2nd Street, 1st Floor Boardroom, Richmond, Virginia. ♿

A regular business meeting.

**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) 371-7000, FAX (804) 371-7090, (804) 371-7089/TTY ☎, email steve.calhoun@dhcd.virginia.gov.

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

### State Building Code Technical Review Board

† **May 18, 2007 - 10 a.m.** -- Open Meeting  
† **June 15, 2007 - 10 a.m.** -- Open Meeting  
Department of Housing and Community Development, The Jackson Center, 501 North 2nd Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to hear appeals concerning the application of the department's building and fire regulations and consider recommendations for future repeal or amendments to the regulations to be forwarded to the Board of Housing and Community Development.

**Contact:** Vernon W. Hodge, Secretary, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7150.

## VIRGINIA HOUSING DEVELOPMENT AUTHORITY

**May 16, 2007 - 11 a.m.** -- Open Meeting  
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. ♿

A regular meeting of the Board of Commissioners to review and, if appropriate, approve the minutes from the prior meeting; consider for approval and ratification mortgage loan commitments under its various programs; will review the authority's operations for the prior months; and will 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 Committee, the Operations Committee, the Executive Committee, and the Committee of the Whole, may also meet during the day preceding the

meeting and before and after the meeting and may consider matters within their purview. The committees and the board may also meet during meals on the night before the meeting and on the day of the meeting. 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 ☎, email judson.mckellar@vhda.com.

## VIRGINIA COUNCIL ON HUMAN RESOURCES

**July 19, 2007 - 9:30 a.m.** -- Open Meeting  
James Monroe Building, 101 North 14th Street, PDS #4, Richmond, Virginia.

A quarterly meeting.

**Contact:** Barbara Tanner, Executive Assistant, Department of Human Resource Management, James Monroe Bldg., 101 N. 14th St., 13th Floor, Richmond, VA 23219, telephone (804) 225-2237, FAX (804) 371-7401, email barbara.tanner@dhrm.virginia.gov.

## INNOVATIVE TECHNOLOGY AUTHORITY

**May 16, 2007 - 1 p.m.** -- Open Meeting  
Center for Innovative Technology, 2214 Rock Hill Road, 7th Floor, Fairfax Room, Herndon, Virginia. ♿

An organizational meeting.

**Contact:** Sharon Kozar, Executive Assistant, Innovative Technology Authority, 2214 Rock Hill Rd., Herndon, VA 20170, telephone (703) 689-3065, email skozar@cit.org.

## STATE BOARD OF JUVENILE JUSTICE

**June 13, 2007 - 10 a.m.** -- Open Meeting  
Northwestern Regional Juvenile Detention Center, 145 Fort Collier Road, Winchester, Virginia.

The Secure Services Committee and Nonsecure Services Committee meet at 9 a.m. to receive certification audit reports of several residential and nonresidential programs. The full board meets at 10 a.m. to take action on the certification reports and hear other such business as comes before the board. The board will receive public comment at each of its regular meetings. In order to allow the board sufficient time for its other business, the total time allotted to public comment will be limited to 30 minutes at the beginning of the meeting with additional time allotted at the end of the meeting for individuals who have not had a chance to be heard. Speakers will be limited to 10 minutes each with shorter time frames provided at the Chairman's discretion to accommodate large numbers of speakers. Those wishing to speak to the board are strongly

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## Calendar of Events

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encouraged to contact Deborah Hayes at 804-371-0704 three or more business days prior to the meeting. Persons not registered prior to the day of the board meeting will speak after those who have preregistered. Normally, speakers will be scheduled in the order that their requests are received. Where issues involving a variety of views are presented before the board, the board reserves the right to allocate the time available so as to insure that the board hears from different points of view on any particular issue. Groups wishing to address a single subject are urged to designate a spokesperson. Speakers are urged to confine their comments to topics relevant to the board's purview. In order to make the limited time available most effective, speakers are urged to provide multiple written copies of their comments or other material amplifying their views. Please provide at least 15 written copies if you are able to do so.

**Contact:** Deborah C. Hayes, Administrative Assistant, Department of Juvenile Justice, 700 Centre, 700 E. Franklin St., 4th Floor, Richmond, VA 23219, telephone (804) 371-0704, FAX (804) 371-0725.

### DEPARTMENT OF LABOR AND INDUSTRY

#### Virginia Apprenticeship Council

**June 21, 2007 - 10 a.m.** -- Open Meeting  
Location to be announced.

A general business meeting of the Virginia Apprenticeship Council.

**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 ☎, email [bgd@doli.virginia.gov](mailto:bgd@doli.virginia.gov).

#### Safety and Health Codes Board

**June 26, 2007 - 10 a.m.** -- Open Meeting  
State Corporation Commission, 1300 East Main Street, Courtroom A, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to conduct general business.

**Contact:** Regina P. Cobb, Agency Management Analyst Senior, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-0610, FAX (804) 786-8418, (804) 786-2376/TTY ☎, email [rlc@doli.virginia.gov](mailto:rlc@doli.virginia.gov).

### STATE LIBRARY BOARD

**June 11, 2007 - 10:30 a.m.** -- Open Meeting  
The Library of Virginia, 800 East Broad Street, Richmond, Virginia. ♿

A meeting to discuss matters pertaining to the Library of Virginia and the Library Board.

**Contact:** Jean H. Taylor, Executive Secretary Senior, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219-8000, telephone (804) 692-3525, FAX (804) 692-3594, (804) 692-3976/TTY ☎, email [jtaylor@lva.lib.va.us](mailto:jtaylor@lva.lib.va.us).

### THE LIBRARY OF VIRGINIA

#### Virginia Circuit Courts Records Preservation Grants Review Board

**May 21, 2007 - 11 a.m.** -- Open Meeting  
The Library of Virginia, 800 East Broad Street, Richmond, Virginia. ♿

A meeting to review, evaluate, and appropriately award grant applications submitted by circuit court clerks to undertake records preservation projects in their offices.

**Contact:** Jean H. Taylor, CPS, Executive Secretary Senior, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219-8000, telephone (804) 692-3535, FAX (804) 693-3594, (804) 692-3976/TTY ☎, email [jtaylor@lva.lib.va.us](mailto:jtaylor@lva.lib.va.us).

### COMMISSION ON LOCAL GOVERNMENT

**May 14, 2007 - 10 a.m.** -- Open Meeting  
Department of Housing and Community Development, 501 North 2nd Street, Richmond, Virginia. ♿

A regular business meeting.

**Contact:** Barbara Johnson, Commission on Local Government, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7000, FAX (804) 371-7090, email [barbara.johnson@dhcd.virginia.gov](mailto:barbara.johnson@dhcd.virginia.gov).

### BOARD OF LONG-TERM CARE ADMINISTRATORS

**July 10, 2007 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting to discuss board matters.

**Contact:** Lisa Russell Hahn, Executive Director, Board of Long-Term Care Administrators, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9930, FAX (804) 662-9943, (804) 662-7197/TTY ☎, email [lisa.hahn@dhp.virginia.gov](mailto:lisa.hahn@dhp.virginia.gov).

**VIRGINIA MANUFACTURED HOUSING BOARD**

**May 17, 2007 - 10 a.m.** -- Open Meeting  
501 North Second Street, Richmond, Virginia. ♿

A meeting to carry out administration of the Manufactured Housing Licensing Regulations and to hold a hearing on a claim to the Transaction Recovery Fund.

**Contact:** Curtis McIver, State Building Code Administrator, Virginia Manufactured Housing Board, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7161, FAX (804) 371-7092, (804) 371-7089/TTY ☎, email curtis.mciver@dhcd.virginia.gov.

**MARINE RESOURCES COMMISSION**

**May 22, 2007 - 9:30 a.m.** -- Open Meeting  
**June 26, 2007 - 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:** Jane 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 ☎, email jane.mccroskey@mrc.virginia.gov.

**DEPARTMENT OF MEDICAL ASSISTANCE SERVICES**

**May 18, 2007** - 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.**

**12 VAC 30-20, Administration of Medical Assistance Services.**

**12 VAC 30-40, Eligibility Conditions and Requirements.**

The purpose of the proposed action is to implement a new program providing for the sale and Medicaid recognition of long-term care partnership insurance policies.

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

**Contact:** Suzanne Gore, Policy and Research Division, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-1609, FAX (804) 786-1680, or email suzanne.gore@dmas.virginia.gov.

**May 30, 2007 - 10 a.m.** -- Open Meeting  
Augusta County Government Center, 18 Government Center Lane, Government Meeting Room, Verona, Virginia. ♿

**June 1, 2007 - 9 a.m.** -- Open Meeting  
Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Roanoke, Virginia. ♿

A meeting of the Medicaid case managers to discuss VA Cooperative Extension's Nutrition and Educational Program and Early, Periodic Screening, Diagnostic and Treatment Program.

**Contact:** Queen Green, Case Manager, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 692-0720, FAX (804) 786-5799, (800) 343-0634/TTY ☎, email queen.green@dmas.virginia.gov.

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**June 15, 2007** - 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.**

**12 VAC 30-50, Amount, Duration, and Scope of Medical and Remedial Care Services.**

**12 VAC 30-120, Waivered Services (Program of All-Inclusive Care for the Elderly (PACE))**

The purpose of the proposed action is to implement a new community-based capitated program of all inclusive care for elderly (PACE) Medicaid recipients.

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

**Contact:** William Butler, Project Manager, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8886, VAX (804) 786-1680 or email william.butler@dmas.virginia.gov.

**June 20, 2007 - 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 Medicaid transportation issues.

**Contact:** Bob Knox, Transportation Supervisor, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8854, FAX (804) 786-6035, (800) 343-0634/TTY ☎, email robert.knox@dmas.virginia.gov.



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## Calendar of Events

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† **August 2, 2007 - 2 p.m.** -- Open Meeting  
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor Board Room, Richmond, Virginia. ☎

A meeting of the Drug Utilization Review Committee to discuss issues related to this committee.

**Contact:** Rachel Cain, Pharmacist, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-0428, (800) 343-0634/TTY ☎, email rachel.cain@dmas.virginia.gov.

### BOARD OF MEDICINE

**May 15, 2007 - 9 a.m.** -- Open Meeting  
Holiday Inn Select, 2801 Plank Road, Fredericksburg, Virginia. ☎

**May 30, 2007 - 9:15 a.m.** -- Open Meeting  
† **July 11, 2007 - 9:15 a.m.** -- Open Meeting  
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia. ☎

A special conference committee will convene informal conferences to inquire into allegations that certain practitioners of medicine or other healing arts may have violated certain laws and regulations governing the practice of medicine. Further, the committee may review cases with board 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:** Renee S. Dixon, Discipline Case Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-7009, FAX (804) 662-9517, (804) 662-7197/TTY ☎, email renee.dixon@dhp.virginia.gov.

**May 18, 2007 - 8:30 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ☎

A meeting of the Legislative Committee to consider regulatory matters as 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, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, email william.harp@dhp.virginia.gov.

**May 18, 2007 - 1:30 p.m.** -- Open Meeting  
**June 21, 2007 - 1:30 p.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ☎

A meeting of the Credentials Committee to consider applicants for licensure and other matters of the board.

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 ☎, email william.harp@dhp.virginia.gov.

**May 18, 2007 - 1:30 p.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ☎

A meeting of the Ad Hoc Committee on Opioids and Pain Management to continue the development of the proposed regulations for the treatment of pain with controlled substances. Public comment will be received at the beginning of the meeting.

**Contact:** Colanithia Morton Opher, Operations Manager, 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 ☎, email coco.morton@dhp.virginia.gov.

**June 21, 2007 - 7:30 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ☎

A meeting of the Nominating Committee to develop a slate of officers to serve July 2007 to July 2008.

**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 ☎, email william.harp@dhp.virginia.gov.

**June 21, 2007 - 8:30 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ☎

A meeting of the full board 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, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, email william.harp@dhp.virginia.gov.

† **August 10, 2007 - 8:30 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ☎

A meeting of the Executive Committee 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 ☎, email [william.harp@dhp.virginia.gov](mailto:william.harp@dhp.virginia.gov).

## Advisory Board on Acupuncture

**June 6, 2007 - 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 regulations of acupuncture. Public comments 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 ☎, email [william.harp@dhp.virginia.gov](mailto:william.harp@dhp.virginia.gov).

## Advisory Board on Athletic Training

**June 7, 2007 - 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 regulations of athletic training. 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 ☎, email [william.harp@dhp.virginia.gov](mailto:william.harp@dhp.virginia.gov).

## Advisory Board on Midwifery

**June 8, 2007 - 10 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 regulations of midwifery. 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 ☎, email [william.harp@dhp.virginia.gov](mailto:william.harp@dhp.virginia.gov).

## Advisory Board on Occupational Therapy

**June 5, 2007 - 10 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 regulations of occupational therapy. 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 ☎, email [william.harp@dhp.virginia.gov](mailto:william.harp@dhp.virginia.gov).

## Advisory Board on Physician Assistants

**June 7, 2007 - 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 regulations of physician assistants. 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 ☎, email [william.harp@dhp.virginia.gov](mailto:william.harp@dhp.virginia.gov).

## Advisory Board on Radiologic Technology

**June 6, 2007 - 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 regulations of radiologic technologists and radiologic technologists-limited. 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 ☎, email [william.harp@dhp.virginia.gov](mailto:william.harp@dhp.virginia.gov).

## Advisory Board on Respiratory Care

**June 5, 2007 - 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 regulations of respiratory care. 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,

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## Calendar of Events

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Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY, email [william.harp@dhp.virginia.gov](mailto:william.harp@dhp.virginia.gov).

### DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

#### May 15, 2007 - 10 a.m. -- Open Meeting

Cascades Public Library, 21030 Whitfield Place, Potomac Falls, Virginia. (Interpreter for the deaf provided upon request)

The Substance Abuse Services Council is charged with advising and making recommendations to the Governor, General Assembly, and the Board on broad policies and goals and on the coordination of the Commonwealth's public and private efforts to control alcohol and other drug abuse. During this meeting, work will continue on developing a strategic plan for the Council as well as development of a comprehensive, interagency state plan for substance abuse services.

**Contact:** Julie Truitt, Substance Abuse Planning Coordinator, Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse Services, 1220 Bank St., Richmond, VA 23219, telephone (804) 786-0825, FAX (804) 786-4320, email [julie.truitt@co.dmhmrnsas.virginia.gov](mailto:julie.truitt@co.dmhmrnsas.virginia.gov).

#### June 20, 2007 - 10 a.m. -- Open Meeting

Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The Virginia Mental Health Planning Council serves as the primary, ongoing forum for articulating and building consensus among consumers, families and other advocates, state agencies, and mental health providers and planners around needed values, priorities, and goals that will ensure a system of services and supports of the highest quality for children and adults. Agenda topics will include, but not be limited to, reviewing Federal Block Grant Application, making recommendations to the Director of Mental Health, the Commissioner and the State Board of the Department of Mental Health, Mental Retardation and Substance Abuse Services, and the Governor of the Commonwealth of Virginia and monitoring and evaluating the implementation of the state's Mental Health Plan.

**Contact:** Jo-Amrah S. McElroy, Mental Health Planner, Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Mental Health, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-2316, FAX (804) 371-2316.

### MOTOR VEHICLE DEALER BOARD

† **May 14, 2007 - 8:30 a.m.** -- Open Meeting  
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia. (Interpreter for the deaf provided upon request)

Committees will meet as follows:

Dealer Practices Committee - 8:30 a.m.

Licensing Committee - Immediately following Dealer Practices

Advertising Committee - 9:30 a.m. or immediately after Licensing, whichever is later

Transaction Recovery Fund Committee - Immediately following Advertising

Franchise Law Committee - To be scheduled as needed.

Full board meeting - 10 a.m. or five to 45 minutes following Transaction Recovery Fund

NOTE: Meetings may begin later, but not earlier than scheduled. Meeting end times are approximate. Any person who needs any accommodation in order to participate in the meeting should contact the board at least 10 days before the meeting so that suitable arrangements can be made.

**Contact:** Alice R. Weedon, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100, FAX (804) 367-1053, toll-free (877) 270-0203, email [dboard@mvdv.virginia.gov](mailto:dboard@mvdv.virginia.gov).

#### May 14, 2007 - 3 p.m. -- Public Hearing

Department of Motor Vehicles, 2300 West Broad Street, 1st Floor, Cafeteria, Richmond, Virginia.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Motor Vehicle Dealer Board intends to amend regulations entitled **24 VAC 22-20, Motor Vehicle Dealer Fees**. The purpose of the proposed action is to update the fee schedule while staying within statutory limits. Fees have not been adjusted in more than 10 years.

Statutory Authority: §§ 46.2-1503.4, 46.2-1506, 46.2-1519 and 46.2-1546 of the Code of Virginia.

Public comments may be submitted until June 15, 2007.

**Contact:** Bruce Gould, Executive Director, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100, FAX (804) 367-1053 or email [bruce.gould@mvdv.virginia.gov](mailto:bruce.gould@mvdv.virginia.gov).

## DEPARTMENT OF MOTOR VEHICLES

### Transportation Safety Board

**May 15, 2007 - 9 a.m.** -- Open Meeting  
Department of Motor Vehicles, 2300 West Broad Street,  
Room 131, Richmond, Virginia.

An Allocations Committee meeting to review grant request  
for FY08.

**Contact:** Audrey Odum, Management Analyst, Department  
of Motor Vehicles, P.O. Box 27412, Richmond, VA 23269-  
0001, telephone (804) 367-8140, FAX (804) 367-6631, toll-  
free (800) 272-9268, (800) 272-9268/TTY ☎, email  
audrey.odum@dmv.virginia.gov.

## VIRGINIA MUSEUM OF FINE ARTS

**May 16, 2007 - 9 a.m.** -- Open Meeting  
Virginia Museum of Fine Arts, The Pauley Center, 200 North  
Boulevard, Parlor, Richmond, Virginia. ♿

A meeting for staff to update the Museum Expansion  
Committee. A request will be made to conduct the meeting  
in closed session. Public comment will not be received.

**Contact:** Suzanne Broyles, Secretary of the Museum,  
Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond,  
VA 23220, telephone (804) 340-1503, FAX (804) 340-1502,  
toll-free (800) 943-8632, (804) 340-1401/TTY ☎, email  
suzanne.broyles@vmfa.museum.

**May 16, 2007 - 11:15 a.m.** -- Open Meeting  
Virginia Museum of Fine Arts, 200 North Boulevard,  
Library, Richmond, Virginia. ♿

The following committees will meet for staff updates:  
11:15 a.m. - Art Acquisitions - Library  
1 p.m. - Artistic Oversight - CEO Parlor  
3 p.m. - Government Affairs - Pauley Center 2

Public comment will not be received.

**Contact:** Suzanne Broyles, Secretary of the Museum,  
Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond,  
VA 23220, telephone (804) 340-1503, FAX (804) 340-1502,  
(804) 340-1401/TTY ☎, email  
suzanne.broyles@vmfa.museum.

**May 17, 2007 - 9 a.m.** -- Open Meeting  
Virginia Museum of Fine Arts, Pauley Center 2, 200 North  
Boulevard, Richmond, Virginia. ♿

A meeting for staff to update the Fiscal Oversight  
Committee. Public comment will not be received. The full  
board meets at noon.

**Contact:** Suzanne Broyles, Virginia Museum of Fine Arts,  
200 N. Boulevard, Richmond, VA 23220, telephone (804)  
340-1503, email suzanne.broyles@vmfa.museum.

**May 17, 2007 - Noon** -- Open Meeting  
Virginia Museum of Fine Arts, The Pauley Center Parlor, 200  
North Boulevard, Richmond, Virginia. ♿

A meeting for staff to update the Board of Trustees. Part of  
the meeting will be held in closed session. Public comment  
will not be received.

**Contact:** Suzanne Broyles, Virginia Museum of Fine Arts,  
200 N. Boulevard, Richmond, VA 23220, telephone (804)  
340-1503, email suzanne.broyles@vmfa.museum.

**NOTE: CHANGE IN MEETING TIME**

**May 17, 2007 - 3 p.m.** -- Open Meeting  
Virginia Museum of Fine Arts, Pauley Center 2, 200 North  
Boulevard, Richmond, Virginia. ♿

A meeting of the Statewide Task Force for staff to update  
the 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, telephone (804) 340-1503, email  
suzanne.broyles@vmfa.museum.

**June 14, 2007 - 1 p.m.** -- Open Meeting  
Virginia Museum of Fine Arts, Pauley Center 2, 200 North  
Boulevard, Richmond, Virginia. ♿

A meeting of the Marketing and Branding Committee 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. Boulevard, Richmond,  
VA 23220, telephone (804) 340-1503, email  
suzanne.broyles@vmfa.museum.

## FOUNDATION FOR VIRGINIA'S NATURAL RESOURCES

† **July 11, 2007 - 10 a.m.** -- Open Meeting  
Department of Forestry, 900 Natural Resources Drive,  
Charlottesville, Virginia. ♿ (Interpreter for the deaf provided  
upon request)

A business meeting of the Board of Trustees.

**Contact:** Brenda Taylor, Administrative Staff Specialist,  
Foundation for Virginia's Natural Resources, 900 Natural  
Resources Dr., Charlottesville, VA 22903, telephone (434)  
977-6555, FAX (434) 977-7749, email  
brenda.taylor@dof.virginia.gov.

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# Calendar of Events

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## BOARD OF NURSING

**May 14, 2007 - 9 a.m.** -- Open Meeting


**July 16, 2007 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. 


A panel will conduct informal conferences with licensees and/or certificate holders. A formal hearing may also be held. Public comment will not be received.

**Contact:** Jay P. Douglas, RN, MSM, CSAS, 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 , email nursebd@dhp.virginia.gov.

**May 15, 2007 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. 

A general business meeting to include receipt of committee reports, consideration of regulatory action and discipline case decisions as presented on the agenda. Public comment will be received at 11 a.m.


**Contact:** Jay P. Douglas, R.N., Executive Director, Board of Nursing, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9949, FAX (804) 662-9512, (804) 662-7197/TTY , email jay.douglas@dhp.virginia.gov.

**May 16, 2007 - 9 a.m.** -- Open Meeting


**May 17, 2007 - 9 a.m.** -- Open Meeting

**July 18, 2007 - 9 a.m.** -- Open Meeting

**July 19, 2007 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. 

A panel of the Board of Nursing will conduct formal hearings with licensees and/or certificate holders. Public comment will not be received.

**Contact:** Jay P. Douglas, R.N., Executive Director, Board of Nursing, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9949, FAX (804) 662-9512, (804) 662-7197/TTY , email jay.douglas@dhp.virginia.gov.

**May 31, 2007 - 9 a.m.** -- Open Meeting

**June 4, 2007 - 9 a.m.** -- Open Meeting

**June 6, 2007 - 9 a.m.** -- Open Meeting

**June 12, 2007 - 9 a.m.** -- Open Meeting

**June 14, 2007 - 9 a.m.** -- Open Meeting


**June 19, 2007 - 9 a.m.** -- Open Meeting

**June 21, 2007 - 9 a.m.** -- Open Meeting

**June 26, 2007 - 9 a.m.** -- Open Meeting


Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

A Special Conference Committee comprised of two or three members of the Virginia Board of Nursing or agency subordinate 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 , email nursebd@dhp.virginia.gov.

## JOINT BOARDS OF NURSING AND MEDICINE


† **May 15, 2007 - 11:30 a.m.** -- Public Hearing

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. 

† **July 13, 2007** - 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 one must hold an active license as a registered nurse to be licensed as a nurse practitioner.

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


Public comments may be submitted until July 13, 2007, to 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 , email nursebd@dhp.virginia.gov.

**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or email elaine.yeatts@dhp.virginia.gov.


**June 20, 2007 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

A regular meeting.


**Contact:** Jay P. Douglas, R.N., Executive Director, Board of Nursing, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY , email jay.douglas@dhp.virginia.gov.

## OLD DOMINION UNIVERSITY

**May 21, 2007 - Noon** -- Open Meeting  
Old Dominion University, Webb University Center, Norfolk, Virginia. 

A regular meeting of the Executive Committee of the Board of Visitors to discuss business of the board and the institution as determined by the rector and the president. Public comment will not be received by the board.


**Contact:** Donna Meeks, Executive Secretary to the Board of Visitors, Old Dominion University, 204 Koch Hall, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, email dmeeks@odu.edu.

**June 15, 2007 - 1:30 p.m.** -- Open Meeting  
Webb University Center, Old Dominion University, Norfolk, Virginia. 


A regular meeting of the Board of Visitors to discuss business of the board and the institution as determined by the rector and the president. Public comment will not be received by the board.

**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, email dmeeks@odu.edu.

## BOARD OF OPTOMETRY


**† May 18, 2007 - 8:30 a.m.** -- Open Meeting  
Alcoa Building, 6603 West Broad Street, 5th Floor, Room 1, Richmond, Virginia. 

An informal conference hearing. Public comment will not be received.

**Contact:** Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9910, FAX (804) 662-7098, (804) 662-7197/TTY , email elizabeth.carter@dhp.virginia.gov.

## VIRGINIA OUTDOORS FOUNDATION


**June 6, 2007 - 1 p.m.** -- Open Meeting

**June 7, 2007 - 9 a.m.** -- Open Meeting  
Department of Forestry, 900 Natural Resources Drive, 2nd Floor, Board Room, Charlottesville, Virginia. 


A meeting for policy and easement consideration. Public comment will be received.


**Contact:** Trisha Cleary, Administrative Assistant, Department of Conservation and Recreation, 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 225-2147, FAX (804) 371-4810, email tcleary@vofonline.org.

## VIRGINIA BOARD FOR PEOPLE WITH DISABILITIES


**June 6, 2007 - 11 a.m.** -- Open Meeting  
Wyndam Richmond Airport, 4700 South Laburnum Avenue, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A meeting of the Executive Committee.

**Contact:** Sandra Smalls, Executive Assistant, Virginia Board for People with Disabilities, 202 N. 9th Street, 9th Floor, Richmond, VA 23219, telephone (804) 786-9368, FAX (804) 786-1118, toll-free (800) 846-4464, (804) 786-0016/TTY , email sandra.smalls@vbpd.virginia.gov.


**June 7, 2007 - 8:30 a.m.** -- Open Meeting  
Wyndam Richmond Airport, 4700 South Laburnum Avenue, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A quarterly board meeting.

**Contact:** Sandra Smalls, Executive Assistant, Virginia Board for People with Disabilities, 202 N. 9th Street, 9th Floor, Richmond, VA 23219, telephone (804) 786-9368, FAX (804) 786-1118, toll-free (800) 846-4464, (804) 786-0016/TTY , email sandra.smalls@vbpd.virginia.gov.

**† June 7, 2007 - 8:30 a.m.** -- Open Meeting  
Wyndam Richmond Airport, 4700 South Laburnum Avenue, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


Meetings of the Community Integration, Community Living and Transportation, Education, and Employment committees.

**Contact:** Sandra Smalls, Executive Assistant, Virginia Board for People with Disabilities, 202 N. 9th Street, 9th Floor, Richmond, VA 23219, telephone (804) 786-9368, FAX (804) 786-1118, toll-free (800) 846-4464, (804) 786-0016/TTY , email sandra.smalls@vbpd.virginia.gov.

## BOARD OF PHARMACY

**May 15, 2007 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Room 4, Richmond, Virginia.

A meeting of the Special Conference Committee to discuss disciplinary matters. Public comment will not be received.


**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 , email scottirussell@dhp.virginia.gov.

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# Calendar of Events

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## POLYGRAPH EXAMINERS ADVISORY BOARD

**July 10, 2007 - 11 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, 4th Floor, 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. Public comment will be heard at the beginning of the meeting. Person 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:** Kevin Hoeft, Regulatory Boards Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-0674, (804) 367-9753/TTY , email kevin.hoeft@dpor.virginia.gov.

## BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

**June 4, 2007 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, 5th Floor, Richmond, Virginia. 


A regular board meeting.

**Contact:** Mark N. Courtney, Executive Director, Board for Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, email mark.courtney@dpor.virginia.gov.


## BOARD OF PSYCHOLOGY

**July 10, 2007 - 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 regulatory and disciplinary 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 , email evelyn.brown@dhp.virginia.gov.


## VIRGINIA PUBLIC GUARDIANSHIP AND CONSERVATOR ADVISORY BOARD

**June 28, 2007 - 10 a.m.** -- Open Meeting  
Virginia Department for the Aging, 1610 Forest Avenue,  
Suite 100, Richmond, Virginia. 


A meeting of the Executive Committee.

**Contact:** Faye D. Cates, MSSW, Human Services Program Coordinator, Department for the Aging, 1610 Forest Ave., Suite 100, Richmond VA 23229, telephone (804) 662-9310, FAX (804) 662-9354, toll-free (800) 552-3402, (804) 662-9333/TTY , email faye.cates@vda.virginia.gov.

## REAL ESTATE BOARD


**† May 21, 2007 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, 4th Floor, Room 453, Richmond,  
Virginia. 

Informal fact-finding conferences for licensing (LRD).

**Contact:** Christine Martine, Executive Director, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-6946, (804) 367-9753/TTY , email reboard@dpor.virginia.gov.


**July 18, 2007 - 3 p.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, 5th Floor, Richmond, Virginia.

A meeting of the Education Committee to discuss education issues.

**Contact:** Christine Martine, Executive Director, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-6946, (804) 367-9753/TTY , email reboard@dpor.virginia.gov.


**July 19, 2007 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, 4th Floor, Richmond, Virginia.

A meeting to discuss board business.


**Contact:** Christine Martine, Executive Director, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-6946, (804) 367-9753/TTY , email reboard@dpor.virginia.gov.

## DEPARTMENT OF REHABILITATIVE SERVICES


### Virginia Brain Injury Council

**July 27, 2007 - 1 p.m.** -- Open Meeting  
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Conference Rooms, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A quarterly meeting. Materials will be provided in alternate format upon request. Public comment will be received at approximately 1:15 p.m.

**Contact:** Kristie Chamberlain, Policy and Planning Director, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23229, telephone (804) 662-7154, FAX (804) 662-7663, toll-free (800) 552-5019, (800) 464-9950/TTY , email [kristie.chamberlain@drs.virginia.gov](mailto:kristie.chamberlain@drs.virginia.gov).

### Commonwealth Neurotrauma Initiative (CNI) Trust Fund Advisory Board

**† June 1, 2007 - 10 a.m.** -- Open Meeting  
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Conference Room 1, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A quarterly meeting. Materials will be provided in alternate format upon request. Public comments will be received at approximately 10:15 a.m.

**Contact:** Kristie Chamberlain, CNI Trust Fund, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA 23229, telephone (804) 662-7154, FAX (804) 662-7663, toll-free (800) 552-5019, (800) 464-9950/TTY , email [kristie.chamberlain@drs.virginia.gov](mailto:kristie.chamberlain@drs.virginia.gov).

### State Rehabilitation Council

**May 14, 2007 - 11:30 a.m.** -- Open Meeting  
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. 

A quarterly meeting of the State Rehabilitation Council. Public comments will be received at approximately 11:45 a.m. Materials in alternate format and interpreters will be provided upon prior request.

**Contact:** Elizabeth Smith, Policy and Planning Director, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23229, telephone (804) 662-7071, FAX (804) 662-7696, toll-free (800) 552-5019, (800) 464-9950/TTY , email [elizabeth.smith@drs.virginia.gov](mailto:elizabeth.smith@drs.virginia.gov).

## VIRGINIA RESEARCH AND TECHNOLOGY ADVISORY COMMISSION

NOTE: CHANGE IN MEETING DATE AND TIME


**May 23, 2007 - Noon** -- Open Meeting  
The Inn at Virginia Tech, Blacksburg, Virginia.

**† June 13, 2007 - 1 p.m.** -- Open Meeting  
Virginia Biotechnology Research Park, Richmond, Virginia.

A quarterly meeting. Public comment will be received at approximately 4 p.m.

**Contact:** Nancy Vorona, VP Research Investment, Center for Innovative Technology, 2214 Rock Hill Rd., Suite 600, Herndon, VA 20170, telephone (703) 689-3043, FAX (703) 464-1720, email [nvorona@cit.org](mailto:nvorona@cit.org).

## VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

**May 16, 2007 - 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 to conduct 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, email [scott.parsons@dba.virginia.gov](mailto:scott.parsons@dba.virginia.gov).

## BOARD OF SOCIAL WORK


**July 12, 2007 - 2 p.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

A meeting of the Regulatory Committee to review current regulations regarding supervision and standards of practice.

**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) 662-7250, (804) 662-7197/TTY , email [evelyn.brown@dhp.virginia.gov](mailto:evelyn.brown@dhp.virginia.gov).

**July 13, 2007 - 9:30 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

A regular 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) 662-7250, (804) 662-7197/TTY , email [evelyn.brown@dhp.virginia.gov](mailto:evelyn.brown@dhp.virginia.gov).



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# Calendar of Events

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## BOARD FOR SOIL SCIENTISTS AND WETLAND PROFESSIONALS

**July 17, 2007 - 10 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 Professional Soil Scientists and Wetland Professionals, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ♿, email soilscientist@dpor.virginia.gov.

## DEPARTMENT OF TRANSPORTATION

### Transportation Accountability Commission

† **May 16, 2007 - 9 a.m.** -- Open Meeting  
State Capitol, House Room 1, Richmond, Virginia. ♿

A meeting of the Outcome Measures subcommittee.

**Contact:** Tracey Williams, Department of Transportation, Transportation and Mobility Planning Division, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 371-8304, FAX (804) 225-4785, email tracey.williams@vdot.virginia.gov.

† **June 8, 2007 - 9 a.m.** -- Open Meeting  
State Capitol, House Room 1, Richmond, Virginia. ♿

A meeting of the Performance Standards subcommittee.

**Contact:** Tracey Williams, Department of Transportation, Transportation and Mobility Planning Division, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 371-8304, FAX (804) 225-4785, email tracey.williams@vdot.virginia.gov.

## TREASURY BOARD

**May 16, 2007 - 9 a.m.** -- Open Meeting  
**June 20, 2007 - 9 a.m.** -- Open Meeting  
**July 18, 2007 - 9 a.m.** -- Open Meeting  
James Monroe Building, 101 North 14th Street, 3rd Floor,  
Richmond, Virginia.

A regular meeting.

**Contact:** Kathi B. Scearce, Secretary to the Board, Treasury Board, James Monroe Bldg., 101 N. 14th St., 3rd Floor,

Richmond, VA 23219, telephone (804) 371-6011, email kathi.scearce@trs.virginia.gov.

## DEPARTMENT OF VETERANS SERVICES

### Board of Veterans Services

**July 16, 2007 - 9:30 a.m.** -- Open Meeting  
Location to be determined. ♿

Contact the board for an agenda.

**Contact:** Rhonda Earman, Special Assistant to the Commissioner, Department of Veterans Services, 900 E. Main St., Richmond, VA 23219, telephone (804) 786-0286, email rhonda.earman@dvs.virginia.gov.

## VIRGINIA WASTE MANAGEMENT BOARD

† **June 11, 2007 - 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 1105, Richmond, VA 23218, telephone (804) 698-4378, FAX (804) 698-4346, email cberndt@deq.virginia.gov.

## STATE WATER CONTROL BOARD

**May 18, 2007 - 3 p.m.** -- Public Hearing  
Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, Virginia. ♿


A public hearing on the proposed reissuance of a VPDES permit for Coors Brewing Company located in Elkton.

**Contact:** Eric Millard, Department of Environmental Quality, 4411 Early Rd., P.O. Box 3000, Harrisonburg, VA 22801, telephone (540) 574-7813, FAX (540) 574-7878, email ermillard@deq.virginia.gov.

**May 23, 2007 - 10 a.m.** -- Open Meeting  
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. ♿

A meeting of the advisory committee assisting in the development of appropriate and necessary permitting requirements for discharges of wastewater from water treatment plant.


**Contact:** George Cosby, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4067, FAX (804) 698-4032, email gec Cosby@deq.virginia.gov.

† **June 27, 2007 - 9:30 a.m.** -- Open Meeting  
† **June 28, 2007 - 9:30 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House  
Room C, Richmond, Virginia. 


A regular meeting.

**Contact:** Cindy Berndt, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4378, FAX (804) 698-4346, email [cberndt@deq.virginia.gov](mailto:cberndt@deq.virginia.gov).

## BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS


**June 20, 2007 - 8:30 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Board 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:** David E. Dick, Executive Director, Board for Waterworks and Wastewater Works Operators, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-2475, (804) 367-9753/TTY , email [waterwasteoper@dpor.virginia.gov](mailto:waterwasteoper@dpor.virginia.gov).

## INDEPENDENT


### STATE LOTTERY BOARD

**June 6, 2007 - 9 a.m.** -- Open Meeting  
State Lottery Department, 900 East Main Street, 13th Floor,  
Richmond, Virginia. 


A regular meeting. 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, email [fferguson@valottery.com](mailto:fferguson@valottery.com).


### VIRGINIA OFFICE FOR PROTECTION AND ADVOCACY

**July 24, 2007 - 9 a.m.** -- Open Meeting  
Virginia Office for Protection and Advocacy, Byrd Building,  
1910 Byrd Avenue, Suite 5, VOPA Conference Room,  
Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A meeting of the Board of Directors. Public comment will be received beginning at 9 a.m. Public comment will also be accepted by telephone. If you wish to provide public comment via telephone, you must call Lisa Shehi, Administrative Assistant, at 1-800-552-3962 (Voice/TTY) or via email at [lisa.shehi@vopa.virginia.gov](mailto:lisa.shehi@vopa.virginia.gov) no later than July 10, 2007. Ms. Shehi will take your name and phone number and you will be telephoned during the public comment period. For more information on participating in this conference call or to provide public comment via telephone. If interpreter services or accommodations are required, please contact Ms. Shehi no later than July 10, 2007.

**Contact:** Lisa Shehi, Administrative Assistant, Virginia Office for Protection and Advocacy, 1910 Byrd Ave., Suite 5, Richmond, VA 23230, telephone (804) 225-2042, FAX (804) 662-7413, toll-free (800) 552-3962, (804) 225-2042/TTY , email [lisa.shehi@vopa.virginia.gov](mailto:lisa.shehi@vopa.virginia.gov).


### Disability Advisory Council

**June 20, 2007 - 10 a.m.** -- Open Meeting  
1910 Byrd Avenue, Suite 5, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting. Public comment is welcome and will be received shortly after 10 a.m. Public comment will also be accepted by telephone. If you wish to provide public comments via telephone call Tracy Manley, Administrative Assistant at 1-800-552-3962 (Voice/TTY) or via email at [tracy.manley@vopa.virginia.gov](mailto:tracy.manley@vopa.virginia.gov) no later than June 6, 2007. Ms. Manley will take your name and phone number and you will be telephoned during the public comment period. For further information, directions to the meeting, or interpreter services or other accommodations, please contact Ms. Manley no later than June 6, 2007.

**Contact:** Tracy Manley, Administrative Assistant, Virginia Office for Protection and Advocacy, 1910 Byrd Ave., Richmond, VA 23230, telephone (804) 225-2042, FAX (804) 662-7431, toll-free (800) 552-3962, (804) 225-2042/TTY , email [tracy.manley@vopa.virginia.gov](mailto:tracy.manley@vopa.virginia.gov).

### PAIMI Advisory Council

† **May 16, 2007 - 10 a.m.** -- Open Meeting  
Piedmont Geriatric Hospital, 5001 East Patrick Henry  
Highway, Burkeville, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting. Public comment is welcome and will be received beginning shortly after 10 a.m. Public comment will also be accepted by telephone. If you wish to provide public comment via telephone, please call Eileen Levandoski, Administrative Assistant, at 1-800-552-3962 (Voice/TTY) or via email at [eileen.levandoski@vopa.virginia.gov](mailto:eileen.levandoski@vopa.virginia.gov) no later than May 1,

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## Calendar of Events

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2007. Ms. Levandoski will take your name and phone number and you will be telephoned during the public comment period.

**Contact:** Eileen Levandoski, Administrative Assistant, Virginia Office for Protection and Advocacy, 287 Independence Blvd., Suite 120, Virginia Beach, VA 23462, telephone (757) 552-1149, FAX (757) 552-1145, toll-free (800) 552-3962, (800) 552-3962/TTY ☎, email eileen.levandoski@vopa.virginia.gov.

### VIRGINIA RETIREMENT SYSTEM

**June 19, 2007 - Noon** -- Open Meeting

Location to be determined. ♿

A meeting of the Optional Retirement Plan for Higher Education Advisory Committee. No public comment will be received at the meeting.

**Contact:** Patty Atkins-Smith, Legislative Liaison and Policy Analyst, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 344-3123, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, email psmith@varetire.org.

**June 20, 2007 - 1:30 p.m.** -- Open Meeting

**July 18, 2007 - 1:30 p.m.** -- Open Meeting

Virginia Retirement System Headquarters, 1200 East Main Street, Richmond, Virginia. ♿

A meeting of the Benefits and Actuarial Committee. No public comment will be received at the meeting.

**Contact:** LaShaunda King, Executive Assistant, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 344-3119, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, email lking@varetire.org.

**June 20, 2007 - 3 p.m.** -- Open Meeting

**July 19, 2007 - 1 p.m.** -- Open Meeting

Virginia Retirement System Headquarters, 1200 East Main Street, Richmond, Virginia. ♿

The regular meeting of the Board of Trustees will be held at the Virginia Retirement System, 1200 East Main Street, Richmond, VA 23219. No public comment will be received at the meeting.

**Contact:** LaShaunda King, Executive Assistant, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 344-3119, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, email lking@varetire.org.

**June 20, 2007 - 3 p.m.** -- Open Meeting

Virginia Retirement System Headquarters, 1200 East Main Street, Richmond, Virginia. ♿

A meeting of the Audit and Compliance Committee. No public comment will be received at the meeting.

**Contact:** LaShaunda King, Executive Assistant, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 344-3119, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, email lking@varetire.org.

**June 21, 2007 - 1 p.m.** -- Open Meeting

Virginia Retirement System, 1111 East Main Street, 3rd Floor Conference Room, Richmond, Virginia. ♿

A regular meeting of the Board of Trustees. No public comment will be received at the meeting.

**Contact:** LaShaunda King, Executive Assistant, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 344-3119, FAX (804) 786-1541, (804) 344-3190/TTY ☎, email lking@varetire.org.

## LEGISLATIVE

### HOUSE APPROPRIATIONS COMMITTEE

† **May 21, 2007 - 9:30 a.m.** - Open Meeting

† **June 18, 2007 - 9:30 a.m.** - Open Meeting

General Assembly Building, 9th and Broad Streets, 9th Floor, Richmond, Virginia. ♿

A regular meeting.

**Contact:** Barbara L. Teague, House Committee Operations, 910 Capitol St., Richmond, VA 23219, telephone (804) 698-1540.

### JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION

† **May 14, 2007 - 10 a.m.** -- Open Meeting

General Assembly Building, 9th and Broad Street, Senate Room A, Richmond, Virginia. ♿

A meeting to discuss legislative impact of JLARC studies, FY 2008 JLARC strategic plan, 2007 JLARC workplan, and 2007 Auditor of Public Accounts workplan.

**Contact:** Trish Bishop, Principal Legislative Analyst, Joint Legislative Audit and Review Commission, General Assembly Bldg., 910 Capitol St., Suite 1100 Richmond, VA 23219, telephone (804) 786-1258, FAX (804) 371-0101, email tbishop@leg.state.va.us.


## **BROWN V. BOARD OF EDUCATION SCHOLARSHIP AWARDS COMMITTEE**

† **May 16, 2006 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia. 

A regular meeting. For questions regarding the meeting agenda, please contact Brenda Edwards, Division of Legislative Services, at (804) 786-3591.


**Contact:** Hobie Lehman, Senate Committee Operations, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 698-7410.

## **VIRGINIA CODE COMMISSION**

† **June 20, 2007 - 10 a.m.** -- Open Meeting  
General Assembly Building, 910 Capitol Street, 6th Floor, Speaker's Conference Room, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)

A meeting to (i) appoint members to the Administrative Law Advisory Council; (ii) establish a workplan; (iii) review pertinent legislation resulting from the 2007 General Assembly session; (iv) consider a 6.0% price increase request from Thomson West for the Virginia Administrative Code printed sets; and (v) continue with the revision of Title 3.1, Agriculture. Public comment will be received.


**Contact:** Jane Chaffin, Registrar of Regulations, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625, email jchaffin@leg.state.va.us.

† **July 25, 2007 - 10 a.m.** -- Open Meeting  
† **August 15, 2007 - 10 a.m.** -- Open Meeting  
General Assembly Building, 910 Capitol Street, 6th Floor, Speaker's Conference Room, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)

A regular meeting.

**Contact:** Jane Chaffin, Registrar of Regulations, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625, email jchaffin@leg.state.va.us.


## **DR. MARTIN LUTHER KING, JR. MEMORIAL COMMISSION**

† **May 22, 2007 - 10 a.m.** - Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. 

A regular meeting. For questions regarding the meeting agenda, please contact Brenda Edwards, Division of Legislative Services, at (804) 786-3591.


**Contact:** Barbara L. Teague, House Committee Operations, 910 Capitol St., Richmond, VA 23219, telephone (804) 698-1540.

## **JOINT COMMISSION ON TECHNOLOGY AND SCIENCE**

**May 16, 2007 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Speaker's Conference Room, 6th Floor, Richmond, Virginia. 


A meeting of the Wireless Broadband Advisory Committee.

**Contact:** Lisa Wallmeyer, Executive Director, Joint Commission on Technology and Science, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, email pcushing@leg.state.va.us.

† **May 16, 2007 - 1 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Speaker's Conference Room, 6th Floor, Richmond, Virginia. 


A meeting of the Advisory Committee on Underground Transmission Lines.

**Contact:** Lisa Wallmeyer, Executive Director, Joint Commission on Technology and Science, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, email pcushing@leg.state.va.us.

**May 17, 2007 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Speaker's Conference Room, 6th Floor, Richmond, Virginia. 


A meeting of the Electronic Medical Records Advisory Committee.

**Contact:** Lisa Wallmeyer, Executive Director, Joint Commission on Technology and Science, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, email pcushing@leg.state.va.us.

† **June 6, 2007 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Speaker's Conference Room, 6th Floor, Richmond, Virginia. 

A meeting of the Aerospace Advisory Committee.

**Contact:** Patrick Cushing, Staff Attorney, Joint Commission on Technology and Science, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

† **June 6, 2007 - 2 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Speaker's Conference Room, 6th Floor, Richmond, Virginia. 

A meeting of the eCycling and Disposal of Electronic Materials Advisory Committee.

**Contact:** Patrick Cushing, Staff Attorney, Joint Commission on Technology and Science, General Assembly Bldg., 910

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# Calendar of Events

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Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

† **June 7, 2007 - 1 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Speaker's Conference Room, 6th Floor, Richmond, Virginia.♿

A meeting of the Nanotechnology Authority Advisory Committee.

**Contact:** Patrick Cushing, Staff Attorney, Joint Commission on Technology and Science, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

† **June 20, 2007 - 1 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.♿

A meeting of the Open Education Resources Advisory Committee.

**Contact:** Patrick Cushing, Staff Attorney, Joint Commission on Technology and Science, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

## CHRONOLOGICAL LIST

### OPEN MEETINGS

#### May 14

Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for  
† Audit and Review Commission, Joint Legislative  
† Business Assistance, Department of  
- Small Business Advisory Board  
Local Government, Commission on  
† Motor Vehicle Dealer Board  
Nursing, Board of  
Rehabilitative Services, Department of  
- State Rehabilitation Council

#### May 15

Accountancy, Board of  
Contractors, Board for  
Corrections, Board of  
Education, Board of  
Environmental Quality, Department of  
Medicine, Board of  
Mental Health, Mental Retardation and Substance Abuse Services, Department of  
Motor Vehicles, Department of  
- Transportation Safety Board  
Nursing, Board of  
Pharmacy, Board of

#### May 16

Accountancy, Board of

† Brown v. Board of Education Scholarship Awards Committee  
Community Colleges, State Board of  
Compensation Board  
Corrections, Board of  
Economic Development Partnership, Virginia  
Education, Secretary of  
- Start Strong Pre-K Council  
Environmental Quality, Department of  
Health, Department of  
- Sewage Handling and Disposal Appeals Review Board  
Housing Development Authority, Virginia  
Innovative Technology Authority  
Museum of Fine Arts, Virginia  
Nursing, Board of  
† Protection and Advocacy, Virginia Office for  
Small Business Financing Authority, Virginia  
† Technology and Science, Joint Commission on  
† Transportation, Department of  
Treasury Board

#### May 17

† Agriculture and Consumer Services, Board of  
Community Colleges, State Board for  
Conservation and Recreation, Department of  
- Virginia Soil and Water Conservation Board  
Design-Build/Construction Management Review Board  
Education, Secretary of  
† Health, Department of  
- Emergency Medical Services Advisory Board  
Manufactured Housing Board  
Museum of Fine Arts, Virginia  
Nursing, Board of  
Technology and Science, Joint Commission on

#### May 18

Health, Department of  
- State Emergency Medical Services Advisory Board  
† Housing and Community Development, Department of  
- State Building Code Technical Review Board  
Medicine, Board of  
† Optometry, Board of

#### May 21

Alcoholic Beverage Control Board  
† Appropriations, House  
Library of Virginia  
- Virginia Circuit Courts Records Preservation Grants Review Board  
Old Dominion University  
† Real Estate Board

#### May 22

Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for  
† Conservation and Recreation, Department of  
Contractors, Board for  
† Dr. Martin Luther King, Jr., Memorial Commission

Marine Resources Commission

**May 23**

† Air Pollution Control Board  
 Research and Technology Advisory Commission, Virginia  
 Water Control Board, State

**May 24**

Architects, Professional Engineers, Land Surveyors,  
 Certified Interior Designers and Landscape Architects,  
 Board for  
 † Asbestos, Lead, and Home Inspectors, Virginia Board for  
 Audiology and Speech Language Pathology, Board of  
 Funeral Directors and Embalmers, Board of

**May 25**

Dentistry, Board of

**May 30**

Education, Board of  
 † Fire Services Board, Virginia  
 Medical Assistance Services, Department of  
 Medicine, Board of

**May 31**

Education, Board of  
 Fire Services Board, Virginia  
 Nursing, Board of

**June 1**

Art and Architectural Review Board  
 Fire Services Board, Virginia  
 Medical Assistance Services, Department of  
 † Rehabilitative Services, Department of  
 - Commonwealth Neurotrauma Initiative Trust Fund  
 Advisory Board

**June 2**

Fire Services Board, Virginia

**June 4**

Alcoholic Beverage Control Board  
 Contractors, Board for  
 Nursing, Board of  
 Professional and Occupational Regulation, Board of

**June 5**

Contractors, Board for  
 Funeral Directors and Embalmers, Board of  
 Medicine, Board of  
 - Advisory Board on Occupational Therapy  
 - Advisory Board on Respiratory Care

**June 6**

† Agriculture and Consumer Services, Department of  
 - Virginia Aquaculture Advisory Board  
 Cemetery Board  
 Historic Resources, Department of  
 - Board of Historic Resources and State Review Board  
 Lottery Board, State  
 Medicine, Board of  
 - Advisory Board on Acupuncture  
 - Advisory Board on Radiologic Technology  
 Nursing, Board of  
 Outdoors Foundation, Virginia

People with Disabilities, Board for  
 † Technology and Science, Joint Commission on

**June 7**

† Contractors, Board for  
 Dentistry, Board of  
 Medicine, Board of  
 - Advisory Board on Athletic Training  
 - Advisory Board on Physicians Assistants  
 Outdoors Foundation, Virginia  
 People with Disabilities, Board for  
 † Technology and Science, Joint Commission on

**June 8**

Dentistry, Board of  
 Medicine, Board of  
 - Advisory Board on Midwifery  
 † Transportation, Department of

**June 9**

Blind and Vision Impaired, Board for the

**June 11**

Library Board, State  
 † Waste Management Board, Virginia

**June 12**

† Contractors, Board for  
 Governor's Healthcare Reform Commission  
 Health, Department of  
 Nursing, Board of

**June 13**

Conservation and Recreation, Department of  
 Juvenile Justice, State Board of  
 † Research and Technology Advisory Commission,  
 Virginia

**June 14**

Architects, Professional Engineers, Land Surveyors,  
 Certified Interior Designers and Landscape Architects,  
 Board for  
 Arts, Virginia Commission for the  
 † Conservation and Recreation, Department of  
 Criminal Justice Services Board  
 † Environmental Quality, Department of  
 Museum of Fine Arts, Virginia  
 Nursing, Board of

**June 15**

Arts, Virginia Commission for the  
 † Housing and Community Development, Department of  
 - State Building Code Technical Review Board  
 Old Dominion University

**June 18**

† Air Pollution Control Board, State  
 Alcoholic Beverage Control Board  
 † Appropriations, House  
 Chesapeake Bay Local Assistance Board

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# Calendar of Events

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**June 19**

Nursing, Board of  
Retirement System, Virginia

**June 20**

† Agriculture and Consumer Services, Department of  
- Virginia Horse Industry Board  
† Code Commission, Virginia  
† Compensation Board  
Education, Secretary of  
- Start Strong Pre-K Council  
Medical Assistance Services, Department of  
Mental Health, Mental Retardation and Substance Abuse  
Services, Department of  
Nursing and Medicine, Joint Board of  
Protection and Advocacy, Virginia Office for  
Retirement System, Virginia  
† Technology and Science, Joint Commission on  
Treasury Board  
Waterworks and Wastewater Works Operators, Board for

**June 21**

Conservation and Recreation, Department of  
Design-Build/Construction Management Review Board  
Labor and Industry, Department of  
- Virginia Apprenticeship Council  
Medicine, Board of  
Nursing, Board of  
Retirement System, Virginia

**June 22**

Dentistry, Board of

**June 25**

† Housing and Community Development, Board of

**June 26**

† Contractors, Board for  
Labor and Industry, Department of  
- Safety and Health Codes Board  
Marine Resources Commission  
Nursing, Board of

**June 27**

Accountancy, Board of  
Health, Department of  
- Sewage Handling and Disposal Appeals Review Board  
† Water Control Board, State

**June 28**

Education, Board of  
Funeral Directors and Embalmers, Board of  
Public Guardianship and Conservator Advisory Board,  
Virginia  
† Water Control Board, State

**June 29**

Dentistry, Board of

**July 2**

Alcoholic Beverage Control Board

**July 6**

Art and Architectural Review Board

**July 10**

Higher Education for Virginia, State Council of  
Long-Term Care Administrators, Board of  
Polygraph Examiners Advisory Board  
Psychology, Board of

**July 11**

Geology, Board for  
Hearing Aid Specialists, Board for  
† Medicine, Board of  
† Natural Resources, Foundation for Virginia's

**July 12**

Auctioneers Board  
Social Work, Board of

**July 13**

Dentistry, Board of  
Social Work, Board of

**July 16**

Alcoholic Beverage Control Board  
Nursing, Board of  
Veterans Services, Department of  
- Board of Veterans Services

**July 17**

Corrections, Board of  
Soil Scientists and Wetland Professionals, Board for  
Professional

**July 18**

Community Colleges, State Board for  
Corrections, Board of  
Education, Board of  
Education, Secretary of  
- Start Strong Pre-K Council  
Nursing, Board of  
Real Estate Board  
Retirement System, Virginia  
Treasury Board

**July 19**

Community Colleges, State Board for  
Conservation and Recreation, Department of  
- Virginia Soil and Water Conservation Board  
Design-Build/Construction Management Review Board  
Education, Board of  
Environmental Quality, Department of  
Human Resources, Virginia Council on  
Nursing, Board of  
Real Estate Board  
Retirement System, Virginia

**July 20**

Education, Board of

**July 24**

Contractors, Board for  
Protection and Advocacy, Virginia Office for

**July 25**

† Code Commission, Virginia  
Education, Board of

**July 26**

Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for  
Branch Pilots, Board for

**July 27**

Branch Pilots, Board for  
Rehabilitative Services, Department of  
- Virginia Brain Injury Council

**August 2**

† Education, Board of  
† Medical Assistance Services, Department of

**August 3**

† Art and Architectural Review Board  
Dentistry, Board of

**August 6**

† Alcoholic Beverage Control Board  
† Barbers and Cosmetology, Board for

**August 8**

† Health, Department of

**August 9**

† Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for

**August 10**

† Health, Department of  
† Medicine, Board of

**August 14**

† Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for  
† Chesapeake Bay Local Assistance Board

**August 15**

† Code Commission, Virginia

**PUBLIC HEARINGS**

**May 14**

Motor Vehicle Dealer Board

**May 15**

Health, State Board of

**May 17**

Health, State Board of

**May 18**

Water Control Board, State

**May 22**

† Air Pollution Control Board, State  
Health, State Board of

**May 23**

Health, State Board of

**May 29**

Health, State Board of

**June 12**

† Governor's Healthcare Reform Commission  
Health, State Board of



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# Calendar of Events

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