



VIRGINIA

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Virginia Code Commission

<http://register.dls.virginia.gov>

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THE VIRGINIA REGISTER INFORMATION PAGE

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, and notices of public hearings on regulations.

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 on 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.

A 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

Pursuant to § 2.2-4011 of the Code of Virginia, an agency, upon consultation with the Attorney General, and at the discretion of the Governor, may adopt emergency regulations that are necessitated by an emergency situation. An agency may also adopt an emergency regulation when Virginia statutory law or the appropriation act or federal law or federal regulation requires that a regulation be effective in 280 days or less from its enactment. 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 no more than 12 months in duration; however, may be extended for six months under certain circumstances as provided for in § 2.2-4011 D. 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. **26:20 V.A.R. 2510-2515 June 7, 2010**, refers to Volume 26, Issue 20, pages 2510 through 2515 of the *Virginia Register* issued on June 7, 2010.

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: **John S. Edwards**, Chairman; **Bill Janis**, Vice Chairman; **James M. LeMunyon**; **Ryan T. McDougle**; **Robert L. Calhoun**; **Frank S. Ferguson**; **E.M. Miller, Jr.**; **Thomas M. Moncure, Jr.**; **Wesley G. Russell, Jr.**; **Charles S. Sharp**; **Robert L. Tavenner**; **Patricia L. West**; **J. Jasen Eige** or **Jeffrey S. Palmore**.

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

PUBLICATION SCHEDULE AND DEADLINES

This schedule is available on the *Register's* Internet home page (<http://register.dls.virginia.gov>).

August 2011 through August 2012

<u>Volume: Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
27:25	July 27, 2011	August 15, 2011
27:26	August 10, 2011	August 29, 2011
28:1	August 24, 2011	September 12, 2011
28:2	September 7, 2011	September 26, 2011
28:3	September 21, 2011	October 10, 2011
28:4	October 5, 2011	October 24, 2011
28:5	October 19, 2011	November 7, 2011
28:6	November 2, 2011	November 21, 2011
28:7	November 15, 2011 (Tuesday)	December 5, 2011
28:8	November 30, 2011	December 19, 2011
28:9	December 13, 2011 (Tuesday)	January 2, 2012
28:10	December 27, 2011 (Tuesday)	January 16, 2012
28:11	January 11, 2012	January 30, 2012
28:12	January 25, 2012	February 13, 2012
28:13	February 8, 2012	February 27, 2012
28:14	February 22, 2012	March 12, 2012
28:15	March 7, 2012	March 26, 2012
28:16	March 21, 2012	April 9, 2012
28:17	April 4, 2012	April 23, 2012
28:18	April 18, 2012	May 7, 2012
28:19	May 2, 2012	May 21, 2012
28:20	May 16, 2012	June 4, 2012
28:21	May 30, 2012	June 18, 2012
28:22	June 13, 2012	July 2, 2012
28:23	June 27, 2012	July 16, 2012
28:24	July 11, 2012	July 30, 2012
28:25	July 25, 2012	August 13, 2012
28:26	August 8, 2012	August 27, 2012

*Filing deadlines are Wednesdays unless otherwise specified.

NOTICES OF INTENDED REGULATORY ACTION

TITLE 9. ENVIRONMENT

DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the Department of Environmental Quality intends to consider promulgating **9VAC15-80, Small Renewable Energy Projects (Water Related) Permit by Rule Regulation**. The purpose of the proposed action is to implement 2009 state legislation requiring the Department of Environmental Quality to develop one or more permits-by-rule for water-related energy projects with rated capacity not exceeding 100 megawatts if the department determines that a permit-by-rule is necessary. In this regulatory action, DEQ will determine what requirements, if any, must be met for small water-related renewable energy projects; that is, projects generating electricity from falling water (hydroelectric), wave motion, tides, or geothermal power.

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

Statutory Authority: § 10.1-1197.6 of the Code of Virginia.

Public Comment Deadline: September 14, 2011.

Agency Contact: Carol C. Wampler, Department of Environmental Quality, 629 East Main Street, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4579, FAX (804) 698-4346, or email carol.wampler@deq.virginia.gov.

VA.R. Doc. No. R11-2901; Filed July 21, 2011, 10:10 a.m.

REGULATIONS

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

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.

TITLE 4. CONSERVATION AND NATURAL RESOURCES

BOARD OF GAME AND INLAND FISHERIES

REGISTRAR'S NOTICE: The Board of Game and Inland Fisheries is exempt from the Administrative Process Act pursuant to § 2.2-4002 A 3 of the Code of Virginia when promulgating regulations regarding the management of wildlife. The department is required by § 2.2-4031 of the Code of Virginia to publish all proposed and final wildlife management regulations, including length of seasons and bag limits allowed on the wildlife resources within the Commonwealth of Virginia.

Final Regulation

Title of Regulation: 4VAC15-50. **Game:** Bear (amending 4VAC15-50-70, 4VAC15-50-71, 4VAC15-50-110).

Statutory Authority: §§ 29.1-501, 29.1-502, and 29.1-516.1 of the Code of Virginia.

Effective Date: August 1, 2011.

Agency Contact: Phil Smith, Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-8341, or email phil.smith@dgif.virginia.gov.

Summary:

The amendments make it lawful to use leashed tracking dogs to find wounded or dead bear while hunting bears in Virginia, including during the bear archery hunting and bear muzzleloading hunting seasons.

4VAC15-50-70. Bow and arrow hunting.

A. It shall be lawful to hunt bear during the special archery season with bow and arrow from the first Saturday in October through the Friday prior to the third Monday in November, both dates inclusive.

B. It shall be unlawful to carry firearms while hunting with bow and arrow during the special archery seasons, except that a muzzleloading gun, as defined in 4VAC15-50-71, may be in the possession of a properly licensed muzzleloading gun hunter when and where the early special archery bear season overlaps the early special muzzleloading bear season.

C. Arrows used for hunting big game must have a minimum width head of 7/8 of an inch and the bow used for such

hunting must be capable of casting a broadhead arrow a minimum of 125 yards.

D. It shall be unlawful to use dogs when hunting with bow and arrow from the second Saturday in October through the Saturday prior to the second Monday in November, both dates inclusive, except that tracking dogs as defined in § 29.1-516.1 of the Code of Virginia may be used.

E. It shall be lawful for persons with permanent physical disabilities, who are in full compliance with the requirements of 4VAC15-40-20 B, to hunt bear subject to the provisions of subsections A through D of this section. For the purpose of the application of subsections A through D to this subsection the phrase "bow and arrow" includes crossbow.

4VAC15-50-71. Muzzleloading gun hunting.

A. It shall be lawful to hunt bear during the special muzzleloading season with muzzleloading guns from the Saturday prior to the second Monday in November through the Friday prior to the third Monday in November, both dates inclusive, except in the cities of Chesapeake, Suffolk, and Virginia Beach.

B. It shall be unlawful to hunt bear with dogs during any special season for hunting with muzzleloading guns, except that tracking dogs as defined in § 29.1-516.1 of the Code of Virginia may be used.

C. A muzzleloading gun, for the purpose of this section, means a single shot weapon, excluding muzzleloading pistols, .45 caliber or larger, firing a single projectile or sabot (with a .38 caliber or larger projectile) of the same caliber loaded from the muzzle of the weapon and propelled by at least 50 grains of black powder (or black powder equivalent or smokeless powder).

D. It shall be unlawful to have in immediate possession any firearm other than a muzzleloading gun while hunting with a muzzleloading gun in a special muzzleloading season.

4VAC15-50-110. Use of dogs in hunting bear.

A. It shall be unlawful to use dogs for the hunting of bear during the open season for hunting deer in the counties west of the Blue Ridge Mountains and in the counties of Amherst (west of U.S. Route 29), Bedford, and Nelson (west of Route 151); and within the boundaries of the national forests, except that tracking dogs as defined in § 29.1-516.1 of the Code of Virginia may be used.

B. It shall be unlawful to use dogs for the hunting of bear during the first 12 hunting days of the open season for

hunting deer in the counties of Greene and Madison, except that tracking dogs as defined in § 29.1-516.1 of the Code of Virginia may be used.

C. It shall be unlawful to use dogs for the hunting of bear in the counties of Campbell (west of Norfolk Southern Railroad), Carroll (east of the New River), Fairfax, Floyd, Franklin, Grayson (east of the New River), Henry, Loudoun, Montgomery (south of Interstate 81), Patrick, Pittsylvania (west of Norfolk Southern Railroad), Pulaski (south of Interstate 81), Roanoke (south of Interstate 81), Wythe (southeast of the New River or that part bounded by Route 21 on the west, Interstate 81 on the north, the county line on the east, the New River on the southeast and Cripple Creek on the south); in the city of Lynchburg; and on Amelia, Chester F. Phelps, G. Richard Thompson, and Pettigrew wildlife management areas, except that tracking dogs as defined in § 29.1-516.1 of the Code of Virginia may be used.

VA.R. Doc. No. R11-2890; Filed August 1, 2011, 4:45 p.m.

Final Regulation

Title of Regulation: 4VAC15-90. **Game:** Deer (amending 4VAC15-90-23, 4VAC15-90-70, 4VAC15-90-80, 4VAC15-90-260).

Statutory Authority: §§ 29.1-501, 29.1-502, and 29.1-516.1 of the Code of Virginia.

Effective Date: August 1, 2011.

Agency Contact: Phil Smith, Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-8341, or email phil.smith@dgif.virginia.gov.

Summary:

The amendments make it lawful to use leashed tracking dogs to find wounded or dead deer while hunting deer in Virginia, including during the archery, muzzleloader, and firearms deer hunting seasons and the youth deer hunting day.

4VAC15-90-23. Youth deer hunting day.

It shall be lawful for deer hunters 15 years of age and under, when in compliance with all applicable laws and license requirements, to hunt deer on the last Saturday in September when accompanied and directly supervised by an adult who has a valid Virginia hunting license on his person or is exempt from purchasing a hunting license. Deer of either-sex may be taken on this special youth deer hunting day. Adult hunters accompanying youth deer hunters on this day may not carry or discharge weapons. Blaze orange is required for all persons hunting any species or any person accompanying a hunter on this day unless otherwise exempted by state law. Deer hunting with dogs is prohibited, except that tracking dogs as defined in § 29.1-516.1 of the Code of Virginia may be used.

4VAC15-90-70. Bow and arrow hunting.

A. It shall be lawful to hunt deer during the early special archery season with bow and arrow from the first Saturday in October through the Friday prior to the third Monday in November, both dates inclusive.

B. In addition to the season provided in subsection A of this section, it shall be lawful to hunt deer during the late special archery season with bow and arrow from the Monday following the close of the general firearms season on deer through the first Saturday in January, both dates inclusive, in all cities, towns, and counties west of the Blue Ridge Mountains (except Clarke County and on non-national forest lands in Frederick County) and in the counties (including the cities and towns within) of Amherst (west of U.S. Route 29), Bedford, Campbell (west of Norfolk Southern Railroad), Franklin, Henry, Nelson (west of Route 151), Patrick and on the Chester F. Phelps Wildlife Management Area and on national forest lands in Frederick County and from December 1 through the first Saturday in January, both dates inclusive, in the cities of Chesapeake, Suffolk (east of the Dismal Swamp line) and Virginia Beach.

C. Deer of either sex may be taken full season during the special archery seasons as provided in subsections A and B of this section (except on PALS (Public Access Lands) in Dickenson County where it shall be unlawful to take antlerless deer during the special archery seasons provided for in subsections A and B of this section).

D. It shall be unlawful to carry firearms while hunting with bow and arrow during the special archery seasons, except that a muzzleloading gun, as defined in 4VAC15-90-80, may be in the possession of a properly licensed muzzleloading gun hunter when and where a special archery deer season overlaps a special muzzleloading deer season.

E. Arrows used for hunting big game must have a minimum width head of 7/8 of an inch and the bow used for such hunting must be capable of casting a broadhead arrow a minimum of 125 yards.

F. It shall be unlawful to use dogs when hunting with bow and arrow during any special archery season, except that tracking dogs as defined in § 29.1-516.1 of the Code of Virginia may be used.

G. For the purpose of the application of subsections A through I to this section, the phrase "bow and arrow" includes crossbows.

H. It shall be lawful to hunt antlerless deer during the special urban archery season with bow and arrow from the first Saturday in September through the Friday prior to the first Saturday in October, both dates inclusive, and from the Monday following the first Saturday in January through the last Saturday in March, both dates inclusive, within the incorporated limits of any city or town in the Commonwealth

Regulations

and counties with a human population density of 300 persons per square mile or more (except on national forest and department-owned lands), provided that its governing body submits by certified letter to the department prior to April 1, its intent to participate in the special urban archery season. Any city, town, or county no longer participating in this season shall submit by certified letter to the department prior to April 1 notice of its intent not to participate in the special urban archery season.

I. It shall be lawful to hunt antlerless deer during the special antlerless archery season with bow and arrow from the first Saturday in September through the Friday prior to the first Saturday in October, both dates inclusive, in Loudoun and Prince William counties, except on department-owned lands.

4VAC15-90-80. Muzzleloading gun hunting.

A. It shall be lawful to hunt deer during the early special muzzleloading season with muzzleloading guns from the Saturday prior to the first Monday in November through the Friday prior to the third Monday in November, both dates inclusive, in all cities, towns, and counties where deer hunting with a rifle or muzzleloading gun is permitted, except in the cities of Chesapeake, Suffolk (east of the Dismal Swamp Line) and Virginia Beach.

B. It shall be lawful to hunt deer during the late special muzzleloading season with muzzleloading guns starting 18 consecutive hunting days immediately prior to and inclusive of the first Saturday in January, in all cities, towns, and counties west of the Blue Ridge Mountains (except Clarke County and on non-national forest lands in Frederick County), and east of the Blue Ridge Mountains in the counties (including the cities and towns within) of Amherst (west of U.S. Route 29), Bedford, Campbell (west of Norfolk Southern Railroad), Franklin, Henry, Nelson (west of Route 151), Patrick and on national forest lands in Frederick County and in the cities of Chesapeake, Suffolk (east of the Dismal Swamp line), and Virginia Beach.

C. Deer of either sex may be taken during the entire early special muzzleloading season east of the Blue Ridge Mountains unless otherwise noted below:

- Deer of either sex may be taken on the second Saturday only of the early special muzzleloading season on state forest lands, state park lands (except Ocooneechee State Park), department-owned lands and Philpott Reservoir.

- Antlered bucks only—no either sex deer hunting days during the early special muzzleloading season on national forest lands in Amherst, Bedford, and Nelson counties.

D. Deer of either sex may be taken on the second Saturday only during the early special muzzleloading season west of the Blue Ridge Mountains unless otherwise noted below:

- Deer of either sex may be taken during the entire early special muzzleloading season in Clarke and Floyd counties

and on private lands in Carroll, Frederick, Grayson, Montgomery, Roanoke, and Warren counties.

- Antlered bucks only—no either sex deer hunting days during the early special muzzleloading season in Buchanan, Dickenson, Lee, Russell, Smyth, Tazewell, Washington, and Wise counties and on national forest lands in Alleghany, Botetourt, Frederick, Grayson, Page, Rockingham, Scott, Shenandoah, Warren, and on national forest and department-owned lands in Augusta, Bath, Highland, and Rockbridge counties and on Grayson Highlands State Park and on private lands west of Routes 613 and 731 in Rockingham County.

E. Deer of either sex may be taken during the last six days of the late special muzzleloading season unless otherwise listed below:

- Deer of either sex may be taken full season during the entire late special muzzleloading season in the counties (including the cities and towns within) of Amherst (west of U.S. Route 29 except on national forest lands), Bedford (except on national forest lands), Campbell (west of Norfolk Southern Railroad), Floyd, Franklin, Henry, Nelson (west of Route 151, except on national forest lands), and Patrick and on private lands in Carroll, Grayson, Montgomery, Roanoke and Warren counties and in the cities of Chesapeake, Suffolk (east of the Dismal Swamp line), and Virginia Beach.

- Deer of either sex may be taken the last day only during the late special muzzleloading season in Dickenson (north of Route 83), Lee, Russell, Scott, Smyth, Tazewell, Washington, and Wise counties and on national forest lands in Alleghany, Amherst, Bedford, Botetourt, Frederick, Grayson, Nelson, Page, Rockingham, Shenandoah, and Warren counties, and on national forest and department-owned lands in Augusta, Bath, Highland, and Rockbridge counties and on private lands west of Routes 613 and 731 in Rockingham County and Grayson Highlands State Park.

- Antlered bucks only—no either-sex deer hunting days during the late special muzzleloading season in Buchanan and Dickenson (south of Route 83).

F. Deer of either sex may be taken full season during the special muzzleloading seasons within the incorporated limits of any city or town in the Commonwealth that allows deer hunting except in the counties of Buchanan, Dickenson, and Wise.

G. It shall be unlawful to hunt deer with dogs during any special season for hunting with muzzleloading guns, except that tracking dogs as defined in § 29.1-516.1 of the Code of Virginia may be used.

H. A muzzleloading gun, for the purpose of this section, means a single shot weapon, excluding muzzleloading

pistols,.45 caliber or larger, firing a single projectile or sabot (with a .38 caliber or larger projectile) of the same caliber loaded from the muzzle of the weapon and propelled by at least 50 grains of black powder (or black powder equivalent or smokeless powder).

I. It shall be unlawful to have in immediate possession any firearm other than a muzzleloading gun while hunting with a muzzleloading gun in a special muzzleloading season.

4VAC15-90-260. Hunting with dogs prohibited in certain counties and areas.

A. Generally. It shall be unlawful to hunt deer with dogs in the counties of Amherst (west of U.S. Route 29), Bedford, Campbell (west of Norfolk Southern Railroad, and in the City of Lynchburg), Fairfax, Franklin, Henry, Loudoun, Nelson (west of Route 151), Northampton, Patrick and Pittsylvania (west of Norfolk Southern Railroad); and on the Amelia, Chester F. Phelps, G. Richard Thompson and Pettigrew Wildlife Management Areas, except that tracking dogs as defined in § 29.1-516.1 of the Code of Virginia may be used.

B. Special provision for Greene and Madison counties. It shall be unlawful to hunt deer with dogs during the first 12 hunting days in the counties of Greene and Madison, except that tracking dogs as defined in § 29.1-516.1 of the Code of Virginia may be used.

VA.R. Doc. No. R11-2891; Filed August 1, 2011, 4:51 p.m.

MARINE RESOURCES COMMISSION

Final Regulation

REGISTRAR'S NOTICE: The following regulation filed by the Marine Resources Commission is exempt from the Administrative Process Act in accordance with § 2.2-4006 A 11 of the Code of Virginia; however, the commission is required to publish the full text of final regulations.

Title of Regulation: **4VAC20-1050. Pertaining to Establishment of Restricted Area -- Northrop Grumman/Newport News Shipbuilding Company (amending 4VAC20-1050-10, 4VAC20-1050-20, 4VAC20-1050-30).**

Statutory Authority: §§ 28.2-103 and 28.2-106.2 of the Code of Virginia.

Effective Date: July 27, 2011.

Agency Contact: Jane Warren, Agency Regulatory Coordinator, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, FAX (757) 247-2002, or email betty.warren@mrc.virginia.gov.

Summary:

The amendment reflects the change in ownership of the Newport News Shipbuilding Company from Northrop Grumman to Huntington Ingalls Industries.

CHAPTER 1050

PERTAINING TO ESTABLISHMENT OF RESTRICTED AREA -- ~~NORTHROP GRUMMAN/NEWPORT NEWS HUNTINGTON INGALLS INDUSTRIES/NEWPORT NEWS SHIPBUILDING COMPANY~~

4VAC20-1050-10. Purpose.

The purpose of this ~~regulation chapter~~ is to enhance the physical security of the ~~Northrop Grumman/Newport News Huntington Ingalls Industries/Newport News Shipbuilding Company~~ and is part of a comprehensive plan to protect the public, environment, and economic interests from sabotage and other subversive acts, accidents, or incidents of a similar nature.

The ~~regulation chapter~~ delineates the identical areas already restricted by current federal regulation. The adoption of this ~~regulation chapter~~ simply affords the Virginia Marine Police the authority to enforce Virginia law that prohibits entrance into the restricted areas.

4VAC20-1050-20. Definitions.

A. Pursuant to § 28.2-106.2 of the Code of Virginia, the following restricted area is established adjacent to the ~~Northrop Grumman/Newport News Huntington Ingalls Industries/Newport News Shipbuilding Company:~~

1. Location. The following is a security zone: The waters of the James River encompassed by a line beginning at the intersection of the shoreline with the northernmost property line of the ~~Northrop Grumman/ Newport News Huntington Ingalls Industries/Newport News Shipbuilding and Dry Dock Co.~~ at latitude 37°00'38.1"N, longitude 76°27'05.7"W, thence southerly to latitude 36°59'58.4"N, longitude 76°27'16.7"W, thence southeasterly to latitude 36°59'23.0"N, longitude 76°26'54.6"W, thence westerly to latitude 36°59'21.5"N, longitude 76°26'58.4"W, thence southeasterly to latitude 36°59'12.9"N, longitude 76°26'52.4"W, thence easterly to latitude 36°59'14.2"N, longitude 76°26'49.1"W, thence southeasterly to latitude 36°58'37.8"N, longitude 76°26'26.3"W, thence easterly to latitude 36°58'43.5"N, longitude 76°26'13.7"W, thence northerly to the intersection of the shoreline with the southernmost property line of the ~~Northrop Grumman/Newport News Huntington Ingalls Industries/Newport News Shipbuilding and Dry Dock Co.~~ at latitude 36°58'48.0"N, longitude 76°26'11.2"W, thence northwesterly along the shoreline to the point of the beginning.

2. Security zone anchorage. The following is a security zone anchorage: The waters of the James River encompassed by a line beginning at the intersection of the

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shoreline with the northernmost property line of the ~~Northrop Grumman/Newport News~~ Huntington Ingalls Industries/Newport News Shipbuilding and Dry Dock Company Shipyard at latitude 37°00'38.1"N, longitude 76°27'05.7"W, thence southerly to latitude 36°59'58.4"N, longitude 76°27'16.7"W, thence easterly to the shoreline at latitude 36°59'58.5"N, longitude 76°27'11.6"W, thence along the shoreline to the point of beginning.

B. No vessel or person shall enter the restricted area without the permission of the Virginia Marine Police or ~~Northrop Grumman/Newport News~~ Huntington Ingalls Industries/Newport News Shipbuilding Company. Law-enforcement vessels, United States military vessels, and vessels of the ~~Northrop Grumman/Newport News~~ Huntington Ingalls Industries/Newport News Shipbuilding Company are exempt from the provisions of this ~~regulation~~ chapter.

4VAC20-1050-30. Penalty.

A violation of this ~~regulation~~ chapter is a Class 1 misdemeanor.

VA.R. Doc. No. R11-2943; Filed July 27, 2011, 9:05 a.m.

TITLE 9. ENVIRONMENT

VIRGINIA WASTE MANAGEMENT BOARD

Forms

Titles of Regulations: **9VAC20-81. Solid Waste Management Regulations.**

9VAC20-120. Regulated Medical Waste Management Regulations.

Agency Contact: Debra A. Miller, Policy Planning Specialist, Department of Environmental Quality, 629 East Main Street, Richmond, VA 23219, telephone (804) 698-4206, FAX (804) 698-4346, or email debra.miller@deq.virginia.gov.

NOTICE: The following forms used in administering the regulations were filed by the agency. The forms are not being published; however, online users of this issue of the Virginia Register of Regulations may click on the name to access a form. The forms are also available through the agency contact or at the Office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia 23219.

FORMS (9VAC20-81)

~~Annual Report Submission Checklist, DEQ Form ARSC 01 (eff. 11/01).~~

~~Solid Waste Management Facility Permit Applicant's Disclosure Statement, DEQ Form DISC 01 (rev. 6/09).~~

~~Solid Waste Management Facility Permit Applicant's Disclosure Statement - Key Personnel, DEQ Form DISC 02 (rev. 6/09).~~

~~Request for Certification - Local Government, DEQ Form SW-11-1 (rev. 7/08).~~

~~Solid Waste Part A Application, DEQ Form SW PTA (rev. 4/09).~~

~~Solid Waste Landfill Part B Application, DEQ Form SW PTB (rev. 11/08).~~

~~Yard Waste Composting Annual Report, DEQ Form YW 2.~~

~~Exempt Yard Waste Compost Facility Certification, DEQ Form YW 3.~~

~~Exempt Yard Waste & Herbivorous Manures Compost Facility Certification, DEQ Form YW 4.~~

~~Annual Report QA/QC Submission Checklist, DEQ Form ARSC-01 (rev. 7/11).~~

~~Solid Waste Management Facility Permit Applicant's Disclosure Statement, DEQ Form DISC-01 (rev. 4/11).~~

~~Solid Waste Management Facility Permit Applicant's Disclosure Statement - Key Personnel, DEQ Form DISC-02 (rev. 4/11).~~

~~Request for Certification (Local Government), DEQ Form SW-11-1 (rev. 7/11).~~

~~Solid Waste Part A Application, DEQ Form SW PTA (rev. 3/11).~~

~~Solid Waste Disposal Facility Part B Application, DEQ Form SW PTB (rev. 3/11).~~

~~Solid Waste Information and Assessment Program - Reporting Table, DEQ Form 50-25 (rev. 10/10).~~

~~Yard Waste Composting Notice of Intent and Certification, DEQ Form YW-1.~~

~~Exempt Yard Waste Composting Annual Report, DEQ Form YW-2 (rev. 7/11).~~

~~Exempt Yard Waste Compost Facility - Notice of Intent and Certification, DEQ Form YW-3 (rev. 7/11).~~

~~Exempt Yard Waste & Herbivorous Manures Compost Facility - Notice of Intent and Certification, DEQ Form YW-4 (rev. 7/11).~~

FORMS (9VAC20-120)

~~Solid Waste Management Facility Permit Applicant's Disclosure Statement (Cover Sheet), DEQ Form DISC 01 (rev. 11/01).~~

~~Solid Waste Management Facility Permit Applicant's Disclosure Statement (Key Personnel), DEQ Form DISC 02 (rev. 11/01).~~

~~Request for Local Government Certification, DEQ Form CERT-01 (rev. 11/01).~~

~~Treatment Process Petition, DEQ Form RMWTP-01 (rev. 11/01).~~

[Solid Waste Management Facility Permit Applicant's Disclosure Statement \(Cover Sheet\), DEQ Form DISC-01 \(rev. 4/11\).](#)

[Solid Waste Management Facility Permit Applicant's Disclosure Statement - Key Personnel, DEQ Form DISC-02 \(rev. 4/11\).](#)

[Request for Certification \(Local Government\), DEQ Form CERT-01 \(rev. 7/11\).](#)

[Petition for Evaluation and Approval of Regulated Medical Waste Treatment Technology, DEQ Form RMWTP-01 \(rev. 7/11\).](#)

VA.R. Doc. No. R11-2915; Filed July 21, 2011, 11:25 a.m.



TITLE 14. INSURANCE

STATE CORPORATION COMMISSION

Final Regulation

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.

Title of Regulation: 14VAC5-211. Rules Governing Health Maintenance Organizations (amending 14VAC5-211-10, 14VAC5-211-20, 14VAC5-211-70, 14VAC5-211-90, 14VAC5-211-100, 14VAC5-211-140, 14VAC5-211-150, 14VAC5-211-180, 14VAC5-211-210, 14VAC5-211-220, 14VAC5-211-230).

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

Effective Date: September 1, 2011.

Agency Contact: Althelia P. Battle, Deputy Commissioner, Life and Health, Bureau of Insurance, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9074, FAX (804) 371-9944, or email al.battle@scc.virginia.gov.

Summary:

The amendments are necessary to comply with new and amended statutes in Chapter 882 of the 2011 Acts of Assembly. Specifically, the amendments include:

1. Removing dated language in the applicability and scope;
2. Adding and amending definitions to conform to the requirements of Article 6 of Chapter 34 of Title 38.2 of the Code of Virginia;
3. Creating an exception for the application of copayments and deductibles to preventive services;
4. Conforming the complaint and appeals procedures to recognize new requirements in Chapter 5 of Title 32.1 and Chapter 35.1 of Title 38.2 of the Code of Virginia;
5. Revising disclosure requirements to comply with new requirements; and
6. Adding provisions for rescission of coverage.

AT RICHMOND, JULY 25, 2011

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS-2011-00119

Ex Parte: In the matter of
Amending Rules Governing
Health Maintenance Organizations

ORDER ADOPTING RULES

By Order entered herein June 10, 2011, all interested persons were ordered to take notice that subsequent to July 15, 2011, the State Corporation Commission ("Commission") would consider the entry of an order to amend certain sections in Chapter 211 of Title 14 of the Virginia Administrative Code entitled "Rules Governing Health Maintenance Organizations" ("Rules"), specifically set forth at 14 VAC 5-211-10, 14 VAC 5-211-20, 14 VAC 5-211-70, 14 VAC 5-211-90, 14 VAC 5-211-100, 14 VAC 5-211-140, 14 VAC 5-211-150, 14 VAC 5-211-180 and 14 VAC 5-211-210 through 14 VAC 5-211-230. These amended Rules were proposed by the Bureau of Insurance ("Bureau"). The Order to Take Notice required that on or before July 15, 2011, any person objecting to the amended Rules shall have filed a request for hearing with the Clerk of the Commission (the "Clerk").

The Order to Take Notice also required all interested persons to file their comments in support of or in opposition to amending the Rules on or before July 15, 2011.

No comments were filed with the Clerk of the Commission. No request for a hearing was filed with the Clerk.

The Bureau recommends that no changes be made to the Rules and that they be adopted as proposed.

The amendments to sections 10, 20, 70, 90, 100, 140, 150, 180, and 210 through 230 of Chapter 211 are necessary to

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comply with the provisions of Chapter 882 of the 2011 Virginia Acts of Assembly, which, in part, establishes Article 6 of Chapter 34 of Title 38.2 of the Code of Virginia. These amendments clarify and implement the provisions of Chapter 882 which became effective on July 1, 2011.

NOW THE COMMISSION, having considered the amendments to the Rules and the Bureau's recommendation, is of the opinion that the amendments to sections 10, 20, 70, 90, 100, 140, 150, 180 and 210 through 230 of Chapter 211 of Title 14 of the Virginia Administrative Code be adopted.

Accordingly, IT IS ORDERED THAT:

(1) The amendments to certain sections in Chapter 211 of Title 14 of the Virginia Administrative Code entitled "Rules Governing Health Maintenance Organizations" specifically set forth at 14 VAC 5-211-10, 14 VAC 5-211-20, 14 VAC 5-211-70, 14 VAC 5-211-90, 14 VAC 5-211-100, 14 VAC 5-211-140, 14 VAC 5-211-150, 14 VAC 5-211-180 and 14 VAC 5-211-210 through 14 VAC 5-211-230, which are attached hereto and made a part hereof, should be, and they are hereby, ADOPTED effective on September 1, 2011;

(2) AN ATTESTED COPY hereof, together with a copy of the adopted amended Rules shall be sent by the Clerk of the Commission to Althelia Battle, Deputy Commissioner, Bureau of Insurance, State Corporation Commission, who forthwith shall give further notice of the adopted amended Rules by mailing a copy of this Order, including a clean copy of the amended Rules, to all Health Maintenance Organizations licensed by the Commission to conduct the business of a health maintenance organization in the Commonwealth of Virginia, as well as all interested parties;

(3) The Commission's Division of Information Resources shall cause a copy of this Order, together with the adopted amended Rules, to be forwarded to the Virginia Registrar of the Regulations for appropriate publication in the Virginia Register;

(4) The Commission's Division of Information Resources shall make available this Order and the attached adopted amended Rules on the Commission's website: <http://www.scc.virginia.gov/case;> and

(5) The Bureau of Insurance shall file with the Clerk of the Commission an affidavit of compliance with the notice requirements of paragraph (2) above.

Part I Applicability and Definitions

14VAC5-211-10. Applicability and scope.

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

health maintenance organization established or operating in this Commonwealth ~~on and after January 1, 2006.~~

~~B. A new contract or evidence of coverage issued or put in force on or after January 1, 2006, shall comply with this chapter.~~

~~C. A contract or evidence of coverage reissued, renewed, or extended in this Commonwealth on or after January 1, 2006, shall comply with this chapter. A contract or evidence of coverage written before January 1, 2006, shall be deemed to be reissued, renewed, or extended on the date it allows the health maintenance organization to change its terms or adjust the premiums charged.~~

~~D. B.~~ In the event of conflict between the provisions of this chapter and the provisions of any other rules issued by the commission, the provisions of this chapter shall be controlling as to health maintenance organizations.

14VAC5-211-20. Definitions.

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

"Basic health care services" means in-area and out-of-area emergency services, inpatient hospital and physician care, outpatient medical services, laboratory and radiologic services, and preventive health services as further described in 14VAC5-211-160. "Basic health care services" also means limited treatment of mental illness and substance abuse in accordance with the minimum standards as may be prescribed by the commission, which shall not exceed the level of services mandated for insurance carriers pursuant to Chapter 34 (§ 38.2-3400 et seq.) of Title 38.2 of the Code of Virginia. In the case of a health maintenance organization that has contracted with this Commonwealth to furnish basic health care services to recipients of medical assistance under Title XIX of the Social Security Act (42 USC § 1396 et seq.) pursuant to § 38.2-4320 of the Code of Virginia, the basic health care services to be provided by the health maintenance organization to program recipients may differ from the basic health care services required by this chapter to the extent necessary to meet the benefit standards prescribed by the state plan for medical assistance services authorized pursuant to § 32.1-325 of the Code of Virginia.

"Coinsurance" means a copayment, expressed as a percentage of the allowable charge for a specific health care service.

"Commission" means the State Corporation Commission.

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

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

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

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

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

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

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

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

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

"Health care professional" means a physician or other health care practitioner licensed, accredited, or certified to perform specified health care services consistent with state law.

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

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

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

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

"NAIC" means the National Association of Insurance Commissioners.

"Net worth" or "capital and surplus" means the excess of total admitted assets over the total liabilities of the health maintenance organization, provided that surplus notes shall be reported and accounted for in accordance with § 38.2-4300 of the Code of Virginia.

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

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

"Participating provider" or "affiliated provider" means a provider who has agreed to provide health care services to enrollees and to hold those enrollees harmless from payment

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with an expectation of receiving payment, other than copayments or deductibles, directly or indirectly from the health maintenance organization.

"Primary care ~~physician~~ health care professional" means a ~~physician~~ health care professional who provides initial and primary care to enrollees; who supervises, coordinates, and maintains continuity of patient care; and who may initiate referrals for specialist care, if referrals are a requirement of the enrollee's health care coverage.

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

"Rescission" means a cancellation or discontinuance of coverage under a health care plan that has a retroactive effect. "Rescission" does not include: (i) a cancellation or discontinuance of coverage under a health care plan if the cancellation or discontinuance of coverage has only a prospective effect, or the cancellation or discontinuance of coverage is effective retroactively to the extent it is attributable to a failure to timely pay required premiums or contributions towards the cost of coverage; or (ii) a cancellation or discontinuance of coverage when the health care plan covers active employees and, if applicable, dependents and those covered under continuation coverage provisions, if the employee pays no premiums for coverage after termination of employment and the cancellation or discontinuance of coverage is effective retroactively back to the date of termination of employment due to a delay in administrative recordkeeping.

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

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

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

"Supplemental health care services" means health care services that may be offered by a health maintenance organization in addition to the required basic health care services.

"Surplus notes" means those instruments that meet the requirements of 14VAC5-211-40.

14VAC5-211-70. Conversion of coverage.

A. A health care plan shall offer to its group contract holders, for an enrollee whose eligibility for coverage terminates under the group contract, the options to convert to an individual policy or continue coverage as set forth in this section. The group contract holder shall select one of the following options:

1. Conversion of coverage within 31 days after issuance of the written notice required in subsection C of this section, but in no event beyond the 60-day period following the date of termination of the enrollee's coverage under the group contract, to an individual contract that provides benefits which, at a minimum, meet the requirements of basic or limited health care services as applicable, in accordance with this chapter. Coverage shall not be refused on the basis that the enrollee no longer resides or is employed in the health maintenance organization's service area. The conversion contract shall cover the enrollee covered under the group contract as of the date of termination of the enrollee's coverage under the group contract. Coverage shall be provided without additional evidence of insurability, and no preexisting condition limitations or exclusions may be imposed other than those remaining unexpired under the contract from which conversion is exercised. A probationary or waiting period set forth in the conversion contract shall be deemed to commence on the effective date of coverage under the original contract.

2. Continuation of coverage under the existing group contract for a period of at least 12 months immediately following the date of termination of the enrollee's eligibility for coverage under the group contract. Continuation coverage shall not be applicable if the group contract holder is required by federal law to provide for continuation of coverage under its group health plan pursuant to the Consolidated Omnibus Budget Reconciliation Act (COBRA) (P.L. 99-272). Coverage shall be provided without additional evidence of insurability subject to the following requirements:

a. The application and payment for the extended coverage is made to the group contract holder within 31 days after issuance of the written notice required in subsection C of this section, but in no event beyond the 60-day period following the date of the termination of the person's eligibility;

b. Each premium for the extended coverage is timely paid to the group contract holder on a monthly basis during the 12-month period; and

c. The premium for continuing the group coverage shall be at the health care plan's current rate applicable to the group contract plus any applicable administrative fee not to exceed 2.0% of the current rate.

B. A conversion contract or continuation of coverage shall not be required to be made available when:

1. The enrollee is covered by or is eligible for benefits under Title XVIII of the Social Security Act (42 USC § 1395 et seq.) known as Medicare;
2. The enrollee is covered by or is eligible for substantially the same level of hospital, medical, and surgical benefits under state or federal law;
3. The enrollee is covered by substantially the same level of benefits under any policy, contract, or plan for individuals in a group;
4. The enrollee has not been continuously covered during the three-month period immediately preceding the enrollee's termination of coverage;
5. The enrollee was terminated by the health care plan for any of the reasons stated in 14VAC5-211-230 A 1, 2, 3, or 5, or coverage was rescinded; or
6. The enrollee was terminated from a plan administered by the Department of Medical Assistance Services that provided benefits pursuant to Title XIX or XXI of the Social Security Act (42 USC § 1396 et seq. or § 1397 aa et seq.).

C. The group contract holder shall provide each enrollee or other person covered under the group contract written notice of the availability of the option chosen and the procedures and timeframes for obtaining continuation or conversion of the group contract. The notice shall be provided within 14 days of the group contract holder's knowledge of the enrollee's or other covered person's loss of eligibility under the group contract.

14VAC5-211-90. Copayments.

A. ~~A~~ Except for preventive services required by § 38.2-3442 of the Code of Virginia, a health maintenance organization may require a copayment of enrollees as a condition for the receipt of a specific health care service. A copayment shall be shown in the evidence of coverage as either a specified dollar amount or as coinsurance.

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

specified dollar amount, and the evidence of coverage shall clearly state the health maintenance organization's procedure for meeting the requirements of this subsection.

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

14VAC5-211-100. Deductibles.

~~A~~ Except for preventive services required by § 38.2-3442 of the Code of Virginia, a health maintenance organization may require an enrollee to pay an annual deductible in accordance with § 38.2-4303 A 8 of the Code of Virginia.

14VAC5-211-140. Freedom of choice.

A. At the time of enrollment an enrollee shall have the right to select a primary care ~~physician~~ health care professional from among the health maintenance organization's affiliated primary care ~~physicians~~ health care professionals, subject to availability and in accordance with § 38.2-3443 of the Code of Virginia.

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

14VAC5-211-150. ~~Grievance~~ Complaint and appeals procedure.

A. A health maintenance organization shall establish and maintain a ~~grievance~~ or complaint system to provide reasonable procedures for the prompt and effective resolution of written complaints in accordance with Chapter 5 (§ 32.1-137.1 et seq.) of Title 32.1 and ~~Chapters~~ Chapter 58 (§ 38.2-5800 et seq.) ~~and 59 (§ 38.2-5900 et seq.)~~ of Title 38.2 of the Code of Virginia. In addition, a health maintenance organization shall establish and maintain an internal appeals procedure in accordance with Chapter 5 (§ 32.1-137.1 et seq.) of Title 32.1 and Chapter 35.1 (§ 38.2-3556 et seq.) of Title 38.2 of the Code of Virginia and applicable regulations. A record of all written complaints shall be maintained for the period specified in § 38.2-511 of the Code of Virginia. A record of all requests for internal appeal shall be maintained in accordance with the provisions of § 32.1-137.16 of the Code of Virginia.

B. Pending the resolution of a written complaint filed by a subscriber or enrollee, coverage may not be terminated for the subscriber or enrollee for any reason that is the subject of the

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written complaint, except where ~~the health maintenance organization has in good faith made an effort to resolve the complaint and~~ coverage is being terminated or rescinded in accordance with 14VAC5-211-230.

14VAC5-211-180. Out-of-area services.

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

Part V Disclosure and Prohibitions

14VAC5-211-210. Disclosure requirements.

A. A subscriber shall be entitled to an evidence of coverage under a health care plan provided by a health maintenance organization established or operating in this Commonwealth, including any amendments to it. The evidence of coverage excluding the identification card shall be delivered or issued for delivery within a reasonable period of time after enrollment, but not more than 60 days from the later of the effective date of coverage or the date on which the health maintenance organization is notified of enrollment. The identification card shall be delivered or issued for delivery within 15 days from the later of the effective date of coverage or the date on which the health maintenance organization is notified of enrollment.

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

1. The name, address, and telephone number of the health maintenance organization;
2. The health care services and other benefits to which the enrollee is entitled under the health care plan;
3. Exclusions or limitations on the services, kind of services, benefits, or kind of benefits to be provided, including any deductible or copayment features;
4. Where and in what manner information is available as to how services may be obtained;
5. The effective date and the term of coverage;
6. The total amount of payment for health care services and any indemnity or service benefits that the enrollee is obligated to pay with respect to individual contracts, or an

indication whether the plan is contributory or noncontributory for group certificates;

7. A description of the health maintenance organization's method of resolving enrollee complaints, including a description of any arbitration procedure if complaints ~~and grievances~~ may be resolved through a specified arbitration agreement;

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

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

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

11. Coordination of benefits provisions, if applicable;

12. Assignment restrictions in the contract;

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

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

15. An incontestability clause that states that, ~~in the absence of fraud,~~ all statements made by a subscriber shall be considered representations and not warranties and that no statement shall be the basis for ~~voiding terminating~~ coverage or denying a claim after the contract has been in force for two years from its effective date, unless the ~~statement was material to the risk and was contained in a written application~~ contract can be rescinded under § 38.2-3441 of the Code of Virginia;

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

17. Except for an evidence of coverage that does not provide for the periodic payment of premium or for the payment of any premium, a provision that the contract holder is entitled to a grace period of not less than 31 days for the payment of any premium due except the first premium. The provision shall also state that during the grace period the coverage shall continue in force unless the

contract holder has given the health maintenance organization written notice of discontinuance in accordance with the terms of the contract and in advance of the date of discontinuance. The contract may provide that the contract holder shall be liable to the health maintenance organization for the payment of a pro rata premium for the time the contract was in force during the grace period; and

18. Terms and conditions related to the designation of a primary care health care professional.

14VAC5-211-220. Exclusions for preexisting conditions.

In addition to the limitations on preexisting conditions exclusions set forth in §§ 38.2-3432.3, 38.2-3444, and 38.2-3514.1 of the Code of Virginia, a health maintenance organization shall not exclude or limit health care services for a preexisting condition when the enrollee transfers coverage from one health care plan to another during open enrollment or when the enrollee converts coverage under his conversion option, except to the extent that a preexisting condition limitation or exclusion remains unexpired under the original contract. Any required probationary or waiting period is deemed to commence on the effective date for individual coverage, and on the enrollment date of the contract for group coverage.

14VAC5-211-230. Reasons for termination or rescission.

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

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

opportunity for the enrollee to establish a satisfactory patient-physician relationship, including assigning the enrollee to other primary care physicians health care professionals from among the organization's participating providers.

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

1. For termination due to nonpayment of premium, the grace period as required in 14VAC5-211-210 B 17 shall apply;
2. For termination due to nonpayment of premium by an employer, the notice provisions required in § 38.2-3542 C of the Code of Virginia shall apply;
3. For termination due to activities that endanger the safety and welfare of the health maintenance organization or its employees or providers, immediate notice of termination may be given; or
4. For termination due to change of eligibility status, immediate notice of termination may be given.

C. A health maintenance organization shall not rescind coverage for services provided under a contract unless the enrollee or a person seeking coverage on behalf of an enrollee performs an act, practice, or omission that constitutes fraud, or the person makes an intentional misrepresentation of material fact, as prohibited by the terms of the plan. Notice of any rescission shall comply with the requirements of § 38.2-3441 of the Code of Virginia.

VA.R. Doc. No. R11-2845; Filed July 25, 2011, 1:06 p.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

Forms

Title of Regulation: **18VAC30-20. Regulations Governing the Practice of Audiology and Speech-Language Pathology.**

Agency Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 367-4688, FAX (804) 524-4434, or email elaine.yeatts@dhp.virginia.gov.

Regulations

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FORMS (18VAC30-20)

~~Application for Audiology License by ASHA or ABA Certification (rev. 6/08).~~

~~Application Checklist for Audiology License by ASHA or ABA Certification (rev. 5/08).~~

~~Application for a License to Practice Audiology by Endorsement (eff. 5/09).~~

~~Application Checklist for Applicants by Endorsement—Audiology (eff. 5/09).~~

~~Application for Provisional Licensure to Practice Audiology (rev. 9/07).~~

~~Application Checklist for Applicants Requesting Provisional Licensure (rev. 9/07).~~

~~Application for Provisional Audiologist to Apply for Full Audiology License (rev. 7/08).~~

~~Application Checklist for Provisional Applicants Requesting Full Audiologist Licensure (eff. 8/08).~~

~~Application for a License to Practice Speech Language Pathology by Education (rev. 9/07).~~

~~Application Checklist for Applicants by Education (rev. 9/07).~~

~~Application for a License to Practice Speech Language Pathology by ASHA Certification (rev. 5/08).~~

~~Application Checklist for Applicants by ASHA Certification (rev. 5/08).~~

~~Application for a License to Practice Speech Language Pathology by Endorsement (eff. 5/09).~~

~~Application Checklist for Applicants by Endorsement—Speech Language Pathology (eff. 5/09).~~

~~Application for a License to Practice as a School Speech-Language Pathologist (rev. 7/07).~~

~~Application Checklist for Applicants for School Speech-Language Pathology License (rev. 8/07).~~

~~Application for Reinstatement of License to Practice (rev. 11/07).~~

~~Reinstatement Application Checklist for Audiology and Speech Language Pathology (rev. 8/08).~~

~~Application for Reinstatement of School Speech Language Pathology License (rev. 11/07).~~

~~Reinstatement Application Checklist for School Speech-Language Pathologists Applicants (rev. 8/07).~~

~~Application for Reinstatement of Inactive License to Practice (rev. 11/07).~~

~~Continued Competency Activity and Assessment Form (rev. 7/07).~~

~~Application for Approval as a Continuing Competency Sponsor (rev. 7/07).~~

[Application for Audiology License by ASHA/ABA Certification \(rev. 6/10\).](#)

[Audiology Application Checklist by ASHA/ABA \(rev. 7/10\).](#)

[Audiology Application for Licensure by Endorsement \(rev. 6/10\).](#)

[Audiology Endorsement Application Checklist \(rev. 8/10\).](#)

[Application for Provisional License to Practice Audiology \(rev. 6/10\).](#)

[Audiologist Provisional Application Checklist \(rev. 7/10\).](#)

[Application for Provisional Audiologist to Apply for Full Audiology License \(rev. 6/10\).](#)

[Application Checklist for Provisional to Full Audiologist License \(rev. 7/10\).](#)

[Application for Speech-Language Pathology by Education \(rev. 6/10\).](#)

[Speech-Language Pathology Application Checklist by Education \(rev. 7/10\).](#)

[Application for Speech-Language Pathology by ASHA Certification \(rev. 6/10\).](#)

[Speech-Language Pathologist Application Checklist by ASHA Certification \(rev. 7/10\).](#)

[Speech-Language Pathologist Application for Licensure by Endorsement \(rev. 6/10\).](#)

[Speech-Language Pathologist Endorsement Application Checklist \(rev. 9/10\).](#)

[Application for a License as a School Speech-Language Pathologist \(rev. 6/10\).](#)

[School Speech-Language Pathologist Application Checklist \(rev. 7/10\).](#)

[Reinstatement Checklist and Application for an Expired License \(rev. 6/10\).](#)

[Application for Reinstatement of and Checklist for an Inactive Current License \(rev. 7/10\).](#)

[Continued Education Form \(rev. 6/10\).](#)

[Application for Approval as a Continuing Education Sponsor \(rev. 7/10\).](#)

V.A.R. Doc. No. R11-2942; Filed July 27, 2011, 1:48 p.m.

BOARD OF DENTISTRY

Forms

Title of Regulation: 18VAC60-20. Regulations Governing Dental Practice.

Agency Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 367-4688, FAX (804) 524-4434, or email elaine.yeatts@dhp.virginia.gov.

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FORMS (18VAC60-20)

[Application Requirements for Dentists and Application for License to Practice Dentistry \(rev. 11/10\).](#)

[Application Requirements and Application for Restricted Dental Volunteer License/Restricted Dental Hygiene License \(rev. 11/10\).](#)

[Requirements and Instructions for a Temporary Resident's License to Persons Enrolled in Advanced Dental Education Programs and Application for Temporary Resident's License \(rev. 2/10\).](#)

[Application Requirements and Application for Teacher's License or Full-time Faculty License \(rev. 11/10\).](#)

[Application Requirements for Dental Hygienists and Application for Licensure to Practice Dental Hygiene \(rev. 11/10\).](#)

[Application Requirements for Registration as a Dental Assistant II \(rev. 3/11\).](#)

[Application for Registration to Practice as a Dental Assistant II \(eff. 3/11\).](#)

[Form A. Certification of Dental Assisting Education \(eff. 3/11\).](#)

[Form B. Certification of Employment \(eff. 3/11\).](#)

[Form C. Certification of Authorization to Perform Expanded Duties as a Dental Assistant II \(eff. 3/11\).](#)

[Instructions for Reinstatement of License and Reinstatement Application for Dental/Dental Hygiene Licensure \(rev. 2/10\).](#)

[Instructions for Application for Reactivation of License and Application for Reactivation of License \(rev. 2/10\).](#)

[Application for Certification to Perform Cosmetic Procedures \(rev. 2/10\).](#)

[Oral and Maxillofacial Surgeon Registration of Practice \(rev. 2/10\).](#)

[Oral and Maxillofacial Surgeon Reinstatement of Registration of Practice \(rev. 2/10\).](#)

[Application for Registration for Volunteer Practice \(rev. 8/08\).](#)

[Sponsor Certification for Volunteer Registration \(rev. 8/08\).](#)

V.A.R. Doc. No. R11-2935; Filed July 25, 2011, 3:51 p.m.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Forms

Title of Regulation: 18VAC65-20. Regulations of the Board of Funeral Directors and Embalmers.

Agency Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 367-4688, FAX (804) 524-4434, or email elaine.yeatts@dhp.virginia.gov.

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FORMS (18VAC65-20)

~~[Funeral Service Provider Application \(rev. 3/10\).](#)~~

[Funeral Service Provider Application \(rev. 4/11\).](#)

[Application for Reinstatement as a Funeral Service Provider \(rev. 3/10\).](#)

[Verification of State Licensure Form \(rev. 3/10\).](#)

[Courtesy Card Application \(rev. 3/10\).](#)

[Surface Transportation & Removal Services Application \(rev. 5/10\).](#)

[Crematory Registration Application \(rev. 3/10\).](#)

[Continuing Education Provider Application \(rev. 3/10\).](#)

[Continuing Education Summary Form \(rev. 3/10\).](#)

Regulations

[Funeral Service Establishment Application \(rev. 5/10\).](#)

[Application for Notification of Establishment Changes \(rev. 3/10\).](#)

[Waiver of Full-Time Manager Application \(rev. 3/10\).](#)

[Application for Reinstatement Funeral Service Establishment \(rev. 3/10\).](#)

[Appendix I. General Price List \(rev. 8/10\).](#)

[Appendix II. Casket Price List, Outer Burial Container Price List \(rev. 3/10\).](#)

[Appendix III. Itemized Statement of Funeral Goods and Services Selected \(rev. 3/10\).](#)

VA.R. Doc. No. R11-2936; Filed July 25, 2011, 3:51 p.m.

BOARD OF LONG-TERM CARE ADMINISTRATORS

Forms

Titles of Regulations: **18VAC95-20. Regulations Governing the Practice of Nursing Home Administrators.**

18VAC95-30. Regulations Governing the Practice of Assisted Living Facility Administrators.

Agency Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 367-4688, FAX (804) 524-4434, or email elaine.yeatts@dhp.virginia.gov.

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FORMS (18VAC95-20)

~~[Nursing Home Administrator Application General Information \(rev. 7/08\).](#)~~

~~[Nursing Home Administrator Application for Initial Licensure \(rev. 7/08\).](#)~~

~~[Endorsement Verification Form \(rev. 3/08\).](#)~~

~~[Nursing Home Administrator-in-Training Application \(rev. 7/08\).](#)~~

~~[Nursing Home Administrator in Training — Notice of Change of Status or Discontinuance \(rev. 10/07\).](#)~~

~~[Nursing Home Administrator Preceptor Application \(rev. 7/08\).](#)~~

~~[Nursing Home Administrator Application for Reinstatement of License \(rev. 7/08\).](#)~~

~~[Nursing Home Administrator Application for Licensure by Endorsement \(rev. 7/08\).](#)~~

~~[Nursing Home Administrator in Training Monthly Report \(rev. 10/07\).](#)~~

~~[Nursing Home Administrator in Training — Documentation of Completion Form \(rev. 8/08\).](#)~~

~~[Domains of Practice \(rev. 10/07\).](#)~~

~~[Nursing Home Administrator Application General Information \(rev. 9/08\).](#)~~

~~[Nursing Home Administrator Application for Initial Licensure \(rev. 3/10\).](#)~~

~~[License Verification Form \(rev. 3/10\).](#)~~

~~[Nursing Home Administrator-in-Training Application \(rev. 3/10\).](#)~~

~~[Nursing Home Administrator-in-Training — Notice of Change of Status or Discontinuance \(rev. 3/10\).](#)~~

~~[Nursing Home Administrator Preceptor Application \(rev. 3/10\).](#)~~

~~[Nursing Home Administrator Application for Reinstatement of License \(rev. 3/10\).](#)~~

~~[Nursing Home Administrator Application for Licensure by Endorsement \(rev. 3/10\).](#)~~

~~[Nursing Home Administrator-in-Training Monthly Report \(rev. 4/10\).](#)~~

~~[Nursing Home Administrator-in-Training Documentation of Completion Form \(rev. 3/10\).](#)~~

~~[Domains of Practice \(rev. 3/10\).](#)~~

FORMS (18VAC95-30)

~~[Checklist for Endorsement or Credentials Application to Practice as an Assisted Living Facility Administrator \(rev. 1/08\).](#)~~

~~[Checklist for Licensure by Experience \(For Current Administrators only\) to Practice as an Assisted Living Facility Administrator \(rev. 1/08\).](#)~~

~~[Checklist for Initial Licensure by Education to Practice as an Assisted Living Facility Administrator \(rev. 1/08\).](#)~~

~~[Checklist for Licensure by Examination to Practice as an Assisted Living Administrator \(eff. 1/08\).](#)~~

~~[Assisted Living Facility Administrator Application for Licensure \(rev. 1/08\).](#)~~

~~[Assisted Living Facility Administrator Administrator in-Training Application \(rev. 1/08\).](#)~~

~~[Monthly Report of Assisted Living Facility Administrator-in-Training \(rev. 12/07\).](#)~~

~~Completion of Assisted Living Facility Administrator in-Training (rev. 12/07).~~

~~Assisted Living Facility Administrator Preceptor Application (rev. 1/08).~~

~~Domains of Practice (rev. 2/08).~~

[Checklist for Endorsement or Credentials Application to Practice as an Assisted Living Facility Administrator \(rev. 3/10\).](#)

[Checklist for Initial Licensure by Education to Practice as an Assisted Living Facility Administrator \(rev. 3/10\).](#)

[Assisted Living Facility Administrator Application for Licensure \(rev. 3/10\).](#)

[Assisted Living Facility Administrator Administrator-in-Training Application \(rev. 4/10\).](#)

[Monthly Report of Assisted Living Facility Administrator-in-Training \(rev. 3/10\).](#)

[Completion of Assisted Living Facility Administrator-in-Training \(rev. 3/10\).](#)

Endorsement Certification Form (rev. 8/07).

[Assisted Living Facility Administrator Preceptor Application \(rev. 4/10\).](#)

[Domains of Practice \(rev. 11/09\).](#)

V.A.R. Doc. No. R11-2940; Filed July 25, 2011, 3:51 p.m.

BOARD OF OPTOMETRY

Forms

Title of Regulation: 18VAC105-20. Regulations Governing the Practice of Optometry.

Agency Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 367-4688, FAX (804) 524-4434, or email elaine.yeatts@dhp.virginia.gov.

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FORMS (18VAC105-20)

Application Instructions for Licensure/TPA Certification (rev. 7/08).

Form A, Application for a License to Practice Optometry or TPA Certification (rev. 7/08).

Diagnostic Pharmaceutical Agents Endorsement Application (rev. 7/08).

Professional Designation Application (rev. 7/08).

~~Professional Designation Application Letter (rev. 3/05).~~

[Professional Designation Application Letter \(rev. 7/08\).](#)

Application for Reinstatement (rev. 7/08).

Form B, Licensure Verification (rev. 7/08).

Application for Registration for Volunteer Practice (9/07).

Sponsor Certification for Volunteer Registration (9/07).

Form C, Approved Graduate Optometric Programs (12/06).

Form D, Certificate of Training (rev. 7/08).

V.A.R. Doc. No. R11-2941; Filed July 27, 2011, 1:48 p.m.

BOARD OF PHARMACY

Forms

Title of Regulation: 18VAC110-20. Regulations Governing the Practice of Pharmacy.

18VAC110-50. Regulations Governing Wholesale Distributors, Manufacturers, and Warehousemen.

Agency Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 367-4688, FAX (804) 524-4434, or email elaine.yeatts@dhp.virginia.gov.

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FORMS (18VAC110-20)

[Application for Registration as a Pharmacy Intern \(rev. 8/07\).](#)

[Affidavit of Practical Experience, Pharmacy Intern \(rev. 8/07\).](#)

[Application for Licensure as a Pharmacist by Examination \(rev. 11/09\).](#)

~~[Application to Reinstate or Reactivate a Pharmacist License \(rev. 3/10\).](#)~~

[Instructions for Reinstating or Reactivating a Pharmacist License \(rev. 3/11\).](#)

[Application for Approval of a Continuing Education Program \(rev. 8/07\).](#)

Regulations

[Application for Approval of ACPE Pharmacy School Course\(s\) for Continuing Education Credit \(rev. 6/09\).](#)

[Application for License to Dispense Drugs \(rev. 8/07\).](#)

[Application for a Pharmacy Permit \(rev. 6/10\).](#)

[Application for a Nonresident Pharmacy Registration \(rev. 7/08\).](#)

[Application for a Permit as a Medical Equipment Supplier \(rev. 3/09\).](#)

[Application for a Controlled Substances Registration Certificate \(rev. 4/09\).](#)

[Application for Registration as a Pharmacy Intern for Graduates of a Foreign College of Pharmacy \(rev. 8/07\).](#)

[Closing of a Pharmacy \(rev. 8/07\).](#)

~~[Application for Approval of a Robotic Pharmacy System \(rev. 8/07\).](#)~~

[Application for Approval of an Innovative \(Pilot\) Program \(rev. 8/07\).](#)

[Pharmacy Technician Registration Instructions and Application \(rev. 3/09\).](#)

~~[Application to Reinstate a Pharmacy Technician Registration \(rev. 3/10\).](#)~~

[Instructions for Reinstating a Pharmacy Technician Registration \(rev. 3/11\).](#)

[Application for Approval of a Pharmacy Technician Training Program \(rev. 8/07\).](#)

[Application for Registration for Volunteer Practice \(rev. 8/07\).](#)

[Sponsor Certification for Volunteer Registration \(rev. 8/08\).](#)

[Application for Reinstatement of Registration as a Pharmacy Intern \(eff. 9/07\).](#)

[Affidavit for Limited-Use Pharmacy Technician \(rev. 8/07\).](#)

[Limited-Use Pharmacy Technician Registration Instructions and Application \(rev. 7/08\).](#)

[Registration for a Pharmacy to be a Collection Site for Donated Drugs \(eff. 4/09\).](#)

FORMS (18VAC110-50)

[Application for a Permit as a Restricted Manufacturer \(rev. 3/09\).](#)

[Application for a Permit as a Nonrestricted Manufacturer \(rev. 3/09\).](#)

[Application for a Permit as a Warehouse \(rev. 3/09\).](#)

[Application for a License as a Wholesale Distributor \(rev. 3/09\).](#)

[Application for a Nonresident Wholesale Distributor Registration \(rev. 9/08\).](#)

~~[Application for a License as a Wholesale Distributor—Limited Use for Distribution of Medical Gases Only \(rev. 3/09\).](#)~~

[Application for a License as a Wholesale Distributor - Limited Use for Distribution of Medical Gases Only \(rev. 3/10\).](#)

VA.R. Doc. No. R11-2946; Filed July 27, 2011, 1:48 p.m.

BOARD OF PHYSICAL THERAPY

Forms

Title of Regulation: 18VAC112-20. Regulations Governing the Practice of Physical Therapy.

Agency Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 367-4688, FAX (804) 524-4434, or email elaine.yeatts@dhp.virginia.gov.

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FORMS (18VAC112-20)

~~[Application for Licensure by Examination to Practice as a Physical Therapist/Physical Therapist Assistant \(rev. 9/07\).](#)~~

~~[Application for Licensure by Endorsement to Practice Physical Therapy as a Physical Therapist/Physical Therapist Assistant \(rev. 12/07\).](#)~~

~~[Application for Reinstatement of Licensure to Practice Physical Therapy as a Physical Therapist/Physical Therapist Assistant \(rev. 8/07\).](#)~~

~~[Instructions for Licensure by Endorsement to Practice as a Physical Therapist or Physical Therapist Assistant \(Graduate of an American/Approved Program\) \(rev. 11/07\).](#)~~

~~[Instructions for Licensure by Endorsement to Practice as a Physical Therapist or Physical Therapist Assistant \(Graduate of a Non-American/Nonapproved Program\) \(rev. 11/07\).](#)~~

~~[Instructions for Licensure by Examination to Practice as a Physical Therapist or Physical Therapist Assistant \(Graduate of an American/Approved Program\) \(rev. 8/07\).](#)~~

~~[Instructions for Licensure by Examination to Practice as a Physical Therapist or Physical Therapist Assistant \(Graduate of a Non-American/Nonapproved Program\) \(rev. 8/07\).](#)~~

~~Instructions – Reinstatement of Licensure to Practice as a Physical Therapist/Physical Therapist Assistant (rev. 4/08).~~

~~Traineeship Application, Statement of Authorization (rev. 8/07).~~

~~Traineeship Application, Statement of Authorization (1,000-hour traineeship) (rev. 8/07).~~

~~Traineeship Application, Statement of Authorization, Relicensure (480-hour traineeship) (rev. 12/07).~~

~~Form #L, Certificate of Physical Therapy Education (rev. 7/08).~~

~~Continued Competency and Assessment Form (rev. 7/08).~~

~~480 Traineeship Completion Form (rev. 12/07).~~

~~Application for Direct Access Certification (rev. 4/09).~~

~~Instructions – Direct Access Certification (rev. 4/09).~~

[Application for Licensure by Examination to Practice Physical Therapy as a Physical Therapist or Physical Therapist Assistant \(rev. 1/11\).](#)

[Application for Licensure by Endorsement to Practice Physical Therapy as a Physical Therapist or Physical Therapist Assistant \(rev. 1/11\).](#)

[Application for Reinstatement to Practice Physical Therapy as a Physical Therapist or Physical Therapist Assistant \(rev. 1/11\).](#)

[Instructions - Licensure by Endorsement to Practice as a Physical Therapist or Physical Therapist Assistant \(Graduate of an American/Approved Program\) \(rev. 1/11\).](#)

[Instructions - Licensure by Endorsement to Practice as a Physical Therapist or Physical Therapist Assistant \(Graduate of a Non-American/Non-Approved Program\) \(rev. 1/11\).](#)

[Instructions - Licensure by Examination to Practice as a Physical Therapist or Physical Therapist Assistant \(Graduate of an American/Approved Program\) \(rev. 2/10\).](#)

[Instructions - Licensure by Examination to Practice as a Physical Therapist or Physical Therapist Assistant \(Graduate of a Non-American/Non-Approved Program\) \(rev. 2/10\).](#)

[Instructions - Reinstatement of Licensure to Practice as a Physical Therapist or Physical Therapist Assistant \(rev. 2/10\).](#)

[Traineeship Application, Statement of Authorization \(rev. 3/10\).](#)

[Traineeship Application, Statement of Authorization \(1,000-hour traineeship\) \(rev. 3/10\).](#)

[Traineeship Application, Statement of Authorization, \(480-hour traineeship\) \(rev. 3/10\).](#)

[Form L, Certificate of Physical Therapy Education \(rev. 3/10\).](#)

[Continued Competency Activity and Assessment Form \(rev. 3/11\).](#)

[480 Traineeship Completion Form \(rev. 3/10\).](#)

[Application for Direct Access Certification \(rev. 1/11\).](#)

[Instructions – Direct Access Certification \(rev. 2/10\).](#)

[Patient Attestation Form \(rev. 7/07\).](#)

VA.R. Doc. No. R11-2937; Filed July 25, 2011, 3:51 p.m.

BOARD OF COUNSELING

Forms

Titles of Regulations: **18VAC115-20. Regulations Governing the Practice of Professional Counseling.**

18VAC115-30. Regulations Governing the Certification of Substance Abuse Counselors and Substance Abuse Counseling.

18VAC115-40. Regulations Governing the Certification of Rehabilitation Providers.

18VAC115-50. Regulations Governing the Practice of Marriage and Family Therapy.

18VAC115-60. Regulations Governing the Practice of Licensed Substance Abuse Treatment Practitioners.

Agency Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 367-4688, FAX (804) 524-4434, or email elaine.yeatts@dhp.virginia.gov.

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FORMS (18VAC115-20)

~~Registration of Supervision, LPC Form 1 – Post Graduate Degree Supervised Experience, (rev. 8/08).~~

~~Quarterly Evaluation, LPC Form 1-QE (rev. 8/08).~~

~~Licensure Verification of Out-of-State Supervisor, LPC Form 1-LV (rev. 8/08).~~

~~Licensure Application, LPC Form 2 (rev. 8/08)~~

~~Verification of Supervision – Post Graduate Degree Supervised Experience, Form LPC 2-VS (rev. 8/08).~~

~~Coursework Outline Form, Form LPC 2-CO (rev. 8/08).~~

~~Verification of Internship Hours Towards the Residency, Form LPC 2-IR (rev. 8/08).~~

Regulations

~~Verification of Internship, Form LPC 2-VI (rev. 8/08).~~

~~Verification of Licensure, Form LPC 2-VL (rev. 8/08).~~

~~Supervision Outline Form – Examination Applicants Only, Form LPC 2-SO (rev. 8/08).~~

~~Verification of Post-Licensure Clinical Practice, Endorsement Applicants Only, Form LPC-ECP (rev. 8/09).~~

~~Continuing Education Summary Form (LPC) (rev. 8/07).~~

~~[Registration of Supervision - Post Graduate Degree Supervised Experience, LPC Form 1 \(rev. 2/11\).](#)~~

~~[Quarterly Evaluation, LPC Form 1-QE \(rev. 2/11\).](#)~~

~~[Licensure Verification of Out-of-State Supervisor, LPC Form 1-LV \(rev. 2/11\).](#)~~

~~[Licensure Application, LPC Form 2 \(rev. 2/11\).](#)~~

~~[Verification of Supervision – Post-Graduate Degree Supervised Experience, LPC Form 2-VS \(rev. 2/11\).](#)~~

~~[Coursework Outline Form, LPC Form 2-CO \(rev. 2/11\).](#)~~

~~[Verification of Internship Hours Towards the Residency, LPC Form 2-IR \(rev. 2/11\).](#)~~

~~[Verification of Internship, LPC Form 2-VI \(rev. 2/11\).](#)~~

~~[Verification of Licensure, LPC Form 2-VL \(rev. 2/11\).](#)~~

~~[Supervision Outline - Examination Applicants Only, LPC Form 2-SO \(rev. 2/11\).](#)~~

~~[Verification of Clinical Practice, 5 of Last 6 Years Immediately Preceding Submission of Application for Licensure, LPC Form-ECP \(rev. 2/11\).](#)~~

~~[Continuing Education Summary Form \(LPC\) \(rev. 3/09\).](#)~~

~~Application for Reinstatement of a Lapsed License (rev. 8/07).~~

~~[Application for Reinstatement of a Revoked, Suspended, or Surrendered License \(rev. 8/07\).](#)~~

FORMS (18VAC115-30)

~~Certification Application – Certified Substance Abuse Counselor (rev. 1/08).~~

~~Registration of Supervision – Form 1 (rev. 1/08).~~

~~Verification of Supervision, Form CSAC-2VS (rev. 1/08).~~

~~Licensure Verification of Out-of-State Supervisor, Form CSAC-LV; (rev. 1/08).~~

~~Substance Abuse Education Outline, Form CSAC-EO (rev. 1/08).~~

~~Substance Abuse Education Tasks, Form CSAC-ET (rev. 1/08).~~

~~CSAC-A Certification Application, (rev. 8/08).~~

~~[CSAC-A Certification Application \(rev. 8/09\).](#)~~

~~[Substance Abuse Education Outline, Form CSAC-A-EO \(rev. 8/09\).](#)~~

~~[Substance Abuse Education Tasks, Form CSAC-A-ET \(rev. 8/09\).](#)~~

~~Verification of Licensure/Certification, Form CSAC-VL (rev. 1/08).~~

~~Application for Reinstatement of a Lapsed Certification (rev. 8/07).~~

FORMS (18VAC115-40)

~~Application for Certification as a Rehabilitation Provider, Form 1 (rev. 8/07).~~

~~[General Information for Certification as a Rehabilitation Provider \(rev. 8/07\).](#)~~

~~[General Information for Certification as a Rehabilitation Provider \(rev. 7/11\).](#)~~

~~Verification of Experience for Rehabilitation Provider Certification, Form 2 (rev. 8/07).~~

~~Rehabilitation Provider Verification of Licensure/Certification; (rev. 8/07).~~

~~Licensure/Certification Verification of Out-of-State Supervisor, Form 4 (rev. 8/07).~~

~~Rehabilitation Provider Application for Reinstatement of a Lapsed Certificate (rev. 8/07).~~

FORMS (18VAC115-50)

~~[Marriage and Family Therapist Licensure Application, MFT Form 2 \(rev. 8/08\).](#)~~

~~Verification of Licensure, MFT Form 2-VL (rev. 8/08).~~

~~Verification of Supervision – Post Graduate Degree Supervised Experience, MFT Form 2-VS (rev. 8/08).~~

~~[Licensure Verification of Out-of-State Supervisor, MFT Form 1-LV \(rev. 8/08\).](#)~~

~~[Quarterly Evaluation, MFT Form 1-QE \(rev. 8/08\).](#)~~

~~[Coursework Outline Form for Marriage and Family Therapist Licensure, MFT Form 2-CO \(rev. 8/08\).](#)~~

~~Verification of Internship, MFT Form 2-VI (rev. 8/08).~~

~~Verification of Internship Hours Towards the Residency, MFT Form 2-IR (rev. 8/08).~~

~~[Supervision Outline Examination Applicants Only, MFT Form 2-SO \(rev. 8/08\).](#)~~

~~Verification of Post-Licensure Clinical Practice, Endorsement Applicants Only, Form MFT-ECP (rev. 8/09).~~

~~Registration of Supervision Instructions (rev. 4/09).~~

~~Registration of Supervision for Marriage and Family Therapist Licensure, Form A (rev. 4/09).~~

~~[Licensure Application - Marriage and Family Therapist, MFT Form 2 \(rev. 2/11\).](#)~~

~~[Verification of Licensure, MFT Form 2-VL \(rev. 2/11\).](#)~~

~~[Verification of Supervision – Post-Graduate Degree Supervised Experience, MFT Form 2-VS \(rev. 2/11\).](#)~~

~~[Licensure Verification of Out-of-State Supervisor, MFT Form 1-LV \(rev. 2/11\).](#)~~

~~[Quarterly Evaluation, MFT Form 1-QE \(rev. 2/11\).](#)~~

~~[Coursework Outline Form, MFT Form 2-CO \(rev. 2/11\).](#)~~

~~[Verification of Internship, MFT Form 2-VI \(rev. 2/11\).](#)~~

~~[Verification of Internship Hours Towards the Residency, MFT Form 2-IR \(rev. 2/11\).](#)~~

~~[Supervision Outline - Examination Applicants Only, MFT Form 2-SO \(rev. 2/11\).](#)~~

~~[Verification of Clinical Practice 5 of Last 6 Years Immediately Preceding Submission for Application of Licensure, Endorsement Applicants Only, Form MFT-ECP \(rev. 2/11\).](#)~~

~~[Registration of Supervision - Post Graduate Degree Supervised Experience, MFT Form 1 \(rev. 2/11\).](#)~~

~~Application for Reinstatement of a Lapsed License (rev. 8/07).~~

~~[Continuing Education Summary Form \(LMFT\) \(rev. 8/07\).](#)~~

~~[Continuing Education Summary Form \(LMFT\) \(rev. 3/09\).](#)~~

FORMS (18VAC115-60)

~~[Licensed Substance Abuse Treatment Practitioner Licensure Application, LSATP Form 2 \(rev. 8/08\).](#)~~

~~[Verification of Licensure, Form LSATP 2-VL \(rev. 8/08\).](#)~~

~~[Verification of Supervision – Post Graduate Degree Supervised Experience, LSATP 2-VS \(rev. 8/08\).](#)~~

~~[Supervisor's Experience and Education, \(rev. 8/08\).](#)~~

~~[Licensure Verification of Out-of-State Supervisor, LSATP Form 1-LV \(rev. 8/08\).](#)~~

~~[Coursework Outline Form, Form LSATP 2-CO \(rev. 8/08\).](#)~~

~~[Verification of Internship, Form LSATP 2-VI \(rev. 8/08\).](#)~~

~~[Verification of Internship Hours Towards the Residency, Form LSATP 2-IR \(rev. 8/08\).](#)~~

~~[Registration of Supervision – Post Graduate Degree Supervised Experience, LSATP Form 1 \(rev. 8/08\).](#)~~

~~[Quarterly Evaluation Form, LSATP Form 1-QE \(rev. 8/08\).](#)~~

~~[Supervision Outline Form – Examination Applicants Only, Form LSATP 2-SO \(rev. 8/08\).](#)~~

~~[Verification of Post Licensure Clinical Practice, Endorsement Applicants Only, Form LSATP-ECP \(rev. 8/09\).](#)~~

~~[Licensed Substance Abuse Treatment Practitioner Application for Reinstatement of a Lapsed Certificate \(rev. 8/07\).](#)~~

~~[Continuing Education Summary Form \(LSATP\) \(rev. 8/07\).](#)~~

~~[Licensure Application, Licensed Substance Abuse Treatment Practitioner, LSATP Form 2 \(rev. 1/11\).](#)~~

~~[Verification of Licensure, Form LSATP 2-VL \(rev. 1/11\).](#)~~

~~[Verification of Supervision – Post Graduate Degree Supervised Experience, LSATP 2-VS \(rev. 1/11\).](#)~~

~~[Supervisor's Experience and Education \(rev. 1/11\).](#)~~

~~[Licensure Verification of Out-of-State Supervisor, LSATP Form 1-LV \(rev. 1/11\).](#)~~

~~[Coursework Outline Form, Form LSATP 2-CO \(rev. 1/11\).](#)~~

~~[Verification of Internship, Form LSATP 2-VI \(rev. 1/11\).](#)~~

~~[Verification of Internship Hours Towards the Residency, Form LSATP 2-IR \(rev. 1/11\).](#)~~

~~[Registration of Supervision – Post Graduate Degree Supervised Experience, LSATP Form 1 \(rev. 1/11\).](#)~~

~~[Quarterly Evaluation Form, LSATP Form 1-QE \(rev. 1/11\).](#)~~

~~[Supervision Outline Form – Examination Applicants Only, Form LSATP 2-SO \(rev. 1/11\).](#)~~

~~[Verification of Post-Licensure Clinical Practice, Endorsement Applicants Only, Form LSATP-ECP \(rev. 1/11\).](#)~~

~~[Licensed Substance Abuse Treatment Practitioner Application for Reinstatement of a Lapsed Certificate \(rev. 7/11\).](#)~~

~~[Continuing Education Summary Form \(LSATP\) \(rev. 3/09\).](#)~~

VA.R. Doc. No. R11-2945; Filed July 27, 2011, 1:48 p.m.

BOARD OF PSYCHOLOGY

Forms

Title of Regulation: 18VAC125-20. Regulations Governing the Practice of Psychology.

Agency Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 367-4688, FAX (804) 524-4434, or email elaine.yeatts@dhp.virginia.gov.

Regulations

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FORMS (18VAC125-20)

~~Instructions for Virginia Board of Psychology Application for Licensure by Examination (rev. 10/03).~~

~~Instructions for Virginia Board of Psychology Application of Licensure by Endorsement (rev. 10/03).~~

[Instructions - Virginia Board of Psychology Application for Licensure by Examination \(rev. 2/10\).](#)

[Instructions - Virginia Board of Psychology Application of Licensure by Endorsement \(rev. 2/10\).](#)

Psychologist Application for Licensure by Examination, Form 1 (rev. 8/07).

Application for Licensure as a School Psychologist-Limited (rev. 8/07).

Employment Verification Form (rev. 8/07).

Registration of Residency -- Post-Graduate Degree Supervised Experience, Form 2 (rev. 8/07).

Psychologist Application for Licensure by Endorsement, Form 1 (rev. 8/07).

Psychologist Application for Reinstatement of a Lapsed License, PSYREIN (rev. 8/07).

School Psychologist-Limited Application for Reinstatement of a Lapsed License, PSYREIN (rev. 8/07).

Psychologist Application for Reinstatement Following Disciplinary Action, PSYREDISC (rev. 8/07).

Verification of Post-Degree Supervision, Form 3 (rev. 8/07).

Internship Verification, Form 4 (rev. 8/07).

Licensure/Certification Verification, Form 5 (rev. 8/07).

~~Areas of Graduate Study, Form 6 (rev. 8/07).~~

[Areas of Graduate Study, Form 6 \(rev. 2/10\).](#)

Continuing Education Audit Summary Form (rev. 4/09).

VA.R. Doc. No. R11-2939; Filed July 25, 2011, 3:51 p.m.

BOARD OF SOCIAL WORK

Forms

Title of Regulation: 18VAC140-20. Regulations Governing the Practice of Social Work.

Agency Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 367-4688, FAX (804) 524-4434, or email elaine.yeatts@dhp.virginia.gov.

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FORMS (18VAC140-20)

~~Instructions and Application for Registration of Supervision Post-Graduate Degree Supervised Experience for LCSW (rev. 10/10).~~

[Instructions and Application for Registration of Supervision Post-Graduate Degree Supervised Experience for LCSW \(rev. 6/11\).](#)

Social Worker Licensure Application (rev. 8/07).

Clinical Social Worker Licensure Application (rev. 8/08).

~~Verification of Clinical Supervision (rev. 8/07).~~

~~Verification of Casework Management and Supportive Services (rev. 8/07).~~

[Verification of Clinical Supervision \(rev. 1/11\).](#)

[Verification of Supervised Field Placement/Practicum \(rev. 6/11\).](#)

Out of State Licensure Verification (rev. 8/07).

Licensure Verification of Out-of-State Supervisor (rev. 8/07).

Form for Reporting Social Work Attendance at Formal Staffing (rev. 8/07).

Form for Reporting Social Work Independent Study (rev. 8/07).

General Information for Licensure by Examination as a Licensed Social Worker, with Application Instructions (rev. 8/07).

General Information for Licensure by Endorsement as a Licensed Social Worker, with Application Instructions (rev. 8/07).

~~[General Information for Licensure by Examination as a Clinical Social Worker, with Application Instructions \(rev. 8/07\).](#)~~

~~[General Information for Licensure by Endorsement as a Clinical Social Worker, with Application Instructions \(rev. 8/07\).](#)~~

~~[General Information for Licensure by Examination as a Clinical Social Worker and Application Instructions \(rev. 4/11\).](#)~~

~~[General Information for Licensure by Endorsement as a Clinical Social Worker and Application Instructions \(rev. 4/11\).](#)~~

~~[Instructions for Registration of Supervision for LSW \(rev. 9/09\).](#)~~

~~[Application for Registration of Supervision - Post-Bachelor's Degree Supervised Experience for LSW \(rev. 9/09\).](#)~~

~~[Clinical Social Worker Reinstatement Application \(rev. 4/08\).](#)~~

~~[Social Work Reinstatement Application \(rev. 4/08\).](#)~~

~~[Clinical Social Worker Licensure Application - Reinstatement Following Disciplinary Action \(rev. 4/08\).](#)~~

~~[Continuing Education Summary Form \(rev. 8/07\).](#)~~

VA.R. Doc. No. R11-2944; Filed July 27, 2011, 1:48 p.m.

BOARD OF VETERINARY MEDICINE

Forms

Title of Regulation: 18VAC150-20. Regulations Governing the Practice of Veterinary Medicine.

Agency Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 367-4688, FAX (804) 524-4434, or email elaine.yeatts@dhp.virginia.gov.

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FORMS (18VAC150-20)

~~[Licensure Procedure for Veterinarians \(rev. 8/07\).](#)~~

~~[Application for a License to Practice Veterinary Medicine \(rev. 8/07\).](#)~~

~~[Application for a License to Practice Veterinary Medicine \(rev. 8/09\).](#)~~

~~[Instructions to the Applicant for Licensure by Examination as a Veterinary Technician \(rev. 4/09\).](#)~~

~~[Instructions to the Applicant for Licensure by Endorsement as a Veterinary Technician \(rev. 4/09\).](#)~~

~~[Application for a License to Practice Veterinary Technology \(rev. 8/07\).](#)~~

~~[Instructions to the Veterinary Technician Licensure Applicant \(rev. 7/11\).](#)~~

~~[Application for a License to Practice Veterinary Technology \(rev. 8/09\).](#)~~

~~[Applicant Instructions for New, Upgrading to Full Service, or Change of Location Inspections \(rev. 8/07\).](#)~~

~~[Application for Veterinary Establishment Permit \(rev. 8/07\).](#)~~

~~[Application for Reinstatement \(rev. 8/07\).](#)~~

~~[Licensure Verification - Veterinarian \(rev. 8/07\).](#)~~

~~[Application for Veterinary Establishment Permit \(rev. 8/09\).](#)~~

~~[Application for Reinstatement \(rev. 8/09\).](#)~~

~~[Licensure Verification - Veterinarian \(rev. 7/11\).](#)~~

~~[Licensure Verification - Veterinary Technician \(rev. 9/07\).](#)~~

~~[Application for Registration for Volunteer Practice \(rev. 8/07\).](#)~~

~~[Sponsor Certification for Volunteer Registration \(rev. 8/07\).](#)~~

~~[Application for Registration to Practice as an Equine Dental Technician \(eff. 11/07\).](#)~~

~~[Recommendation for Registration as a Equine Dental Technician \(eff. 11/07\).](#)~~

VA.R. Doc. No. R11-2938; Filed July 25, 2011, 3:51 p.m.

TITLE 21. SECURITIES AND RETAIL FRANCHISING

STATE CORPORATION COMMISSION

Proposed Regulation

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.

Regulations

Titles of Regulations: 21VAC5-10. General Administration - Securities Act (amending 21VAC5-10-40).

21VAC5-80. Investment Advisors (amending 21VAC5-80-210; adding 21VAC5-80-215).

Statutory Authority: §§ 12.1-13 and 13.1-523 of the Code of Virginia.

Public Hearing Information: A public hearing will be scheduled upon request.

Public Comment Deadline: August 29, 2011.

Agency Contact: Al Hughes, Principal Auditor, State Corporation Commission, Tyler Building, 9th Floor, P.O. Box 1197, Richmond, VA 23218, telephone (804) 371-9415, FAX (804) 371-9911, or email al.hughes@scc.virginia.gov.

Summary:

An amendment to 21VAC5-10-40 replaces the word "chapter" with the word "title."

Subdivision A 7 of 21VAC5-80-210 is repealed and a new section, 21VAC5-80-215, is added that grants certain investment advisors and investment advisor representatives an exemption from the registration provisions of the Virginia Securities Act provided the investment advisor was exempt from registration pursuant to § 203(b)(3) of the Investment Advisors Act of 1940 (40 Act) prior to July 21, 2011, and the investment advisor is subject to SEC Rule 203-1(e) granting an extension to those investment advisors formerly exempt from registration under § 203(b)(3) of the 40 Act until March 30, 2012, who would otherwise have been required to register with the SEC by July 21, 2011.

AT RICHMOND, JULY 25, 2011

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. SEC-2011-00034

Ex Parte: In the matter of
Adopting a Revision to the Rules
Governing the Virginia Securities Act

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. Section 13.1-523 of the Virginia Securities Act ("Act"), § 13.1-501 et seq. of the Code of Virginia, provides that the Commission may issue any rules and regulations necessary or appropriate for the administration and enforcement of the Act.

The rules and regulations issued by the Commission pursuant to the Act are set forth in Title 21 of the Virginia Administrative Code. A copy also may be found at the Commission's website: <http://www.scc.virginia.gov/case>.

On July 19, 2011, the Division of Securities and Retail Franchising ("Division") issued a policy statement which recognized changes in federal laws and regulations governing investment advisors adopted under the Dodd-Frank Wall Street Reform and Consumer Protection Act ("Dodd-Frank Act"). The policy statement is attached hereto. As part of the policy statement, the Division stated that it was responding to the regulatory gaps created by the Dodd-Frank Act as recognized and addressed by other member states of the North American Securities Administrators Association. Specifically, the Division noted that changes occasioned by the Dodd-Frank Act had left certain investor advisors uncertain regarding when they must register to comply with state securities laws, including under the Act. The Division's policy statement addresses these issues concerning the registration of investment advisors and their investment advisor representatives managing private equity and venture capital funds operating within the Commonwealth of Virginia.

Accordingly, the Division has submitted to the Commission proposed revisions to Chapters 10 and 80 of Title 21 of the Virginia Administrative Code entitled "Rules and Forms Governing Virginia Securities Act" ("Rules").

Rule 21 VAC 5-80-215 is created granting certain investment advisors and investment advisor representatives an exemption from the registration provisions of the Act provided the investment advisor was exempt from registration pursuant to § 203(b)(3) of the Investment Advisors Act of 1940 ("40 Act") prior to July 21, 2011, and the investment advisor is subject to the Securities and Exchange Commission's ("SEC") Rule 203-1(e) granting an extension to those investment advisors formerly exempt from registration under § 203(b)(3) of the 40 Act until March 30, 2012, who would otherwise have been required to register with the SEC by July 21, 2011.

Rule 21 VAC 5-80-210 A. 7 is repealed in its entirety.

Rule 21 VAC 5-10-40 is amended to replace the word "chapter" with "title."

The Division has recommended to the Commission that the proposed revisions should be considered for adoption with a proposed effective date of September 2, 2011. The Division also has recommended to the Commission that a hearing should be held only if requested by those interested parties who specifically indicate that a hearing is necessary and the reasons therefor.

A copy of the proposed revisions may be requested by interested parties from the Division by telephone, by mail or e-mail request and also can be found at the Division's

website: <http://www.scc.virginia.gov/srf>. Any comments to the proposed rules must be received by August 29, 2011.

Accordingly, IT IS ORDERED THAT:

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

(2) Comments or requests for hearing on the proposed revisions 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 August 29, 2011. Any request 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. SEC-2011-00034. 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/case>.

(3) The proposed revisions shall be posted on the Commission's website at <http://www.scc.virginia.gov/case> and on the Division's website at <http://www.scc.virginia.gov/srf>. Interested persons may also request a copy of the proposed revisions from the Division by telephone, mail or e-mail.

(4) This Order, together with a copy of the proposed revisions, shall be sent to the Registrar of Regulations for publication in the Virginia Register.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to the Division's Director, who shall forthwith provide notice of this Order via US mail and email to any interested persons as he may designate.

21VAC5-10-40. Definitions.

As used in this chapter title, the following regulations and forms pertaining to securities, instructions and orders of the commission, the following meanings shall apply:

"Act" means the Securities Act contained in Chapter 5 (§ 13.1-501 et seq.) of Title 13.1 of the Code of Virginia.

"Applicant" means a person on whose behalf an application for registration or a registration statement is filed.

"Application" means all information required by the forms prescribed by the commission as well as any additional information required by the commission and any required fees.

"Bank Holding Company Act of 1956" (12 USC § 1841 et seq.) means the federal statute of that name as now or hereafter amended.

"Boiler room tactics" mean operations or high pressure tactics utilized in connection with the promotion of speculative offerings by means of an intensive telephone campaign or unsolicited calls to persons not known by or

having an account with the salesman or broker-dealer represented by him, whereby the prospective purchaser is encouraged to make a hasty decision to invest, irrespective of his investment needs and objectives.

"Breakpoint" means the dollar level of investment necessary to qualify a purchaser for a discounted sales charge on a quantity purchase of open-end management company shares.

"Commission" means State Corporation Commission.

"Federal covered advisor" means any person who is registered or required to be registered under § 203 of the Investment Advisers Act of 1940 as an "investment adviser."

"Investment Advisers Act of 1940" (15 USC § 80b-1 et seq.) means the federal statute of that name as now or hereafter amended.

Notwithstanding the definition in § 13.1-501 of the Act, "investment advisor representative" as applied to a federal covered advisor only includes an individual who has a "place of business" (as that term is defined in rules or regulations promulgated by the SEC) in this Commonwealth and who either:

1. Is an "investment advisor representative" as that term is defined in rules or regulations promulgated by the SEC; or
2. a. Is not a "supervised person" as that term is defined in the Investment Advisers Act of 1940; and
b. Solicits, offers or negotiates for the sale of or sells investment advisory services on behalf of a federal covered advisor.

"Investment Company Act of 1940" (15 USC § 80a-1 et seq.) means the federal statute of that name as now or hereafter amended.

"NASAA" means the North American Securities Administrators Association, Inc.

"NASD" means the National Association of Securities Dealers, Inc., or its successor, the Financial Industry Regulatory Authority, Inc. (FINRA).

"Notice" or "notice filing" means, with respect to a federal covered advisor or federal covered security, all information required by the regulations and forms prescribed by the commission and any required fee.

"Registrant" means an applicant for whom a registration or registration statement has been granted or declared effective by the commission.

"SEC" means the United States Securities and Exchange Commission.

"Securities Act of 1933" (15 USC § 77a et seq.) means the federal statute of that name as now or hereafter amended.

Regulations

"Securities Exchange Act of 1934" (15 USC § 78a et seq.) means the federal statute of that name as now or hereafter amended.

"Solicitation" means an offer to one or more persons by any of the following means or as a result of contact initiated through any of these means:

1. Television, radio, or any broadcast medium;
2. Newspaper, magazine, periodical, or any other publication of general circulation;
3. Poster, billboard, Internet posting, or other communication posted for the general public;
4. Brochure, flier, handbill, or similar communication, unless the offeror has a substantial preexisting business relationship or close family or personal relationship with each of the offerees;
5. Seminar or group meeting, unless the offeror has a substantial preexisting business relationship or close family or personal relationship with each of the offerees; or
6. Telephone, facsimile, mail, delivery service, or electronic communication, unless the offeror has a substantial preexisting business relationship or close family or personal relationship with each of the offerees.

Part IV Exclusions

21VAC5-80-210. Exclusions from definition of "investment advisor" and "federal covered advisor."

A. The terms "investment advisor" and "federal covered advisor" do not include any person engaged in the investment advisory business whose only client is one (or more) of the following:

1. An investment company as defined in the Investment Company Act of 1940.
2. An insurance company licensed to transact insurance business in this Commonwealth.
3. A bank, a bank holding company as defined in the Bank Holding Company Act of 1956, a trust subsidiary organized under Article 3.1 (§ 6.1-32.1 et seq.) of Chapter 2 of Title 6.1 of the Code of Virginia, a savings institution, a credit union, or a trust company if the entity is either (i) authorized or licensed to transact such business in this Commonwealth or (ii) organized under the laws of the United States.
4. A broker-dealer so registered under the Act and under the Securities Exchange Act of 1934.
5. An employee benefit plan with assets of not less than \$5,000,000.
6. A governmental agency or instrumentality.

~~7. A corporation, general partnership, limited partnership, limited liability company, trust or other legal organization that (i) has assets of not less than \$5,000,000 and (ii) receives investment advice based on its investment objectives rather than the individual investment objectives of its shareholders, partners, limited partners, members or beneficiaries, provided the investment advisor or federal covered advisor is exempt from registration pursuant to § 203(b)(3) of the Investment Advisors Act of 1940 or by any rule or regulation promulgated by the SEC under that section. If the entity's assets fall below \$5,000,000 for a period not to exceed 90 days, the investment advisor shall file an application to register with the division within 30 days.~~

B. Any investment advisor or federal covered advisor who (i) does not have a place of business located within this Commonwealth and (ii) during the preceding 12-month period has had fewer than six clients who are residents of this Commonwealth other than those listed in subsection A of this section is excluded from the registration and notice filing requirements of the Act.

C. The term "investment advisor" does not include any certified public accountant who holds a valid CPA certificate as defined by § 54.1-2000 of Title 54.1 of the Code of Virginia and who during the ordinary course of business:

1. Issues publications, writings, reports, or testimony in a court of law or in an arbitration as to the value of privately held securities in a transaction involving the purchase, sale or valuation of a business;
2. Issues publications, writings, reports or testimony in a court of law or in an arbitration as to the advisability of investing in, purchasing, or selling privately held securities in a transaction involving the purchase, sale or valuation of a business; or
3. Advises clients about the disposition or value of assets, of which ownership is evidenced by privately held securities and such assets are the subject of (i) bankruptcy, (ii) estate or gift tax planning or settlement, (iii) divorce, (iv) sale of a business, whether whole or in part, (v) employee stock option plan, or (vi) an insurance settlement.

21VAC5-80-215. Exemption for certain private advisors.

Registration under the Act shall not be required of any investment advisor or its investment advisor representative whose only client is or clients are a corporation, general partnership, limited partnership, limited liability company, trust, or other legal organization that:

1. Has assets of not less than \$5,000,000 and
2. Receives investment advice based on its investment objectives rather than the individual investment objectives of its shareholders, partners, limited partners, members, or

beneficiaries, provided the investment advisor was exempt from registration pursuant to § 203(b)(3) of the Investment Advisers Act of 1940 immediately prior to July 21, 2011, and the investment advisor is subject to SEC Rule 203-1(e) granting an extension to investment advisors formerly exempt from registration under § 203(b)(3) of the Investment Advisers Act of 1940 until March 30, 2012, who would otherwise have been required to register with the SEC by July 21, 2011.

V.A.R. Doc. No. R11-2924; Filed July 25, 2011, 3:34 p.m.

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

Final Regulation

Titles of Regulations: **22VAC40-130. Minimum Standards for Licensed Private Child Placing Agencies (repealing 22VAC40-130-10 through 22VAC40-130-550).**

22VAC40-131. Standards for Licensed Child-Placing Agencies (adding 22VAC40-131-10 through 22VAC40-131-610).

Statutory Authority: §§ 63.2-217 and 63.2-1734 of the Code of Virginia.

Effective Date: September 14, 2011.

Agency Contact: Karin Clark, Department of Social Services, Division of Licensing Programs, 7 North 8th Street, Richmond, VA 23219, telephone (804) 726-7017, FAX (804) 726-7132, TTY (800) 828-1120, or email karin.clark@dss.virginia.gov.

Summary:

This regulatory action repeals the existing regulation, 22VAC40-130, and establishes a comprehensive new regulation, 22VAC40-131, for licensed private child-placing agencies. The comprehensive new regulation is intended to: (i) improve clarity; (ii) reflect current federal and state law; (iii) align home approvals, supervision, monitoring practices, and responsibilities of private child-placing agencies with public child-placing agencies; (iv) remove intrusive and burdensome language; and (v) provide greater protection for children in care. The new regulation creates consistency between providers approved by licensed child-placing agencies and local departments of social services, as required by federal regulations, identified in the federal Child and Family Services Review, and included in the Department of Social Services' Performance Improvement Plan.

Major components of the new regulation include incorporating changes for consistency with 22VAC40-211,

Resource, Foster and Adoptive Family Home Approval Standards, including: (i) definitions; (ii) home provider training mandates; (iii) home study requirements, streamlining the provider approval process, and documentation protocols; (iv) safety of the providers' home environment; and (v) background check requirements.

Although most of the provisions in the new regulations are not different in effect from those in current regulations, there are several substantive changes as follows:

- 1. Specify how many treatment foster care cases may be handled at one time by a caseworker,*
- 2. Allow executive directors of social services to have a doctorate or master's degree in any subject but require them to have five years experience rather than the currently required three,*
- 3. Specify topics that must be covered in training for foster parents,*
- 4. Increase the time allowed after a foster care placement for the child-placing agency to complete a full written assessment from 30 days to 45 days, and*
- 5. Change bedroom requirements so that children over the age of two may not share a bed and children over the age of three may not share a bedroom with a child of the opposite gender.*

Substantive revisions in the new regulation from proposed to final include: (i) changing the definition of "serious incident reports" to include the requirement to report incidents involving criminal activity and police intervention; (ii) allowing parents with adoption experience to serve on the agency's board; (iii) changing language pertaining to discrimination regarding the denial or delay of a child's placement or regarding the denial of an opportunity for persons to apply to be a foster or adoptive parent to make the language consistent with 42 USC § 671; (iv) allowing the agency to develop preservice training for new providers based on their program statement and description: short-term foster families are no longer required to complete this training; (v) allowing one parent to sign the entrustment agreement instead of requiring both parents to sign the agreement to be consistent with the Code of Virginia; (vi) changing the requirement for Interstate Compact approval of a placement of an out-of-state child in Virginia to allow the child to be placed with verbal approval from Interstate Compact: verbal approval will be followed by written approval; (vii) adding a requirement for the licensee to work collaboratively and cooperatively with the local education authority to ensure educational stability and school enrollment for children in care; (viii) requiring one face-to-face contact with the child in the child's placement setting every 60 days; (ix) requiring that the licensee inform the local departments who have referred children to

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the licensee for placement of where the children are placed at all times, including permanent, nonpermanent and short-term placement settings; (x) requiring the licensee to be responsible for compliance with all elements of 22VAC40-131-370 H 3 for active and closed file maintenance; (xi) clarifying the requirement for staffing of treatment foster care to provide the flexibility to have either at least one full-time or part-time staff with hours equivalent to a full-time position; (xii) removing the section that referenced state board policy regarding involuntary termination of parental rights and adding a requirement to be in compliance with other legal requirements at the suggestion of the Attorney General; (xiii) clarifying the Adoption Resource Exchange of Virginia registration requirements to specify the timeframes or circumstances that the licensee must register in the Adoption Resource Exchange of Virginia the prospective adoptive families who will accept a child with special needs; (ix) aligning the license's responsibility to provide necessary and appropriate services to children with special needs with requirements of the Code of Virginia; and (xv) adding a requirement for the licensee to include information about the child's education when providing full factual information about the child to adoptive parents.

Summary of Public Comments and Agency's Response: A summary of comments made by the public and the agency's response may be obtained from the promulgating agency or viewed at the office of the Registrar of Regulations.

CHAPTER 131 STANDARDS FOR LICENSED CHILD-PLACING AGENCIES

Part I General Provisions

22VAC40-131-10. Definitions.

"Adoptive home" means any family home selected and approved by a parent, local board or a licensed child-placing agency for the placement of a child with the intent of adoption.

"Adoptive parent" means any person selected and approved by a parent or a child-placing agency for the placement of a child with the intent of adoption.

"Adoptive placement" means arranging for the care of a child who is in the custody of a child-placing agency in an approved home for the purpose of adoption.

"Adult" means any person 18 years of age or older.

"Annual" means within 13 months of the previous event or occurrence.

"Applicant" means an individual or couple applying to be approved as a resource, foster, adoptive, treatment foster, or

short-term foster family home [~~; or independent living arrangement~~] provider.

"Background check" means a sworn statement or affirmation disclosing whether the individual has a criminal conviction, is the subject of any pending criminal charges within or outside the Commonwealth of Virginia and is the subject of a founded complaint of abuse or neglect within or outside the Commonwealth; criminal history record information; child abuse and neglect central registry search; and any other requirement of 22VAC-40-191, Background Checks for Child-Welfare Agencies, and §§ 63.2-1721 and 63.2-901.1 of the Code of Virginia.

"Behavior support" means those principles and methods employed by a provider to help a child or youth achieve positive behavior and to address and correct a child's or youth's inappropriate behavior in a constructive and safe manner in accordance with goals of the child's or youth's service or treatment plan and the safety of the child or youth and others.

"Birth parent" means the biological parent of a child and, for the purposes of adoptive placement, means parents by previous adoption.

"Caretaker" means any individual having the responsibility of providing care for a child and includes the following: (i) a parent or other person legally responsible for the child's care; (ii) any other person who has assumed caretaking responsibility by virtue of an agreement with the legally responsible person; (iii) a person responsible by virtue of their position of conferred authority; and (iv) adult persons residing in the home with the child.

"Career and technical education" means organized sequential educational activities and courses that provide individuals with academic and relevant technical knowledge and skills needed to prepare for further education and careers in current or emerging professions.

"Case management" means an activity that assists individuals eligible for Medicaid in gaining and coordinating access to necessary care and services appropriate to his needs. Case management activities are provided in treatment foster care.

"Casework" means provision of direct services or treatment with an individual or several individuals, and intervention in the situation on the client's behalf.

"Casework staff" means an individual hired to perform casework services who has at least a baccalaureate degree with relevant experience required in this chapter.

"Child" means any natural person under 18 years of age.

"Child-placing activities" means the activities involved in the placement of children in foster or adoptive family homes; and children or youth in children's residential facilities or

independent living arrangements. The following activities and actions are integral components of a Virginia-licensed child-placing program and when performed in Virginia, these components are regulated under this chapter:

1. The provision of counseling to biological parents including assisting parents to formulate a plan for the care and/or placement of their child;
2. The acceptance of a child's custody for placement purposes;
3. Assessing a child's service and placement needs;
4. Performing home studies;
5. Selecting and approving applicants for resource, foster, treatment foster, or short-term foster care and adoption placements; and approving independent living placements and services;
6. Matching a child with an approved family or licensed children's residential facility;
7. Making a placement of a child in a resource, foster, treatment foster, or short-term foster care home; an independent living arrangement; or children's residential facility selected for that child;
8. Casework and supervision of children in foster care, adoption and independent living, including counseling the child, the biological, adoptive parents, or other persons; and consultation with foster parents and agencies holding custody of the child; and
9. Providing documentation to finalize adoptions and providing post-placement adoption and supervision services or making referrals to appropriate resources for such services.

"Child-placing agency" means any person who places children in foster homes, adoptive homes, or independent living arrangements pursuant to § 63.2-1819 of the Code of Virginia; or a local board that places children in foster or adoptive homes pursuant to §§ 63.2-900, 63.2-903, and 63.2-1221 of the Code of Virginia. Officers, employees, or agents of the Commonwealth of Virginia or any locality acting within the scope of their authority as such, who serve as or maintain a child-placing agency, shall not be required to be licensed.

"Child's family" means the birth or adoptive parents, legal guardians, or family to whom the child may return.

"Commissioner" means the Commissioner of the Department of Social Services, his designee, or his authorized representative.

"Complaint" means an accusation that a facility that is subject to licensure is operating without a license or that a licensed facility is not in compliance with licensing standards or law.

"Corporal punishment" means punishment administered through the intentional infliction of pain or discomfort to the body through (i) actions such as, but not limited to, striking or hitting with any part of the body or with an implement; (ii) pinching, pulling, or shaking; or (iii) any similar action that normally inflicts pain or discomfort.

"Department" means the State Department of Social Services.

"Dual approval process" means a process that includes a home-study, mutual selection, interviews, training, and background checks completed on all applicants to be considered for approval as a resource, foster, or adoptive family home provider.

"Emergency placement" means the placement of a child where the local department of social services placing the child has within the past 72 hours removed the child from his home or previous placement due to abuse or neglect or other emergency.

["~~Employee~~", "Employee."] "staff," or "staff person" means a person working for the licensee who is compensated or has a financial interest in the business of the licensee, regardless of role, service, age, function, or duration of employment with the licensee. Employee, staff, or staff person also includes persons hired through a contract to provide services for the licensee.

"Foster care placement" means placement of a child through (i) an agreement between the parents or guardians and the local board where the legal custody remains with the parents or guardians or (ii) an entrustment or commitment of the child to the local board or licensed child-placing agency.

"Foster care services" means the provision of a full range of casework, treatment, and community services, including but not limited to independent living services, for a planned period of time to a child who is abused or neglected as defined in § 63.2-100 of the Code of Virginia or in need of services as defined in § 16.1-228 of the Code of Virginia and his family when the child (i) has been identified as needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through an agreement between the local board of social services and the parents or guardians where legal custody remains with the parents or guardians, or (iii) has been committed or entrusted to a local board of social services or licensed child-placing agency.

"Foster home" means the place of residence of any natural person in which any child, other than a child by birth or adoption of such person, resides as a member of the household.

"Foster parent" means an approved provider who gives 24-hour substitute family care, room and board, and services for children committed or entrusted to a child-placing agency.

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"Independent living arrangement" means the placement of a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency and has been placed by the local board or licensed child-placing agency in a living arrangement in which he does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older who was committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. Independent living services may also include services and activities [~~provide~~ provided] to a person who was in foster care on his 18th birthday and has not yet reached the age of 21 years. Such services shall include counseling, education, housing, employment, money management skills development, access to essential documents, and other appropriate services to help children or youth and persons prepare for self-sufficiency.

"In-service training" means the on-going instruction received by providers after they complete their pre-service training.

"Intercountry placement" means the arrangement for the care of a child in an adoptive home or foster care placement into or out of the Commonwealth by a licensed child-placing agency, court, or other entity authorized to make such placements in accordance with the laws of the foreign country under which it operates.

"Interstate Compact on the Placement of Children" means a uniform law enacted by all 50 states, the District of Columbia, and the U.S. Virgin Islands that establishes orderly procedures for the interstate placement of children and sets responsibility for those involved in placing those children.

"Licensee" means the individual, corporation, partnership, association, limited liability company, trust, business trust, public entity, or any other legal entity recognized by the Virginia State Corporation Commission, to whom the department issues a license and who is legally responsible for compliance with the regulations and statutory requirements related to the child-placing agency.

"Licensing representative" means an agent authorized by the commissioner to carry out the responsibilities and duties specified in Subtitle IV (§§ 63.2-1700 et seq. and 63.2-1800 et seq.) of Title 63.2 of the Code of Virginia.

"Local board" means the local board of social services representing one or more counties or cities.

"Local department" means the local department of social services of any county or city in this Commonwealth.

"Mental abuse" means that which occurs when a caretaker creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon a child a mental injury by other than

accidental means or creates a substantial risk of impairment of mental functions.

"Mutual selection" means a method within the dual approval process that encourages collaboration by and between both (i) the applicant applying for approval as a resource, foster, adoptive, treatment foster, or short-term foster home provider; [~~or independent living arrangement~~] and (ii) the child-placing agency who is processing the application. It allows both parties the ability to gather information necessary to make an informed decision about whether the applicant has a continued interest in and would be ready to accept a child into his home if it is determined that he meets all criteria to be an approved home provider. The child-placing agency makes the final determination regarding approval or disapproval of the applicant.

"Parent" means the birth or adoptive parent of a child.

"Parental placement" means locating or effecting the placement of a child or the placing of a child in a family home by the child's parent or legal guardian for the purpose of foster care or adoption.

"Permanent entrustment agreement" means an agreement that provides for the termination of all parental rights and responsibilities with respect to the child to be placed for adoption.

"Permanent foster care placement" means the place in which a child has been placed pursuant to the provisions of §§ 63.2-900, 63.2-903, and 63.2-908 of the Code of Virginia with the expectation and agreement between the placing agency and the place of permanent foster care that the child shall remain in the placement until he reaches the age of majority unless modified by court order or unless removed pursuant to § 16.1-251 or 63.2-1517 of the Code of Virginia. A permanent foster care placement may be a place of residence of any natural persons deemed appropriate to meet a child's needs on a long-term basis.

"Physical abuse" means abuse that occurs when a caretaker creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon a child a physical injury by other than accidental means; or creates a substantial risk of death, disfigurement, or impairment of bodily functions.

"Physical neglect" means the failure to provide food, clothing, shelter, or supervision for a child to the extent that the child's health or safety is endangered. This also includes abandonment and situations where the parent or caretaker's own incapacitating behavior or absence prevents or severely limits the performing of child caring tasks pursuant to § 63.2-100 of the Code of Virginia.

"Physical restraint" means use of a physical intervention or "hands-on" hold to prevent an individual from moving his body when that individual's behavior places him or others at imminent risk.

"Placing agency" means the child-placing agency that placed the child with the licensee.

"Pre-service training" means the instruction received by providers during the initial approval process.

"Provider" means an individual approved as a resource, foster, adoptive, treatment foster, or short-term foster parent or family.

"Records" means the written information assembled in a file relating to the child-placing agency; staff; volunteers; child; child's family; and resource, foster, adoptive, treatment foster, and short-term foster family home providers.

"Resource parent" means an approved provider who is committed to support reunification and who is prepared to adopt the child if the child and family do not reunify.

"Seclusion" means the involuntary placement of a child alone in a locked room or secured area from which he is physically prevented from leaving.

"Serious incident reports" means a written report detailing the child's accidents or injuries that require medical attention beyond minor first aid care [, criminal activity, and incidents requiring police intervention].

"Service plan" means a written document that describes the programs, care, services, and other support that will be offered to the child and his parents and other prior custodians pursuant to § 16.1-281 of the Code of Virginia.

"Sexual abuse" means any act of sexual exploitation or any sexual act upon a child in violation of the law that is committed or allowed to be committed by the child's parents or other persons responsible for the care of the child pursuant to § 63.2-100 of the Code of Virginia.

"Short-term foster care" means a licensee-offered service that is designed to provide crisis or alternate planned-support relief for up to 30 consecutive calendar days to resource, foster, adoptive, or treatment foster family home providers; or biological families through substitute care placement arrangements for children. The substitute-care placement environments used shall be limited to provider home environments that have been approved.

"Special needs" means (i) a physical, mental, or emotional condition existing prior to adoption; (ii) hereditary tendency, congenital problem, or birth injury leading to substantial risk of future disability; or (iii) individual circumstances of the child related to age, racial, or ethnic background or close relationship with one or more siblings. A child with special needs is any child for whom it has been determined unlikely that he will be adopted within a reasonable period of time due to one or more of the factors described in clause (i), (ii), or (iii) of this definition and the child is in the custody of a local board or licensed child-placing agency. A special needs child includes children who have factors described in clause (i) and

(ii) of this definition present at the time of adoption but not diagnosed until after entry of the final order of adoption and no more than one year has elapsed.

"State Board" means the State Board of Social Services.

"Treatment" is the coordinated provision of services and use of professionally developed and supervised interventions designed to produce a planned outcome in a person's behavior, attitude, emotional functioning, or general condition.

"Treatment foster care" is a community-based program where services are designed to address the special needs of children and families. Services to children are delivered primarily by treatment foster parents who are trained, supervised, and supported by child-placing agency staff. Treatment is primarily foster family based, and is planned and delivered by a treatment team. Treatment foster care focuses on a continuity of services, is goal directed and results oriented, and emphasizes permanency planning for the child in care.

"Treatment foster parent" means a provider, approved by the licensed or certified child-placing agency, who is trained to provide treatment foster care services.

"Treatment team" means the group that provides mutual support; evaluates treatment; and designs, implements, and revises the treatment and service plan. Treatment team members are persons directly involved with the child and shall, unless otherwise indicated, consist of the child; professional child-placing agency staff; other professionals; the child's family members, where appropriate; [~~the licensee;~~] and the treatment foster parents.

"Youth" means persons between the ages of 16 and 18 who are in foster care and persons between the ages of 18 to 21 who are former foster care children and are transitioning from foster care to self-sufficiency.

22VAC40-131-20. Scope and applicability.

This regulation shall apply to child-placing agencies as defined in § 63.2-100 of the Code of Virginia and in 22VAC40-131. It shall specifically apply to the following:

1. Licensed child-placing agencies that provide foster care services as stipulated in this chapter. Specific sections also apply to or impact the foster parents approved by them;
2. Licensed child-placing agencies that provide adoption services as stipulated in this chapter. Specific sections also apply to or impact the adoptive applicants;
3. Licensed child-placing agencies that provide interstate or intercountry services as stipulated in this chapter;
4. Licensed child-placing agencies that provide independent living arrangements as stipulated in this chapter;

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5. Licensed child-placing agencies that provide treatment foster care case management services as stipulated in this chapter. Specific sections also apply to or impact the treatment foster parents approved by them; and

6. Local departments of social services certified by the department to provide treatment foster care case management services as stipulated in this chapter. Specific sections apply to or impact the treatment foster parents approved by them.

Part II

Organization and Administration

22VAC40-131-30. Sponsorship.

Each licensed child-placing agency shall have a clearly identified sponsor. The sponsor may be an individual, corporation, partnership, association, limited liability company, trust, business trust, or any other legal entity recognized by the Virginia State Corporation Commission.

1. An individual sponsoring a child-placing agency shall serve as the licensee and shall have the legal and operational responsibility for the child-placing agency. The individual shall have knowledge and experience in the programs and services the child-placing agency offers.

2. A partnership sponsoring a child-placing agency shall serve as the licensee for the child-placing agency. The partners shall have a written partnership statement of agreement clearly delineating the responsibilities of each partner in the operation and maintenance of the licensed child-placing agency. When a partner is responsible for any of the operational responsibilities, he shall have knowledge of and experience in the programs and services offered by the child-placing agency.

3. An association sponsoring a child-placing agency shall serve as the licensee for the child-placing agency. The association shall have a governing board that shall maintain the legal and operational responsibility for the licensed child-placing agency. The association shall have:

a. At least one member serving on the board who has knowledge of and experience in the programs and services offered by the licensed child-placing agency; and

b. A written constitution or bylaws that delineate responsibilities for the operation and maintenance of the licensed child-placing agency.

[~~When not one of the members of the board of directors possesses the required knowledge and experience in the programs and services offered by the licensed child-placing agency, the board of directors shall appoint a person who does meet those required qualifications and shall delegate in writing to that person the authority,~~

responsibility, and duty of operations for the child placing agency; and]

4. A corporation sponsoring a child-placing agency shall serve as the licensee for the child-placing agency. The corporation shall have a governing board that shall maintain the legal and operational responsibility for the licensed child-placing agency. The corporation shall have:

a. At least one member serving on the board who has knowledge of and experience in the programs and services offered by the licensed child-placing agency;

b. A certificate of incorporation issued by the Virginia State Corporation Commission or, for corporations formed under the laws of a jurisdiction other than Virginia, a certificate of authority to transact business in the Commonwealth; and

c. Articles of incorporation that specify that at least one purpose of the corporation is to operate a licensed child-placing agency.

[~~When not one of the members of the board of directors possesses the required knowledge and experience in the programs and services offered by the child placing agency, the board of directors shall appoint a person who does meet those required qualifications and shall delegate in writing to that person the authority, responsibility, and duty of operations for the child placing agency.]~~

5. A limited liability company sponsoring a child-placing agency shall serve as the licensee for the child-placing agency. The limited liability company shall have a list of the names and addresses of each member of the company. The members shall maintain the legal and operational responsibility for the licensed child-placing agency. The limited liability company shall have:

a. At least one member serving on the board who has knowledge of and experience in the programs and services offered by the child-placing agency;

b. A certificate of organization issued by the Virginia State Corporation Commission or, for limited liability companies formed under the laws of a jurisdiction other than Virginia, a certificate of registration to transact business in the Commonwealth; and

c. Articles of organization that specify that at least one purpose of the limited liability company is to operate a licensed child-placing agency.

[~~When not one of the members possesses the required knowledge and experience in the programs and services offered by the child-placing agency, the limited liability company members shall appoint a person who does meet those required qualifications and shall delegate in writing to that person the authority, responsibility, and duty of operations for the licensed child placing agency.]~~

6. A business trust sponsoring a child-placing agency shall serve as the licensee for the child-placing agency. The business trust shall have a list of the names and addresses of each trustee and beneficial owners of the trust. The trustee shall maintain the legal and operational responsibility for the licensed child-placing agency and the trustee must have knowledge and experience in the programs and services the child-placing agency offers. The business trust shall have articles of trust that specify at least one purpose of the trust is to operate a licensed child-placing agency.

22VAC40-131-40. Licensee.

A. The licensee shall ensure compliance with all regulations for licensed child-placing agencies and terms of the current license issued by the department; and with relevant federal, state, or local laws and relevant regulations.

B. The licensee shall comply with its own policies and procedures.

C. The licensee shall give evidence of financial responsibility.

D. The licensee shall be of good character and reputation as defined in 22VAC40-80-10.

E. The licensee shall meet the requirements specified in 22VAC40-191, Background Checks for Child Welfare Agencies.

F. The licensee shall meet the requirements specified in 22VAC40-80, General Procedures and Information for Licensure.

G. The licensee shall [~~develop and~~] maintain [~~an operating budget~~] sufficient [~~funds~~] to ensure [~~adequate funds in all aspects of~~] operation [~~in compliance with this chapter. The licensee shall develop a budget for a period of 12 months of operation~~].

H. The licensee shall ensure that the child-placing agency makes and maintains such records and other information as required by this chapter. The licensee shall submit, or make available for inspection to the department's representative, records, reports, and other information as necessary to assist the department in determining the licensee's compliance with this chapter and applicable law.

I. The licensee shall allow the department's representative to interview the licensee's employees and individuals under its custody, control, direction, or supervision.

J. The licensee shall at all times allow the department's representative reasonable opportunities to conduct announced and unannounced inspections of the licensee's approved homes.

K. The licensee shall:

1. Correct any areas of noncompliance found during inspections;

2. Take necessary actions to prevent reoccurrence of noncompliance; and

3. Make and implement necessary revisions to its policies and procedures.

L. The licensee shall not disseminate, or cause directly or indirectly to be disseminated, statements regarding services that are untrue, deceptive, or misleading.

M. The licensee shall ensure that information, brochures, and materials distributed or available to the public contain accurate and updated information.

N. The licensee shall maintain ultimate responsibility for the health, safety, and well-being of children under its custody, control, and direction and shall ensure that an on-call licensee representative is available 24 hours a day 7 days each week to receive contacts from foster parents, children, and other staff of placement settings in which children have been placed by the licensee. The licensee shall provide interventions and follow-up services, as necessary.

22VAC40-131-50. Office settings and conditions.

A. The licensee shall maintain an office within the Commonwealth of Virginia from which the child-placing activities are conducted.

B. The licensee shall ensure that the office from where child-placing activities are conducted has equipment, supplies, and adequate space for:

1. The safekeeping of records;

2. Protection of confidential information;

3. Affording privacy during interviews and conferences; and

4. Allowing families and children the use of rooms for visitation.

22VAC40-131-60. Posting of the license.

The licensee shall post the most recently issued license to operate in each licensed Virginia office location where child-placing activities are performed, including branch office locations. The license shall be posted near the entrance of each office location.

22VAC40-131-70. Conflict of interest.

A. The governing board of the licensee shall not have a board member who is:

1. An applicant for adoption services; or

2. A recipient of adoption services [until the final order of adoption is entered].

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B. No biological parent of a child currently placed by the licensee shall serve as a member of the licensee's governing board.

C. No provider applicant shall serve as a member of the licensee's governing board.

D. A member of the licensee's governing board who is also a foster parent for the licensee shall not vote on issues related to foster care policy and procedure.

E. The licensee shall not provide foster care services to its child-placing agency staff members.

F. The licensee shall not accept an application for adoption from or provide adoption services to any of its staff or governing board members.

22VAC40-131-80. Licensed capacity and maximum caseload numbers.

A. The licensee shall include in the child-placing agency's caseload and capacity count all children to whom supervision is provided. The supervised children may be placed directly by the licensee or through arrangement or negotiation with another licensed child-placing agency in one of the following settings:

1. A resource home;
2. A foster home;
3. An adoptive home prior to the final order of adoption;
4. A treatment foster home;
5. A short-term foster home;
6. An independent living arrangement; or
7. Licensed children's residential facility.

B. The total approved caseload numbers served by the licensee at any given time shall not exceed the following:

1. Except for licensees that provide treatment foster care, the maximum caseload restrictions shall apply:

a. A full-time caseworker shall serve no more than 25 children at any one time;

b. Trainees:

(1) A beginning trainee shall serve no more than 10 children at any one time until such time that he has reached his first year anniversary with the licensee; and

(2) A one year experienced trainee shall serve no more than 15 children at any one time until such time that he has reached his second year anniversary with the licensee.

c. The caseload of a less than full-time caseworker shall be proportional to the time spent providing casework services to the licensee.

2. For treatment foster care, the total caseload shall be the sum of the following:

a. A full time caseworker shall have a maximum caseload of 12 children. However, the caseload shall be adjusted downward if:

(1) The caseworker's job responsibilities exceed those listed in caseworker's job description; or

(2) The difficulty of the children served requires more intensive supervision and training of the treatment foster parents.

b. The caseload of a less than full-time caseworker shall be proportional to the time spent providing casework services to the licensee.

c. Trainees:

(1) A beginning trainee shall serve no more than six children at any one time until such time that he has reached his first year anniversary with the licensee;

(2) A one year experienced trainee shall serve no more than nine children at any one time until such time that he has reached his second year anniversary with the licensee.

[~~4~~ 3.] Student Interns: There shall be a maximum of three children in a caseload for a student intern, if any student intern works with the licensee.

C. For licensees that serve both foster care and treatment foster care populations, the licensee shall first consider caseload downward adjustment criteria as specified in 22VAC40-131-90 B 2 a (1) and (2) and, if the criteria does not apply to the caseworker's caseload under consideration then, the licensee shall ensure that the caseworker serving the mixed populations provide services to a maximum of 15 total children; and no more than 10 of those 15 children are served in treatment foster care.

D. The licensee shall include the following children in the capacity count:

1. A child in the custody of the licensee;

2. A child for whom an interlocutory order has been entered and still awaits a final order of adoption to be entered; and

3. A child not in the licensee's custody whose placement is supervised by the licensee.

22VAC40-131-90. Policy and procedures.

A. The licensee shall develop and implement written policy and procedures governing the plans for active and closed cases. The plan shall address the following:

1. Procedures the licensee will follow should the licensee cease operations, including:

a. Disposition of children in placement at the time of cessation, including procedures for assisting placing agencies in placing children; and

b. Notification to the placing agency, legal guardian, and the department of the licensee's closing; and

2. Disposing and storing active and closed case files, both written and electronic, on the children and providers. The disposition and storage schedule shall be consistent with requirements for local governments contained in the Library of Virginia's Record Retention and Disposition Schedule General Schedule No. 15 - County and Municipal Governments Social Services Records (May 2010).

B. The licensee shall develop and implement written admission policies and procedures for child-placing activities in each program provided by the licensee. The policies and procedures shall include:

1. A description of intake and admission processes and requirements;

2. Decision-making procedures for acceptance, matching, placement, and discharge from care; and

3. A statement that children with disabilities will be accepted for admission if the needs of the child can be reasonably accommodated.

C. The licensee shall develop and implement policies and procedures governing the licensee's responsibility to monitor the administration of medications by foster parents to ensure that foster parents:

1. Properly administer medication as prescribed to children placed in their home;

2. Have knowledge of intended and adverse side effects of medication prescribed;

3. Have knowledge about and take necessary actions when placed children experience adverse reactions to medication including notifying the licensee when such occurs; and

4. Have knowledge of methods for proper, safe, and secure storage; retention; and disposal of medications.

D. The licensee shall develop and implement written policies and procedures for:

1. Prohibiting corporal punishment, chemical and mechanical restraints, and seclusion;

2. Ensuring that children are not subjected to physical, mental, or sexual abuse; verbal abuse or remarks that belittle or ridicule the child or his family; physical neglect or denied essential program or treatment services, meals, clothing, bedding, sleep, or personal care products; or any humiliating, degrading, or abusive actions;

3. Investigating, responding to, and reporting allegations of misconduct toward children, including reporting suspicions

of child abuse or neglect to the local department of social services or the Child Abuse and Neglect Hotline;

4. Implementing the child's detailed back-up emergency care plan when the child's placement disrupts; and

5. Assigning designated [casework] staff to be available on call to foster parents 24 hours a day, 365 days a year.

E. The licensee shall develop and implement written policies and procedures for management of all records, written and electronic, that shall describe confidentiality, accessibility, security, and retention of records pertaining to the files of children, applicants for home provider, and approved home providers.

F. The licensee shall develop and implement written discharge policies and procedures governing children's planned and emergency discharges from the licensee's program and services.

G. The licensee shall develop and implement written policies and procedures governing foster parent's use of physical restraint. The policies and procedures shall include:

1. A description of all less intrusive behavior support and crisis management techniques approved by the licensee for use by foster parents;

2. A description of methods of restraint approved by the licensee;

3. A description of training required to be completed prior to use of each method of physical restraint;

4. A description of the licensee's method for determining that the foster care parent has the ability to apply the licensee's approved methods of physical restraint and crisis intervention;

5. A statement prohibiting the use of mechanical and chemical restraint for the purpose of behavior support; and

6. A statement prohibiting the use of seclusion of a child in a room or area secured by a door that is locked or held shut or secured by individuals physically blocking the door or using other physical or verbal means to block the door so that the child cannot leave the room or area.

H. The licensee shall develop and implement written policy and procedures to address the following:

1. Acceptable methods of behavior support; and

2. Specific unacceptable methods for behavior control and discipline.

I. The licensee shall have and implement licensee-approved written personnel policies including procedures to assure that persons employed in or designated to assume the responsibilities of each position possess the education, experience, knowledge, skills, and abilities specified in the job description for the position.

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22VAC40-131-100. Program evaluation and improvement.

A. The licensee shall develop and implement a written plan to monitor and evaluate the quality and effectiveness of its program and services on a systematic and on-going basis. If evaluation findings suggest that improvements be made to the licensee's programs and services, the licensee shall implement necessary improvements.

B. The evaluation plan shall describe:

1. Methods for collection, summarization, and analysis of information and data;
2. Who has access to the information used for evaluation and how the information will be used; and
3. Quality indicator factors for assessing the effectiveness of the services provided.

22VAC40-131-110. Received date for materials.

All materials and information received by the licensee shall indicate the date received.

Part III Personnel

22VAC40-131-120. Access to written personnel policies.

The licensee shall make the child-placing agency's written personnel policies readily accessible to each staff member.

22VAC40-131-130. Job descriptions.

A. There shall be a written job description for each position that includes:

1. Job title;
2. Duties and responsibilities of the incumbent;
3. Job title of the immediate supervisor; and
4. Minimum education, experience, knowledge, skills, and abilities required for entry-level performance of the job.

B. A copy of the job description shall be given to each person assigned to a position at the time of employment or assignment to the position.

22VAC40-131-140. Staff composition and qualifications.

A. A staff member shall be designated to perform each function described in this chapter.

B. A person who assumes or is designated to assume the responsibilities of a position or any combination of positions described in this chapter shall meet the qualifications of each position held.

C. Executive director.

1. Each licensee shall appoint an executive director. An entity such as a corporation or company shall not serve as the executive director.

2. Each licensee shall delegate to the executive director the responsibilities for the general administration and day-to-day operation of the child-placing agency including implementation of all child-placing agency programs, policies, procedures, and financial management.

3. The executive director shall have a doctorate or master's degree from an accredited college or university plus five years of experience in a social service agency or program including one year in an administrative, supervisory, or consultative capacity.

D. Program director.

1. The program director shall:

- a. Supervise directly or through others all child-placing staff and activities; and
- b. Assist the executive director in the formulation and implementation of the agency's policies and programs related to child placing and in the specific program area in which he works.

2. The program director shall have either a doctorate or master's degree in social work from a college or university accredited by the Council on Social Work Education plus three years of experience in providing casework services to children and their families and one year as an administrator or supervisor of casework services.

3. If the program director does not have a doctorate or master's degree in social work, he shall have a doctorate or master's degree in a field related to social work such as, but not limited to, sociology, psychology, special education, or counseling; and at least four years casework service experience with children and families, two of which must be in providing casework services to children and families in a child-placing agency and one year of experience must be as an administrator or supervisor of casework services.

E. Child-placing supervisor.

1. A child-placing agency employing six or more caseworkers shall employ a child-placing supervisor.

2. The [child-placing] supervisor shall be responsible for direct supervision of caseworkers.

3. Each [child-placing] supervisor shall supervise no more than a total of eight caseworkers at any one time.

4. The [child-placing] supervisor shall have:

- a. A doctorate or master's degree in social work from a college or university accredited by the Council on Social Work Education plus three years of experience in providing casework services to children and families;

b. A doctorate or master's degree in a field related to social work such as, but not limited to, sociology, psychology, special education, or counseling with at least four years of experience in providing casework services to children and families in a child-placing agency; or

c. A baccalaureate degree in any field plus five years of experience in providing casework services to children and families.

F. Case worker.

1. Responsibilities of the caseworker include:

a. Interviewing children and families;

b. Conducting and writing home studies;

c. Service planning by developing individualized treatment and service plans;

d. Counseling children and families in preparation for placement or discharge;

e. Supervising children in resource, foster, and adoptive homes; and in independent living arrangements;

f. Preparing and maintaining case records;

g. Coordinating services to minimize fragmentation of care, reduce barriers, and link children with appropriate services to ensure comprehensive, continuous access to needed medical, social, educational, and other services appropriate to the needs of the child;

h. Assessing periodically to determine the child's needs for psychosocial, nutritional, medical, and educational services;

i. Coordinating referrals by assisting the child in arranging for appropriate services and ensuring continuity of care for a child in treatment foster care. The case worker shall link the child to services and supports specified in the individualized treatment and service plan. The case worker shall directly assist the child to locate or obtain needed services and resources. The case worker shall coordinate services and service planning with other agencies and providers involved with the child by arranging, as needed, medical, remedial, and dental services;

j. Monitoring and following up by assessing ongoing progress in each case and ensuring services are delivered. The case worker shall continually evaluate and review each child's plan of care. The case worker shall collaborate with the family assessment and planning teams and other involved parties on reviews and coordination of services to children and their families;

k. Educating and counseling by guiding the child and developing a supportive relationship that promotes the service plan; and

1. Collaborating closely with the family assessment and planning teams and other involved parties in preparation of all case plans.

2. The case worker shall have:

a. A doctorate or master's degree in social work from a college or university accredited by the Council on Social Work Education or a field related to social work such as sociology, psychology, special education, or counseling, with a student placement in casework services to children and families or one year of experience in providing casework services to children and families;

b. A baccalaureate degree in social work or a field related to social work including, but not limited to, sociology, psychology, special education, or counseling and one year of experience in providing casework services to children and families; or

c. A baccalaureate degree in any field plus two years experience in providing casework services to children and families.

G. Case worker trainee. When a child-placing agency employs a casework trainee, all of the following conditions shall be met:

1. The trainee shall have a baccalaureate degree in any field;

2. The program director or a child-placing supervisor shall directly supervise the trainee and develop a written training program listing topics to be covered during the period of time the individual is a trainee; and

3. Placement decisions made by the trainee shall be approved by the supervisor.

H. Students or interns receiving professional training.

1. If the licensee's child-placing agency provides professional training to undergraduate or graduate students or interns, it shall have a written plan for their selection, orientation, training, supervision, assignment, and evaluation.

2. An individual with a doctorate degree or a master's degree in social work from a college or university accredited by the Council on Social Work Education shall supervise students or interns who perform child-placing activities and approve all placement decisions made by the student or intern.

3. The licensee's child-placing agency shall not be wholly dependent upon the use of students or interns receiving professional training to ensure the provision of services.

I. Volunteers.

Regulations

1. The child-placing agency shall, if it makes use of volunteers, have a written plan for selection, orientation, training, supervision, and assignment.

2. Staff who usually supervise or perform the assigned tasks shall supervise volunteers.

3. When the volunteer is used to perform any staff function or responsibility, the volunteer shall meet the qualifications for the function or responsibility performed.

4. The licensee's child-placing agency shall not be wholly dependent upon the use of volunteers to ensure the provision of services.

J. Consultants. All consultants engaged to provide services to the licensee's child-placing agency or to children and their families served by the child-placing agency shall be professionally qualified according to the requirements of the Code of Virginia governing professions.

22VAC40-131-150. Staff development.

A. Any staff person who has responsibility to work with children and their families or to supervise staff persons who work with children and their families shall participate in orientation and training.

B. Required initial orientation:

1. Prior to assuming the responsibilities of his position in the licensee's child-placing agency and within 30 days of the date of employment, each staff person who has responsibility to work with children and their families or to supervise staff persons who work with children and their families shall receive orientation that includes:

a. The licensee's description of programs and services including population served;

b. The applicable position job descriptions for each position assumed by the individual; and

c. All training topics identified by the licensee including:

(1) Policies and procedures regarding expectations for service delivery;

(2) Practices regarding protection of confidential information;

(3) Documentation protocols;

(4) The Standards for Licensed Child-Placing Agencies (22VAC40-131), child-placing related Virginia statutes, and child-placing related policy and guidance documents and broadcasts issued by the Division of Family Services, Department of Social Services;

(5) Virginia statutes regarding reporting requirements for suspected child abuse and neglect;

(6) Prohibition of corporal punishment;

(7) The licensee's policies regarding discipline and behavior management;

(8) Pre-service training core competencies for resource, foster, and adoptive family home providers; and

(9) The licensee's emergency preparedness and response plan.

2. Child-placing agencies licensed to provide treatment foster care shall provide additional training to each professional staff person who has responsibility to work with children and their families or to supervise staff persons who work with children and their families. The training shall be provided prior to that staff member assuming the responsibilities of his position and within 30 days of the date of his employment. The training shall include:

a. The licensee's treatment philosophy and specific treatment methodologies including the provision of case management services and crisis intervention techniques;

b. The current requirements of the Department of Medical Assistance Services related to the provision of treatment foster care case management services, if the licensee accepts Medicaid reimbursements for case management services;

c. Orientation in effectively working with children who have emotional and behavioral problems and who may have been abused and neglected;

d. Procedures and requirements regarding foster care placements;

e. Services to children and their families;

f. Services to foster parents;

g. Assessment and evaluation of foster homes;

h. Training of foster home parents;

i. Grief and loss issues for children in foster care, including the significance of birth families to children placed in foster care;

j. Orientation to life skill preparedness for children in foster care; and

k. Orientation to permanency planning and goal setting for children in foster care.

3. Agencies licensed to provide adoption services shall provide additional training to each professional staff person. The training shall be provided prior to that staff assuming the responsibilities of his positions in the child-placing agency and within 30 days of the date of his employment. The training shall include:

a. Procedures and requirements regarding adoption placement including intercountry adoptions if the child-

placing agency is licensed to provide intercountry adoption services;

b. Services to birth and adoptive parents;

c. Assessment and evaluation of adoptive homes;

d. Services to children, including grief and loss issues;

e. Provision of post adoption services to families and adoptees; and

f. Current requirements of the Hague Adoption Convention, if applicable.

4. Child-placing agencies licensed to provide foster care services shall provide additional training to each [casework] staff person who has responsibility to work with children and their families or to supervise staff persons who work with children and their families. The training shall be provided prior to that staff person's assuming the responsibilities of his positions in the child-placing agency and within 30 days of the date of his employment. The training shall include:

a. Procedures and requirements regarding foster care placements;

b. Services to children and their families;

c. Services to foster parents;

d. Assessment and evaluation of foster homes;

e. Training of foster home parents;

f. Grief and loss issues for children in foster care, including the significance of birth families to children placed in foster care;

g. Orientation to life skill preparedness for children in foster care; and

h. Orientation to permanency planning and setting goals for children in foster care.

C. Professional staff shall participate in the child-placing agency's pre-service training for adoptive and foster parents. Each professional staff person shall complete this training within one year of the date of his employment with the child-placing agency.

D. Additional on-going education and training.

1. Annually each professional staff person shall complete training applicable to his job duties and responsibilities.

2. Training shall be based on the needs of the population served to ensure that staff persons have competencies to perform their jobs.

E. All orientation and training completed by a staff person shall be documented in a child-placing agency-managed file.

22VAC40-131-160. Personnel records.

A. Separate up-to-date written or electronic personnel records shall be maintained for each staff person, student/intern, and volunteer for whom background checks are required by Virginia and federal law. Content of personnel records for volunteers and students/interns may be limited to documentation of compliance with requirements of background checks.

B. The records of each staff person shall include:

1. A completed employment application form or other written material providing the individual's name, address, and phone number;

2. Educational background; copies of educational degrees and credentials; and relevant work experience, providing dates, places of employment, and details substantiating qualifications required by this chapter;

3. At least two written references, notations of oral references, or record of interviews with references;

4. Copies of professional licensure when licensure is required by law;

5. Annual performance evaluations;

6. Date of employment for each position held with the licensee;

7. Date of separation for each position held with the licensee;

8. Documentation of compliance with requirements of Virginia and federal laws regarding background checks;

9. Documentation of all training required by these standards; and

10. A current job description.

C. Personnel records shall be retained in their entirety for at least two years after separation from employment, contractual service, student/intern, or volunteer service.

**Part IV
Program Statement**

22VAC40-131-170. Program statement and description.

A. The licensee shall maintain a current written program statement for child-placing activities that shall include a description of:

1. The purpose of each program provided by the licensee including, as applicable, foster care services; [~~short term~~ short-term] foster care services; treatment foster care services; independent living arrangements; independent living services; and all categories of adoption services, including domestic, intercountry, and parental placement;

Regulations

2. The population to be served in each program provided by the licensee including, as applicable, foster care services; short-term foster care services; treatment foster care services; independent living arrangements; independent living services; and all categories of adoption services, including domestic, intercountry, and parental placement;

3. Services provided to:

a. Adult adopted persons, if the licensee [~~is licensed to provide~~ provides] adoption search services;

b. Children and families served by the licensee, and including, as applicable, birth families, foster families, and adoptive families;

c. Children placed in independent living arrangements and, if the licensee provides services to the families of those placed children, a description of the services provided to the families; and

d. Persons 18 years of age to 21 years of age who receive independent living services [~~;~~]

4. [~~Preadoption and post-adoption~~ Adoption] services provided to children, birth families, and adoptive families prior to the final order of adoption, if the child-placing agency is licensed to provide adoption services;

5. Preadmission eligibility requirements for children to be served by each program provided by the licensee;

6. Procedures for conducting the home study and the decision-making process for approval and selection of families to receive children;

7. Procedures for placement of children and discharge of child from care or services;

8. Intercountry services and identification of the licensee's roles and responsibilities regarding the provision of services, if the licensee is licensed to provide intercountry adoption services;

9. Parental placement adoption services and identification of the licensee's roles and responsibilities regarding the provision of services, if the licensee is licensed to provide parental placement adoption services;

10. Orientation and training the licensee provides to families;

11. Policy related to the fees for activities and services provided by the licensee; and

12. Procedures for accepting emergency and short-term foster care placements. If such services are not provided by the licensee, the program statement shall identify that the licensee does not accept these placements.

B. The licensee shall prohibit acts of discrimination based on race, color, [~~gender,~~ or] national origin [~~;~~ ~~age,~~ ~~religion,~~

~~political beliefs, sexual orientation, disability, or family status] to:~~

1. Delay or deny a child's placement; or

2. Deny an individual the opportunity [~~to apply~~] to become a foster or adoptive parent.

C. The licensee shall give a copy of either (i) the full program statement and description or (ii) a summary of the statement and description to agencies and individuals who inquire about the services provided by the licensee.

D. When changes and updates to the program statement and description are made, the licensee shall provide a copy of the updated statement to the department.

Part V Provider Homes

22VAC40-131-180. Home study [~~requirement requirements~~].

A. The licensee shall require that all persons applying to be a resource, foster, adoptive, treatment foster care, or short-term foster care family home provider submit to the licensee a complete application containing elements required by this regulation and in accordance with requirements prescribed by the department.

B. Upon receipt of a provider application, the licensee shall review the application for completeness and notify the applicant of the status of the application.

C. Upon the licensee's determination that the provider application is complete, the licensee shall begin the process of gathering and assessing information for use in the final decision related to whether the applicant and home meets all required elements for approval.

D. The licensee shall conduct a minimum of three face-to-face interviews on three separate days with each applicant.

E. At least one of the face-to-face interviews shall be conducted in the home of the applicant and, if there are two applicants, at least one face-to-face interview shall be conducted with both applicants present.

F. At least one face-to-face interview shall be conducted with all individuals who reside in the home of the applicant.

G. The licensee shall obtain and document a minimum of three references on each applicant from persons who have knowledge of the applicant's character, his applicable experience with children, and his experience in caretaking of others. At least one reference shall be from a nonrelative.

H. The licensee shall obtain from the applicant information regarding previous applications submitted to another public or private child-placing agency and whether as a result of the previous applications, he was approved by another public or private child-placing agency as a provider.

I. The licensee shall obtain from the applicant a signed authorization allowing the previous child-placing agency to release information to the licensee about previous applications, his child-caring performance as an approved provider, and current status as a provider. The signed authorization and information received shall be filed and maintained in the applicant's file.

J. The home study conducted by the licensee shall be documented in the file of the applicant and shall include the following components:

1. All department-required information including:

a. Sworn disclosure statement or affirmation, results of background checks in compliance with applicable state and federal laws;

b. Tuberculosis screenings in compliance with requirements of the Virginia Department of Health for the applicant and all other household members who come into contact with the children as described in 22VAC40-131-290 K; and

c. Driving records obtained from the Department of Motor Vehicles for the applicant and all adults who are expected to transport children [~~3~~]

2. A combination of narrative documentation and other data collection formats, including:

a. Dated signatures of:

(1) The individual who completed the home study; and

(2) The licensee's executive director or his designee.

b. Demographic information including:

(1) Age of applicant;

(2) Marital history and status, including verifications of provider couple's marriages and divorces; and

(3) Family composition and history.

c. Financial information [~~including~~ listed in subdivisions (1), (2), and (3) of this subdivision is required for all applicants except those individuals applying solely to provide short-term foster care]:

(1) Employment history of the applicant;

(2) Assets and resources of applicant; and

(3) Debts and obligations of applicant.

[~~This financial information requirement shall not apply to individuals applying solely to provide short term foster care.~~]

d. A list of the names and roles of each individual involved in completing the home study.

e. Narrative documentation shall include dates and a summary of content information from interviews, references, observations, and other available information. The collective information shall be used to assess the applicant and document that the applicant:

(1) Is knowledgeable about care necessary for children;

(2) Is physically and mentally capable of providing the necessary care for children [as described in 22VAC40-131-290 L and M];

(3) Has an understanding of the importance of establishing and enforcing rules to encourage desired behavior and discourage undesired behavior;

(4) Understands he is prohibited from using any form of corporal punishment on the child and also prohibited from giving permission to others to use any form of corporal punishment on the child;

(5) Is able to articulate a reasonable process for managing emergencies and ensuring the adequate care, safety, and protection of children;

(6) Expresses attitudes that demonstrate the capacity to love and nurture a child or youth born to someone else;

(7) Expresses appropriate motivation for reasons to foster or adopt;

(8) Shows stability in all household relationships;

(9) Has the financial resources to provide for current and on-going household needs and maintenance of the family; and

(10) Has in-force vehicle liability insurance, if he will transport children.

f. Documentation that the home complies with the standards for the home as required by 22VAC40-131-190.

g. A confidentiality statement signed and dated by the applicant.

K. The results of background checks received by the licensee shall be maintained in the respective applicant's file.

L. The licensee shall not further disseminate results of background investigation information unless permitted to do so in accordance with state and federal laws.

M. Prior to making a decision on the applicant, the licensee shall consider all information received about an applicant.

N. The licensee shall document an addendum to the home study when any significant change or circumstance impacts the conditions of the original approval. Unless such change or circumstance affects the safety or well-being of the children placed in the home, the original approval period for the provider shall remain in effect.

Regulations

O. A home study conducted for the purpose of parental placement or placement of a child by the licensee shall remain valid for a period of 36 months from the approval date of the study. For adoption cases, before finalization of an adoption in which more than 18 months have passed since the completion date of the study, the licensee may obtain additional state criminal background checks on the applicants and all other adults living in the home of the applicant.

22VAC40-131-190. Home environment.

A. The home shall provide sufficient appropriate space and furnishings for each child receiving care in the home including:

1. Storage space to keep clothing and other personal belongings;
2. Accessible basin and toilet facilities;
3. Bed furniture equipped with clean, safe, and comfortable sleeping furnishings;
4. Sleeping space on the first floor of the home for a child unable to use stairs unassisted, other than a child who can be easily and safely carried; and
5. Space for recreational activities.

B. Fans or other cooling systems shall be used when the temperature of inside areas occupied by children in care exceeds 80° F.

C. The temperature in all inside areas occupied by children in care shall be maintained no lower than 65° F.

D. Rooms and study space used by children in care shall have adequate and sufficient lighting for activities and safety.

E. The provider and children in care shall have access to a working telephone in the home.

F. Multiple children in care who share a bedroom shall have adequate space including closet and storage space. Bedrooms shall have adequate square footage for each child in care to have personal space.

G. Children in care over the age of two years shall not share a bed.

H. Children in care over the age of two shall not share a bedroom with an adult unless the child's needs, disabilities, or other specified conditions warrant the sharing of bedroom space and the licensee has approved a specific plan to allow the sharing of the bedroom with the adult.

I. No child in care shall share a bed with an adult.

J. A child in care over the age of three years shall not sleep in the same bedroom with children of the opposite gender.

K. Children in care under the age of seven or children in care with significant and documented cognitive or physical disabilities shall not use the top bunk of bunk beds.

L. The bedrooms of children in care shall not be used as passageways and shall have doors for privacy.

M. The home shall be clean, in good repair, and free of hazards to the health and safety of children in care.

N. The grounds around the home shall be safe, properly maintained, free of litter and debris, and present no hazard to the safety of children in care.

O. The provider shall have a written emergency preparedness and response plan developed that addresses:

1. How to shelter in place, when the emergency situation requires for sheltering in place;
2. How to evacuate, if evacuation is necessary;
3. Prompt notification to the licensee of location and contact information when evacuation becomes necessary;
4. Where the provider plans to relocate when the emergency warrants a large scale community evacuation;
5. How the provider plans to maintain the safety and meet the needs of the child at all times during an emergency;
6. Procedures to ensure that the plan is reviewed with each placed child; and
7. Plans to rehearse the plan with each child at least one time every six months.

P. Approved providers and independent living arrangement settings shall arrange for responsible adults to be available to serve in the caretaker's role in case of emergencies. Any substitute caretaker arrangements necessary for a planned or long-term absence of the provider shall require the licensee's prior approval.

Q. All homes shall have at least one operable smoke detector.

R. Possession of any weapons, including firearms, in the home or independent living arrangement shall comply with federal and state laws and local ordinances.

1. Any firearms and other weapons shall be unloaded and stored with the weapon's safety mechanisms activated in a locked closet or cabinet.

2. Ammunition shall be stored in a locked location separate from the weapon.

3. The key or combination to the locked closet and cabinet shall at all times be maintained out of reach of all children in the home.

S. The applicant shall maintain documentation that household pets receive tests, inoculations, and licenses as required by law.

T. The applicant shall ensure that household pets are safe to be around children and that the pets present no health hazard to children in the home.

U. The applicant shall keep cleaning supplies and other toxic substances stored away from food and, as appropriate, out of reach of children and locked.

V. Except for medications that require refrigeration, all medications, prescription and nonprescription, shall be stored separately from food in a locked area out of reach of children. The applicant shall implement safety provisions for the storage of refrigerated medications.

W. The home shall have readily available basic first aid supplies for use in injuries and accidents.

22VAC40-131-200. Initial approval or disapproval of home.

A. Prior to the placement of a child in a home [~~or living arrangement~~], the licensee shall:

1. Document that the applicants are at least 18 years of age;
2. Complete and document all required components of the home study [, including the completion of orientation training];
3. Consider all information gathered when assessing the applicant's capabilities to care for children;
4. Determine that the home and provider meet the requirements to be approved;
5. Ensure that approved providers have received necessary training for the types of children they will receive; and
6. Make available to the provider information necessary for the provider to make an informed decision as to whether a particular child is appropriate for them.

B. When the licensee determines that the prospective provider and the home meet the requirements for approval, the licensee shall document the type of approval. Nothing in this chapter shall prohibit the provider from being approved to serve multiple roles as a resource, foster, adoptive, treatment foster, [or] short-term foster [~~, or independent living arrangement~~] parent unless the provider desires not to serve as a resource parent. If the provider chooses, the licensee shall allow the provider to be approved as a foster parent, adoptive parent, or short-term foster parent. Providers approved as treatment foster care parents shall have successfully completed specific and additional treatment foster care training as required by this chapter.

C. The licensee shall recommend approval or disapproval based on careful assessment of the requirements for providers specified in this chapter including information received through the home study process, the applicants' participation in the home study process, and in any orientation and pre-service training.

D. The decision to approve or disapprove the applicant shall be made in consultation with the child-placing supervisor, and the date of the decision shall be recorded in the applicants' record.

E. Within seven business days of the decision of approval or disapproval of an applicant, the licensee shall notify the applicant in writing of the decision.

F. If home approval is recommended, the licensee shall document:

1. The age and gender of children who can be placed in the home; and
2. The basis for the approval recommendation.

G. Following approval of an applicant, the licensee shall issue a certificate of approval to the provider and maintain a copy of the certificate in the provider's file. The certificate shall address each of the following:

1. Type of family home approval (resource, foster, adoptive, treatment foster care, short-term foster care, [~~independent living arrangement,~~] or a combination of types);
2. Issuance and expiration dates for the approval;
3. Gender, age, and number of children recommended for placement in the home; and
4. The signatures and titles of the individuals approving the home.

H. Following approval of an applicant, the licensee shall provide the following services and requirements:

1. The licensee shall provide [~~orientation and~~] on-going training for each provider.
2. The licensee shall supply the provider with written procedures for handling emergencies during and outside the child-placing agency's regular office hours.

22VAC40-131-210. Provider training and development.

A. The licensee shall ensure that pre-service training is provided for resource, foster, treatment foster, [~~short term foster,~~] and adoptive family home providers. This training shall [~~address but not be limited to~~ be consistent with the licensee's program statement and description required by 22VAC40-131-170 A and include, as applicable,] the following core competencies:

1. Factors that contribute to neglect, emotional maltreatment, physical abuse, and sexual abuse, and the effects thereof;
2. Conditions and experiences that may cause developmental delays and affect attachment;
3. Stages of normal human growth and development;

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4. Concept of permanence for children and selection of the permanency goal;

5. Reunification as the primary child welfare goal, and the process and experience of reunification;

6. Importance of visits and other contacts in strengthening relationships between the child and his birth family, including his siblings;

7. Legal and social processes and implications of adoption;

8. Support of older youth's transition to independent living;

9. The professional team's role in supporting the transition to permanency and preventing unplanned placement disruptions;

10. Relationship between child welfare laws, the local department's mandates, and how the local department carries out its mandates;

11. Purpose of service planning;

12. Impact of multiple placements on a child's development;

13. Types of and response to loss, and the factors that influence the experience of separation, loss, and placement;

14. Cultural, spiritual, social, and economic similarities and differences between a child's primary family and foster or adoptive family;

15. Preparing a child for family visits and helping him manage his feelings in response to family contacts;

16. Developmentally appropriate, effective, and nonphysical disciplinary techniques;

17. Promoting a child's sense of identity, history, culture, and values;

18. Respecting a child's connection to his birth family, previous foster families or adoptive families;

19. Being nonjudgmental in caring for the child, working with his family, and collaborating with other members of the team;

20. Roles, rights, and responsibilities of foster parents and adoptive parents; [and]

21. Maintaining a home and community environment that promotes safety and well-being [; and]

[22. Methods of less intrusive behavior support, crisis management techniques, and physical restraint methods approved by the licensee.]

B. As a condition of initial approval and renewals of approvals the licensee shall require each home provider to complete all required training. Training shall be relevant to the needs of children and families.

C. Receipt of training shall be documented in the home provider's file.

D. Each home provider shall receive additional training annually and at other times if determined to be necessary by the licensee.

E. The training shall be relevant to the needs of the children and families and may be structured to include multiple types of training modalities.

F. The licensee shall explain confidentiality requirements to home providers.

G. The licensee shall require home providers to keep confidential all information regarding the child, his family, and the circumstances that resulted in the child coming into care.

22VAC40-131-220. Training and development for providers of short-term foster care.

A. The licensee shall ensure that pre-service training is provided for short-term foster care providers. This training shall address but not be limited to the following core competencies:

1. Factors that contribute to neglect, emotional maltreatment, physical abuse, and sexual abuse, and the effects thereof;

2. Conditions and experiences that may cause developmental delays and affect attachment;

3. Reunification as the primary child welfare goal, and the process and experience of reunification;

4. Importance of visits and other contacts in strengthening relationships between the child and his birth family, including his siblings;

5. The professional team's role in supporting the transition to permanency and preventing unplanned placement disruptions;

6. Impact of multiple placements on a child's development;

7. Cultural, spiritual, social, and economic similarities and differences between a child's primary family and foster or adoptive family;

8. Preparing a child for family visits and helping him manage his feelings in response to family contacts;

9. Developmentally appropriate, effective, and nonphysical disciplinary techniques;

10. Maintaining a home and community environment that promotes safety and well-being;

11. Promoting a child's sense of identity, history, culture, and values;

12. Respecting a child's connection to his birth family, previous foster families or adoptive families; and

13. Being nonjudgmental in caring for the child, working with his family, and collaborating with other members of the team.

B. As a condition of initial approval and continued approvals the licensee shall require each home provider to complete all required training. Training shall be relevant to the needs of children and families.

C. Receipt of training shall be documented in the home provider's file.

D. Each home provider shall receive additional training annually and at other times if determined to be necessary by the licensee.

E. The licensee shall explain confidentiality requirements to home providers.

F. The licensee shall require home providers to keep confidential all information regarding the child, his family, and the circumstances that resulted in the child coming into care.

22VAC40-131-230. Monitoring and re-evaluation of provider homes.

A. When the licensee has placed a child in the approved provider's home, the licensee's representative shall visit the home as often as necessary but at least every 90 days to monitor the performance of the provider. These visits may coincide with the monthly visits to the child.

B. When an approved provider's home does not have any children placed in the home the licensee shall:

1. Monitor the home at least one time every 90 days by:

a. Visiting the approved provider in the home; or

b. Making direct telephone contact with the approved provider; and

2. If more than six months have elapsed since the last home visit date and the licensee is considering placing a child in the home, the licensee shall prior to placement of a child in the home make at least one monitoring home visit to evaluate and verify that the home remains in compliance with the requirements of this chapter.

C. Prior to the end of each 36-month approval period, the licensee shall re-evaluate the provider and assess all evaluation elements required for the initial home approval.

D. The licensee shall conduct the re-evaluation in the home of the approved provider with all providers present for the re-evaluation.

E. The re-evaluation process for approving a home shall include:

1. Interviewing the provider in his home at least once;

2. Reviewing the information the licensee used to make the last approval decision;

3. Completing all required background checks in accordance with applicable federal and state laws and regulations;

4. Obtaining the results of a new tuberculosis screening and documenting the absence of tuberculosis in a communicable form for the applicant and other household members who come in contact with children [as described in 22VAC40-131-290 K];

5. Obtaining new signed agreements from the provider covering elements required for maintaining confidentiality of information and prohibition of the use of corporal punishment, including the prohibition of allowing others to use corporal punishment;

6. Considering and reassessing all new information received since the last home approval decision, including assessing in-service training completed by the provider;

7. Deciding the approval status of the provider; and

8. Providing an addendum to the home study to include any other information that has changed since the prior approval and the decision related to whether the provider is re-approved. The addendum shall contain all elements required by this chapter, be documented by a combination of narrative and other data collection formats, and contain the dated signatures of the individual completing the addendum and the licensee's director or his designee.

F. The licensee shall document the following for each re-evaluation conducted:

1. For each child placed since the last evaluation, a brief description of the child's adjustment to the family and the home;

2. The results of an evaluation of the providers' performance to include his:

a. Ability to relate to children;

b. Ability to help children reach their goals;

c. Skills in working with particular types of problems;

d. Ability to establish and maintain a consistent and stable environment for each child and including in this evaluation, the identification and resolution of problems or significant changes that occurred in the family since the last evaluation; and

e. Ability to work with the licensee and birth parents in meeting the needs of the child.

3. A description of the relationship between the child and each family member, including the names of the family

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members and, if any foster child or youth has been removed from the home, a description of the reasons the child was removed; and

4. The licensee's recommendations regarding continued use of the home, further training needs of the home provider and the age, gender, and number of children that the home can successfully handle.

G. Any approval, disapproval, suspension, or revocation of the provider shall be made in consultation with the child-placing supervisor or in a staff meeting, and the date of the decision shall be recorded in the provider's record.

H. For approved homes, the licensee shall document (i) the age and gender of children who can be placed in the home and (ii) the basis for the approval recommendation, and issue an approval certificate containing all elements required by this chapter.

I. If the re-evaluation process or home-monitoring activities result in the licensee's decision to suspend approval of a provider, the licensee shall:

1. Immediately remove the children from the home;

2. Send written notification to the provider of such decision no later than one week following the date the decision was made;

3. Place no children in the home until such time that the provider:

a. Resolves all issues that led to suspension; and

b. Demonstrates compliance with all requirements of this chapter.

4. Document in an addendum to the provider's home study:

a. Circumstances and issues that led to the suspension;

b. Actions taken by the licensee as a result of becoming aware of the circumstances and issues;

c. Actions taken by the provider to address each circumstance and issue; and

d. The licensee's response and disposition of whether the home warranted removal from suspension.

5. Reinstate, if warranted, and designate in writing the approval of the provider for the remainder of the original 36-month approval time frame.

J. If the re-evaluation process or home-monitoring activities result in the licensee's decision to revoke approval of a provider, the licensee shall:

1. Immediately remove placed children from the home and not place any children in the home;

2. Send written notification to the provider of such decision no later than one week following the date the decision was made; and

3. Document in the home provider's file:

a. The reasons for revoking the approval of the provider; and

b. Verification that actions required by 22VAC40-131-230 J 1, 2, and 3 were taken by the licensee.

K. The licensee shall maintain documentation in the provider's file of:

1. Each visit and contact made with the provider;

2. Each visit made to the home of the provider;

3. All activities, decisions made, and correspondence sent or received regarding re-evaluation process;

4. Home study addenda or updates;

5. The approval certificate issued to the approved provider; and

6. Documentation pertaining to suspension or revocation actions as required by this chapter.

22VAC40-131-240. Capacity of provider home.

A. The number of children in an approved resource, foster, or short-term foster care home shall not exceed eight. An exception to the eight capacity may be made only when an approved home can accept the placement of a sibling group. The approved home shall have the appropriate space and furnishings for each child in care as required by 22VAC40-131-190.

B. The number of children placed in an approved treatment foster care home shall not exceed two without written justification approved by a child-placing supervisor. The justification shall be written and approved prior to the placement of additional children and it shall (i) contain the name of approving supervisor, his title, the date of approval; and (ii) address the impact that the additional placement may have on the other children currently in the home.

C. The licensee shall consider the following elements when determining the capacity for a provider home:

1. The physical accommodations of the home;

2. The capabilities and skills of the applicant to manage the number of children;

3. The needs and special requirements of the child;

4. Whether the child's best interest requires placement in a certain type of home;

5. Whether any individuals in the home, including the applicant's children, require special attention or services of

the applicant that interfere with the applicant's ability to ensure the safety of all children in the home; and

6. Whether the foster care provider is also a day care provider.

Part VI
Children's Services

22VAC40-131-250. Intake, acceptance, and placement.

A. Prior to any placement of a child [~~in foster care, short-term foster care, or treatment foster care~~] the licensee shall secure written authority to make the placement. The written authority for placement shall be maintained in the child's file. The written authority to make placements includes one of the following:

1. A court order, issued by any court of competent jurisdiction, that commits the child to the care of the licensee;
2. A permanent entrustment by the parent or parents or other person having legal custody of the child;
3. A temporary entrustment by the parent or parents or other person having legal custody of the child;
4. A placement agreement from a licensed or authorized child-placing agency having legal custody of the child;
5. A placement agreement signed by the local department of social services having jurisdiction when a noncustodial agreement has been signed between a parent or legal guardian and the local department or another public agency; or
6. A parental agreement whereby for the purpose of placement in suitable family homes, child-caring institutions, residential facilities, or independent living arrangements, the child's parents or guardians have entrusted the child to the local [~~social services~~] department.

B. Prior to any placement of a child in an independent living arrangement, the licensee shall secure written authority to make the placement. The written authority to place includes one of the following:

1. A court order, issued by any court of competent jurisdiction, that commits the child to the care of the licensee;
2. A permanent entrustment by the parent or parents or other person having legal custody of the child;
3. A temporary entrustment by the parent or parents or other person having legal custody of the child;
4. A placement agreement from [~~an a~~] child-placing agency or person having legal custody of the child; or

5. A placement agreement signed by the local department of social services having jurisdiction when a noncustodial agreement has been signed between a parent or legal guardian and the local department or another public agency.

C. Prior to the provision of independent living services to any person who was in foster care on his 18th birthday and has not yet reached 21 years of age, the licensee shall enter into a written contractual agreement with the [~~persons~~ person] 18 years of age to 21 years of age and such contractual agreement shall specify the terms and conditions of the person's receipt of independent living services.

D. Prior to placement of a child for adoption, the licensee shall secure written authority to make the placement. The written authority shall be in the form of one of the following:

1. An order issued by a court of competent jurisdiction documenting the termination of parental rights and responsibilities of each parent;
2. A notarized entrustment agreement signed by [~~both the parent or~~] parents or other person having legal custody of the child; or
3. An order issued by a court of competent jurisdiction approving the transfer of the child's custody from one agency to another.

E. The licensee shall petition the court for approval of a temporary entrustment agreement.

1. For a temporary entrustment written for less than 90 days, the licensee shall file the petition with the court within a reasonable period of time and not to exceed 89 days after the execution of the agreement if the child is not returned to his home within that 90-day period.
2. For a temporary entrustment written for 90 days or longer or for an unspecified period of time, the licensee shall file the petition with the court within a reasonable period of time and not to exceed 30 days after execution of the agreement if the agreement does not provide for termination of all parental rights with respect to the child.

F. A licensee certified by the Department of Education as a school for children with disabilities shall for the purpose of placement of the child in its special education program enter into a placement agreement, signed by the parent or other person having legal custody of the child. The placement agreement shall meet the requirements of this section. The licensee is not required to take custody of the child placed in its special education program.

G. Prior to accepting a child for placement in a foster care home, treatment foster care home, short-term foster care home, or an independent living arrangement, the licensee shall gather, review, and document the following information in the child's file:

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1. The reason the placement is requested, and if the child coming into placement is less than one year old, a brief report on his living situation unless this placement directly follows his discharge from the hospital;

2. A list of services requested by the placing agency, parent, or other individual having legal custody of the child;

3. Current information on the child's:

a. Health:

(1) For a newborn child coming into foster care directly following hospital discharge, the discharge summary shall be accepted as the admission examination; or

(2) For a child under one year old, the admission examination shall consist of a hospital summary and a physician-signed report of interim care no older than 30 days that documents the absence of abnormalities or if abnormalities are present, the report shall contain an explanation of abnormalities observed;

b. Behavior in the home or other previous living situation;

c. Current school grade level, as appropriate;

d. Day care or nursery school, as appropriate;

e. Adjustment to school, day care, or nursery school;

f. Current medication, prescription and nonprescription, including the names, dosages, and instructions for all medication being taken by the child, and reasons for taking each medication;

g. Emotional and psychological needs and problems of the child, if any, including information concerning professional treatment needed or received to meet the needs or problems;

h. Strengths, skills, interests, and talents;

i. Permanency planning goal including the date of planned achievement; and

j. Emergency contact supports including the names, addresses, and telephone numbers for designated emergency contacts, parents, if appropriate, or other person having legal custody of the child, and the agency placing the child with the licensee.

4. For treatment foster care placements, a list of the strengths and needs of the child's birth family;

5. The dates and names of persons involved in making preplacement visits;

6. The dates and names of persons involved in staffing the child's case;

7. The reason the child was accepted for placement; and

8. The date the acceptance decision was made.

H. The licensee shall review and consider all information collected on the child prior to recommending the type of home best suited to the child. The recommendation and rationale shall be documented in the child's file.

I. The licensee shall consider the following when making the decision whether to place a child in a foster home, treatment foster care home, or short-term foster care home:

1. The prospective foster family's specific skills, abilities, and attitudes necessary to (i) effectively work with the child; (ii) ensure implementation of the child's service plan; and (iii) provide effective behavior support techniques, crisis intervention, crisis stabilization, and supportive counseling;

2. The prospective foster family's ability to meet the needs and preferences of the child;

3. The prospective foster family's willingness to access resources required to meet the needs of the child; and

4. The prospective foster family's willingness and ability to work with the child's family.

J. Prior to placement of a child in a family home, the licensee shall assist the prospective foster family with making an informed decision as to whether that particular child is appropriate for them.

K. The licensee shall document in the child's file the reasons a particular home was selected for the child, including the matching factors considered for the selection decision.

L. Except when the placement of the child is an emergency placement, the licensee shall interview the child and his parent or legal guardian prior to the child's placement. If, for valid reasons, the interview was not completed prior to placement, the licensee shall document in the child's file the reasons why the interview was not completed within the required time frame.

M. Except when the placement of the child is an emergency placement, the licensee shall prepare the child for placement and arrange a preplacement visit for the child in the prospective home. If a preplacement visit did not take place prior to the child's placement, the reasons why it did not occur shall be documented in the child's file.

N. A summary of the preplacement interview and results of the preplacement visit shall be documented in the child's file.

O. Within 30 days of the placement of the child in a foster care home, treatment foster care home, short-term foster care home, or an independent living arrangement, or prior to the completion of the adoptive placement agreement, the licensee shall place in the file of the child a written assessment that contains all required elements specified in 22VAC40-131-250 G.

P. The licensee shall place siblings together in the same foster home whenever possible unless placement together is clearly not in the best interest of each child.

Q. When the licensee accepts a child for placement from another child-placing agency that retains custody of the child, the licensee shall, before placing the child:

1. Sign the placement agreement as the recipient of the child; and
2. Ensure that the placement agreement has been signed by the representatives from each child-placing agency who has the authority to commit the child-placing agency to the provisions contained in the agreement.

R. When the licensee accepts a child for placement from a parent or other individual having legal custody of the child, the licensee shall:

1. Obtain an entrustment agreement and follow the requirements as set forth in §§ 63.2-903 and 63.2-1817 of the Code of Virginia;
2. Explain the licensee's foster care program;
3. Collect information for the intake [~~assessment~~] and social history and document the information obtained under each respective heading;
4. Provide the parent or other individual having legal custody of the child or youth with information about the licensee's services;
5. Provide an explanation of the service planning process and the licensee's case work responsibilities;
6. Discuss with the parent or other individual having legal custody of the child:
 - a. Long-term and [~~short-term~~ short-term] goals for the child, including estimated dates of accomplishment for each goal;
 - b. Objectives for each goal;
 - c. Responsibilities of all parties for accomplishing the goals and objectives for the child;
 - d. Involvement in service planning for the child;
 - e. Plans for visitation with the child; and
 - f. Plans for financial support for the child; and
7. Document in the child's file the reactions of the parents or other persons to each topic discussed with them.

S. The licensee shall cooperate with the placing agency and custodian to ensure that the placing agency and custodian have access to the child at all times.

T. The licensee shall develop a system of support for foster parents and assign designated staff to be on call to foster parents on a 24-hour, seven day a week basis.

22VAC40-131-260. Social history.

A. The licensee shall complete a social history on each child within 45 days of the date of the child's placement except:

1. When the child is placed in a short-term foster care placement, the initial social history shall be completed within 30 days of the date of the child's placement and if subsequent [~~short-term~~ short-term] placements of the child are made, the licensee shall review and update the initial social history; and
2. For adoption, the licensee shall complete the social history prior to the signing of the adoptive placement agreement.

B. The social history shall be documented in the record of each child and shall include the following:

1. Date the history was completed;
2. Reasons for the placement and the permanency planning goal of the child's placement;
3. For foster care, treatment foster care, and independent living placements, identify the services needed to reach the child's permanency goal;
4. Information on the child's family's structure, relationships, and involvement with the child;
5. Child's previous placement history, including dates and names of previous caretakers, if any;
6. Child's developmental, educational, and medical history. The information, if available, shall include names and addresses of providers of medical treatment and copies of available reports or documentation of the licensee's attempts to obtain the information;
7. Child's history as a victim of abuse and neglect, including history of prenatal neglect or substance abuse by mother, if applicable;
8. Education and occupation of the child's parents, siblings, aunts, uncles, and grandparents;
9. Medical and psychiatric history of the child's parents, siblings, aunts, uncles, and grandparents as it relates to the suitability of the child for placement;
10. Emotional or psychological problems the child has experienced within the last 13 months, including strengths and needs of the child, assessments, and professional treatment received, if applicable;
11. Background information from other sources such as court reports and previous social histories, if any; and
12. For treatment foster care, current service or treatment plan from other treatment providers and discharge summaries from previous placements, if any.

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C. For a child less than one year of age placed in foster care prior to adoption, the licensee shall in addition to the elements specified in subsection B of this section include the following in the child's social history:

1. Physical appearance of the child and of both parents if available;
2. Child's [~~parent's~~ parents'] nationality, race, and religion;
3. Description of the child's birth [~~parents~~ parents'] personality, lifestyle, and childhood;
4. Identification of individuals in the family who know about the birth parents' plan;
5. Identification of the relatives who have been contacted for possible foster care placement;
6. Description of the type of adoptive family with whom the birth parents would like to have their child placed;
7. Expected length of the child's placement in a foster care home; and
8. Description of the recommendation of adoptive home that best meets the needs of the child or an explanation as to why the licensee has not yet made that determination.

D. If information on any item required by this section was not completed or obtained, the reason shall be documented under the appropriate section of the child's social history.

E. For a child less than one year of age placed in foster care prior to adoption, the licensee shall review the child's social history with the selected adoptive parents.

22VAC40-131-270. Interstate placements.

A. The licensee shall comply with the provisions of the Virginia Interstate Compact on the Placement of Children (Chapters 10 (§ 63.2-1000 et seq.) and 11 (§ 63.2-1100 et seq.) of Title 63.2 of the Code of Virginia) for all children who will cross state lines, either out of Virginia to another state or from another state into Virginia, for placement in resource, foster care, adoptive, treatment foster care, and independent living arrangements.

B. Before a Virginia resident child is placed outside Virginia, the licensee shall obtain [~~written~~] prior approval of the administrator of the Virginia Interstate Compact on the Placement of Children, Virginia Department of Social Services. [~~Approval~~ Written approval] shall be maintained in the child's file.

C. Before a child who is not a Virginia resident is placed in Virginia, the licensee receiving the child shall obtain [~~written~~] prior approval of the administrator of the Virginia Interstate Compact on the Placement of Children, Virginia Department of Social Services. [~~Approval~~ Written approval] shall be maintained in the child's file.

D. Prior to the licensee supervising the placement of an out-of-state child, the licensee shall obtain from the placing agency documentation that the administrator of the Virginia Interstate Compact on the Placement of Children, Virginia Department of Social Services approved the placement of the child. The documentation shall be maintained the child's file.

E. A licensee who conducts an adoptive home study before any particular child is identified for placement shall:

1. Inform the potential adoptive parents that prior to any out-of-state child being placed in Virginia, the provisions of the Virginia Interstate Compact on the Placement of Children (Chapters 10 (§ 63.2-1000 et seq.) and 11 (§ 63.2-1100 et seq.) of Title 63.2 of the Code of Virginia) shall be followed; and

2. Document in the home study that the potential parents were so informed of the requirements of the Virginia Interstate Compact on the Placement of Children (Chapters 10 (§ 63.2-1000 et seq.) and 11 (§ 63.2-1100 et seq.) of Title 63.2 of the Code of Virginia).

F. The licensee shall maintain in the child's file documentation that copies of all serious incident reports regarding any child placed through interstate compact were sent to the administrator of the Virginia Interstate Compact on the Placement of Children.

G. When the licensee is working with another child-placing agency in placing a child, the licensee shall enter into a written interagency agreement with the other child-placing agency that identifies the period of supervision to be provided to the child and delineates the responsibilities of both agencies until the adoption is finalized or the placement is terminated. A copy of the agreement shall be maintained in the child's file.

H. The licensee that provides supervision for the placement of a child in the custody of an out-of-state agency shall conduct visits in accordance with Virginia law and as specified in the written interagency agreement. All supervision activities shall be documented in the child's file.

I. The licensee shall send a copy of each report of supervision to the office of the administrator of the Virginia Interstate Compact on the Placement of Children and to the agency that sent the child.

J. The licensee shall complete home studies in accordance with home study requirements specified in this regulation.

K. The licensee shall complete updated home study information in accordance with requirements of Virginia Interstate Compact on the Placement of Children (§ 63.2-1000 of the Code of Virginia) when the licensee accepts a case of a child who has moved into Virginia from another state or United States territory.

L. The licensee shall provide a copy of the updated home study information to the office of the administrator of the Virginia Interstate Compact on the Placement of Children office.

22VAC40-131-280. Foster home agreements.

A. The licensee shall have a written foster home agreement with the family for each child in foster care, treatment foster care, and short-term foster care.

B. The foster home agreement shall be signed by all necessary parties on or before the date the child is placed in the home.

C. The foster home agreement shall include the following elements:

1. The code of ethics and mutual responsibilities for all parties to the agreement in language and format approved by the State Board;
2. Financial responsibilities of each party, including payment for foster care and payment for other expenses;
3. Services each party agrees to provide for the child, the child's family, and foster family;
4. Provisions for receiving consent for routine and emergency medical, mental health, and dental care for the child;
5. Arrangements for the provision of medical, mental health, and dental care;
6. Provisions for handling emergencies during and outside the licensee's regular office hours;
7. Arrangements for the provision of clothing for the child;
8. Arrangements for visits by parents;
9. A statement of agreement that corporal punishment is prohibited. The agreement shall also prohibit the family from granting permission for others to use corporal punishment on the child;
10. Permission for out-of-state travel;
11. Permission, if necessary, for the child to participate in any fund-raising activities;
12. A statement of understanding that the licensee maintains responsibility to protect the best interests of the child and that the licensee has the right to remove the child from the family home when removal is determined to be in the best interests of the child; and
13. A statement that the approved provider agrees:

a. To provide meals and snacks appropriate to the child's daily nutritional needs including a special diet if prescribed by a licensed health care provider or in

accordance with religions or ethnic requirements or other special needs;

b. That if he provides transportation to the child he shall, on the vehicle used for transportation of the child, maintain:

- (1) A valid license to drive in Virginia;
- (2) Automobile liability insurance as required by Virginia law;
- (3) Valid vehicle registration; and
- (4) Valid Virginia-required inspection sticker;

c. To transport the child in accordance with Virginia laws for safe transport, including use of functioning child restraint devices in accordance with requirements of Virginia law;

d. As necessary, to seek and secure services from licensed professionals to meet the medical, dental, and mental health needs of the child; and

e. That he understands he has the right, at all times, to receive support and assistance of the licensee in relation to the child's care in the home.

D. The licensee shall ensure any changes made in the terms of the agreement are amended in the agreement, dated, signed, or initialed by all parties to the agreement.

22VAC40-131-290. Medical, dental, and psychiatric examinations and care.

A. Each child shall have a medical examination conducted by or under the direction of a licensed physician no earlier than 90 days prior to placement, except in the following situations:

1. An emergency-placed child shall have up to 60 days following placement to receive a medical examination if a written medical examination report providing evidence that he received a medical examination no earlier than 90 days prior to placement is not available;
2. The child is a newborn then the hospital discharge summary shall serve as the medical examination; or
3. The child has been in continuous placement of a public or private child-placing agency and the licensee has obtained copies of (i) a medical examination report that is no more than 13 months old and (ii) a report of all medical treatment provided to the child from the date of the medical examination to the date of admission of the child to the licensee's program.

B. The licensee shall follow the examining physician's recommendations regarding the frequency and type of medical examinations or treatment; however, there shall be no more than 13 months between medical examinations received by the child.

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C. The medical examination report on each child shall include the following:

1. Date of examination;
2. Signature and title of examiner;
3. Current physical condition;
4. Growth and development;
5. Visual acuity;
6. Auditory acuity;
7. Nutritional status;
8. Evidence of freedom from communicable disease, including tuberculosis;
9. Allergies, including food and medication allergies;
10. Chronic conditions;
11. [~~Handicapping conditions or disabilities~~ Disabilities]; and
12. A copy of the record of immunizations the child has received since his last examination.

D. The licensee shall file a copy of the medical examination report in the child's file.

E. Each child over three years of age shall have a dental examination.

1. The dental examination shall have been completed within 13 months prior to the time of placement or if no previous dental examination has been conducted, the child shall have an exam within 60 days following the date of placement.
2. The written report of examination shall contain the signature of a licensed dentist or his designee.
3. The licensee shall file a copy of the dental examination report in the child's file.

F. The licensee shall arrange for the child to receive any routine and recommended medical, dental, mental health, psychological, and psychiatric follow-up care and treatment. Documentation regarding the arrangements for and child's receipt of care shall be maintained in the child's file.

G. The licensee shall arrange for the child to receive necessary medical, dental, mental health, psychological, and psychiatric care and treatment resulting from injuries, illness, emergencies, or other conditions that occur in between examinations or appointments. Documentation regarding the arrangements for and child's receipt of care shall be maintained in the child's file.

H. If the licensee serves as legal custodian for the child and in that capacity decides not to follow the physician's recommendation for medical, dental, or psychiatric care or

treatment, the licensee shall document in the child's file the rationale upon which the decision was made, including a detailed description of how the licensee considered the best interests of the child in making the decision.

I. The licensee shall document in the file of each child a listing of all medication prescribed for the child.

J. The licensee shall document in the file of each child the medication intended effects and adverse reactions the child or youth has experienced. The licensee shall ensure that the intended effects and adverse reactions experienced by the child or youth are reported to the prescribing physician.

K. The provider applicant and all other household members who come into contact with children shall submit to tuberculosis screening or tests and provide documentation on the appropriate report of tuberculosis form published by the Virginia Department of Health (Report of Tuberculosis Screening Clearance Letter for Negative Screen (Form 1), Report of Tuberculosis Screening Report of TST/X-ray Results (Form 2), or TB Risk Assessment (TB 512)) or a form consistent with it.

1. The screening or test results shall include a statement that the individual is free from communicable tuberculosis and including the type of screening administered, date of screening, and results of the screening. If any screening or test shows positive results for communicable tuberculosis or if no screening or test has been completed on the individual, a written explanation shall be obtained from the physician, his designee, or representative of the local health department.

2. The screening or test results shall contain the screening or test date and the results shall be no older than 13 months at the time of home approval by the licensee.

3. If an individual comes in contact with a known case of tuberculosis or develops chronic respiratory symptoms of three weeks or more duration, he shall obtain tuberculosis screening and follow the recommendations of the physician, his designee, or representative of the local health department. The licensee shall require the individual to submit documentation regarding communicable status.

L. The provider applicant and each resident of the household who will be in a caretaking role for children placed in the home shall submit the results of a medical examination administered and signed by a licensed physician, his designee, or an official of a local health department.

1. The examination results shall include written examiner comments that address the applicant's or caretaker's mental and physical condition in relation to his ability to take care of a child. If concerns are noted, additional reports from specialists shall be obtained.

2. The examination results shall contain a date of examination and be no older than 13 months at the time of home approval by the licensee.

M. The medical examination shall be updated if the licensee or department has concerns about the physical or mental health of any member of the placement family. If the examination reveals that the child's safety or health is in jeopardy, the licensee shall plan for the immediate removal of any children or youth placed in the home.

22VAC40-131-300. School enrollment.

A. For each school-aged child in its custody, the licensee shall be responsible for ensuring that the child is enrolled in school. Within 72 hours of the date of the child's foster care placement, the licensee shall notify the relevant school division's principal and superintendent, or designee, of the child's placement and status of the parental rights of the [child's child].

B. The child's file maintained by the licensee shall contain documentation of the licensee's contact with school authorities.

[C. For school-aged children in foster care, the licensee shall collaborate and work cooperatively with the local department and the local education authority to maintain educational stability for each child. Cooperative efforts shall be documented in the child's file.]

22VAC40-131-310. Clothing and spending money for children.

A. The licensee shall ensure that each child in care has his own supply of season-suitable clothing in good condition for indoor and outdoor wear.

B. The licensee shall ensure that each school-age child has a spending money allowance.

22VAC40-131-320. Reports and policies to protect children.

A. The licensee shall keep records and make reports as required by the department.

B. The licensee shall take the following actions in cases of suspected child abuse and neglect:

1. Immediately notify:

a. The child protective services unit of the appropriate local department of social services or the department's 24-hour child abuse and neglect hotline;

b. The custodial agency worker or supervisor; and

c. The department's licensing representative;

2. Cooperate with the local department during its investigation of the complaint;

3. Review each complaint to determine if the licensee's policies and procedures were followed by the licensee's staff and approved provider;

4. Within 90 days of the licensee's receipt of the complaint, make a report to the department's licensing representative addressing the following:

a. Internal policy review findings and actions taken as a result of findings; and

b. The child protective services disposition, if child protective services accepted the case for investigation, and a report of actions taken as a result of child protective services investigation findings; and

5. Maintain an accessible copy of the internal policy review report.

C. The licensee shall submit a written report of circumstances pertaining to the death of a child to the department's licensing representative within seven days of the child's death.

D. The licensee shall make the following notifications pertaining to the death of a child in care:

1. Immediately notify the child's parents or legal guardian of the incident and document such notification in the file of the child; and

2. Notify the department's office of licensing of the child's death immediately but no later than the end of the next business day following the child's death.

E. The licensee shall report any serious incident, accident, or injury to the child to the placing agency, parent, or legal guardian, and to the department's licensing representative within 24 hours following the incident, accident, or injury.

F. For each serious incident, accident, or injury to the child, the licensee shall place a written report in the child's file to document:

1. The date and time the incident, accident, or injury occurred;

2. A brief description of the incident, accident, or injury;

3. Action taken as a result of the incident, accident, or injury;

4. The name of the licensee's staff person who completed the written report;

5. The name of the licensee's staff person who notified (i) the placing agency and (ii) parent or legal guardian of the incident, accident, or injury;

6. The time each notification was made; and

7. The name of the person the staff person contacted and made the notification to.

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22VAC40-131-330. Visitation and continuing contact with children.

A. In accordance with instructions from the court and placing agency, the licensee shall arrange for and encourage contact and visitation between the foster child, his family, and others specified in the child's individualized service plan and, as applicable, the child's treatment plan.

B. The licensee shall develop and implement a plan to address visitation or communication between siblings when siblings entrusted to the care of the licensee are placed in separate foster homes. The plan shall:

1. Address the wishes of the child;
2. Specify the frequency of visits or communication;
3. Identify the party responsible for encouraging visits or communication; and
4. Specify any other requirement or restriction the licensee will impose for visits or communication, including restrictions necessary to ensure that the child's best interests are represented.

C. For individuals who are 18 years of age and older and still receiving foster care services, the licensee shall make monthly contact with the individual and make at least one face-to-face contact every 90 days.

D. The licensee shall be responsible for ensuring that required contacts have been made with children whom the licensee has placed outside of the Commonwealth of Virginia. Any documentation provided regarding monitoring visits made by an out-of-state child placing agency shall be maintained in the child's file.

E. The licensee shall have at least one face-to-face contact with the foster child every 30 days.

F. ~~[More than one half of the contacts the licensee makes with a child in any calendar year shall be conducted in the child's placement setting.~~ The licensee shall have at least one face-to-face contact with the child in the placement setting every 60 days.]

G. The licensee shall contact the child placed in treatment foster care as follows:

1. A face-to-face contact with the child no less than twice each month. There shall be at least seven days between face-to-face contacts unless contraindicated by the child's service or treatment plan [;]
2. The frequency for determining additional contacts with the child shall be based on his treatment and service plan and occur as often as necessary to ensure the child is receiving safe and effective services;
3. At least one of the face-to-face contacts made during a calendar month shall take place in the foster home to assess

the relationship between the child and the foster parents and the contact shall include the child and at least one treatment foster parent;

4. The contacts shall assess the child's progress, provide training and guidance to the foster parents, monitor service delivery, and allow the child to communicate concerns; and

5. Children who are capable of participating in an interview shall be interviewed privately at least one time each month.

H. Unless specifically prohibited by a court of competent jurisdiction or the agency holding legal custody of the child, the licensee shall:

1. Allow the child to have regular contact with his family as specified in the child's treatment and service plan;
2. Work to support and enhance child-family relationships; and
3. Work directly with families toward reunification as specified in the child's treatment and service plan.

I. The licensee shall ensure that each child is provided treatment, services, and care in a nurturing home setting with attention given to health, safety, and welfare of the child.

J. The licensee shall document a written description of each contact made with the child and the documentation shall be signed by the staff person who made the contact, dated, and maintained in the child's file.

K. If the licensee determines a [permanent] move from one foster home to another is warranted, the licensee shall:

1. Consult with the placing agency and, if applicable, the child's legal guardian prior to the child's move, unless the move is due to an emergency situation or issues pertaining to child abuse or neglect; and
2. Ensure that the move is in the best interests of the child.

L. If the licensee is unable to consult with the placing agency prior to the child's move from one foster home to another, the licensee shall document all attempts made to make the required contact. The licensee shall ensure that contact is made as soon as possible and no later than 72 hours following the move when the move took place on a weekend or holiday.

22VAC40-131-340. Service plans.

A. The licensee shall develop and implement an individualized service plan for every child accepted for care and service.

B. For children in treatment foster care, the licensee shall:

1. Within 14 days of a child's placement, develop and implement individualized, measurable objectives and

strategies describing services to be provided to the child, his placement family, and his birth family during the first 45 days of placement; and

2. Within 45 days of a child's placement, develop and implement an individualized service plan and [~~an individualized comprehensive~~] treatment plan.

C. In the case of a short-term foster care placement of a child, the licensee shall develop and implement the service plan within 72 hours of the child's placement and the short-term placement plan shall include a description of the child's needs and services to be provided to the child during the duration of his [~~short term~~ short-term] placement.

D. When the licensee has received legal custody of the child, the licensee shall within 60 days of receipt of such custody file a copy of the service plan with the appropriate court unless:

1. The court grants an extension of time not to exceed 60 days;

2. The court designates another agency to file the service plan; or

3. The child is returned to his prior family or placed in an adoptive home.

E. The licensee shall include the following elements in the child's individualized service plan:

1. A comprehensive assessment of the child's emotional, social, behavioral, educational, nutritional, developmental, medical, psychiatric, and dental needs;

2. The nature of the placement to be provided to the child;

3. Goals and objectives to meet the child's needs that include:

a. For children or youth 14 years of age and older, specific independent living services to be provided to assist the child in meeting his goals; and

b. For children in treatment foster care, goals and objectives to address specific problem behaviors, skills to be addressed, and criteria for achievement;

4. Anticipated target dates, including month, day, and year, for accomplishment of each identified goal and objective, and for treatment foster care the target date for the child's discharge from the program;

5. Strategies, services, and activities designed to meet the goals and objectives, including:

a. A description of how the licensee plans to work with related community resources, including the child's primary care physician, to provide continuity of care to the child;

b. The services and other supports to be offered to the child's parents and other prior custodians;

c. A description of the participation and conduct sought from the parent and prior custodians;

d. Visitation between the child, his parents, prior custodians, and siblings;

e. For children 14 years of age and older, specific independent living services to be provided to assist the child in meeting his goals; and

f. For treatment foster care, methods of intervention and therapies designed to meet the child's goals and objectives;

6. Discharge goals, objectives, and services to be provided for their achievement and where appropriate, plans for reunification of the child with his family; and

7. As appropriate for youth 16 years of age and older, a description of programs and services to assist the youth in his transition from foster care to independent living.

F. The child's record shall contain documentation showing the involvement of the following parties, unless clearly inappropriate, in developing the child's individualized service plan, child's treatment plan as appropriate, and quarterly progress reports; and in updating the service plan and treatment plan as necessary:

1. The birth parents of the child unless parental rights have been terminated; or unless the birth parents who maintain parental rights of the child have not been located;

2. Custodial agency;

3. Foster parents or treatment foster parents where appropriate;

4. The child, if the involvement is consistent with the best interests of the child; and

5. Licensee staff.

G. The licensee shall document in the file of the child the reasons why each party was not involved if any of the parties do not participate in the development of the child's individualized service plan, treatment plan as appropriate, or quarterly progress reviews and updating the service plan and treatment plan.

H. For service plans, court reviews, dispositional hearings, and permanency planning, the licensee who has custody shall follow the requirements set forth in §§ 63.2-906 B, 16.1-281, 16.1-282, and 16.1-282.1 of the Code of Virginia, the Board of Social Services-approved policies and promulgated regulations, and guidance documents issued by the department.

I. Each service plan shall contain the date the plan was written; the signature of the individual who developed the

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plan; and, for treatment foster care treatment plans, the identity of all treatment team members who participated in the development of the plan.

J. The licensee shall provide training, support, and guidance to families in implementing the service plan for the child.

K. The licensee shall provide a copy of the child's service plan and any updates, treatment plan and updates as appropriate, and quarterly progress reports to the custodial placing agency and, as applicable, to the birth parents, foster parents, and treatment foster parents as long as confidential identifying information about the parents is not disclosed.

L. Obtain from the custodial child-placing agency a copy of the child's service plan sent to the court. The service plan shall be placed in the child's file. In the event the licensee is not able to obtain the plan, the licensee shall document in the child's file the efforts made to obtain the plan.

M. The service plans developed by the licensee shall be compatible with the goals in the plan sent to the court.

22VAC40-131-350. Quarterly progress summaries.

A. The licensee shall review the progress of each child in care. The first review of progress and report shall occur no later than 90 days from the date of the child's placement and subsequent progress reviews shall be conducted every 90 days thereafter.

B. The licensee shall document the progress review in a written summary report that addresses the following elements:

1. Progress the child has made toward reaching each goal and objective on his service plan and documenting progress the child has made in alleviating his specific problem behaviors, if any;

2. Description of goals and objectives the child has met during the evaluation quarter, goals and objectives that continue to be worked on in the next quarter, and new goals and objectives to be added for next quarter;

3. Description of criteria for achievement and target dates for each goal and objective;

4. Description of any changes that need to be made in the service and treatment plans, including changes in methods of intervention and strategies designed to help the child meet his goals;

5. Decision as to whether each projected date of accomplishment continues to be realistic or needs to change;

6. Description of services, therapies, and activities provided to and secured for the child during the quarter, including services provided towards the discharge goals;

7. Description of any new needs of the child; services, activities, or therapies identified to meet the child's needs and address behaviors; addition of new goals and objectives; and target dates for accomplishment;

8. Summary of contacts made between the child and his family, where appropriate;

9. Participation of the birth and foster parents in the services offered to them and the child;

10. The child's assessment of his progress and description of services needed, where appropriate;

11. List of medications used by the child;

12. List of the child's medical needs during this review period, any medical treatment the child received during this period, any recommendations for further medical treatment, and scheduled appointments;

13. Recommendations for any modifications to the current service plan, including changes in methods of intervention and strategies;

14. Dates of progress covered during this review;

15. A review of the discharge plan, projected discharge date, and, as necessary, updating the information; and

16. Date the progress summary report was written; and the signature and title of the individual who wrote the report.

C. The progress summary reports shall be in the child's file.

D. The licensee shall update service plans as necessary to include modifications made, identification of new needs, and services to meet the new needs.

E. As required in 22VAC40-131-340 F, the licensee shall document the participation of required parties in each review of progress.

F. On the fourth quarter summary report, the licensee shall in addition to the requirements specified in subsection B of this section, evaluate and update the comprehensive treatment and service plan for the upcoming year.

22VAC40-131-360. Discharge from care.

A. Prior to the child's discharge from care, the licensee shall formulate and document recommendations for aftercare services for the child and share those recommendations with the placing agency and parents, where appropriate. If recommendations were not shared with the child's parents, the licensee shall document the reasons in the child's file.

B. Prior to the planned discharge date, each child's file shall contain documentation that the child's discharge was planned and discussed with the placing agency, the child, the child's parents or guardian, and the members of the child's treatment team, if applicable.

C. Children in the legal custody of the local department of social services or private child-placing agency shall not be discharged by the licensee until the licensee has consulted with and notified the legal custodians of the plans for discharge. The licensee shall document in the child's file the names of the persons consulted and to whom notifications were provided, each date of occurrence, and a summary of each discussion.

D. Children shall be discharged only to the agency, parent, or guardian holding legal custody of the child. Youth 18 years of age and older shall be discharged to their own responsibility unless a court of competent jurisdiction has appointed a legal guardian to represent the youth.

E. No later than 30 days after the date of discharge, the licensee shall develop and place a comprehensive discharge summary in the child's file. The summary shall address:

1. Date of discharge;
2. Reason or reasons for discharge;
3. Name of the individual with whom the child was placed or to whom he was discharged;
4. Description of services provided to the child;
5. Summary of the child's progress toward meeting his goals and objectives, and as applicable for youth placed in independent living arrangements, the progress toward achieving life skills goals; and
6. Written recommendations for aftercare services including the nature, recommended frequency, and duration of services to be provided to the child and the child's family.

F. Upon the child's discharge from care, the licensee who holds custody of the child shall ensure that the parents or child-placing agency receiving the child for placement are provided with a copy of the child's birth certificate, medical records, and school records.

22VAC40-131-370. Case record requirements.

A. The licensee shall maintain a separate organized case file for each child, the child's birth parents, and each approved home provider and in addition for adoption cases, a separate organized file for the adoptive family. The case file may be electronic.

B. Each use of electronic records, files, or signatures shall comply with the provisions of the Uniform Electronic Transactions Act, §§ 59.1-479 through 59.1-497 of the Code of Virginia.

C. In addition to the requirements in the Uniform Electronic Transaction Act, the use of electronic signatures shall be deemed to constitute a signature and have the same effect as a written signature on a document as long as the licensee:

1. Develops, implements, and maintains specific policies and procedures for the use of electronic signatures;
2. Ensures that each electronic signature identifies the individual signing the document by name and title;
3. Assures that the documentation cannot be altered after signature has been affixed;
4. Assures that access to the code or key sequence is limited;
5. Assures that all users have signed statements that they alone have access to and use the key or computer password for their signature and will not share their key or password with others; and
6. Provides for nonrepudiation that is strong and substantial to make it difficult for either party to claim that the electronic representation is not valid.

D. All entries in each case file shall be legibly written in ink, contain the signature of the individual performing the service, the date the entry was made and, if the licensee operates more than one office in Virginia, the entry shall identify the office that provided the service. Unless otherwise specified in state or federal law, multiple dated entries made on the same page by the same author may be authenticated by the author's initials behind each entry as long as the author signs his name at the bottom of the page of entries.

E. All correspondence and information received by or produced by the licensee shall be treated as confidential information and shall be maintained as part of the case file.

F. Each case file shall be kept up to date and in a uniform organized manner.

G. All services and treatments provided to the child or his family shall be documented chronologically in the respective file.

H. When not in use, active and closed files shall be maintained in:

1. A location that allows the department's licensing representative complete access to the files within a reasonable and short period of time following the representative's request to review files;
2. An area accessible to staff;
3. An area protected from unauthorized access, fire, flood, and uncontrolled climate control; [~~or~~ and]
4. A locked, metal file cabinet or other metal compartment if the files are stored on site at the licensee's licensed location.

I. Whether stored on site or off site, the licensee shall demonstrate that the file storage system has the protections in place required by subdivisions H 3 and 4 of this section for unauthorized access, fire, flood, and climate control.

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J. The case files shall be retained as follows:

1. Upon entry of a final order of adoption or other final disposition of a matter involving the placement of a child for adoption, the licensee shall forward all reports and collateral information in connection with the case to the commissioner;

2. The licensee who holds custody of the child shall retain a copy of the child's subsidy record as long as the child receives a subsidy;

3. If a minor child has been reunited with his birth family, case files shall be retained until one year after his 21st birthday;

4. When the foster care case is closed for services, the case file, whether written or electronic, shall be maintained in accordance with the Library of Virginia's Record Retention and Disposition Schedule General Schedule No. 15 - County and Municipal Governments Social Services Records (May 2010); and

5. When the licensee ceases operations, it shall immediately submit written information to the department about the location for retention of all files.

K. A person 18 years of age and older who was not adopted and was a child for whom all parental rights and responsibilities were terminated shall not have access to any information from the licensee with respect to the identity of the birth family unless all requirements established in § 63.2-105 B of the Code of Virginia have been met.

L. The licensee shall follow all provisions of §§ 63.2-1246 and 63.2-1247 of the Code of Virginia in regard to disclosure of information pertaining to finalized adoptions.

M. The licensee shall maintain documentation in the file of the home provider for all initial approvals and subsequent approvals. Each file shall include:

1. [~~A in a format required by the department~~ An application];

2. Documentation of the approval process;

3. Completed home study and supporting documentation, including approval decision;

4. Required reference letters received by the licensee;

5. Driving record checks;

6. Dates of receipt of background checks and driving record checks;

7. Summary of results of background checks;

8. Copy of the approval certificate issued to the provider;

9. Documentation of completed orientation and training received by the approved provider;

10. Required medical information, including results of tuberculosis screening;

11. Results of observations and findings from monitoring visits to the home;

12. A face sheet listing the names and dates of birth of all members of the household and the relationship of each member to the provider;

13. A narrative account of the preparation of the family for each child placed in the home;

14. A list of children's names, birth dates, dates of placement in the home and, if applicable, removal dates and reasons for removal;

15. Copies of all signed agreements;

16. When applicable, the date and reason for home closure;

17. Copy of the signed prohibition on corporal punishment;

18. Written updates and addenda to the home study and re-evaluations of the home provider and home; and

19. Any other correspondence or information pertaining to the home including a narrative of any concerns the licensee has about the status of the home; record of all complaints involving the foster parents; the licensee's investigation report and findings; and, if appropriate, the findings of child protective services and law enforcement.

N. The licensee shall maintain documentation in each child's file. Each file shall include:

1. A face sheet completed within five working days of the date of the child's placement. The face sheet shall address the child's name, date of birth, place of birth, gender, race, social security number, and Medicaid number, if known; and for adoption cases, the face sheet shall also contain the child's height, weight, hair color, eye color, and identifying marks;

2. Names, addresses, telephone numbers, and marital status of the child's birth parents;

3. Names and addresses of the child's siblings, if available;

4. Names, addresses, and telephone numbers of the person or agency holding legal custody of the child;

5. Names, addresses, and telephone numbers of persons to be contacted in an emergency;

6. Services provided to the child;

7. A copy of the entrustment agreement or the placement agreement between the placing agency and the licensee;

8. Other information pertaining to a child in foster care, treatment foster care, short-term foster care, and independent living arrangements as required by this chapter;

9. For adoption cases, the child's file shall also contain:

- a. The legal documents required for adoption if the licensee holds custody of the child;
- b. A record in the narrative dictation of the child's and family's preparation for the placement; and
- c. Other information required by this chapter; and

10. An original birth certificate for the child whenever possible and when the licensee holds custody of the child.

O. If services are provided to the child's birth family, the licensee shall maintain a file on each child's birth parents. The file may be separate from the child's file or combined and maintained in the child's file. The file shall include:

1. An up-to-date face sheet documenting:
 - a. Names, addresses, telephone numbers, and marital status of each parent;
 - b. Names of known members of the birth family;
 - c. Current whereabouts, addresses, and telephone numbers, when available, of each known member of the birth family; and
 - d. A cross reference to the file of the child unless the birth family's information is maintained in the child's file.
2. A chronological narrative or summary of contacts the licensee has made with the family. This information shall include visits of the parents with the child and the child's visits, or attempts to visit, with the parents;
3. A summary of services provided to the family; and
4. Other information relating to the birth parents as required by this chapter.

P. The licensee shall maintain a file on each adoptive family. The file shall include:

1. The completed application;
2. A copy of any written information given to the adoptive parents concerning the child, including the agreed upon plan of discipline;
3. Summaries of supervisory visits and closing summary;
4. The home study and related documents;
5. Documentation of orientation and training completed;
6. Narrative account of the child-placing agency's preparation of the family for the placement of the child;
7. Fees charged and agreement between the licensee and the applicant;
8. Documentation of any complaints or investigations conducted by child protective services; and

9. Other information relating to adoptive parents as required by this chapter.

Q. Narrative case notes shall be current within 30 days, documented in the file of the child or youth in chronological order, signed and dated by the individual making the entry, and address elements required by this chapter including:

1. Treatment and services provided;
2. All contacts related to the child;
3. Visitation between the child and his family;
4. Other significant events, if any; and
5. Other documentation required by this chapter.

R. The licensee shall maintain documentation in provider and child files as required by this chapter and including:

1. Completing documentation within specified time frames; and
2. Placing documentation in the appropriate file within 30 days unless otherwise specified by this chapter.

22VAC40-131-380. Behavior support and crisis intervention.

A. Licensees shall train and encourage foster parents to use positive behavioral support techniques that emphasize principals and methods to help a child achieve desired behavior and correct inappropriate behavior in a constructive and safe manner.

B. Licensees that prohibit the use of physical restraint shall develop a written policy prohibiting the use. The licensee shall document that foster care parents have been informed of the prohibition.

C. Licensees that permit the use of physical restraint shall require that:

1. Other methods of crisis intervention and behavior support are used prior to the use of physical restraint;
2. Physical restraint is limited to that which is minimally necessary to protect the child or others from injury;
3. The use of physical restraint is used as a part of a planned therapeutic intervention defined in the child's service or treatment plan or both;
4. Only designated professional staff and foster parents trained in licensee-approved less intrusive interventions and physical restraint techniques implement the interventions and techniques; and
5. Foster care parents complete and submit a report to the licensee documenting each use of physical restraint implemented with a child. Each report shall be made within a timeframe established by the licensee,

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documented on a format required by the licensee, and address the following elements:

- a. The reason for the restraint;
- b. A description of all other behavior support techniques attempted prior to the use of physical restraint;
- c. A description of the physical hold used during the restraint;
- d. The duration of the physical restraint;
- e. The outcome or child's response to the physical restraint; and
- f. Any known injuries occurring as a result of the restraint including any injuries reported by the child.

Part VII

Additional Requirements for Specific Programs

Article I

Permanent Foster Care

22VAC40-131-390. Applicability.

In addition to applicability requirements specified by 22VAC40-131-20, programs licensed to provide permanent foster care services shall also comply with the requirements of this article.

22VAC40-131-400. Children placed in permanent foster care.

A. For a child placed in a permanent foster care placement, the licensee shall comply with the provisions of § 63.2-908 of the Code of Virginia.

B. The licensee shall have the authority to place a child in a permanent foster care placement under the following conditions:

1. Pursuant to a court order;
2. Legal custody of the child is retained by the licensee;
3. The placement is appropriate to meet the needs of the child; and
4. A written permanent foster care agreement signed by the licensee and the foster care parent documents the understanding and expectation the child will remain in the placement:
 - a. Until he reaches 18 years of age unless the court modifies the order or the child is removed from the foster home pursuant to [§] § 16.1-251 or 63.2-1517 of the Code of Virginia; or
 - b. If he is between the ages of 18 and 21; participates in an educational, treatment or training program approved pursuant to regulations of the State Board; and his permanent foster care placement is a requisite to funds being provided for his care.

C. The child placed in a permanent foster care placement shall have available to him and receive, as needed, the same services as a child who is not placed in permanent foster care would receive.

D. The licensee shall follow the standards of this chapter for approving, monitoring, and re-evaluating foster care homes.

Article 2

Short-term Foster Care

22VAC40-131-410. Applicability.

In addition to applicability requirements specified by 22VAC40-131-20, programs licensed to provide short-term foster care services shall also comply with the requirements of this article.

22VAC40-131-420. Children placed in short-term foster care.

A. The licensee shall allow foster parents access to alternate planned and crisis foster care for their foster children.

B. Foster children in need of alternate planned or crisis foster care services shall only be placed in a home that has:

1. Been approved by a Virginia child-placing agency as a provider for the receiving of placed children; and
2. Received training as required by this chapter.

C. The licensee shall inform the provider of the child's treatment and service plan at the time of placement of the child.

D. The licensee shall oversee and provide support and supervision as necessary to the provider in the home provider's implementation of the child's treatment and service plan.

Article 3

Independent Living Arrangements

22VAC40-131-430. Applicability.

In addition to applicability requirements specified by 22VAC40-131-20, programs licensed to provide independent living arrangements shall also comply with the requirements of this article.

22VAC40-131-440. Youth placed in independent living arrangements.

A. The licensee shall meet all requirements and follow procedures as set forth in this chapter and in the Code of Virginia related to the placement of children, including all applicable interstate compacts.

B. The licensee shall develop and implement written policies and procedures that address the independent living arrangement program to include a description of:

1. Criteria for evaluating potential independent living arrangement settings and on-going evaluation of approved settings;

2. Protocols for approving an independent living arrangement setting and identifying the types of settings the licensee will approve;

3. Criteria for admission;

4. Procedures for intake and admission;

5. Criteria for successful discharge from the program including procedures to ensure the youth will be discharged to his legal guardian if he is under 18 years of age at the time of discharge;

6. Conditions under which a youth may be discharged before completing the program, including criteria and protocols for implementing emergency discharge of the youth from the independent living arrangement program;

7. Criteria and protocols to terminate approval as necessary in an independent living arrangement setting;

8. The licensee's detailed plan for determining and maintaining the supervision and visitation plan for youths placed in independent living arrangement settings;

9. Types of services the licensee will provide and secure to meet the needs of the youth during his placement;

10. The licensee's role in:

a. Ensuring that each youth is enrolled in educational, vocational education and training, or career and technical education services appropriate to meet his needs [e.]

b. Monitoring each youth's educational progress as often as necessary;

c. Assisting the youth in obtaining routine and emergency medical and dental care;

d. Evaluating the youth's need for financial assistance, initially during intake then one time monthly and as needed by the youth;

[e. e.] Providing the resources to meet the youth's basic needs for shelter, food, and clothing;

f. Providing assistance to the youth in locating, securing, and maintaining employment;

g. Providing life skill training to meet the needs of the youth; and

h. Providing or securing a crisis response system accessible to the youth 24 hours a day and providing training to the youth on accessing and using of the system; and

11. Orientation and training provided for each youth admitted to the independent living arrangement program.

The procedures shall define the licensee's program to teach the youth to:

a. Identify potential hazards in his living, school, work, and play communities; and

b. Develop and implement an emergency preparedness and response plan that promotes safety in his environments.

C. Prior to accepting a youth for an independent living arrangement and prior to making an arrangement for the youth, the licensee shall meet face to face with the youth at least one time and as often as necessary to evaluate the youth's readiness for such an arrangement. Elements to be considered in the evaluation shall include:

1. Age of the youth;

2. Youth's readiness for placement in an independent living arrangement setting without daily substitute parental supervision;

3. Youth's demonstration of maturity and emotional stability in his current placement or living environment to include that he:

a. Consistently maintains behavioral stability conforming to acceptable societal norms and he does not demonstrate behaviors dangerous to himself or other persons;

b. Is not involved in high risk behaviors such as delinquent or criminal activities or substance use and abuse;

c. Has participated in designing service plan goals and objectives; and

d. Has participated in meeting service plan goals and objectives including those for transition and self-sufficiency;

4. Results of the life skills assessment completed within the last 90 days and whether those results indicate the youth would benefit from placement in an independent living arrangement setting;

5. The youth's current enrollment or immediate plans to enroll in an educational or career or technical educational program; and

6. The youth's current employment situation.

D. At the time of admission, the licensee shall provide to each youth and, as applicable, his guardian, an orientation to the independent living arrangement program. The orientation shall address the following:

1. Goals and objectives of the independent living arrangement;

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2. Information about the programs and services provided by the licensee or through the independent living arrangement program;

3. Responsibilities and expectations of all parties designated in the agreement between the youth and the child-placing agency;

4. Emergency preparedness as required by subdivision B 11 a and b of this section;

5. Transition planning;

6. Elements for successful discharge;

7. Reasons early discharge may occur; and

8. Tour of the independent living arrangement setting selected for the youth if the environment is selected at the time of admission. If selected after admission, a tour shall be provided prior to placement of the youth.

E. At the time of admission to the independent living arrangement, the licensee shall discuss the elements of the written agreement for participation in the arrangement with the youth, his guardian, and as appropriate, his family. The written agreement shall contain the following:

1. Purpose of his independent living arrangement, with timeframe for completing the program;

2. A list and description of the licensee's activities to support achievement of the identified purpose of the independent living arrangement;

3. A description of the frequency of supervision provided by the licensee, including the conditions under which responsibility for supervision will be retained by the licensee and the youth's responsibility to accept the level of supervision provided;

4. A list and description of the youth's activities to attain achievement of the identified purpose of the independent living arrangement;

5. Responsibility for financial payments, including method of payment, frequency of payment, and amount of payment;

6. Information pertaining to the physical setting arrangements and requirements that all arrangements must be approved by the licensee unless those arrangements are exempt from licensee approval;

7. Information pertaining to the youth's responsibility to inform the licensee within a specified time frame, but no later than 72 hours, of any major changes in his situation and serious injuries, illness, or need for surgery;

8. A plan to seek emergency assistance from medical professionals and emergency responders; and

9. Conditions under which the youth may be discharged from the program prior to completion of the program.

F. The written participation agreement shall be signed by a representative of the licensee, the youth, and, as appropriate, the legal guardian. The signed agreement shall be maintained in the youth's file and a copy of the agreement provided to the youth, and, as appropriate, to his legal guardian.

G. Prior to making a placement in or arranging for the placement of a youth in an independent living arrangement, the licensee shall determine the suitability of the setting for use as an independent living arrangement by:

1. Conducting an onsite visit of the independent living setting to determine if the setting meets the requirements necessary to protect the interests of each youth; and

2. Determining whether community resources are available and accessible to meet the specified needs of the youth and to assist him in his efforts to achieve self-sufficiency.

H. Within 30 days of the date of admission to the independent living arrangement program, the licensee shall develop an individual service plan for each youth.

I. The individualized service plan for each youth shall describe in measurable terms the:

1. Strengths and needs of the youth identified in the completed life skill assessment;

2. Goals, objectives, and strategies identified by the youth, his guardian, and, if applicable, his parents;

3. Projected involvement of the youth, his guardian, and, if applicable, his parents;

4. Dates of planned accomplishment for each objective;

5. Target date for discharge; and

6. Involvement of the youth, his guardian, and, if applicable, his parents in discharge planning.

J. The individualized service plan shall address:

1. Counseling needs;

2. Education needs;

3. Employment needs;

4. Money management skills development;

5. Specific independent living services to be provided to the youth to assist him in meeting his needs and accomplishing his goals;

6. Social and interpersonal skill development; and

7. A plan for transition from foster care to independent living that includes:

a. A description of the specific life skills to be achieved by the youth, the youth's responsibilities, time frames for

achievement of each identified life skill, and a description of the parents' or guardians' responsibilities in assisting the youth, if appropriate, in achieving the identified life skills. If the parents or guardians will not have responsibilities to assist the youth, the reasons shall be stated in the plan;

b. A description of the services and training offered by the licensee to help the youth achieve the identified life skills and a statement of the type and frequency of supervision provided by the licensee; and

c. A description of results of the assessment conducted on the youth's physical and mental health, including medical or dental care received by the youth.

K. The licensee shall conduct a review of each individualized service plan and the progress of each youth toward meeting the goals and objectives of the plan. The review shall take place within 90 days of the admission date and within each 90-day period thereafter and the plan shall be revised and updated as necessary.

L. The child-placing agency shall maintain a written report of each 90-day review that addresses:

1. Youth's progress in the living arrangement and toward meeting the goals and objectives established in his individualized service plan;
2. Involvement of the youth's parents or guardian in assisting him to meet his goals and objectives;
3. Continuing needs of the youth;
4. Youth's progress toward meeting his transition plan;
5. The beginning and ending dates of the review period; and
6. Youth's anticipated discharge date.

M. After placement, the licensee shall maintain supervision over the independent living arrangement by:

1. Conducting a face-to-face visit with the youth at least one time each month and as often as necessary to protect his interests; or
2. Conducting a face-to-face visit with the youth at least one time every 90 days and as often as necessary to protect his interests when the youth resides in a dormitory setting approved by a college or other educational or vocational provider; and
3. Ensuring that over 50% of these face-to-face visits occur in the youth's place of residence within a calendar year.

N. Except housing approved by a college or other educational or vocational providers, the child-placing agency shall visit the independent living arrangement setting annually for the purpose of determining whether the setting should remain an approved setting for the youth.

Documentation of the results of the visit and decision regarding approval shall be maintained in the file of the youth.

O. The licensee shall have an appointed case worker on call and available as necessary to make face-to-face contact with the youth and provide services to the youth 24 hours per day, seven days per week.

Article 4 Treatment Foster Care

22VAC40-131-450. Applicability.

In addition to applicability requirements specified by 22VAC40-131-20, programs licensed to provide treatment foster care services shall also comply with the requirements of this article.

22VAC40-131-460. Children placed in treatment foster care.

A. In order to be licensed or certified as a child-placing agency providing treatment foster care services in Virginia, the licensee shall meet the requirements of this chapter.

B. In addition to the program description requirements specified in 22VAC40-131-170, the licensee shall provide a comprehensive description of:

1. The treatment philosophy of the licensee;
2. Specific treatment techniques the licensee plans to use with children and families;
3. Specific behavior management strategies the licensee will allow foster parents to use with placed children; and
4. The staffing pattern that:
 - a. Provides for the intensity of services required in treatment foster care;
 - b. Describes the treatment team, treatment plans, and credentials of professional staff responsible for treatment services;
 - c. Provides for at least one full-time professional staff [and or] part-time staff whose hours are equivalent to a full-time position; and
 - d. Designates a qualified individual responsible for overseeing the program.

C. The licensee shall have a written plan for back-up emergency care in the event that a child's placement in a family disrupts.

D. The licensee shall provide training, support, and guidance to foster families in implementing the treatment and service plan for the child.

E. In consultation with the custodial agency, the licensee shall provide or arrange for the child to receive recommended

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or identified clinical services including, but not limited to, psychiatric, psychological, and medication management services.

F. The licensee shall assure that a professional qualified staff person provides leadership to the treatment team that includes:

1. Managing team decision-making regarding the care and treatment of the child or youth and services to the child's family;

2. Providing information and training as needed to treatment team members; and

3. Involving the child, the child's foster family, and the placing agency in treatment team meetings, plans and decisions, and keeping them informed of the child's progress, whenever possible.

G. Treatment team members shall consult with each other on cases at least every 90 days and as often as necessary.

Article 5 Adoption

22VAC40-131-470. Applicability.

In addition to applicability requirements specified by 22VAC40-131-20, programs licensed to provide adoption services shall also comply with the requirements of this article.

22VAC40-131-480. Fees for adoption applications and services.

A. Prior to initiating the home study, the licensee shall make full disclosure of fee charges to adoptive home applicants.

B. Each applicant shall be given a written fee explanation that addresses the following:

1. The amount the applicant must pay and when and how the payments are to be made;

2. How the amount is determined and what services the fees cover; and

3. The refund policy of the licensee.

C. The licensee shall develop a mutually-acceptable written agreement with the adoptive applicants regarding the fees to be paid and the services to be provided.

22VAC40-131-490. Adoption counseling and services for birth parents.

A. Except in the case of intercountry adoption, the licensee who holds custody of a child shall offer counseling services to the birth mother, or if reasonably available, to both birth parents contemplating the placement of their child for adoption. The counseling services shall include a discussion about:

1. The parent's decision to place the child was not made under duress and to ensure the decision to place the child is a firm decision;

2. The impact of such a decision;

3. The reasons for contemplating the decision to place the child for adoption; and

4. Alternatives to adoption including:

a. Services available to assist the family in staying together, if staying together is in the best interests of both the child and family;

b. Foster care for the child; and

c. The child's placement with relatives.

B. Except in the case of intercountry adoption, the licensee shall offer additional counseling sessions as needed by the birth parents.

C. Except in the case of intercountry adoption and prior to accepting a child for adoption placement, the licensee shall provide the birth parents with an explanation of:

1. Adoption services provided;

2. Adoption policies and procedures, including the adoption process; and

3. The rights and responsibilities of all parties in the adoption process.

D. The licensee shall document in the record of the birth mother or child to whom the counseling services were provided if:

1. The licensee did not provide counseling services as required, the reason shall be documented.

2. Counseling was provided to the birth father, such counseling services shall be documented.

[E. If the birth mother or both birth parents choose to place the child with the licensee for adoption, the licensee shall secure a termination of parental rights in accordance with §§ 16.1-277.01 and 16.1-278.3 and other relevant sections of the Code of Virginia related to termination of parental rights.

F. E.] When a child's birth parents and the prospective adoptive parents have entered into a written post-adoption contact and communication agreement, the licensee sponsoring the adoption shall:

1. Review the written post-adoption contact and communication agreement; and

2. Provide to the court the licensee's written recommendation indicating whether:

a. The post-adoption contact and communication agreement represents the best interests of the child; and

b. The licensee recommends approval of the agreement.

22VAC40-131-500. Involuntary termination of parental rights.

When it is necessary to petition the court to terminate parental rights, the licensee shall follow the requirements of § 16.1-283 of the Code of Virginia and [policy approved by the state board any other necessary legal requirements to achieve the involuntary termination of parental rights].

22VAC40-131-510. Provisions for adopting children with special needs.

A. The licensee shall [collaborate and work cooperatively with the local department to] ensure that children with special needs, as defined by § 63.2-1300 of the Code of Virginia, who are legally free for adoption are registered with the Adoption Resource Exchange of Virginia within 30 days of termination of parental rights unless an adoptive [family has been identified placement agreement has been signed. The licensee holding custody shall ensure that the child is registered].

B. The licensee shall ensure that prospective adoptive families who will accept children with special needs are registered with the Adoption Resource Exchange of Virginia within 30 days of approval unless [a child has been identified for placement with the family an adoptive placement agreement has been signed].

C. The licensee shall assist and work with the appropriate local department of social services to gather documentation and complete necessary applications for securing adoption [subsidy assistance] payments for the child.

D. The licensee shall ensure that necessary and appropriate services and treatment are provided to children with special needs, [including arranging for necessary services after the final order pursuant to Chapter 13 (§ 63.2-1300 et seq.) of Title 63.2 of the Code of Virginia].

22VAC40-131-520. Selecting an adoptive home.

A. Siblings shall be placed together unless it clearly is not in the best interests of the children. If siblings are not placed together, the reasons for separation shall be documented in the file of each sibling.

B. Relatives and foster parents shall be considered primary adoptive resources when adoption is considered to be in the best interests of the child.

C. The licensee shall consider the following when selecting an adoptive home for a child:

1. The child's concerns about adoption, for children over one year of age;
2. The ages of the adoptive parents in relation to the age of the child; and

3. The child's best interests.

D. When the licensee accepts custody of a child for the purpose of adoption, the licensee shall consider recommendations made by the birth parents, a physician or attorney licensed in the Commonwealth of Virginia, or a clergyman who is familiar with the situation of the proposed adoptive parents or the child. The licensee shall document recommendations made in the file of the child.

E. The licensee shall make selection of a particular prospective adoptive family for a child in accordance with the best interests of the child. The reasons for selecting the specific home for the child shall be documented in the child's file.

F. The licensee shall provide the adoptive parents full known factual information about the child and, excluding identifying information where required by law, known factual information about the child's birth family. The licensee shall provide to the adoptive parents written information about:

1. The child's history, including information about the child's birth, social, cultural, medical, [educational,] developmental, psychological, and mental health; and
2. Relevant known physical and mental history of the birth parents.

G. The licensee who holds the child's custody shall require the prospective adoptive parents sign and date a written acknowledgement that they have received the full factual information as described in subsection F 1 and 2 of this section. The written signed acknowledgement shall be placed in the adoptive home file.

H. The licensee shall permit the prospective adoptive parents to decide whether they will accept the child.

I. The licensee shall not use the prospective adoptive parent's decision to refuse to take one child into their home as the sole basis for excluding the prospective adoptive parents from consideration for future placement of other children.

22VAC40-131-530. Adoption placement agreement.

A. The licensee who holds custody of a child shall at the time of placement of the child enter into a written agreement for placement with the prospective adoptive family.

B. The placement agreement shall remain in effect until final order of adoption is entered by the court or until the placement ends or disrupts.

C. The adoption placement agreement shall include:

1. The requirements of the foster care agreement specified in 22VAC40-131-280 B and C;
2. A statement that the licensee maintains the legal responsibility to protect the best interests of the child and that the licensee may, with the sanction of the court,

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remove the child from the prospective adoptive home when removal is determined to be in the best interests of the child;

3. A listing of licensee's responsibilities until the final order of adoption is entered by the court;

4. A listing of the prospective adoptive family's responsibilities the adoptive family will maintain until the final order of adoption is entered by the court; and

5. A statement of services the licensee will provide to the family after the final order is entered, if any services have been agreed upon.

22VAC40-131-540. Placements requiring legal risk agreement.

A. The licensee shall require the prospective adoptive parents to sign and date a written statement acknowledging awareness that the valid entrustment agreement may be revoked by either birth parent until:

1. The placed child has reached the age specified in § 63.2-1223 of the Code of Virginia; and

2. The number of days specified in § 63.2-1223 of the Code of Virginia have elapsed since the execution of the valid entrustment agreement.

B. The written acknowledgement statement signed by the prospective adoptive parents shall be maintained in the child's file.

C. Such a direct placement shall be recognized as a foster home placement and a foster home agreement required by this chapter shall be signed by the licensee and the foster parents.

D. The adoptive placement agreement required by this chapter shall not be signed until the child is legally free for adoption.

22VAC40-131-550. Adoptive placement of children over one year of age; additional provisions.

A. Except in intercountry adoptions, the licensee shall prepare a child for adoptive placement by involving him in adoption planning, considering his individual needs and concerns, and providing information in a manner the child can understand.

B. The licensee shall document in the child's file the services and contacts provided to the child for adoption preparation including:

1. Discussion about the child's feelings about adoption and identification of indicators that he is ready for the adoptive placement;

2. Discussion regarding the reason he cannot be returned to his birth parents;

3. Discussion about relationships with his social worker, foster family, and prospective adoptive parents;

4. Preplacement visits in his prospective adoptive home. The number of visits shall be determined by the needs of the child and the adoptive family;

5. Efforts to obtain photographs of the child from birth through his current age;

6. The licensee's preparation of a life book for the child;

7. Assessment and services related to the child's attachment and issues of attachment;

8. Assessment of the child's needs for contacts with prior caretakers and birth relatives, including siblings; and

9. Preparation of the adoptive family to receive the child, including expected behaviors and the life-long impact of the child's history.

C. If services to prepare the child for placement were not provided, the licensee shall document the reason the child was not prepared in the child's file.

22VAC40-131-560. Parental placement adoption services.

A. Licensees who provide parental placement services shall follow the provisions of §§ 63.2-1230 through 63.2-1240 of the Code of Virginia and policy approved by the state board.

B. In conducting the home study of the prospective adoptive parents, the licensee shall comply with 22VAC40-131-180 and any other requirements specified by the court. The home study shall contain the licensee's recommendation regarding the suitability of the placement.

C. During the home study process, the licensee shall meet at least one time with the birth parents and at least one time with the prospective adoptive parents. The licensee shall obtain the agreement of both parties prior to holding simultaneous meetings.

D. The licensee shall ensure that the birth parents and prospective adoptive parents have exchanged identifying information including full names; addresses; physical, mental, social, and psychological information; and any other information useful in promoting the welfare of the child, unless both parties have agreed in writing to waive the disclosure of full names and addresses.

E. During the meeting with the birth parents, the licensee shall determine that the consent for adoption is informed and not coerced.

F. The licensee shall document in the file that the birth parents are aware of:

1. Alternatives to adoption;

2. Adoption procedures; and

3. Opportunities for placement with other adoptive families.

G. During the meeting with the prospective adoptive parents, the licensee shall determine that the parents' decision to adopt is informed and not coerced and that they intend to file an adoption petition and proceed toward a final order of adoption.

H. The licensee shall document that the prospective adoptive parents have been counseled by a duly authorized child-placing agency about:

1. Alternatives to adoption;
2. Adoption procedures, including the need to address the parental rights of birth parents, the procedures for terminating such rights; and
3. Opportunities for adoption of other children.

22VAC40-131-570. Parent-recommended homes for adoptive placements.

When the licensee accepts custody of a child for the purpose of placing the child with adoptive parents recommended by the birth parents or a person other than a licensed child-placing agency or local board, the licensee shall:

1. Provide to the birth parents information about the provisions of parental placement adoption and child-placing agency adoption placements;
2. Allow the informed birth parents to elect which placement provision described in subdivision 1 of this section they desire to apply to their case;
3. Provide the birth parents the opportunity to be represented by independent legal counsel; and
4. Provide the birth parents the opportunity for counseling with a social worker.

22VAC40-131-580. Post-placement responsibility for adoptive home placements.

A. The licensee shall ensure that supervisory visits with the child are made in compliance with § 63.2-1212 of the Code of Virginia and, for children in foster care, in compliance with the requirements of policy approved by the Board of Social Services.

1. If the circuit court has not omitted the probationary period, interlocutory order of adoption, or three-visit requirement pursuant to § 63.2-1210 of the Code of Virginia, the licensee shall visit the child at least three times within a period of six months.
2. At least one visit shall be conducted in the home of the petitioners in the presence of the child and both petitioners unless the petition was filed by a single parent or one of the petitioners no longer resides in the home. If one petitioner no longer resides in the home, the licensee shall contact the

absent petitioner to determine his interest in remaining involved in the proceedings.

3. The licensee shall ensure that no less than 90 days elapse between the first and last supervisory visits.

4. In accordance with the provisions of § 63.2-1212 of the Code of Virginia, the licensee shall:

a. Document the findings of supervisory visits and after the last supervisory visit formulate a formal written report that includes:

- (1) Health and development of the child, including medical and dental care;
- (2) The child's adjustment to the family and the relationship of the child to the parents and siblings;
- (3) The child's adjustment to day care or school, the child's behavior and special needs, and resources available to meet those needs;
- (4) Impact of adoption on the family functioning and the marriage, including discussion of any stress revealed and changes in work and financial status;
- (5) Motivation of the petitioners to proceed with the adoption;
- (6) The family's readiness to finalize the adoption;
- (7) Documentation that the licensee discussed the procedures for finalization of adoption along with information on obtaining a birth certificate and, if appropriate, information on obtaining naturalization; and
- (8) Documentation that the licensee offered to provide or refer the child and family to available resources for services after issuance of the final order of adoption. For children with long-standing mental or physical problems, the licensee shall assist in making arrangements for services after the final order;

b. Submit the written report as required to the circuit court, the counsel of record for the parties, and the commissioner; and

c. Document on the court's copy of the report that the copies were served as specified in subdivision 4 b of this subsection, including the date of delivery or mailing.

B. The licensee retains responsibility for protecting the best interests of the child.

1. The licensee shall maintain contact with the child and prospective adoptive family until the final order of adoption is entered.

2. In addition to the visitations required by § 63.2-1212 of the Code of Virginia, the licensee shall visit the child as often as necessary to meet the needs of the child and family.

Regulations

3. If conditions warrant, the licensee shall proceed to remove the child in accordance with the provisions of § 63.2-904 C of the Code of Virginia.

4. In addition to the legal responsibilities specified in subdivisions 1, 2, and 3 of this subsection, licensees who hold custody of a child shall maintain legal responsibility for the child until the final order of adoption is entered.

C. Except when the adoption has been finalized in another country, the licensee shall document efforts to ensure that the adoption petition is filed. When there is a delay in filing the petition, the licensee shall make an assessment of the situation and conduct visits with the child and family as often as necessary and at least one time quarterly unless the child is in foster care, then the licensee shall conduct monthly face-to-face contacts as required by this chapter.

22VAC40-131-590. Intercountry placement adoptions.

A. A licensee who provides assistance to families in arranging placements of children from foreign countries and who works directly with agencies or resources in other countries shall comply with the provisions of this section.

B. The licensee shall make available to its staff and to applicants written information about Virginia's pre-adoptive requirements for intercountry placements and assist the family in determining when these requirements are applicable.

C. The licensee shall make available to its staff and to applicants written information about the requirements of the United States Citizenship and Immigration Services.

D. The licensee shall share directly with the adoptive applicants all available medical, developmental, and social history about the child, the birth family, and extended family, including the child's placement history.

E. The licensee shall request that the adoptive applicants share available information about the child with the licensee when the applicants directly receive medical, developmental, social history, and other information learned about the child, the birth family, and extended family, including the child's placement history. The licensee shall document in the child's file that this request was made.

F. Documentation required by this section shall be filed as follows:

1. In the child's file when the licensee has received custody; or

2. In a separate section of the adoptive applicant's file when the adoptive applicants have received guardianship; and

3. In the adoptive applicant's file when a final decree of adoption has been issued.

G. During the home study process, the licensee shall discuss the following items with the applicants:

1. The risks of adopting a child from another country, including coping with changes in laws in the other country, or changes in fees; issues regarding the legal availability of the child; risks involved with lack of medical, developmental, and other background information on the child; and the placement of another child if the child originally described is no longer available;

2. The time frame for referrals of children and fees specific to adopting a child from another country and the children or youth available from specific countries;

3. The applicant's ability to assume responsibility for and meet the care, guidance, and protection needs of a child from a different race or ethnic background;

4. The applicant's feelings and attitude toward sharing facts about the adoption with the child, including how the applicants plan to provide the child with information about his native country and teach the child about the customs of his native country;

5. The applicant's expectations for children whose living circumstances prior to placement included living in an orphanage or institution, to include the expected behaviors of the child, attachment and bonding issues, and the life-long impact of the child's history on his behaviors;

6. The [~~applicant's~~ applicant's] ability to provide care for and cope with any issues that may occur related to the child's previous living circumstances;

7. The applicant's understanding of the requirements for post-placement supervision, the importance of supervision in the resolution of any adoption related issues and the applicant's availability to participate in supervision sessions; and

8. The applicant's responsibility for a child when receiving custody or guardianship of a child under the laws of the child's country.

H. If, after completion of the home study for an intercountry adoption, the family decides to pursue an intercountry placement without the assistance of the licensee, the licensee shall document in the applicant's record that the family withdrew from the intercountry program. The licensee shall have no further responsibility to provide services to the applicant and may close the applicant's record.

I. In completing a home study for an intercountry adoption, the licensee shall offer to provide or refer the family for supervision and adoptive family support and preservation services.

J. Prior to any post-placement supervisory visits, the licensee shall make every effort to obtain documentation of a child's legal adoption status, all available medical,

developmental, and social history on the child's birth family including the child's placement history. The licensee shall document its efforts to obtain the information in the adoptive parents' file.

K. The licensee shall document in the adoptive parents file that the adoptive parents were:

1. Informed of any known information about the child's legal availability;
2. Encouraged to file an adoption petition;
3. Informed of the need for the adoptive parents to complete the process of the child's naturalization and citizen status through the United States Citizenship and Immigration Service; and
4. Asked to contact the licensee to provide:
 - a. The date they returned home with the child; and
 - b. The date the adoption was final in the other country.

L. A licensee that provides adoption services in Hague Adoption Convention cases shall comply with all federal laws regarding convention adoptions, including, the Hague Adoption Convention, the Intercountry Adoption Act of 2000 (Pub. L. No. 106-279 (2000), and the Department of State regulations on intercountry adoption at 22 CFR Part 96.

M. The licensee shall notify the department when the licensee:

1. Obtains accreditation, temporary accreditation or approval under 22 CFR Part 96;
2. Is denied accreditation, temporary accreditation, or approval under 22 CFR Part 96. The licensee shall make available to the department all documents and materials related to the denial; and
3. After being accredited or temporarily accredited or approved, has had the Department of State or any of its designated accrediting entities take an adverse action against the licensee. The licensee shall make available to the department all documents and materials related to the imposed adverse action.

22VAC40-131-600. Interlocutory orders of adoption.

A. If the licensee holds legal custody of the child, the licensee shall file with the court its written consent to an interlocutory order for the proposed adoption.

1. The written consent shall be filed with the petition to the court; and
2. The consent shall be signed under oath and acknowledged before an officer by law to take acknowledgements.

B. Prior to certifying the report of investigation, the licensee shall determine that the requirements set forth in § 63.2-1208

of the Code of Virginia have been met. The licensee shall address each requirement in the investigation report.

C. A notarized statement shall accompany the order stating that the licensee will assume legal responsibility for the child should the placement disrupt prior to the issuance of the final order of adoption.

22VAC40-131-610. Subsequent adoptive placements.

A. When home providers who were approved for adoptive placements request additional adoptive placements, the licensee shall evaluate the home based on the initial home study requirements as specified by 22VAC40-131-180.

B. If the licensee conducted the original home study, the licensee shall conduct two additional visits, one face-to-face interview in the home or office and one face-to-face interview in the home with all current household members living in the home present at the time of the interview.

C. If the original home study was conducted by another child-placing agency:

1. The adoptive applicants shall complete the orientation and training required by 22VAC40-131-210;
2. If the licensee has a copy of the original home study for the applicants, two face-to-face interviews shall be made. If the original home study is not available, a minimum of three face-to-face interviews are required; and
3. The home study shall comply with the requirements this chapter for the initial adoptive home study.

FORMS (22VAC40-131)

[Record Retention and Disposition Schedule General Schedule No. 15 - County and Municipal Governments Social Services Records, Library of Virginia \(eff. 5/10\).](#)

[Report of Tuberculosis Screening \(Clearance Letter for Negative Screen\), Virginia Department of Health, Form 1.](#)

[Report of Tuberculosis Screening \(Report of TST/X-ray Results\), Virginia Department of Health, Form 2.](#)

[TB Risk Assessment, Virginia Department of Health, Form TB 512 \(eff. 2/05\).](#)



VA.R. Doc. No. R10-2036; Filed July 27, 2011, 8:28 a.m.

GENERAL NOTICES/ERRATA

STATE AIR POLLUTION CONTROL BOARD

Proposed State Implementation Plan Revision - Fredericksburg Ozone Maintenance Area

Notice of action: The Department of Environmental Quality (DEQ) is seeking comments and announcing a public hearing on a proposed revision to a plan that ensures the Fredericksburg Ozone Maintenance Area's air quality will maintain compliance with the 1997 national ambient air quality standard for ozone. If adopted, the Commonwealth intends to submit the plan as a revision to the Commonwealth of Virginia State Implementation Plan (SIP) in accordance with the requirements of § 110(a) of the federal Clean Air Act. The SIP is the plan developed by the Commonwealth in order to fulfill its responsibilities under the federal Clean Air Act to attain and maintain the ambient air quality standards promulgated by the U.S. Environmental Protection Agency (EPA) under the Act.

Purpose of notice: DEQ is seeking comments on the plan revision and on the issue of whether the plan revision enables the area to maintain compliance with the 1997 ozone national ambient air quality standard.

Public comment period: August 15, 2011, to September 16, 2011.

Public hearing: A public hearing will be conducted in the George Washington Regional Commission, Fredericksburg Area Metropolitan Planning Organization, 406 Princess Anne St., Fredericksburg, VA at 10:30 a.m. on September 16, 2011.

Description of proposal: The proposed revision consists of updating the motor vehicle emissions budgets for nitrogen oxides (NO_x) using EPA's motor vehicle emission factor model (MOVES2010a) in order to help ensure that the Fredericksburg region can properly demonstrate transportation conformity.

Federal information: This notice is being given to satisfy the public participation requirements of federal regulations (40 CFR 51.102). The proposal will be submitted as a revision to the Commonwealth of Virginia SIP under § 110(a) of the federal Clean Air Act in accordance with 40 CFR 51.104. It is planned to submit all provisions of the proposal as a revision to the Commonwealth of Virginia SIP.

How to comment: DEQ accepts written comments by email, fax, and postal mail. In order to be considered, comments must include the full name, address, and telephone number of the person commenting and be received by DEQ on the last day of the comment period. Commenters sending faxes are encouraged to provide the signed original by postal mail within one week. Both oral and written comments are accepted at the public hearing. 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. Please note this proposed plan is being concurrently reviewed by EPA.

To review proposal: The proposal and any supporting documents are available on the DEQ Air Public Notices for Plans website

(<http://www.deq.virginia.gov/air/permitting/planotes.html>).

The documents may also be obtained by contacting the DEQ representative named below. 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 following DEQ locations:

- 1) Main Street Office, 629 East Main Street, 8th Floor, Richmond, VA, telephone (804) 698-4070;
- 2) Northern Regional Office, 13901 Crown Court, Woodbridge, VA, telephone (703) 583-3800; and
- 3) George Washington Regional Commission, Fredericksburg Area Metropolitan Planning Organization, 406 Princess Anne Street, Fredericksburg, VA, telephone (540) 373-2890.

Contact Information: Doris A. McLeod, Air Quality Planner, Department of Environmental Quality, 629 East Main Street, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4197, FAX (804) 698-4510, or email doris.mcleod@deq.virginia.gov.

STATE CORPORATION COMMISSION

Bureau of Insurance

July 18, 2011

Administrative Letter 2011-06

TO: All Insurance Institutions in Virginia

RE: Gramm-Leach-Bliley Act Privacy Notice

The purpose of this administrative letter is to clarify that insurance institutions (as defined in § 38.2-602 of the Code of Virginia) may use the new federal Model Privacy Form in accordance with this administrative letter and still meet the requirements for compliance with the Gramm-Leach-Bliley Act (GLBA) set forth in Virginia's financial information collection and disclosure practices notice requirements described in §§ 38.2-604.1, 38.2-612.1, 38.2-613, and 38.2-613.2 of the Code of Virginia (Virginia Privacy Notice).

As required by the Financial Services Regulatory Relief Act of 2006, eight federal agencies¹ adopted a simplified federal Model Privacy Form. (See Federal Trade Commission's rules.²) Insurance institutions that do business in the Commonwealth may use the new federal Model Privacy Form or continue to use other types of privacy notices that differ from the federal Model Privacy Form to meet the notice content requirements of the Virginia Privacy Notice. The

accurate use of the federal Model Privacy Form in accordance with the instructions set forth below constitutes compliance with the notice content requirements of the Virginia Privacy Notice.

Use of Model Privacy Form

Insurance institutions may use the attached Model Privacy Form, consistent with the federal instructions and the instructions set forth below, as a safe harbor of compliance with the requirements of the Virginia Privacy Notice. The Model Privacy Form may be used at the option of an insurance institution, including a group of insurance institutions or financial institutions that use a common privacy notice to meet the content requirements of the Virginia Privacy Notice. GLBA and the Virginia Privacy Notice requirements apply to life insurance, accident and sickness insurance, and property and casualty insurance primarily for personal, family, or household purposes.

The Model Privacy Form is a standardized form, including page layout, content, format, style, pagination, and shading. Insurance institutions seeking to obtain the safe harbor through use of the model form may modify it only as described in the instructions set forth in the federal Model Privacy Form, as amended in this administrative letter. Furthermore, the safe harbor only applies to the use of the Model Privacy Form if the insurance institution accurately completes the form and otherwise meets the requirements of the federal instructions and the instructions set forth in this administrative letter.

Under § 38.2-604.1 C of the Code of Virginia, if an insurance institution only discloses nonpublic personal information to affiliated and non-affiliated third parties as authorized under § 38.2-613 of the Code of Virginia, the insurance institution is not required to list those exceptions in the initial or annual Virginia Privacy Notice. When describing the categories of parties to whom these disclosures are made, it is sufficient for the insurance institution to state that it makes disclosures to other affiliated and non-affiliated third parties: (1) for our everyday business purposes (include all that apply) such as to: process insurance transactions, maintain a policy(ies), respond to court orders and legal investigations, or report to credit bureaus; or (2) as permitted by law.

In the "What?" box of the Model Privacy Form, the bulleted list identifies the types of personal information that the insurance institution collects and shares. All insurance institutions must use the term "Social Security number" in the first bullet (as set forth in the instructions to the federal form). For the remainder of the bulleted items, an insurance institution should list examples of other personal information that it collects and shares.

Note that disclosure of certain information, such as assets, income, and information from a consumer reporting agency, may give rise to obligations under the Fair Credit Reporting

Act [15 U.S.C.1681–1681x] (FCRA), such as (i) a requirement to permit a consumer to opt out of disclosures to affiliates or (ii) designation as a consumer reporting agency if disclosures are made to nonaffiliated third parties.

Use of Other Types of Privacy Notices

Use of the attached Model Privacy Form is not required. Insurance institutions may continue to use their existing privacy notices that meet the requirements of the Virginia Privacy Notice.

Virginia-Specific Information to be Included in Privacy Notices

As required by the federal instruction to the Model Privacy Form, insurance institutions using this form must include state specific information on the form. This information should be added to the Other Important Information box on page 2 of the federal Model Privacy Form.

- As required by Section 38.2-604.1 of the Code of Virginia, in addition to describing the types of information that may be collected and disclosed, the insurance institution must describe the categories of persons to whom financial information may be disclosed.
- When describing the categories of parties to whom the licensee discloses nonpublic personal information, the licensee is not required to list the exceptions in Section 38.2-613 of the Code of Virginia in the initial or annual privacy notice required by Section 38.2-604.1 of the Code of Virginia.
- When describing the categories of parties to whom these disclosures are made, it is sufficient for the licensee to state that it makes disclosures to other nonaffiliated companies "as permitted by law."
- Additionally, the insurance institution must describe its policies and practices for protecting the confidentiality and security of financial information.

Safe Harbor Not Applicable to the Notice Required by § 38.2-604

Insurance institutions should be aware that while the accurate use of the Model Privacy Form will provide the insurance institution with a safe harbor of compliance with the Virginia Privacy Notice, the Model Privacy Form will not provide a safe harbor for the notice required by § 38.2-604 of the Code of Virginia, the Notice of Information Collection and Disclosure Practices. The triggers for the two notices are different. Consequently, the insurers are reminded that they are still required to provide the notice set forth in § 38.2-604 of the Code of Virginia.

Questions regarding this letter may be directed to: Property & Casualty Division, Katie Johnson, CIC, AIE, Principal Insurance Market Examiner, telephone (804) 371-9688, or

General Notices/Errata

email katie.johnson@scc.virginia.gov; Life & Health Division, Ann Colley, Principal Insurance Analyst, telephone (804) 371-9813, or email ann.colley@scc.virginia.gov.

/s/ Jacqueline K. Cunningham
Commissioner of Insurance

¹ Office of the Comptroller of the Currency; Treasury (OCC); Board of Governors of the Federal Reserve System (Board); Federal Deposit Insurance Corporation (FDIC); Office of Thrift Supervision, Treasury (OTS); National Credit Union Administration (NCUA); Federal Trade Commission (FTC); Commodity Futures Trading Commission (CFTC); and Securities and Exchange Commission (SEC).

² The federal Model Privacy Form and its instructions may be found at: http://www.ftc.gov/privacy/privacyinitiatives/PrivacyModelForm_FR.pdf

There are four versions of the Model Privacy Form on the following pages.

Version 1: Model Form with No Opt-Out.

Version 2: Model Form with Opt-Out by Telephone and/or Online.

Version 3: Model with Mail-In Opt-Out Form.

Version 4: Optional Mail-In Form.

Version 1: Model Form with No Opt-Out

Rev. [Insert Date]

FACTS WHAT DOES [NAME OF INSURANCE INSTITUTION] DO WITH YOUR PERSONAL INFORMATION?

WHY? Insurance institutions choose how they share your personal information. Federal and state law gives consumers the right to limit some but not all sharing. Federal and state law also requires us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand what we do.

WHAT? The types of personal information we collect and share depend on the product or service you have with us. This information can include:

- Social security number and [example 2]
- [example 3] and [example 4]
- [example 5] and [example 6]

When you are *no longer* our policyholder, we continue to share your information as described in this notice.

HOW? All insurance institutions need to share customers' personal information to run their everyday business. In the section below, we list the reasons insurance institutions can share their customers' personal information; the reasons [name of insurance institution] chooses to share; and whether you can limit this sharing.

Reasons we can share your personal information	Does [name of insurance institution] share?	Can you limit this sharing?
For our everyday business purposes – Such as to process your transactions, maintain your account(s), respond to court orders and legal investigations, or report to credit bureaus		
For our marketing purposes – To offer our products and services to you		
For joint marketing with other financial companies		
For our affiliates' everyday business purposes – Information about your transactions and experiences		
For our affiliates' everyday business purposes – Other information about your creditworthiness or insurability		
For our affiliates to market to you		
For nonaffiliated third parties to market to you		

Questions? Call [phone number] or go to [website].

General Notices/Errata

Model Form with No Opt-out

Page 2

Who we are	
Who is providing this notice?	<i>[insert name of the insurance institution]</i>
What we do	
How does <i>[name of insurance institution]</i> collect my personal information?	<p>We collect your personal information, for example, when you</p> <ul style="list-style-type: none"> • <i>[example 1]</i> and <i>[example 2]</i> • <i>[example 3]</i> and <i>[example 4]</i> • <i>[example 5]</i> and <i>[example 6]</i> <p><i>[We also collect your personal information from other companies.] OR [We also collect your personal information from others, such as credit bureaus, affiliates, or other companies.]</i></p>
Why can't I limit all sharing?	<p>Federal law gives you the right to limit only</p> <ul style="list-style-type: none"> • Sharing for affiliates' everyday business purposes – information about your creditworthiness • Affiliates from using your information to market to you • Sharing for nonaffiliated third parties to market to you <p>State laws and individual companies may give you additional rights to limit sharing. <i>[See below for more on your rights under state law.]</i></p>
Definitions	
Affiliates	<ul style="list-style-type: none"> • Companies related by common ownership or control. They can be financial and nonfinancial companies. • <i>[affiliate information]</i>
Nonaffiliated third parties	<ul style="list-style-type: none"> • Companies not related by common ownership or control. They can be financial and nonfinancial companies. • <i>[nonaffiliated third party information]</i>
Joint marketing	<ul style="list-style-type: none"> • A formal agreement between nonaffiliated third parties that together market financial products or services to you. • <i>[joint marketing information]</i>
Other important information	
<i>[Insert other important information including VA specific requirements in §§ 38.2-604.1 and 38.2-613.2]</i>	

Version 2: Model Form with Opt-Out by Telephone and/or Online

Rev. [Insert Date]

FACTS WHAT DOES [NAME OF INSURANCE INSTITUTION] DO WITH YOUR PERSONAL INFORMATION?

WHY? Insurance institutions choose how they share your personal information. Federal and state law gives consumers the right to limit some but not all sharing. Federal and state law also requires us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand what we do.

WHAT? The types of personal information we collect and share depend on the product or service you have with us. This information can include:

- Social security number and [example 2]
- [example 3] and [example 4]
- [example 5] and [example 6]

When you are *no longer* our policyholder, we continue to share your information as described in this notice.

HOW? All insurance institutions need to share customers' personal information to run their everyday business. In the section below, we list the reasons insurance institutions can share their customers' personal information; the reasons [name of insurance institution] chooses to share; and whether you can limit this sharing.

Reasons we can share your personal information	Does [name of insurance institution] share?	Can you limit this sharing?
For our everyday business purposes – Such as to process your transactions, maintain your account(s), respond to court orders and legal investigations, or report to credit bureaus		
For our marketing purposes – To offer our products and services to you		
For joint marketing with other financial companies		
For our affiliates' everyday business purposes – Information about your transactions and experiences		
For our affiliates' everyday business purposes – Other information about your creditworthiness or insurability		
For our affiliates to market to you		
For nonaffiliated third parties to market to you		

To limit our sharing

- Call [phone number] – our menu will prompt you through your choice(s)
- Visit us online: [website]
- Mail the form below

Please note:
If you are an applicant or new policyholder, we can begin sharing your information **30** days from the date we sent this notice. When you are no longer our policyholder, we continue to share your information as described in this notice.

However, you can contact us at any time to limit our sharing.

Questions? Call [phone number] or go to [website].

General Notices/Errata

Version 2: Model Form with Opt-Out by Telephone and/or Online

Page 2

Who we are	
Who is providing this notice?	<i>[insert name of the insurance institution]</i>
What we do	
How does <i>[name of insurance institution]</i> collect my personal information?	<p>We collect your personal information, for example, when you</p> <ul style="list-style-type: none"> • <i>[example 1]</i> and <i>[example 2]</i> • <i>[example 3]</i> and <i>[example 4]</i> • <i>[example 5]</i> and <i>[example 6]</i> <p><i>[We also collect your personal information from other companies.] OR [We also collect your personal information from others, such as credit bureaus, affiliates, or other companies.]</i></p>
Why can't I limit all sharing?	<p>Federal law gives you the right to limit only</p> <ul style="list-style-type: none"> • Sharing for affiliates' everyday business purposes – information about your creditworthiness • Affiliates from using your information to market to you • Sharing for nonaffiliated third parties to market to you <p>State laws and individual companies may give you additional rights to limit sharing. <i>[See below for more on your rights under state law.]</i></p>
Definitions	
Affiliates	<ul style="list-style-type: none"> • Companies related by common ownership or control. They can be financial and nonfinancial companies. • <i>[nonaffiliated third party information]</i>
Nonaffiliated third parties	<ul style="list-style-type: none"> • Companies not related by common ownership or control. They can be financial and nonfinancial companies. • <i>[nonaffiliated third party information]</i>
Joint marketing	<ul style="list-style-type: none"> • A formal agreement between the insurance institution and nonaffiliated third parties that together market financial products or services to you. • <i>[joint marketing information]</i>
Other important information	
<i>[Insert other important information including VA specific requirements in §§ 38.2-604.1 and 38.2-613.2]</i>	

Version 3: Model Form with Mail-in Opt-out Form

Rev. [Insert Date]

FACTS WHAT DOES [NAME OF INSURANCE INSTITUTION] DO WITH YOUR PERSONAL INFORMATION?

WHY? Insurance institutions choose how they share your personal information. Federal and state law gives consumers the right to limit some but not all sharing. Federal and state law also requires us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand what we do.

WHAT? The types of personal information we collect and share depend on the product or service you have with us. This information can include:

- Social security number and [example 2]
- [example 3] and [example 4]
- [example 5] and [example 6]

When you are *no longer* our policyholder, we continue to share your information as described in this notice.

HOW? All insurance institutions need to share customers' personal information to run their everyday business. In the section below, we list the reasons insurance institutions can share their customers' personal information; the reasons [name of insurance institution] chooses to share; and whether you can limit this sharing.

Reasons we can share your personal information	Does [name of insurance institution] share?	Can you limit this sharing?
For our everyday business purposes – Such as to process your transactions, maintain your account(s), respond to court orders and legal investigations, or report to credit bureaus		
For our marketing purposes – To offer our products and services to you		
For joint marketing with other financial companies		
For our affiliates' everyday business purposes – Information about your transactions and experiences		
For our affiliates' everyday business purposes – Other information about your creditworthiness or insurability		
For our affiliates to market to you		
For nonaffiliated third parties to market to you		

To limit our sharing

- Call [phone number] – our menu will prompt you through your choice(s)
- Visit us online: [website]
- Mail the **form** below

Please note:
If you are an applicant or new policyholder, we can begin sharing your information **30** days from the date we sent this notice. When you are no longer our policyholder, we continue to share your information as described in this notice.

However, you can contact us at any time to limit our sharing.

Questions? Call [phone number] or go to [website].

Cut here

Mail-In Form

<p>Leave Blank OR [If you have a joint account, your choice(s) will apply to everyone on your account unless you mark the space below.] <input type="checkbox"/> Apply my choices only to me]</p>	<p>Mark any/all you want to limit:</p> <p><input type="checkbox"/> Do not share information about my creditworthiness or insurability with your affiliates for their everyday business purposes.</p> <p><input type="checkbox"/> Do not allow your affiliates to use my personal information to market to me.</p> <p><input type="checkbox"/> Do not share my personal information with nonaffiliated third parties to market their products and services to me.</p>
Name	Mail to: [Name of insurance institution]
Address	[Address1]
City, State, Zip	[Address2]
[Account #]	[City], [State] [Zip]

General Notices/Errata

Version 3: Model Form with Mail-in Opt-out Form

Page 2

Who we are	
Who is providing this notice?	<i>[insert name of the insurance institution]</i>
What we do	
How does <i>[name of insurance institution]</i> collect my personal information?	<p>We collect your personal information, for example, when you</p> <ul style="list-style-type: none"> • <i>[example 1]</i> and <i>[example 2]</i> • <i>[example 3]</i> and <i>[example 4]</i> • <i>[example 5]</i> and <i>[example 6]</i> <p><i>[We also collect your personal information from other companies.] OR [We also collect your personal information from others, such as credit bureaus, affiliates, or other companies.]</i></p>
Why can't I limit all sharing?	<p>Federal law gives you the right to limit only</p> <ul style="list-style-type: none"> • Sharing for affiliates' everyday business purposes – information about your creditworthiness • Affiliates from using your information to market to you • Sharing for nonaffiliated third parties to market to you <p>State laws and individual companies may give you additional rights to limit sharing. <i>[See below for more on your rights under state law.]</i></p>
Definitions	
Affiliates	<ul style="list-style-type: none"> • Companies related by common ownership or control. They can be financial and nonfinancial companies. • <i>[affiliate information]</i>
Nonaffiliated third parties	<ul style="list-style-type: none"> • Companies not related by common ownership or control. They can be financial and nonfinancial companies. • <i>[nonaffiliated third party information]</i>
Joint marketing	<ul style="list-style-type: none"> • A formal agreement between the insurance institution and nonaffiliated third parties that together market financial products or services to you. • <i>[joint marketing information]</i>
Other important information	
<i>[Insert other important information including VA specific requirements in §§ 38.2-604.1 and 38.2-613.2]</i>	

Version 4: Optional Mail-in Form

Cut here

Mail-in Form									
<p>Leave Blank OR <i>[If you have a joint account, your choice(s) will apply to everyone on your account unless you mark the space below.]</i></p> <p><input type="checkbox"/> Apply my choices only to me]</p>	<p>Mark any/all you want to limit:</p> <ul style="list-style-type: none"><input type="checkbox"/> Do not share information about my creditworthiness with your affiliates for their everyday business purposes.<input type="checkbox"/> Do not allow your affiliates to use my personal information to market to me.<input type="checkbox"/> Do not share my personal information with nonaffiliated third parties to market their products and services to me. <table border="1"><tr><td>Name</td><td></td></tr><tr><td>Address</td><td></td></tr><tr><td>City, State, Zip</td><td></td></tr><tr><td>[Account #]</td><td></td></tr></table>	Name		Address		City, State, Zip		[Account #]	
Name									
Address									
City, State, Zip									
[Account #]									
<p>Mail to: <i>[Name of insurance institution]</i> <i>[Address1]</i> <i>[Address2]</i> <i>[City], [State] [Zip]</i></p>									

BOARD OF CORRECTIONS

Notice of Periodic Review

Pursuant to Executive Order 14 (2010) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Board of Corrections is conducting a periodic review of **6VAC15-45, Regulations for Private Management and Operation of Prison Facilities**. The purpose of the review is to determine whether the regulation should be terminated, amended, or retained in its current form.

The review of the regulation will be guided by the principles in Executive Order 14 (2010) and § 2.2-4007.1 of the Code of Virginia. Public comment is sought on the review of any issue related to the regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

The comment period begins August 15, 2011, and ends at 5 p.m. on September 7, 2011. Comments may be submitted online to the Virginia Regulatory Town Hall website (www.townhall.virginia.gov). Comments may also be sent to Jim Bruce, Agency Regulatory Coordinator, Department of Corrections, P.O. Box 26963, Richmond, VA 23261-6963, telephone (804) 674-3303, extension 1130, FAX (804) 674-3017, email james.bruce@vadoc.virginia.gov. Commenters should include their full name and address.

Following the close of the public comment period, a report of the periodic review will be posted on the Town Hall and published in the Virginia Register of Regulations.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Proposed Enforcement Action for E. I. Du Pont de Nemours and Company James River Plant

An enforcement action has been proposed for the E. I. Du Pont de Nemours and Company James River Plant for alleged violations at the facility on 1201 Bellwood Road in Chesterfield, Virginia. The action requires corrective action and payment of a civil charge. A description of the proposed action is available at the DEQ office named below or online at www.deq.virginia.gov. Frank Lupini will accept comments by email at frank.lupini@deq.virginia.gov, FAX (804) 527-5106, or postal mail Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA, 23060, from August 15, 2011, to September 15, 2011.

Proposed Consent Order for K. Hovnanian Four Seasons at Historic Virginia, LLC

An enforcement action has been proposed for K. Hovnanian Four Seasons at Historic Virginia, LLC for alleged violations in Prince William County associated with the Four Seasons at Historic Virginia Development. The consent order describes a settlement to resolve unpermitted impacts to surface waters on the property. A description of the proposed action is available at the DEQ office named below or online at www.deq.virginia.gov. Sarah Baker will accept comments by email at sarah.baker@deq.virginia.gov, FAX (703) 583-3821, or postal mail Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, VA 22193, from August 16, 2011, through September 15, 2011.

Proposed Enforcement Action for Kenan Transport, LLC

An enforcement action has been proposed for Kenan Transport, LLC for an alleged violation at Richmond International Airport in Richmond, Virginia. The action requires payment of a civil charge. A description of the proposed action is available at the DEQ office named below or online at www.deq.virginia.gov. Frank Lupini will accept comments by email at frank.lupini@deq.virginia.gov, FAX (804) 527-5106, or postal mail Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060, from August 15, 2011, to September 15, 2011.

Proposed Enforcement Action for Omega Protein, Inc.

An enforcement action has been proposed for Omega Protein, Inc. for alleged violations at the facility in Reedville, Virginia. The action requires payment of a civil charge. A description of the proposed action is available at the DEQ office named below or online at www.deq.virginia.gov. Frank Lupini will accept comments by email at frank.lupini@deq.virginia.gov, FAX (804) 527-5106, or postal mail at Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060, from August 15, 2011, to September 15, 2011.

Notice of Public Meeting and Public Comment for Total Maximum Daily Load Studies in the Cities of Virginia Beach and Chesapeake

The Virginia Department of Environmental Quality will host a public meeting on water quality studies for several creeks located in the Cities of Virginia Beach and Chesapeake on Monday, August 29, 2011.

The meeting will start at 4 p.m. at Creeds Ruritan Barn, Virginia Beach Farm Bureau Office, located at 1057 Princess Anne Road, Virginia Beach, Virginia. The purpose of the

meeting is to provide information and discuss the study with interested local community members and local government.

Redhead Bay at Drum Point, Beggars Bridge Creek, Upper and Lower Hell Point Creek, Muddy Creek, Lower Ashville Bridge Creek, and Middle North Landing River were identified in Virginia's Water Quality Assessment and Integrated Report as impaired for not supporting the Primary Contact Use. The impairment is based on water quality monitoring data reports of sufficient exceedances of Virginia's water quality standard for bacteria.

Pocaty River and Blackwater Creek were identified in Virginia's Water Quality Assessment and Integrated Report as impaired for not supporting the Aquatic Life Use. The impairment is based on water quality monitoring data reports of sufficient violations of Virginia's water quality standard for dissolved oxygen.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) TMDL Priority List and Report and subsequent Water Quality Assessment Reports.

During the study, DEQ will develop total maximum daily loads for the impaired waters. A TMDL is the total amount of a pollutant a water body can contain and still meet water quality standards. To restore water quality, pollutant levels have to be reduced to the TMDL amount.

The public comment period on materials presented at this meeting will extend from August 30, 2011, to September 28, 2011. For additional information or to submit comments, contact Jennifer Howell, Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Blvd., Virginia Beach, VA 23462, telephone (757) 518-2111, or email jennifer.howell@deq.virginia.gov. Additional information is also available on the DEQ website at www.deq.virginia.gov/tmdl.

STATE LOTTERY DEPARTMENT

Director's Order

The following Director's Order of the State Lottery Department was filed with the Virginia Registrar of Regulations on July 22, 2011. The order may be viewed at the State Lottery Department, 900 East Main Street, Richmond, VA, or at the office of the Registrar of Regulations, 910 Capitol Street, 2nd Floor, Richmond, VA.

Director's Order Number Sixty-Four (11)

Virginia's On-Line Game "Pick 3" Final Rules for Game Operation (effective July 22, 2011)

STATE BOARD OF SOCIAL SERVICES

Notice of Periodic Review

Pursuant to Executive Order Number 14 (2010) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Department of Social Services will review **22VAC40-910, General Provisions for Maintaining and Disclosing Confidential Information of Public Assistance, Child Support Enforcement, and Social Services Records**. The purpose of this review is to determine whether the regulation shall be continued without change or be amended or repealed.

The review of this regulation will be guided by the principles listed in Executive Order 14 (2010) and § 2.2-4007.1 of the Code of Virginia. Public comment is sought on the review of any issue related to the regulation, including whether the regulation: (i) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law, (ii) is necessary for the protection of public health, safety and welfare, and (iii) is clearly written and easily understandable.

The comment period begins on August 15, 2011, and ends at 5 p.m. on September 5, 2011. Comments may be submitted online to the Virginia Regulatory Town Hall (www.townhall.virginia.gov). Comments may also be submitted by mail, email, facsimile, or orally by phone to Karin Clark, Department of Social Services, 801 East Main Street, Richmond, VA 23219, telephone (804) 726-7017, email karin.clark@dss.virginia.gov, and FAX (804) 726-7096.

Following the close of the public comment period, a report of the periodic review will be posted on the Town Hall and published in the Virginia Register of Regulations.

STATE WATER CONTROL BOARD

Proposed Enforcement Action for Duplin Marketing, LLC

An enforcement action has been proposed for Duplin Marketing, LLC for alleged violations of the State Water Control Law at the J.L. Rose Hog Transfer facility in Courtland, Virginia. A description of the proposed action is available at the DEQ office named below or online at www.deq.virginia.gov. Mr. Robin Schuhmann will accept comments by email at robin.schuhmann@deq.virginia.gov, FAX (757) 518-2009, or postal mail at Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Blvd., Virginia Beach, VA 23462, from August 15, 2011, to September 14, 2011.

Consent Special Order for Mr. Ogburn

An enforcement action has been proposed for Mr. Ogburn for alleged violations at the Dinwiddie Car Wash in Dinwiddie,

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Virginia. The State Water Control Board proposes to issue a consent special order to Mr. Ogburn to address noncompliance with State Water Control Board law. A description of the proposed action is available at the DEQ office named below or online at www.deq.virginia.gov. Cynthia Akers will accept comments by email at cynthia.akers@deq.virginia.gov, FAX (804) 527-5106, or postal mail at Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060, from August 15, 2011, to September 16, 2011.

Consent Special Order for RockTenn CP, LLC

An enforcement action has been proposed for RockTenn CP, LLC for alleged violations at the West Point Mill in West Point, Virginia. The State Water Control Board proposes to issue a consent special order to RockTenn CP, LLC to address noncompliance with State Water Control Board law. A description of the proposed action is available at the DEQ office named below or online at www.deq.virginia.gov. Cynthia Akers will accept comments by email at cynthia.akers@deq.virginia.gov, FAX (804) 527-5106, or postal mail at Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060, from August 15, 2011, to September 16, 2011.

Proposed Enforcement Action for Southampton County

An enforcement action has been proposed for Southampton County for alleged violations of the Virginia Pollutant Discharge Elimination System Permit at the Town of Boykins Wastewater Treatment Plant at 19028 Number 8 Schoolhouse Road, Boykins, Virginia. A description of the proposed action is available at the DEQ office named below or online at www.deq.virginia.gov. Paul R. Smith will accept comments by email at paul.smith@deq.virginia.gov, FAX (757) 518-2009, or postal mail Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Blvd., Virginia Beach, VA 23462, from August 15, 2011, to September 14, 2011.

Proposed Consent Order for W. Harold Talley II, LLC

An enforcement action has been proposed for W. Harold Talley II, LLC for violations of the State Water Control Law and Regulations in Surry County. The State Water Control Board proposes to issue a consent order to resolve violations regarding the unpermitted discharge of wastewater to state waters from Gray's Creek Marina Wastewater Treatment Plant. A description of the proposed action is available at the DEQ office named below or online at www.deq.virginia.gov. Jennifer Hoeffner will accept comments by email at jennifer.hoeffner@deq.virginia.gov, FAX (804) 527-5106, or postal mail at Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060, from August 15, 2011, to September 16, 2011.

The DEQ office is located at 4949 A Cox Road, Glen Allen, Virginia.

VIRGINIA CODE COMMISSION

Notice to State Agencies

Contact Information: *Mailing Address:* Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219; *Telephone:* Voice (804) 786-3591; FAX (804) 692-0625; *Email:* varegs@dls.virginia.gov.

Meeting Notices: Section 2.2-3707 C of the Code of Virginia requires state agencies to post meeting notices on their websites and on the Commonwealth Calendar at <http://www.virginia.gov/cmsportal3/cgi-bin/calendar.cgi>.

Cumulative Table of Virginia Administrative Code Sections Adopted, Amended, or Repealed: A table listing regulation sections that have been amended, added, or repealed in the *Virginia Register of Regulations* since the regulations were originally published or last supplemented in the print version of the Virginia Administrative Code is available at <http://register.dls.virginia.gov/cumultab.htm>.

Filing Material for Publication in the Virginia Register of Regulations: Agencies are required to use the Regulation Information System (RIS) when filing regulations for publication in the *Virginia Register of Regulations*. The Office of the Virginia Register of Regulations implemented a web-based application called RIS for filing regulations and related items for publication in the Virginia Register. The Registrar's office has worked closely with the Department of Planning and Budget (DPB) to coordinate the system with the Virginia Regulatory Town Hall. RIS and Town Hall complement and enhance one another by sharing pertinent regulatory information.

ERRATA

STATE AIR POLLUTION CONTROL BOARD

Title of Regulation: 9VAC5-530. Electric Generator Voluntary Demand Response General Permit.

Publication: 27:23 VA.R. 2523-2540 July 18, 2011.

Correction to Final Regulation:

Page 2526, first column, 9VAC5-530-40 A, line 6, after "requirements" strike "stated below:" and insert "[stated below: of this subsection.]"

VA.R. Doc. No. R10-2295; Filed July 22, 2011, 11:21 a.m.

Title of Regulation: 9VAC5-540. Emergency Generator General Permit.

Publication: 27:23 VA.R. 2540-2552 July 18, 2011.

Correction to Final Regulation:

Page 2543, first column, 9VAC5-540-40 A, line 3, replace "[insert effective date of this chapter]" with "[insert effective date of this chapter August 17, 2011]"

Page 2543, first column, 9VAC5-540-40 A, line 6, after "requirements" strike "stated below:" and insert "[stated below: of this subsection.]"

Page 2543, second column, 9VAC5-540-40 A 1, line 3, after "Table I" strike "below" and insert "[below]"

VA.R. Doc. No. R10-2296; Filed July 22, 2011, 11:21 a.m.

STATE WATER CONTROL BOARD

Title of Regulation: 9VAC25-800. Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Discharges Resulting from the Application of Pesticides to Surface Waters.

Publication: 27:13 VA.R. 1647-1665 February 28, 2011.

Note: The following corrections to the published text of 9VAC25-800 are necessary to conform to the text that was adopted by the State Water Control Board at its meeting on February 4, 2011. After publication of the final regulation, the effective date of the regulation was suspended (see 27:17 VA.R. 2083 April 25, 2011) in response to action of the 6th Circuit Court of Appeals to delay the effective date of the court's ruling and deadline for when permits will be required for pesticide discharges. The State Water Control Board readopted the regulation with an effective date of October 31, 2011, which coincides with the effective date of the court's ruling. This erratum is being published to correct the text prior to publication of the readopted regulation in a future issue of the Virginia Register of Regulations with an effective date of October 31, 2011.

Corrections to Final Regulation:

Page 1651, column 1, 9VAC25-800-10, replace the definition of "treatment area" in its entirety with the following:

"Treatment area" means the area of land including any waters, or the linear distance along water's edge, to which pesticides are being applied. Multiple treatment areas may be located within a single pest management area.

Treatment area includes the entire area, whether over land or water, where the pesticide application is intended to provide pesticidal benefits. In some instances, the treatment area will be larger than the area where pesticides are actually applied. For example, the treatment area for a stationary drip treatment into a canal should be calculated by multiplying the width of the canal by the length over which the pesticide is intended to control weeds. The treatment area for a lake or marine area is the water surface area where the application is intended to provide pesticidal benefits.

Treatment area calculations for pesticide applications that occur at water's edge, where the discharge of pesticides directly to waters is unavoidable, are determined by the linear distance over which pesticides are applied. [~~For example, treating both sides of a five mile long river, stream, or ditch is equal to 10 miles of treatment area. Treating five miles of shoreline or coast would equal a five mile treatment area.~~]

Page 1651, column 2, 9VAC25-800-30 B 2, replace subdivision 2 in its entirety with the following:

2. [~~Aquatic weed and Weed,~~] algae [, and pathogen] control - to control invasive or other [~~aquatic (emergent, floating or submerged)~~] nuisance weeds [and,] algae [, and pathogens] in surface waters. [~~Aquatic nuisance weeds include, but are not limited to, cattails, hydrilla, and watermeal.~~]

Page 1651, column 2, 9VAC25-800-30 B 3, replace subdivision 3 in its entirety with the following:

3. [~~Aquatic animal Animal~~] pest control - to control [~~aquatic~~] invasive or other [~~aquatic~~] animal pests in surface waters. [~~Aquatic animal pests in this use category include, but are not limited to, fish (e.g., snakehead) and zebra mussels.~~]

Page 1652, 9VAC25-800-30 C, Table 1, under heading "Pesticide Use," line 3, replace "Aquatic Weed and Algae Control:" with "[Aquatic Weed and Algae Weed, Algae, and Pathogen] Control:"

Page 1652, 9VAC25-800-30 C, Table 1, under heading "Pesticide Use," line 7, replace "Aquatic Animal Pest Control:" with "[Aquatic Animal Pest Control]"

Page 1652, 9VAC25-800-30 C, footnotes following Table 1, replace footnote 2 in its entirety with the following:

[~~Calculation~~ ²Calculations] include the linear extent of the application made along the water's edge adjacent to: (i) surface waters and (ii) conveyances with a hydrologic surface connection to surface waters at the time of pesticide application. For calculating annual treatment totals, count each pesticide application activity [~~and each side of a linear water body as a separate activity~~] or area [only once]. For example, treating both sides of a 10-mile ditch [twice a year] is equal to [~~20~~ 10] miles of water treatment area.

Page 1654, column 2, 9VAC25-800-60 Part I A 1 b (2), lines 1-6, replace with:

(2) [~~Aquatic weed and Weed,~~] algae [, and pathogen] control. This subpart applies to discharges resulting from the application of pesticides to control invasive or other [~~aquatic (emergent, floating, or submerged)~~] nuisance weeds [and,] algae [, and pathogens] in surface waters.

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[~~Aquatic nuisance weeds include, but are not limited to, cattails, hydrilla, and watermeal.~~]

Page 1654, column 2, 9VAC25-800-60 Part I A 1 b (2) (a) (ii), line 1, replace "aquatic weed or algae" with "[aquatic] weed [~~or,~~] algae [, or pathogen]"

Page 1655, column 1, 9VAC25-800-60 Part I A 1 b (2) (a) (iv), line 1, replace "aquatic weed or algae" with "[aquatic] weed [~~or,~~] algae [, or pathogens]"

Page 1655, column 1, 9VAC25-800-60 Part I A 1 b (2) (b), line 9, replace "aquatic weeds or algae" with "[aquatic] weeds [~~or,~~] algae [, or pathogens]"

Page 1655, column 1, 9VAC25-800-60 Part I A 1 b (2) (c), line 2, replace "aquatic weeds or algae" with "[aquatic] weeds [~~or,~~] algae [, or pathogens]"

Page 1655, column 1, 9VAC25-800-60 Part I A 1 b (3), lines 1-6, replace with:

(3) [~~Aquatic animal~~ Animal] pest control. This subpart applies to discharges resulting from the application of pesticides to control [aquatic] invasive or other [aquatic] animal pests in surface waters. [~~Aquatic animal pests in this use category include, but are not limited to, fish (e.g., snakehead) and zebra mussels.~~]

Page 1655, column 2, 9VAC25-800-60 Part I A 1 b (3) (a) (i), replace "aquatic" with "[aquatic]"

Page 1655, column 2, 9VAC25-800-60 Part I A 1 b (3) (a) (ii), line 1, replace "aquatic" with "[aquatic]"

Page 1655, column 2, 9VAC25-800-60 Part I A 1 b (3) (a) (iv), line 1, replace "aquatic" with "[aquatic]"

Page 1655, second column, 9VAC25-800-60 Part I A 1 b (3) (b), line 9, replace "aquatic" with "[aquatic]"

Page 1655, second column, 9VAC25-800-60 Part I A 1 b (3) (c), line 1, replace "aquatic" with "[aquatic]"

Page 1655, second column, 9VAC25-800-60 Part I A 1 b (4), line 2, replace "aerial" with "[aerial]"

VA.R. Doc. No. R10-2390; Filed July 25, 2011, 3:36 p.m.