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OF REGULATIONS

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The *Virginia Register* is an official state publication issued every other week throughout the year. Indexes are published quarterly, and the last index of the year is cumulative. 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 of Regulations*. In addition, the *Virginia Register* is a source of other information about state government, including all emergency regulations and executive orders issued by the Governor, the Virginia Tax Bulletin issued periodically by the Department of Taxation, and notices of public hearings and open meetings of state agencies.

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

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

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

The appropriate standing committee of each branch 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 committee, 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 standing committees 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 extension 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.

Proposed regulatory action may be withdrawn by the promulgating agency at any time before the regulation becomes final.

EMERGENCY REGULATIONS

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

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures. To begin promulgating the replacement regulation, the agency must (i) deliver the Notice of Intended Regulatory Action to the Registrar in time to be published within 60 days of the effective date of the emergency regulation; and (ii) deliver the proposed regulation to the Registrar in time to be published 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 (§ 9-6.14:7.1 et seq.) of Chapter 1.1:1 of the Code of Virginia be examined carefully.

CITATION TO THE VIRGINIA REGISTER

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January 29, 1997	February 17, 1997
February 12, 1997	March 3, 1997
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NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

BOARD FOR ACCOUNTANCY

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Accountancy intends to consider amending regulations entitled: **18 VAC 5-20-10 et seq. Board for Accountancy Regulations.** The purpose of the proposed action is to establish an efficient staggered system for collection of renewal fees. Each regulant would be given a particular month in which to renew. The agency does not intend to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until October 31, 1996.

Contact: Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-2474, or (804) 367-9753/TDD ☎

V.A.R. Doc. No. R97-18; Filed September 11, 1996, 11:27 a.m.

DEPARTMENT OF EDUCATION (STATE BOARD OF)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Education intends to consider amending regulations entitled: **8 VAC 20-130-10 et seq., Regulations Establishing Standards for Accrediting Public Schools in Virginia.** The purpose of the proposed action is to ensure improved compliance with the Standards of Quality which require the Board of Education to promulgate regulations establishing standards for accrediting public schools in Virginia. The board seeks to amend the existing standards of accreditation to focus the accreditation and evaluation of schools more strongly on student academic achievement and school level progress toward meeting the academic objectives in the standards of learning recently adopted by the board. The Board of Education will hold preliminary public hearings in August to receive suggestions from the public for revisions to the accrediting standards. The specific dates, times, and location will be published in a future issue of the Virginia Register, as well as announced at the July 25 Board of Education meeting and advertised through the state media. Speakers are requested to provide their comments in writing, if possible, at the time they speak. Comments will also be received by mail at the Board of Education, P.O. Box 2120, Richmond, Virginia 23218-2120. In addition to these preliminary public hearings, the board will hold additional hearings following publication of the proposed revisions to the regulations.

Statutory Authority: §§ 22.1-16, 22.1-19 and 22.1-253.13:3 B of the Code of Virginia.

Public comments may be submitted until September 30, 1996.

Contact: Lin Corbin-Howerton, Policy Director, Department of Education, P.O. Box 2120, Richmond, VA, 23218-2120, telephone (804) 225-2543, toll free (800) 292-3820 or FAX (804) 225-2053.

V.A.R. Doc. No. R96-473; Filed July 3, 1996, 9:42 a.m.

DEPARTMENT OF LABOR AND INDUSTRY

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Labor and Industry intends to consider repealing regulations entitled: **16 VAC 15-20-10 et seq. Regulation Establishment of a Multiple of Federal Minimum Hourly Wage Relating to Garnishment of Wages.** This regulation provides the exact monetary amount of disposable earnings that is subject to garnishment. As the result of regulatory review, it was determined that this regulation needs to be extensively revised. The purpose of this repeal is to replace it with a new regulation showing the method to calculate the amounts subject to garnishment based on the federal minimum hourly wage in effect. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 34-29 of the Code of Virginia.

Public comments may be submitted until October 30, 1996.

Contact: Dennis Merrill, Labor Law Director, Department of Labor and Industry, 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2386, FAX (804) 371-2324, or (804) 786-2376/TDD ☎

V.A.R. Doc. No. R97-17; Filed September 11, 1996, 9:50 a.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Labor and Industry intends to consider promulgating regulations entitled: **16 VAC 15-21-10 et seq. Wages Exempt from Garnishment.** This regulation will provide a method to calculate the maximum amount of disposable earnings that is subject to garnishment. The purpose is to set forth, for pay periods other than a week, the maximum amount of disposable earnings that is subject to garnishment, based on the federal hourly minimum wage in effect. This regulation regarding wages exempt from garnishment is mandated by § 34-29 of the Code of Virginia. The agency intends to hold a public hearing on the proposed regulation after publication.

Notices of Intended Regulatory Action

Statutory Authority: § 34-29 of the Code of Virginia.

Public comments may be submitted until October 30, 1996.

Contact: Dennis Merrill, Labor Law Director, Department of Labor and Industry, 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2386, FAX (804) 371-2324, or (804) 786-2376/TDD .

V.A.R. Doc. No. R97-16; Filed September 11, 1996, 9:51 a.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Labor and Industry intends to consider amending regulations entitled: **16 VAC 15-30-10 et seq. Virginia Rules and Regulations Declaring Hazardous Occupations.** As a result of regulatory review of this regulation, it was determined that the regulation needs to be amended to clarify requirements and Code of Virginia references and take into account changing technology. As part of the amendment process, the agency intends to change the regulation title to "Hazardous Occupations for Minors" to accurately reflect the subject of the regulation. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 40.1-100 of the Code of Virginia.

Public comments may be submitted until October 30, 1996.

Contact: Dennis Merrill, Labor Law Director, Department of Labor and Industry, 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2386, FAX (804) 371-2324, or (804) 786-2376/TDD .

V.A.R. Doc. No. R97-15; Filed September 11, 1996, 9:51 a.m.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled: **12 VAC 30-70-10 et seq. Methods and Standards for Establishing Payment Rates--Inpatient Hospital Care, and 12 VAC 30-80-10 et seq. Methods and Standards for Establishing Payment Rates--Other Types of Care (Diagnosis Related Grouping).** The purpose of the proposed action is to promulgate permanent regulations which are substantially the same as the currently effective emergency regulation. The amendments will change the current reimbursement system by basing payment on the case rather than the day. The agency does not intend to hold a public hearing on the proposed regulations after publication.

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

Public comments may be submitted until October 2, 1996, to Scott Crawford, Manager, Division of Financial Operations,

Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

Contact: Victoria P. Simmons or Roberta J. Jonas, Regulatory Coordinators, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8850 or FAX (804) 371-4981.

V.A.R. Doc. No. R96-527; Filed August 13, 1996, 11:41 a.m.

DEPARTMENT OF MINES, MINERALS AND ENERGY

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mines, Minerals and Energy intends to consider amending regulations entitled: **4 VAC 25-40-10 et seq. Safety and Health Regulations for Mineral Mining.** The purpose of the proposed action is to amend the regulation to protect the health and safety of persons on mineral mining sites, and the public and property in the vicinity of the mines. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 45.1-161.3, 45.1-161.294, and 45.1-161.305 of the Code of Virginia.

Public comments may be submitted until October 30, 1996.

Contact: Conrad Spangler, Director, Division of Mineral Mining, Department of Mines, Minerals and Energy, Fontaine Research Park, 900 Natural Resources Dr., P.O. Box 3727, Charlottesville, VA 22903, telephone (804) 961-5000, FAX (804) 979-8544, toll-free 1-800-828-1120 (VA Relay Center)

V.A.R. Doc. No. R97-10; Filed September 5, 1996, 11:10 a.m.

VIRGINIA PUBLIC TELECOMMUNICATIONS BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Public Telecommunications Board intends to consider repealing regulations entitled: **VR 410-01-02, Master Plan for Public Telecommunications, 1973.** The purpose of the proposed action is to repeal the 1973 plan. The revised version adopted in 1991 is not a regulation. The agency intends to hold a public hearing on the proposed repeal of the regulation after publication.

Statutory Authority: § 2.1-563.25 of the Code of Virginia.

Public comments may be submitted until September 30, 1996.

Contact: Suzanne J. Piland, Public Telecommunications Branch Manager, Department of Information Technology, 110 South 7th Street, Richmond, VA, 23219, telephone (804) 371-5544 or FAX (804) 371-5556.

V.A.R. Doc. No. R96-472; Filed July 2, 1996, 4:41 p.m.

Notices of Intended Regulatory Action

DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Social Services intends to consider promulgating regulations entitled: **22 VAC 40-675-10 et seq. Performance Standards for Local Superintendents/Directors of Social Services.** The purpose of the proposed action is to develop performance standards for evaluation of local directors and superintendents for use by the Commissioner of the Department of Social Services. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 63.1-26, 63.1-37, 63.1-61 and 63.1-62 of the Code of Virginia.

Public comments may be submitted until October 16, 1996.

Contact: Wayne D. Wolfe, Manager, Classification and Compensation, Department of Social Services, 730 E. Broad St., 5th Floor, Richmond, VA 23219, telephone (804) 692-1560, FAX (804) 692-1599, or toll-free 1-800-828-1120.

VA.R. Doc. No. R96-552; Filed August 28, 1996, 10:04 a.m.

PUBLIC COMMENT PERIODS - PROPOSED REGULATIONS



PUBLIC COMMENT PERIODS REGARDING STATE AGENCY REGULATIONS

Effective July 1, 1995, publication of notices of public comment periods in a newspaper of general circulation in the state capital is no longer required by the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia). Chapter 717 of the 1995 Acts of Assembly eliminated the newspaper publication requirement from the Administrative Process Act. In *The Virginia Register of Regulations*, the Registrar of Regulations has developed this section entitled "Public Comment Periods - Proposed Regulations" to give notice of public comment periods and public hearings to be held on proposed regulations. The notice will be published once at the same time the proposed regulation is published in the Proposed Regulations section of the *Virginia Register*. The notice will continue to be carried in the Calendar of Events section of the *Virginia Register* until the public comment period and public hearing date have passed.

Notice is given in compliance with § 9-6.14:7.1 of the Code of Virginia that the following public hearings and public comment periods regarding proposed state agency regulations are set to afford the public an opportunity to express their views.

BOARD OF SOCIAL WORK

November 1, 1996 - 9 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 4, Richmond, Virginia.

November 29, 1996 -- Public comments may be submitted
until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Social Work intends to amend regulations entitled: **18 VAC 140-20-10 et seq. Regulations Governing the Practice of Social Work**. The purpose of the proposed amendment is to reduce licensure renewal fees and eliminate the initial licensure fee for new licensees.

Statutory Authority: §§ 54.1-113, 54.1-2400, and 54.1-3700 et seq.

Contact: Janet Delorme, Deputy Executive Director, Board of Social Work, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9575, FAX (804) 662-9943, or (804) 662-7197/TDD

PROPOSED REGULATIONS

For information concerning Proposed Regulations, see Information Page.

Symbol Key

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

BOARD OF SOCIAL WORK

Title of Regulation: 18 VAC 140-20-10 et seq. **Regulations Governing the Practice of Social Work (amending 18 VAC 140-20-30).**

Statutory Authority: §§ 54.1-113, 54.1-2400 and 54.1-3700 et seq. of the Code of Virginia.

Public Hearing Date: November 1, 1996 - 9 a.m.

Public comments may be submitted until November 29, 1996.

(See Calendar of Events section
for additional information)

Basis: Chapter 24 (§ 54.1-2400 et seq.) of Title 54.1 of the Code of Virginia establishes the general powers and duties of health regulatory boards including the power to set fees and the responsibility to promulgate regulations. Chapter 37 (§ 54.1-3700 et seq.) of Title 54.1 of the Code of Virginia establishes the requirement for licensure to engage in the practice of social work. Section 54.1-113 requires the board to amend its fees when an analysis of the biennial report of revenues and expenses shows more than a 10% differential.

Purpose: The purpose of the amendments is to comply with the statutory requirement of § 54.1-113 for a reduction in fees which will eliminate the surplus in board funds and yet produce sufficient revenue to meet expenses for projected budgets.

Substance: Amendments are proposed to:

1. Reduce renewal fees for a registered social worker or an associate social worker from \$35 to \$25, for a licensed social worker from \$125 to \$75, and for a licensed clinical social worker from \$125 to \$100 for the '97-'98 biennium.
2. After the '97-'98 biennium, the renewal fee for the licensed social worker would be permanently reduced to \$110; other renewal fees would return to current levels.
3. Reduce and simplify the current fees of becoming licensed, which consists of \$65 for application processing and an initial licensure fee of the prorated portion of the biennial renewal fee for the unexpired part of the biennium. The proposed fee would be \$100 which would include application processing and initial licensure. Applicants approved within six months of renewal would have their initial licensure date posted for the next renewal date.

Issues: Issues for the board to consider in the reduction of its fees were: (i) whether to adopt a one-time reduction; (ii) whether to adopt an annual renewal schedule; and (iii) which fees should be reduced. To determine proposed amendments, the Finance Office of the department presented the board with a projection of the revenue and

expenses with the current fee structure and three proposals for fee reductions.

Proposal #1 would include a one-time reduction in renewal fees in 1997 and a smaller permanent reduction in FY 1998 and thereafter, but would require annual renewal for all licenses. The application fee would be increased but would include the prorated licensure fee for an overall reduction in the costs of initial licensure.

Proposal #2 would include a one-time reduction in renewal fees for the 1997-98 biennium with a return to current fees for all categories of licensure except the licensed social worker; and it would retain the biennial renewal schedule. The application fee would be increased but would include the prorated licensure fee for an overall reduction in the costs of initial licensure.

Proposal #3 would include a one-time reduction in renewal fees for the 1997-98 biennium with a return to current fees for all categories of licensure except the licensed social worker; and it would retain the biennial renewal schedule. The application fee would remain the same (\$65) but a flat fee of \$60 would be charged for persons becoming licensed in the first year of the biennial renewal cycle.

The board selected Proposal #2 as the most reasonable and equitable for all licensees as well as for those seeking licensure. Proposal #2 retains renewals on a biennial schedule, which is more cost effective for the board and its regulated practitioners. Proposal #2 would result in reducing the surplus funds accumulated by the board without creating an unacceptable deficit for future biennial budgets.

Fees identified for reduction are those applicable to all applicants and licensees rather than a select number of persons who might have a late renewal or need a duplicate wall certificate. Therefore, the proposals do not reduce those fees.

Advantages for applicants and licensees:

1. There is a cost benefit to most applicants for whom licensure would be a less expensive and less time-consuming process (application fee would be \$100 with no additional fee for initial licensure). Currently, an applicant pays \$65 for an application and is later notified of board approval and of the prorated amount of the biennial fee required for initial licensure. This two-step payment process delays licensure and the time when the applicant can begin employment. Proposed regulations would allow the board to issue a license to the applicant as soon as approval is given without waiting for an additional fee. (Currently, there is no initial licensing for registered and associate social workers, so those categories of licensure are not affected.)

2. There would also be a cost benefit to current licensees whose renewal fees would be reduced for the 1997-98 biennium. The licensed social worker, who

Proposed Regulations

works under the supervision of a licensed clinical social worker and is generally paid less, would have a permanent reduction in renewal fees.

Advantages for the public: There may be an indirect advantage to the public. Since costs for initial licensure and for renewal of licensure would be reduced, those savings may be passed along to persons who utilize the services of a social worker. The reduction in costs and time for initial licensure may encourage additional social workers to set up practice in the state, thereby improving the availability of such services to its citizens.

Disadvantages: There are no disadvantages of the proposed regulation to licensees or to the public.

Fiscal Impact Prepared by the Agency.

A. Approximate number of entities affected and their costs of compliance

Licensed social workers: 229

Licensed clinical social workers: 2,842

Registered social workers: 145

Associate social workers: 11

B. Cost of Compliance:

Proposed regulations would reduce costs to most individuals applying for licensure from approximately \$125 to \$155 (\$65 for application processing and a prorated portion of the biennial licensure fee) to \$100 for initial licensure.

All licensees of the board will have renewal fees reduced for the next biennial cycle for a total savings of \$10 to \$50 for the two years.

C. Costs to the agency for implementation:

There will be minimal costs (less than \$1,000) to the agency for the promulgation of regulations, such as: mailing of Notices to the Public Participation Guidelines List, providing a public hearing on proposed regulations, and copying and mailing final regulations. The board will attempt to combine mailing notices and information on regulations with other required mailings and will hold its hearing during a regularly scheduled board meeting.

The reduction in revenue for the board will result in a reduction of its current projected surplus for 1994-96 of \$186,790 to a surplus of less than 10% for the 1996-98 biennium. It is projected that the proposed fees would result in a net deficit of approximately \$50,000 for the 1998-2000 biennial budget.

D. Costs to local governments:

There will be no impact of these regulations on local government.

E. Costs to small businesses:

There will be relatively no impact on social workers who operate their practices as a small business, since there would be a modest, one-time reduction in renewal fees with a return to current levels for most licensees in 1999.

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

regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 13 (94). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic affects.

Summary of the Proposed Regulation. The proposed regulation reduces fees paid by social workers for licensure in the Commonwealth of Virginia. The purpose of these fee reductions is to bring the Board of Social Work into compliance with § 54.1-113 of the Code of Virginia. Section 54.1-113 requires all regulatory boards under the Department of Health Professions to revise their fee schedules if, after the close of any biennium, there is a more than 10% difference between revenues and expenses.

The proposed regulation makes the following fee revisions:

- The current fees for becoming licensed, a \$65 application fee plus the prorated portion of the biennial renewal fee, would be changed to \$100;
- The current \$35 fee for license renewal for registered social workers and associate social workers is reduced to \$25 for the six-month period from 12/31/96 to 6/30/97;
- The current \$125 fee for license renewal for licensed social workers is reduced to \$75 for the six-month period from 12/31/96 to 6/30/97, and \$110 thereafter; and
- The current \$125 fee for license renewal for licensed clinical social workers is reduced to \$100 for the six-month period from 12/31/96 to 6/30/97.

Estimated Economic Impact. The primary economic effect of the proposed regulation would be to reduce the regulatory compliance costs incurred by social workers. According to information provided by the Board of Social Workers, the reduction in total regulatory compliance costs occasioned by the proposed fee reductions would be roughly \$93,010 in the FY 97-98 biennium.¹

Even though a \$93,010 reduction in regulatory compliance costs is substantial, from an individual perspective, license fees comprise only a very small portion of the total cost of entry into the profession of social work (e.g., total cost of entry would include all educational and training expenses). As a result, fee changes like the ones contained in the proposed regulation are unlikely to have a significant effect on the decision of individuals to enter or exit this profession.

¹ This total is based on the following calculations: 1) a \$1,560 decrease in total license renewal fees for registered and associate social workers (*i.e.*, 156 times the \$10 fee reduction); plus 2) a \$11,450 decrease in total license renewal fees for licensed social workers (*i.e.*, 229 times the fee reduction of \$50); plus 3) a \$71,000 decrease in total license renewal fees for licensed clinical social workers (*i.e.*, 2,840 times the \$25 fee reduction); plus 4) a \$9,000 reduction in the total fees for becoming licensed.

Proposed Regulations

For this reason, the proposed regulation should have no economic affects beyond the anticipated reduction in regulatory compliance costs.

Businesses and Entities Particularly Affected. The proposed regulation particularly affects the 155 registered and associate social workers, the 229 licensed social workers, and the 2,842 licensed clinical social workers currently licensed in Virginia, and anyone who may apply for such licensure in the future.

Localities Particularly Affected. No localities are particularly affected by this proposed regulation.

Projected Impact on Employment. The proposed regulation is not anticipated to have a significant effect on employment.

Affects on the Use and Value of Private Property. The proposed regulation is not anticipated to have a significant effect on the use and value of private property.

Summary of Analysis. The proposed regulation reduces fees paid by social workers for licensure in the Commonwealth of Virginia. It is anticipated that the primary economic effect of these fee reductions would be to decrease total regulatory compliance costs by approximately \$93,010 in the FY 97-98 biennium.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency concurs with the analysis of the department.

Summary:

The proposed amendments reduce the cost of initial licensure and the fees for biennial renewal.

18 VAC 140-20-30. Fees.

A. The board has established fees for the following:

After 12/31/96 After 6/30/97

1. Registration of supervision	\$25	\$25
2. Application processing	65 100	100
3. Initial license: prorated portion of biennial license fee		
4. 3. Biennial license		
a. Registered social worker	35 25	35
b. Associate social worker	35 25	35
c. Licensed social worker	125 75	110
d. Licensed clinical social worker	125 100	125
5. 4. Penalty for late renewal	10	10
6. Endorsement 5. Verification of license to another jurisdiction	10	10
7. 6. Additional or replacement licenses	10	10
8. 7. Additional or replacement wall certificates	15	15

9. 8. Returned check	15	15
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10. 9. Reinstatement following disciplinary action	200	200
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B. Fees shall be paid by check or money order made payable to the Treasurer of Virginia and forwarded to the board. All fees are nonrefundable.

B. C. Examination fees shall be paid directly to the examination service according to its requirements.

NOTICE: The forms used in administering the Regulations Governing the Practice of Social Work (18 VAC 140-20-10 et seq.) are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

Verification of Clinical Supervision Form.

Registration of Supervision Post-Graduate Degree Supervised Experience.

License Application for Social Worker License Application, rev. 9/96.

License Application for Clinical Social Worker License Application, rev. 9/96.

Renewal Notice and Application, 9/96.

Proposed Regulations

Department of Health Professions
COMMONWEALTH OF VIRGINIA

RENEWAL NOTICE AND APPLICATION

Board of

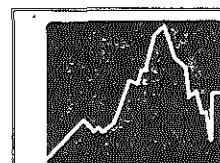
CURRENT EXPIRATION	RENEWAL PERIOD FROM	TO
LATE PAYMENT PAY <u>1/1/</u> IF AFTER		
\$		

INSTRUCTIONS
 1. Complete item 1 below if you do not wish to renew.
 2. Make any address changes on this application when renewing.
 3. Make any other changes on this application and enclose a copy of your
 most recent license or degree.
 4. Type name and license numbers on all enclosures.
 5. Return this application in the enclosed envelope.

1. Check here if you do not wish to renew, and sign below.

Signature

NUMBER:
MAKE CHECKS PAYABLE TO THE "TREASURER OF VIRGINIA"



COMMONWEALTH OF VIRGINIA

Department of Health Professions
6606 West Broad Street, 4th Floor
Richmond, Virginia 23230-1717
(804) 662-9914

SOCIAL WORKER LICENSURE APPLICATION

I hereby make application for licensure to practice as a Social Worker in the Commonwealth of Virginia. The following evidence of my qualifications is submitted with a check or money order in the amount of \$100.00 made payable to the Treasurer of Virginia. The application fee is non-refundable.

INSTRUCTIONS		PLEASE TYPE OR PRINT		USE BLACK INK	
1. Applicants must complete all sections. 2. Completed application and supporting documents should be mailed in one package to the above address to arrive no less than 90 days prior to the date of the written examination.					
I. GENERAL INFORMATION					
Name (Last, First, M.I., Suffix, Maiden Name)		Social Security Number		Date of Birth	
Mailing Address (Street and/or Box Number, City, State, ZIP Code)			Home Telephone Number		
Business Name and Address (if different from above)			Business Telephone Number		
LICENSURE/CERTIFICATION - List all the states in which you now hold or have ever held an occupational license or certificate to practice as a social worker in order of attainment.					
STATE	LICENSE CERTIFICATE NUMBER	ISSUE DATE	TYPE OF LICENSE CERTIFICATE		
STANDARDS OF PRACTICE - Your practice is limited to your demonstrated areas of competence. Please list below your specialized areas of practice that can be supported by documentation of training or education.					
Client Population		Skills to be Used			

ANSWER THE FOLLOWING QUESTIONS:

1. Have you ever been denied the privilege of taking an occupational licensure or certification examination? If yes, state what type of occupational examination and where:	YES <input type="checkbox"/>	NO <input type="checkbox"/>			
2. Have you ever had any disciplinary action taken against an occupational license to practice or are any such actions pending? If yes, explain in detail (use extra paper if necessary):	<input type="checkbox"/>	<input type="checkbox"/>			
3. Have you ever been convicted of a violation of or pled nolo contendere to any federal, state, or local statute, regulation or ordinance or entered into any plea bargaining relating to a felony or misdemeanor? (Excluding traffic violations, except for driving under the influence.) If yes, explain in detail:	<input type="checkbox"/>	<input type="checkbox"/>			
4. In the last twelve (12) months, have you been unable to practice social work by reason of excessive use of alcohol, drugs, chemicals or any other type of material or as a result of any mental or physical condition? If yes, please provide a letter of explanation.	<input type="checkbox"/>	<input type="checkbox"/>			
5. Have you ever been censored, warned, or requested to withdraw from your employment, terminated from any health care facility, agency, or practice? If yes, provide an explanation on a separate sheet of paper.	<input type="checkbox"/>	<input type="checkbox"/>			
II. EDUCATION: 1. State in chronological order the name and location of each school or other institution, beyond high school, that you have attended.					
Institution	Dates of Attendance		Major and/or Concentration	Degree Received	Date Degree Conferred
	From	To			
2. List in chronological order the field instruction you have had.					
Agency	Dates (Mo./Yr.)		Hours per Week	Duties (Types of learning experiences as related to specialty area of practice)	
	From	To			

Proposed Regulations

III. SUPERVISED SOCIAL WORK EXPERIENCE (To be completed by Bachelor of Social Work applicants only) Indicate below person(s) designated as your supervisor(s) for social work supervised experience, to whom verification form(s) will be sent.		
Supervisor's Name		
Institution or Business Name and Address		
Supervisor's Professional License	License Number	State Where Licensed
Dates Applicant was Supervised From: _____ To: _____	Hours per Week Supervision Rendered	Total Hours Face-to-Face Supervision
Description of Supervision		
Description of Applicant's Professional Work During the Supervision		
Supervisor's Name		
Institution or Business Name and Address		
Supervisor's Professional License	License Number	State Where Licensed
Dates Applicant was Supervised From: _____ To: _____	Hours per Week Supervision Rendered	Total Hours Face-to-Face Supervision
Description of Supervision		
Description of Applicant's Professional Work During the Supervision		
Supervisor's Name		
Institution or Business Name and Address		
Supervisor's Professional License	License Number	State Where Licensed
Dates Applicant was Supervised From: _____ To: _____	Hours per Week Supervision Rendered	Total Hours Face-to-Face Supervision
Description of Supervision		
Description of Applicant's Professional Work During the Supervision		

IV. PROFESSIONAL EMPLOYMENT EXPERIENCE List in chronological order the entire professional employment experience you have had after receiving your undergraduate degree (if you are a B.S.W. applicant) or your graduate degree (if you are an M.S.W. applicant).					
Dates of Employment		Employer	Address	Hours Per Week	Duties
From	To				
The following statement must be executed by a Notary Public. This form is not valid unless properly notarized.					
AFFIDAVIT (To be completed before a notary public)					
State of _____ County/City of _____					
Name _____, being duly sworn, says that he/she is the person who is referred to in the foregoing application for licensure as a social worker in the Commonwealth of Virginia; that the statements herein contained are true in every respect, that he/she has complied with all requirements of the law; and that he/she has read and understands this affidavit.					
_____ Signature of Applicant					
Subscribed to and sworn to before me this _____ day of _____, 19 _____. My commission expires on _____					
_____ Signature of Notary Public SEAL					

Proposed Regulations



COMMONWEALTH OF VIRGINIA

Department of Health Professions
6606 West Broad Street, 4th Floor
Richmond, Virginia 23230-1717
(804) 662-9914

CLINICAL SOCIAL WORKER LICENSURE APPLICATION

I hereby make application for licensure to practice as a Clinical Social Worker in the Commonwealth of Virginia. The following evidence of my qualifications is submitted with a check or money order in the amount of \$100.00 made payable to the Treasurer of Virginia. The application fee is non-refundable.

INSTRUCTIONS		PLEASE TYPE OR PRINT		USE BLACK INK	
1. Applicants must complete all sections. 2. Completed application and supporting documents should be mailed in one package to the above address to arrive no less than 90 days prior to the date of the written examination.					
I. GENERAL INFORMATION					
Name (Last, First, M.I., Suffix, Maiden Name)		Social Security Number		Date of Birth	
Mailing Address (Street and/or Box Number, City, State, ZIP Code)			Home Telephone Number		
Business Name and Address (if different from above)			Business Telephone Number		
LICENSURE/CERTIFICATION - List all the states in which you now hold or have ever held an occupational license or certificate to practice as a social worker in order of attainment.					
STATE	LICENSE/CERTIFICATE NUMBER	ISSUE DATE	TYPE OF LICENSE/CERTIFICATE		
COMPETENCIES - The Standards of Practice limit your practice to your demonstrated areas of competence. Please list below your specialized areas of practice that can be supported by documentation of training or education. (Use additional paper, if necessary.)					
Client Population		Skills to be Used			

ANSWER THE FOLLOWING QUESTIONS:

1. Have you ever been denied the privilege of taking an occupational licensure or certification examination? If yes, state what type of occupational examination and where: _____ [] YES [] NO []

2. Have you ever had any disciplinary action taken against an occupational license to practice or are any such actions pending? If yes, explain in detail (use extra paper if necessary): _____ [] YES [] NO []

3. Have you ever been convicted of a violation of or pled nolo contendere to any federal, state, or local statute, regulation or ordinance or entered into any plea bargaining relating to a felony or misdemeanor? (Excluding traffic violations, except for driving under the influence.) If yes, explain in detail: _____ [] YES [] NO []

4. In the last twelve (12) months, have you been unable to practice social work by reason of excessive use of alcohol, drugs, chemicals or any other type of material or as a result of any mental or physical condition? If yes, please provide a letter of explanation. _____ [] YES [] NO []

5. Have you ever been censored, warned, or requested to withdraw from your employment, terminated from any health care facility, agency, or practice? If yes, provide an explanation on a separate sheet of paper. _____ [] YES [] NO []

II. EDUCATION:

1. List in chronological order the name and location of each school or other institution, beyond high school, that you have attended.

Institution	Dates of Attendance		Major and/or Concentration	Degree Received	Date Degree Conferred
	From	To			

2. List in chronological order the field instruction you have had.

Agency	Dates (Mo./Yr.)		Hours per Week	Duties (Types of learning experiences as related to specialty area of practice)
	From	To		

Proposed Regulations

IV. PROFESSIONAL EMPLOYMENT EXPERIENCE					
List in chronological order the entire professional employment experience you have had after receiving your master's degree in Clinical Social Work. List present position first and date back to your master's degree.					
Dates of Employment		Employer	Address	Hours Per Week	Duties
From	To				

The following statement must be executed by a Notary Public. This form is not valid unless properly notarized.

AFFIDAVIT
(To be completed before a notary public)

State of _____ County/City of _____

Name _____, being duly sworn, says that he/she is the person who is referred to in the foregoing application for licensure as a clinical social worker in the Commonwealth of Virginia; that the statements herein contained are true in every respect, that he/she has complied with all requirements of the law; and that he/she has read and understands this affidavit.

Signature of Applicant

Subscribed to and sworn to before me this _____ day of _____, 19_____.
My commission expires on _____

Signature of Notary Public

SEAL

III. SUPERVISED CLINICAL SOCIAL WORK EXPERIENCE					
Indicate below person(s) designated as your supervisor(s) for clinical social work supervised experience. For each supervisor indicated, include a completed Verification of Supervision form.					
Supervisor's Name _____					
Institution or Business Name and Address _____					
Supervisor's Professional License	License Number	State Where Licensed			
Dates Applicant was Supervised From: _____ To: _____	Hours per Week Supervision Rendered	Total Hours Face-to-Face Supervision			
Description of Supervision _____					
Description of Applicant's Professional Work During the Supervision _____					
Supervisor's Name _____					
Institution or Business Name and Address _____					
Supervisor's Professional License	License Number	State Where Licensed			
Dates Applicant was Supervised From: _____ To: _____	Hours per Week Supervision Rendered	Total Hours Face-to-Face Supervision			
Description of Supervision _____					
Description of Applicant's Professional Work During the Supervision _____					
Supervisor's Name _____					
Institution or Business Name and Address _____					
Supervisor's Professional License	License Number	State Where Licensed			
Dates Applicant was Supervised From: _____ To: _____	Hours per Week Supervision Rendered	Total Hours Face-to-Face Supervision			
Description of Supervision _____					
Description of Applicant's Professional Work During the Supervision _____					

FINAL REGULATIONS

For information concerning Final Regulations, see Information Page.

Symbol Key

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

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

Title of Regulation: 18 VAC 30-20-10 et seq. *Regulations of the Board of Audiology and Speech-Language Pathology (amending 18 VAC 30-20-80, 18 VAC 30-20-90, and 18 VAC 30-20-100).*

Statutory Authority: §§ 54.1-113 and 54.1-2400 of the Code of Virginia.

Effective Date: October 30, 1996.

Summary:

The amended regulations reduce application fees, fees for verification of current licensure to another state, annual renewal fees, and reinstatement fees for a lapsed license.

Summary of Public Comment and Agency Response: No public comment was received by the promulgating agency.

Agency Contact: Copies of the regulation may be obtained from Elizabeth Young Kirksey, Executive Director, Board of Audiology and Speech-Language Pathology, 6606 West Broad Street, 4th Floor, Richmond, VA 23230, telephone (804) 662-9941.

18 VAC 30-20-80. Initial fees.

The following fees shall be paid as applicable for licensure:

- | | |
|---|--------------|
| 1. Application for audiology or speech-language pathology license | \$125. \$100 |
| 2. Application for speech-language pathology license | \$125. |
| 3. 2. Verification of licensure requests from other states | \$50. \$20 |

18 VAC 30-20-90. Renewal fees.

The following annual fees shall be paid as applicable for license renewal:

- | | |
|---|------------|
| 1. Audiology or speech-language pathology license renewal | \$55. \$20 |
| By December 31, 1996 | \$20 |
| By December 31, 1997, and thereafter | \$30 |

- | | |
|--|-------|
| 2. Speech-language pathology license renewal | \$55. |
|--|-------|

18 VAC 30-20-100. Reinstatement fee.

In addition to all back renewal fees, the following fee shall be paid for reinstatement of license for each year up to three years following expiration (see 18 VAC 30-20-160):

- | | |
|--|-------------|
| Reinstatement fee per year of expiration | \$100. \$50 |
|--|-------------|

V.A.R. Doc. No. R97-1; Filed August 29, 1996, 2:21 p.m.

DEPARTMENT OF HEALTH (STATE BOARD OF)

REGISTRAR'S NOTICE: The following regulation filed by the Department of Health is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 C 1 of the Code of Virginia, which excludes agency orders or regulations fixing rates or prices. The Department of Health will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 12 VAC 5-210-10 et seq. *Charges and Payment Requirements by Income Levels.*

Statutory Authority: §§ 32.1-12 and 32.1-77 of the Code of Virginia.

Effective Date: November 1, 1996.

Summary:

As outlined in Regulations Governing Eligibility Standards and Charges for Health Care Services to Individuals (12 VAC 5-200-10 et seq.), the Department of Health's (VDH) schedule of charges will be based on the Department of Medical Assistance Services' (DMAS) payment levels. On July 1, 1996, DMAS modified its payment levels for certain home health services. Accordingly, the charges included in VDH's regulation Charges and Payment Requirements by Income Levels (12 VAC 5-210-10 et seq.) are being modified to reflect the recently revised DMAS payment levels.

Agency Contact: Copies of the regulation may be obtained from Dave Burkett, Department of Health, P. O. Box 2448, Richmond, VA 23218, telephone (804) 371-4089.

Final Regulations

12 VAC 5-210-10. Charges and payment requirements except for Northern Virginia.

CHART I

By the provisions of the "Regulations Governing Eligibility Standards and Charges for Medical Care Services" promulgated by the authority of the Board of Health in accordance with §§ 32.1-11 and 32.1-12 of the Code of Virginia, listed below are the charges for medical care services, starting the minimum required payments to be made by patients toward their charges, according to income levels.

CPT CODE	MEDICAL CARE SERVICES	MAXIMUM CHARGE PER VISIT/SERVICE	INCOME LEVEL A (0%)	INCOME LEVEL B (10%)	INCOME LEVEL C (25%)	INCOME LEVEL D (50%)	INCOME LEVEL E (75%)	INCOME LEVEL F (100%)
Z9900	Maternity	\$33.30	\$0.00	\$3.30	\$8.33	\$16.65	\$33.30	
59430	Post-Partum Visit	\$60.00 \$65.00	\$0.00 \$0.00	\$5.00 \$6.50	\$12.50 \$16.25	\$25.00 \$32.50	\$37.50 \$48.75	\$50.00 \$65.00
MATERNITY CARE COORDINATION								
Z9001	Risk Screening	\$10.00	\$0.00	\$1.00	\$2.50	\$5.00	\$7.50	\$10.00
Z9104	Maternity Assessment	\$25.00	\$0.00	\$2.50	\$6.25	\$12.50	\$18.75	\$25.00
Z9105	Maternity Follow-up	\$1.35/day x 11 mo.	\$0.00	\$0.14	\$0.34	\$0.68	\$1.02	\$1.35
NUTRITIONAL SERVICES								
Z9310	Original Assessment	\$20.00	\$0.00	\$0.00	\$0.00	\$0.00	\$15.00	\$20.00
Z9311	Follow-up	\$10/Encounter	\$0.00	\$0.00	\$0.00	\$0.00	\$7.50	\$10.00
Z9300, Z9301 OR Z9302	Group Education	\$6.00/Class Session or \$36.00 Maximum	\$0.00	\$0.60	\$1.50	\$3.00	\$4.50	\$6.00
Z9312	Homemaker Services	\$33.00 OR \$8.25/hr. not to exceed 4 hrs.	\$0.00 \$0.00	\$3.30 \$0.83	\$8.25 \$2.07	\$16.50 \$4.13	\$24.75 \$6.19	\$33.00 \$8.25
CLINICAL VISITS								
INCLUDES BOTH PEDIATRIC AND ADULT SERVICES								
NEW PATIENTS: TO QUALIFY AS A NEW PATIENT, PATIENT MUST NOT HAVE BEEN SEEN BY ANY PROVIDER IN THAT HEALTH DEPARTMENT FOR AT LEAST THREE YEARS								
99201	Visit Included all Three Components: *problem focused history *problem focused examination *straightforward medical decision making		\$0.00 \$0.00	\$2.40 \$2.30	\$6.00 \$5.75	\$12.00 \$11.50	\$18.00 \$17.25	\$24.00 \$23.00
99202	Visit Included all Three Components: *expanded problem focused history *expanded problem focused examination *straightforward medical decision making		\$0.00	\$3.10 \$3.30	\$7.76 \$8.25	\$15.50 \$16.50	\$23.25 \$24.75	\$31.00 \$33.00
99203	Visit Included all Three Components: *detailed history *detailed examination		\$0.00	\$3.00 \$4.40	\$9.75 \$11.00	\$19.50 \$22.00	\$29.25 \$33.00	\$39.00 \$44.00

Final Regulations

	* medical decision making of low intensity							
99204	Visit Included all Three Components: *comprehensive history *comprehensive examination *medical decision making of moderate complexity		\$0.00 <u>\$6.40</u>	\$5.60 <u>\$16.00</u>	\$14.00 <u>\$32.00</u>	\$28.00 <u>\$48.00</u>	\$42.00 <u>\$64.00</u>	\$66.00 <u>\$64.00</u>
99205	Visit Included all Three Components: *comprehensive history *comprehensive examination *medical decision making of high complexity		\$0.00 <u>\$7.70</u>	\$6.60 <u>\$19.25</u>	\$16.25 <u>\$38.50</u>	\$32.50 <u>\$57.75</u>	\$48.75 <u>\$77.00</u>	\$65.00 <u>\$77.00</u>
ESTABLISHED PATIENT VISITS: ANY PATIENT THAT HAS BEEN SEEN BY A PROVIDER IN THAT HEALTH DEPARTMENT WITHIN THE LAST THREE YEARS								
99211	Visit May or May Not Require Physician Presenting Problems Are Minimal		\$0.00	\$1.10	\$2.75	\$5.50	\$8.25	\$11.00
99212	' Visit Included Two of Three Components: *problem focused history *problem focused examination *straightforward medical decision making		\$0.00 <u>\$1.90</u>	\$2.00 <u>\$4.75</u>	\$6.00 <u>\$9.50</u>	\$10.00 <u>\$14.25</u>	\$15.00 <u>\$20.00</u>	\$20.00 <u>\$19.00</u>
99213	Visit Included Two of Three Components: *expanded problem focused history *expanded problem focused examination *medical decision making of low complexity		\$0.00	\$2.70	\$6.75	\$13.50	\$20.25	\$27.00
99214	Visit Included Two of Three Components: *detailed history *detailed examination *medical decision making of moderate complexity		\$0.00 <u>\$4.00</u>	\$3.80 <u>\$10.00</u>	\$9.50 <u>\$20.00</u>	\$19.00 <u>\$30.00</u>	\$28.50 <u>\$40.00</u>	\$38.00 <u>\$40.00</u>
99215	Visit Included Two of Three Components: *comprehensive history *comprehensive examination *medical decision making of high complexity		\$0.00 <u>\$5.90</u>	\$5.30 <u>\$14.75</u>	\$13.25 <u>\$29.50</u>	\$26.50 <u>\$44.25</u>	\$39.75 <u>\$59.00</u>	\$53.00 <u>\$59.00</u>
PREVENTIVE MEDICINE SERVICES THESE CODES ARE TO BE USED PRIMARILY FOR WELL BABY VISITS. THESE ARE THE CODES TO BE USED FOR EPSDT BILLING								
	NEW PATIENT							

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99381	Age under one year		\$0.00	\$4.80 \$5.90	\$12.00 \$14.75	\$24.00 \$29.50	\$36.00 \$44.25	\$48.00 \$59.00
99382	Age 1 through 4 years		\$0.00	\$6.40 \$6.70	\$18.50 \$16.75	\$27.00 \$33.50	\$40.50 \$50.25	\$54.00 \$67.00
99383	Age 5 through 11 years		\$0.00	\$6.40 \$6.70	\$13.50 \$16.75	\$27.00 \$33.50	\$40.50 \$50.25	\$54.00 \$67.00
99384	Age 12 through 17 years		\$0.00	\$6.50 \$7.20	\$13.75 \$18.00	\$27.50 \$36.00	\$41.25 \$54.00	\$55.00 \$72.00
99385	Age 18 through 24 ³⁹ years		\$0.00	\$6.50 \$6.90	\$13.75 \$17.25	\$27.50 \$34.50	\$41.25 \$51.75	\$55.00 \$69.00
99386	Age 40 through 64		\$0.00	\$7.50	\$18.75	\$37.50	\$56.25	\$75.00
99387	Age 65 and over		\$0.00	\$7.50	\$18.75	\$37.50	\$56.25	\$75.00
ESTABLISHED PATIENT								
99391	Age under one year		\$0.00	\$4.40 \$5.20	\$11.00 \$13.00	\$22.00 \$26.00	\$33.00 \$39.00	\$44.00 \$52.00
99392	Age 1 through 4 years		\$0.00	\$4.80 \$5.80	\$12.00 \$14.50	\$24.00 \$29.00	\$36.00 \$43.50	\$48.00 \$58.00
99393	Age 5 through 11 years		\$0.00	\$4.80 \$5.90	\$12.00 \$14.75	\$24.00 \$29.50	\$36.00 \$44.25	\$48.00 \$59.00
99394	Age 12 through 17 years		\$0.00	\$4.90 \$6.40	\$12.25 \$16.00	\$24.50 \$32.00	\$36.75 \$48.00	\$49.00 \$64.00
99395	Age 18 through 24 ³⁹ years		\$0.00	\$6.20 \$6.30	\$13.00 \$15.75	\$26.00 \$31.50	\$39.00 \$47.25	\$52.00 \$63.00
99396	Age 40 through 64		\$0.00	\$6.50	\$16.25	\$32.50	\$48.75	\$65.00
99397	Age 65 and over		\$0.00	\$6.50	\$16.25	\$32.50	\$48.75	\$65.00
INFANT CARE COORDINATION								
Z9010	Risk Screening	\$10.00	\$0.00	\$1.00	\$2.50	\$5.00	\$7.50	\$10.00
Z9104	Infant Assessment	\$25.00	\$0.00	\$2.50	\$6.25	\$12.50	\$18.75	\$25.00
Z9106	Follow-up	\$1.35/Day for up to 24 months	\$0.00	\$0.14	\$0.34	\$0.68	\$1.02	\$1.35
CASE MANAGEMENT - SEE CPT BOOK FOR DEFINITIONS								
99361	Medical conference, 30 min.	\$20.20	\$0.00	\$2.02	\$5.05	\$10.10	\$15.15	\$20.20
99362	Medical conference, 60 min.	\$40.45	\$0.00	\$4.05	\$10.11	\$20.23	\$30.34	\$40.45
99371	Phone call, brief	\$10.00	\$0.00	\$1.00	\$2.50	\$5.00	\$7.50	\$10.00
99372	Phone call, intermediate	\$45.50	\$0.00	\$4.55	\$11.38	\$22.75	\$34.13	\$45.50
99373	Phone call, complex	\$70.80	\$0.00	\$7.08	\$17.70	\$35.40	\$53.10	\$70.80
FAMILY PLANNING								
09007	Initial/Yearly	\$50.00	\$0.00	\$5.00	\$12.50	\$25.00	\$37.50	\$50.00
09009	Follow-up/Problem	\$20.00	\$0.00	\$2.00	\$5.00	\$10.00	\$15.00	\$20.00
COLPOSCOPY SERVICES								
57452	Colposcopy	\$92.00 \$75.00	\$0.00 \$0.00	\$9.20 \$7.50	\$23.00 \$18.75	\$46.00 \$37.50	\$69.00 \$56.25	\$92.00 \$75.00
57454	Colposcopy with Biopsy	\$146.00 \$118.00	\$0.00 \$0.00	\$14.60 \$11.80	\$36.50 \$29.50	\$73.00 \$59.00	\$109.60 \$88.50	\$146.00 \$118.00
57511	Cryosurgery, Initial or Repeat	\$114.00 \$104.00	\$0.00 \$0.00	\$11.40 \$10.40	\$28.50 \$27.00	\$67.00 \$52.00	\$85.50 \$79.00	\$114.00 \$104.00
DENTAL SERVICES		BASED ON MEDIAN PRIVATE PRACTICE PROFESSIONAL FEES						

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	Adult Dental	\$10.00 Flat Fee Plus Sliding Fee Amount						
90782	Therapeutic Injection	\$6.00	\$0.00	\$0.60	\$1.50	\$3.00	\$4.50	\$6.00
90788	Intramuscular Injection of Antibiotic	\$8.00	\$0.00	\$0.80	\$2.00	\$4.00	\$6.00	\$8.00
36415	Venipuncture	\$7.00 Flat Rate When Provided to Walk-ins and Nonroutine Patients						
	Blood Pressure Check	No Charge --- Services Provided Free Statewide ---						
86580	PPD/Tuberculin Testing	\$6.00 Flat Rate Only When Provided Alone as a Screening						
71010	Radiological Exam: Chest	\$21.00 Flat Rate Charge						
	Activities of Daily Living	\$9.50 Flat Rate Charge						
	Cholesterol Screening and Counseling	\$7.00 Flat Rate Only When Provided as a Screening Test						
	Medical Record Copying	\$0.50/Page -- Flat Rate Charge						
	Pharmacy Professional Fee (only for districts with pharmacies)	\$4.25	\$0.00	\$0.43	\$1.06	\$2.12	\$3.18	\$4.25
	Drugs and Medications	BASED ON COST: District Choice on Using Sliding Fee						
	Other X-Ray Services	--- Based on DMAS Maximum Payment Levels ---						
	Other Lab. Services	--- Based on DMAS Maximum Payment Levels ---						
	OTHER SERVICES							
	Child Specialty Services Annual Fee	\$120.00	\$0.00	\$12.00	\$30.00	\$60.00	\$90.00	\$120.00
	Home Health Services Skilled Nursing	\$110.00	\$0.00	\$11.00	\$27.50	\$55.00	\$82.50	\$110.00
	Comprehensive	\$180.00	\$0.00	\$18.00	\$45.00	\$90.00	\$135.00	\$180.00
	Physical Therapy	\$100.00	\$0.00	\$10.00	\$25.00	\$50.00	\$75.00	\$100.00
	Occupational Therapy	\$110.00	\$0.00	\$11.00	\$27.50	\$55.00	\$82.50	\$110.00
	Speech Therapy	\$110.00	\$0.00	\$11.00	\$27.50	\$55.00	\$82.50	\$110.00
	Home Health Aide	\$50.00	\$0.00	\$5.00	\$12.50	\$25.00	\$37.50	\$50.00
	Medical Social Worker	\$130.00	\$0.00	\$13.00	\$32.50	\$65.00	\$97.50	\$130.00
	CHILD DEVELOPMENT SERVICES PROGRAM							
	MEDICAL SERVICES							
	Problem Focused Consultation	\$43.00 \$44.00	\$0.00	\$4.30 \$4.40	\$10.75 \$11.00	\$21.50 \$22.00	\$32.25 \$33.00	\$43.00 \$44.00
	Expanded Consultation	\$58.00 \$55.00	\$0.00	\$5.80 \$5.50	\$14.50 \$13.75	\$29.00 \$27.50	\$43.50 \$41.25	\$58.00 \$55.00
	Detailed Consultation	\$74.00 \$72.00	\$0.00	\$7.40 \$7.20	\$18.50 \$18.00	\$37.00 \$36.00	\$55.50 \$54.00	\$74.00 \$72.00
	Comprehensive Consultation	\$100.00 \$99.00	\$0.00	\$10.00 \$9.90	\$25.00 \$24.75	\$50.00 \$49.50	\$75.00 \$74.25	\$100.00 \$99.00
	Pharmacological Management	\$33.00	\$0.00	\$3.30	\$8.25	\$16.50	\$24.75	\$33.00
	Training in Activities of Daily Living	\$25.00	\$0.00	\$2.50	\$6.25	\$12.50	\$18.75	\$25.00
	Developmental Testing-Limited	\$53.00	\$0.00	\$5.30	\$13.25	\$26.50	\$39.75	\$53.00
	MENTAL HEALTH SERVICES							
	Psychological Evaluation	\$88.00/hr.	\$0.00	\$8.80	\$22.00	\$44.00	\$66.00	\$88.00

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	Interactive Psych. Exam	\$88.00 \$81.00	\$0.00	\$8.80 \$8.10	\$22.00 \$20.25	\$44.00 \$40.50	\$66.00 \$60.75	\$88.00 \$81.00
	Individual Psychotherapy							
	20-30 Minute Session	\$41.00	\$0.00	\$4.10	\$10.25	\$20.50	\$30.75	\$41.00
	45-60 Minute Session	\$69.00		\$6.90 \$6.70	\$17.25 \$16.75	\$34.50 \$33.50	\$51.75 \$50.25	\$69.00 \$67.00
	Family Psychotherapy	\$70.00 \$74.00	\$0.00	\$7.90 \$7.40	\$17.50 \$18.50	\$35.00 \$37.00	\$52.50 \$55.50	\$70.00 \$74.00
	Group Psychotherapy	\$29.00 \$24.00	\$0.00	\$2.90 \$2.40	\$7.25 \$6.00	\$14.50 \$12.00	\$21.75 \$18.00	\$29.00 \$24.00
	Multifamily Psychotherapy	\$17.00 \$21.00	\$0.00	\$1.70 \$2.10	\$4.25 \$5.25	\$8.50 \$10.50	\$12.75 \$15.75	\$17.00 \$21.00
	EDUCATIONAL SERVICE							
	Educational Diagnostic Evaluation	NO COST.....	Service Provided Free Statewide					
	School Visit/Consultation	NO COST.....	Service Provided Free Statewide					
	Classroom Observation	NO COST.....	Service Provided Free Statewide					
	CASE MANAGEMENT SERVICES							
	Interdisciplinary Medical Conference	\$40.45	\$0.00	\$4.05	\$10.11	\$20.23	\$30.34	\$40.45
	Other Case Mgt. Activity	NO COST.....	Service Provided Free Statewide					
	Progress Review	NO COST.....	Service Provided Free Statewide					

12 VAC 5-210-20. Charges and payment requirements for Northern Virginia.

CHART 2.

By the provisions of the "Regulations Governing Eligibility Standards and Charges for Medical Care Services" promulgated by the authority of the Board of Health in accordance with §§ 32.1-11 and 32.1-12 of the Code of Virginia, listed below are the charges for medical care services, stating the minimum required payments to be made by patients toward their charges, according to income levels.

CPT CODE	MEDICAL CARE SERVICES	MAXIMUM CHARGE PER VISIT/SERVICE	INCOME LEVEL A (0%)	INCOME LEVEL B (10%)	INCOME LEVEL C (25%)	INCOME LEVEL D (50%)	INCOME LEVEL E (75%)	INCOME LEVEL F (100%)
Z9900	MATERNITY	\$37.00	\$0.00	\$3.70	\$9.25	\$18.50	\$27.75	\$37.00
59430	Post-Partum Visit	\$55.00 \$65.00	\$0.00 \$0.00	\$5.50 \$6.50	\$13.75 \$16.25	\$27.50 \$32.50	\$41.25 \$48.75	\$55.00 \$65.00
MATERNITY CARE COORDINATION								
Z9001	Risk Screening	\$11.50	\$0.00	\$1.15	\$3.00	\$5.75	\$8.75	\$11.50
Z9104	Maternity Assessment	\$28.50	\$0.00	\$2.85	\$7.25	\$14.25	\$21.25	\$28.50
Z9105	Maternity Follow-up	\$1.52/day x 11 mo.	\$0.00	\$0.15	\$0.38	\$0.76	\$1.14	\$1.52
NUTRITIONAL SERVICES								
Z9310	Original Assessment	\$22.75	\$0.00	\$0.00	\$0.00	\$11.50	\$17.50	\$22.75
Z9311	Follow-up	\$11.50/Encounter	\$0.00	\$0.00	\$0.00	\$5.75	\$8.75	\$11.50
Z9300, Z9301 OR Z9302	Group Education	\$7.00/class session OR \$41.00 maximum	\$0.00	\$0.70	\$1.75	\$3.50	\$5.25	\$7.00
Z9312	Homemaker Services	\$37.50 OR \$9.00/hr not to exceed 4 hours	\$0.00	\$3.75	\$9.40	\$18.75	\$28.00	\$37.50

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			\$0.00	\$0.90	\$2.25	\$4.50	\$6.75	\$9.00
CLINICAL VISITS - INCLUDES BOTH PEDIATRIC AND ADULT SERVICES								
NEW PATIENTS: TO QUALIFY AS A NEW PATIENT, PATIENT MUST NOT HAVE BEEN SEEN BY ANY PROVIDER IN THAT HEALTH DEPARTMENT FOR AT LEAST THREE YEARS								
99201	Visit Included All Three Components: *problem focused history *problem focused examination *straightforward medical decision making		\$0.00	\$2.80 \$2.60	\$7.00 \$6.50	\$14.00 \$13.00	\$21.00 \$19.50	\$28.00 \$26.00
99202	Visit Included All Three Components: *expanded problem focused history *expanded problem focused examination *straightforward medical decision making		\$0.00	\$3.50 \$3.70	\$9.75 \$9.25	\$17.50 \$18.50	\$26.25 \$27.75	\$35.00 \$37.00
99203	Visit Included All Three Components: *detailed history *detailed examination *medical decision making of low intensity		\$0.00	\$4.40 \$4.90	\$11.00 \$12.25	\$22.00 \$24.50	\$33.00 \$36.75	\$44.00 \$49.00
99204	Visit Included All Three Components: *comprehensive history *comprehensive exam *medical decision making of moderate complexity		\$0.00	\$6.40 \$7.10	\$16.00 \$17.75	\$32.00 \$35.50	\$48.00 \$53.25	\$64.00 \$71.00
99205	Visit Included All Three Components: *comprehensive history *comprehensive exam *medical decision making of high complexity		\$0.00	\$7.40 \$8.50	\$18.50 \$21.25	\$37.00 \$42.50	\$55.50 \$63.75	\$74.00 \$85.00
ESTABLISHED PATIENT VISITS: ANY PATIENT THAT HAS BEEN SEEN BY A PROVIDER IN THAT HEALTH DEPARTMENT WITHIN THE LAST THREE YEARS								
99211	Visit May or May Not Require Physician Presenting Problems are Minimal		\$0.00	\$1.30	\$3.25	\$6.50	\$9.75	\$13.00
99212	Visit Included Two of Three Components: *problem focused history *problem focused examination *straightforward medical decision making		\$0.00	\$2.20	\$5.50	\$11.00	\$16.50	\$22.00
99213	Visit Included Two of Three Components: *expanded problem focused history *expanded problem focused		\$0.00	\$3.10	\$7.75	\$15.50	\$23.25	\$31.00

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	examination *medical decision making of low complexity							
99214	Visit Included Two of Three Components: *detailed history *detailed examination *medical decision making of moderate complexity		\$0.00 \$4.40	\$4.30 \$11.00	\$10.75 \$11.00	\$21.60 \$22.00	\$32.25 \$33.00	\$43.00 \$44.00
99215	Visit Included Two of Three Components: *comprehensive history *comprehensive examination *medical decision making of high complexity		\$0.00	\$6.10 \$6.50	\$16.25 \$16.25	\$30.50 \$32.50	\$45.75 \$48.75	\$61.00 \$65.00
PREVENTIVE MEDICINE SERVICES								
THESE CODES ARE TO BE USED PRIMARILY FOR WELL BABY VISITS. THESE ARE THE CODES TO BE USED FOR EPSDT BILLING								
NEW PATIENT								
99381	Age Under One Year		\$0.00 \$6.50	\$5.30 \$16.25	\$13.25 \$32.50	\$26.50 \$48.75	\$39.75 \$65.00	\$52.00 \$65.00
99382	Age 1 through 4 Years		\$0.00 \$7.40	\$6.00 \$18.50	\$16.00 \$37.00	\$30.00 \$55.50	\$45.00 \$74.00	\$60.00 \$74.00
99383	Age 5 through 11 Years		\$0.00 \$7.40	\$6.00 \$18.50	\$16.00 \$37.00	\$30.00 \$55.50	\$45.00 \$74.00	\$60.00 \$74.00
99384	Age 12 through 17 Years		\$0.00 \$8.00	\$6.10 \$20.00	\$16.25 \$40.00	\$30.50 \$60.00	\$45.75 \$80.00	\$61.00 \$80.00
99385	Age 18 through 24 39 Years		\$0.00 \$7.60	\$6.10 \$19.00	\$16.25 \$38.00	\$30.50 \$57.00	\$45.75 \$76.00	\$61.00 \$76.00
99386	Age 40 through 64		\$0.00	\$8.30	\$20.75	\$41.50	\$62.25	\$83.00
99387	Age 65 and over		\$0.00	\$8.30	\$20.75	\$41.50	\$62.25	\$83.00
ESTABLISHED PATIENT								
99391	Age Under One Year		\$0.00 \$5.80	\$4.90 \$14.50	\$12.25 \$29.00	\$24.50 \$43.50	\$36.75 \$58.00	\$49.00 \$58.00
99392	Age 1 through 4 Years		\$0.00 \$6.40	\$5.30 \$16.00	\$13.25 \$32.00	\$26.50 \$48.00	\$39.75 \$64.00	\$53.00 \$64.00
99393	Age 5 through 11 Years		\$0.00 \$6.50	\$5.30 \$16.25	\$13.25 \$32.50	\$27.50 \$48.75	\$39.75 \$65.00	\$53.00 \$65.00
99394	Age 12 through 17 Years		\$0.00 \$7.10	\$5.50 \$17.75	\$19.75 \$35.50	\$27.50 \$53.25	\$41.25 \$71.00	\$55.00 \$71.00
99395	Age 18 through 24 39 Years		\$0.00 \$7.00	\$6.00 \$17.50	\$14.50 \$35.00	\$29.00 \$52.50	\$43.50 \$70.00	\$58.00 \$70.00
99396	Age 40 through 64		\$0.00	\$7.20	\$18.00	\$36.00	\$54.00	\$72.00
99397	Age 65 and over		\$0.00	\$7.20	\$18.00	\$36.00	\$54.00	\$72.00
INFANT CARE COORDINATION								
Z9010	Risk Screening	\$11.50	\$0.00	\$1.15	\$2.88	\$5.75	\$8.63	\$11.50
Z9104	Infant Assessment	\$28.50	\$0.00	\$2.85	\$7.25	\$14.25	\$21.50	\$28.50
Z9106	Follow-up	\$1.52/Day for up to 24 Months	\$0.00	\$0.15	\$0.38	\$0.76	\$1.14	\$1.52
CASE MANAGEMENT - SEE CPT BOOK FOR DEFINITIONS								
99361	Medical Conference, 30 min.	\$22.50	\$0.00	\$2.25	\$5.63	\$11.25	\$16.88	\$22.50

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99362	Medical Conference, 60 min.	\$45.00	\$0.00	\$4.50	\$11.25	\$22.50	\$33.75	\$45.00							
99371	Phone Call, Brief	\$11.00	\$0.00	\$1.10	\$2.75	\$5.50	\$8.25	\$11.00							
99372	Phone Call, Intermediate	\$50.00	\$0.00	\$5.00	\$12.50	\$25.00	\$37.50	\$50.00							
99373	Phone Call, Complex	\$77.00	\$0.00	\$7.70	\$19.25	\$38.50	\$57.75	\$77.00							
FAMILY PLANNING															
09007	Initial/Yearly	\$56.00	\$0.00	\$5.60	\$14.00	\$28.00	\$42.00	\$56.00							
09009	Follow-up/Problem	\$22.75	\$0.00	\$2.28	\$5.75	\$11.25	\$17.00	\$22.75							
COLPOSCOPY SERVICES															
57452	Colposcopy	\$100.00 \$83.00	\$0.00	\$10.00 \$8.30	\$25.00 \$20.75	\$50.00 \$41.50	\$75.00 \$62.25	\$100.00 \$83.00							
57454	Colposcopy with Biopsy	\$162.00 \$130.00	\$0.00	\$16.20 \$13.00	\$40.50 \$32.50	\$81.00 \$65.00	\$121.50 \$97.50	\$162.00 \$130.00							
57511	Cryosurgery, Initial or Repeat	\$127.00 \$115.00	\$0.00	\$12.70 \$11.50	\$31.75 \$28.75	\$63.50 \$57.50	\$95.25 \$86.25	\$127.00 \$115.00							
DENTAL SERVICES -- BASED ON MEDIAN PRIVATE PRACTICE PROFESSIONAL FEES															
Adult Dental -- \$10.00 Flat Fee Plus Sliding Fee Amount															
90782	Therapeutic Injection	\$7.00	\$0.00	\$0.70	\$1.75	\$3.50	\$5.25	\$7.00							
90788	Intramuscular Injection of Antibiotic	\$9.00	\$0.00	\$0.90	\$2.25	\$4.50	\$6.75	\$9.00							
36415	Venipuncture	\$8.00 Flat Rate Only When Provided to Walk-Ins & Nonroutine Patients													
Blood Pressure Check															
86580	PPD/Tuberculin Testing	\$6.00 Flat Rate Only When Provided Alone as a Screening													
71010	Radiological Exam: Chest	\$25.00 Flat Rate Charge													
Activities of Daily Living															
Cholesterol Screening and Counseling															
Medical Record Copying															
Pharmacy Professional Fee (only districts with pharmacies)															
Drugs and Medications															
Other X-Ray Services															
Other Laboratory Services															
OTHER SERVICES															
Child Specialty Services Annual Fee															
Home Health Services															
Skilled Nursing															
Comprehensive															
Physical Therapy															
Occupational Therapy															
Speech Therapy															
Home Health Aide															
Medical Social Worker															
CHILD DEVELOPMENT SERVICES PROGRAM															
MEDICAL SERVICES															
Problem Focused Consultation															

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	Expanded Consultation	\$64.00 \$61.00	\$0.00	\$8.40 \$6.10	\$16.00 \$15.25	\$32.00 \$30.50	\$48.00 \$45.75	\$64.00 \$61.00
	Detailed Consultation	\$82.00 \$80.00	\$0.00	\$8.20 \$8.00	\$20.50 \$20.00	\$41.00 \$40.00	\$61.50 \$60.00	\$82.00 \$80.00
	Comprehensive Consultation	\$114.30 \$109.00	\$0.00	\$11.43 \$10.90	\$28.58 \$27.25	\$57.15 \$54.50	\$85.73 \$81.75	\$114.30 \$109.00
	Pharmacological Management	\$37.00	\$0.00	\$3.70	\$9.25	\$18.50	\$27.75	\$37.00
	Training in Activities of Daily Living	\$28.50	\$0.00	\$2.86	\$7.15	\$14.29	\$21.44	\$28.58
	Developmental Testing-Limited	\$59.00	\$0.00	\$5.90	\$14.75	\$29.50	\$44.25	\$59.00
	MENTAL HEALTH SERVICES							
	Psychological Evaluation	\$180.00	\$0.00	\$10.00	\$25.00	\$50.00	\$75.00	\$100.00
	Interactive Psych Examination	\$100.00 \$90.00	\$0.00	\$10.00 \$9.00	\$25.00 \$22.50	\$50.00 \$45.00	\$75.00 \$67.50	\$100.00 \$90.00
	Individual Psychotherapy:							
	20-30 Minute Session	\$46.00	\$0.00	\$4.60	\$11.50	\$23.00	\$34.50	\$46.00
	45-60 Minute Session	\$79.00 \$82.00	\$0.00	\$7.90 \$7.40	\$19.75 \$18.50	\$39.50 \$37.00	\$59.25 \$55.50	\$79.00 \$74.00
	Family Psychotherapy	\$78.00 \$82.00	\$0.00	\$7.80 \$8.20	\$19.50 \$20.50	\$39.00 \$41.00	\$58.50 \$61.50	\$78.00 \$82.00
	Group Psychotherapy	\$34.00 \$27.00	\$0.00	\$3.40 \$2.70	\$8.50 \$6.75	\$17.00 \$13.50	\$25.50 \$20.25	\$34.00 \$27.00
	Multifamily Psychotherapy	\$20.00 \$24.00	\$0.00	\$2.00 \$2.40	\$5.00 \$6.00	\$10.00 \$12.00	\$15.00 \$18.00	\$20.00 \$24.00
	EDUCATIONAL SERVICES							
	Educational Diag. Evaluation	NO COST	Service Provided Free Statewide					
	School Visit/Consultation	NO COST	Service Provided Free Statewide					
	Classroom Observation	NO COST	Service Provided Free Statewide					
	CASE MANAGEMENT SERV.							
	Interdisciplinary Medical Conference	\$46.23	\$0.00	\$4.62	\$11.56	\$23.12	\$34.67	\$46.23
	Other Case Mgt. Activity	NO COST	Service Provided Free Statewide					
	Progress Review	NO COST	Service Provided Free Statewide					

V.A.R. Doc. No. R97-8; Filed September 4, 1996, 1:20 p.m.

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

Title of Regulation: 8 VAC 40-30-10 et seq. Regulations Governing the Approval of Certain Institutions to Confer Degrees, Diplomas, and Certificates (amending 8 VAC 40-30-10, 8 VAC 40-30-20, 8 VAC 40-30-50, 8 VAC 40-30-60, 8 VAC 40-30-110, 8 VAC 40-30-150, 8 VAC 40-30-160, 8 VAC 40-30-180, 8 VAC 40-30-190, 8 VAC 40-30-200, 8 VAC 40-30-240, 8 VAC 40-30-250, 8 VAC 40-30-290, 8 VAC 40-30-300, 8 VAC 40-30-340 through 8 VAC 40-30-370, 8 VAC 40-30-440; adding 8 VAC 40-30-365, 8 VAC 40-30-445).

Statutory Authority: § 23-268 of the Code of Virginia.

Effective Date: November 1, 1996.

Summary:

The substantive amendments to the regulations are to:

1. Amend the definition of "in-state institution" to allow an institution whose main campus is in Virginia, but is incorporated outside Virginia, to be classified as an in-state institution.
2. Allow individual proprietorships, associations, copartnerships and corporations using the term "college" or "university" in training programs solely for their employees or customers an exemption from the requirement of council approval for the use of the name "college" or "university."
3. Delegate to the director of the Council of Higher Education the authority to grant exemptions for religious institutions and institutions on military bases, and to grant authorization to a new institution to use the name

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"college" or "university." These actions will be reported to the council along with staff recommendations for council action.

4. Provide for input from the Virginia Department of Education in the continuing review of certificate or diploma programs below the associate degree level offered by institutions that have recently escalated to degree-granting status.

5. Update or add to the institutional approval standards the following:

a. Clarify the documents which should be contained in all student files.

b. Clarify the financial aid information which should be contained in the institution's catalog.

c. Require institutions to have a formal plan for evaluating institutional effectiveness and program results. The plan should include provisions for the involvement of administration, full-time faculty, and students. The evaluations should be used to improve the programs offered in Virginia.

d. Permit institutions to demonstrate the sufficiency of contact hours in degree programs by showing conformity with accreditation standards or similarity with other programs in Virginia.

e. Add a standard requiring accuracy in the use of placement information and in admissions interviews.

f. Add a standard requiring institutions to have formal complaint or grievance procedures.

g. Require institutions with reserve funds or a surety bond which covers student refunds to establish the adequacy of the available funds.

h. Require institutions' auditing procedures to conform with generally accepted accounting principles and for institutions to rebut any audit finding of substantial doubt concerning the institution's ability to continue.

i. Delete requirement that 40% of faculty members who do not have full-time appointments should have part-time, rather than adjunct, appointments.

j. Revise the council's institutional approval standards concerning library resources to eliminate quantitative requirements and rely on the institution's demonstration of the adequacy of library resources. Benchmarks used by the council staff in evaluating adequacy will be contained in the council's institutional approval guidelines.

6. Require a new institution requesting authorization to enroll students or an existing institution requesting authorization to enroll students in a new degree program

to demonstrate compliance with the council's standard for curriculum.

7. Eliminate the requirement of a site visit to an in-state or out-of-state institution for every new program or new site. Institutions will still be required to submit an application demonstrating compliance with the council's institutional approval standards. Site visits to verify compliance will be conducted only as necessary.

8. Clarify that an out-of-state institution must offer the same programs at its home campus as it offers in Virginia.

9. Clarify that an out-of-state institution must receive approval from the council before opening a new site in Virginia.

10. Eliminate the five-year renewal of approval for out-of-state institutions offering degree programs or courses in Virginia. Out-of-state institutions will be required to submit an annual report of activity in Virginia which may include information such as the volume of the institution's activity in Virginia, compliance with the council's standards for institutional approval, and student outcomes data. If the annual report raises concerns about the institution's compliance with the council's approval standards, reapplication for approval may be required.

11. Provide for council action on institutional approval requests on a quarterly basis in the months of January, April, July, and October. Set deadlines for submission of applications.

12. Amend the provisions dealing with applications and approvals pending on the effective date of the revised institutional approval regulations.

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

Agency Contact: Copies of the regulation may be obtained from M. Elizabeth Griffin, State Council of Higher Education for Virginia, James Monroe Building, 101 North 14th Street, Richmond, VA 23219, telephone (804) 225-2634.

8 VAC 40-30-10. Definitions.

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

"Adjunct faculty" means a person who is employed by an institution to teach no more than two courses during only one semester, quarter, or equivalent term during an academic year.

"CIP code number" means the six-digit Classification of Instructional Programs number assigned to each discipline speciality.

"Council" means the State Council of Higher Education for Virginia.

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"Course for degree credit" means a single course whose credits are applicable to the requirements for earning a degree, diploma, or certificate.

"Degree" means any earned award at the associate, baccalaureate, master's, first professional, or doctoral level which represents satisfactory completion of the requirements of a program or course of study or instruction beyond the secondary school level and includes certificates and specialist degrees when such awards represent a level of educational attainment above that of the associate degree level.

"Degree program" means a curriculum or course of study that leads to a degree in a discipline [or interdisciplinary] speciality and normally is identified by a six-digit CIP code number.

"Diploma" or "certificate" means an award which represents a level of educational attainment at or below the associate degree level and which is given for successful completion of a curriculum comprised of two or more courses and applies only to those awards given for coursework offered within Virginia by institutions of higher education which are appropriately approved to offer, either within the Commonwealth or outside the Commonwealth, degrees at the associate, baccalaureate, graduate, or professional level.

"Educational and general (E&G)" means those budget expenditures that are allocated to instruction, research, public service, academic support, libraries, student services, institutional support, operation and maintenance of plant, and scholarships and fellowships. Auxiliary enterprise accounts and mandatory transfer accounts (that is, expenditures that must be made in order to fulfill a binding legal obligation of the institution) are excluded.

"Full-time faculty" means a person whose: (i) employment is based upon an official contract, appointment, or agreement with an institution; (ii) principal employment is with that institution; and (iii) major assignments are in teaching and research. A full-time administrator who teaches classes incidental to administrative duties is not a full-time faculty member.

"In-state institution" means an institution of higher education that is formed, chartered or established within Virginia. For the purposes of approval as a degree-granting institution, an institution incorporated outside Virginia shall be considered a Virginia institution if (i) it is incorporated in a state in which it has no instructional campus, and (ii) it produces clear and convincing evidence that its main or principal campus is located in Virginia.

"Institution" or "institution of higher education" means any person, firm, corporation, association, agency, institute, trust, or other entity of any nature whatsoever offering education beyond the secondary school level which: (i) offers courses or programs of study or instruction which lead to, or which may reasonably be understood to be applicable to, a degree; or (ii) operates a facility as a college or university or other entity of whatever kind which offers degrees or other indicia of level of educational attainment beyond the secondary school level; or (iii) uses the term "college" or "university," or

words of like meaning, in its name or in any manner in connection with its academic affairs or business.

"Instructional faculty" means a person employed by an institution of higher education who is engaged in instructional, research, or related activities.

"Library volume" means a physical unit of any printed or typewritten work that is contained in one binding or portfolio, whether hardbound or softbound, or in microformat, and that has been cataloged, classified, or otherwise prepared for use. Textbooks and other materials regularly used in classroom instruction are excluded from this definition. Single-purpose institutions offering only occupational/technical programs in closely related disciplines may include multi-media materials in this definition.

"One full-time [equivalent] (1.0 FTE) faculty" means a statistical unit equal to either: (i) 15 credit hours of courses taught at the associate degree level or below; (ii) 12 credit hours of courses taught at the bachelor's level or (iii) nine credit hours of courses taught at the master's level or above. Courses taught by administrators, as well as those taught by instructional faculty, shall be included in this calculation.

~~"One full time (1.0 FTE) librarian" or "one full-time equivalent (1.0 FTE) library clerical or support staff"~~ means a statistical unit based on a work schedule of 40 hours per week.

"One full-time equivalent (1.0 FTE) student" means a statistical unit equal to either: (i) 15 hours of degree credit courses each term at the bachelor's level or lower, or (ii) 12 hours of degree credit courses each term at the master's level or higher.

"Out-of-state institution" means an institution of higher education that is formed, chartered or established outside Virginia.

"Part-time faculty" means a person whose: (i) annual employment is based upon an official contract, appointment, or agreement with an institution; (ii) principal employment is with an entity other than that institution; and (iii) teaching assignments include at least one course during at least two terms; within the academic year.

"Program area" means a group of closely related discipline specialties in which two or more degree programs may be offered and normally is identified by the first two digits of a six-digit CIP code number.

"Program of study" means a curriculum of two or more courses that is intended or understood to lead to a degree, diploma, or certificate. It may include all or some of the courses required for completion of a degree program.

"Site" means a location in Virginia where an institution (i) offers one or more courses for degree credit on an established schedule and (ii) enrolls two or more persons who are not members of the same household. If two or more locations are within 30 minutes travel time of one another or within 25 miles of one another, the locations constitute a single site.

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"Standards" or "standards for institutional approval" means the 26 paragraphs composing subdivisions 1 through 27 of subsection A of 8 VAC 40-30-160 of this chapter.

"Telecommunications activity" means any course for degree credit or program of study offered by an institution of higher education or consortium of institutions where the primary mode of delivery to a site is television, video cassette or disc, film, radio, computer, or other telecommunications devices.

8 VAC 40-30-20. Prohibitions.

A. Except as in accordance with this chapter, no person, firm, or institution shall sell, barter, or exchange for any consideration, or attempt to sell, barter, or exchange for any consideration, any degree, diploma, or certificate.

B. No person, firm, or institution shall use, or attempt to use, in connection with any business, trade, profession, or occupation any degree or certification of degree or degree credit, including but not limited to a transcript of coursework, which has knowingly been fraudulently issued, obtained, forged, or materially altered.

C. Unless exempted from the provisions of this chapter pursuant to § 23-266 of the Code of Virginia, no person, firm, or institution may represent that credits earned at or granted by that person, firm, or institution are applicable for credit toward a degree, except under such conditions and in a manner specified and approved by the council in accordance with this chapter.

D. Use of certain terms prohibited.

1. No person, firm, association, institution, trust, corporation, or other entity shall use in any manner, within the Commonwealth of Virginia, the term "college" or "university" or any abbreviation thereof, or any words or terms tending to designate it as, or create the impression that it is, an institution of higher education in its name or title, or in connection with its official business or in any literature, catalogs, pamphlets, or descriptive matter, unless such person, firm, association, institution, trust, corporation, or other entity shall have obtained the appropriate approval, as provided in this chapter, to confer degrees, offer programs or courses for degree credit, or to award or issue certificates or diplomas within the Commonwealth or unless exempted from the provisions of this chapter pursuant to § 23-266 of the Code of Virginia or unless authorized to do so by the director of the council while a request for approval is pending before the council.

2. This subsection shall not apply to any person, firm, association, trust, corporation, or other entity which used the term "college" or "university" openly and conspicuously in its title within the Commonwealth prior to July 1, 1970.

3. For only as long as the provisions of Item 158 D of Chapter 912 of the 1996 Acts of Assembly shall be in effect, this subsection shall not apply to individual proprietorships, associations, copartnerships or corporations which use the words "college" or "university" in their training programs solely for their

employees or customers, which do not offer degree-granting programs, and whose name includes the word "college" or "university" in a context from which it clearly appears that such entity is not an educational institution.

8 VAC 40-30-50. Religious institutions.

A. This chapter shall not apply to any institution of higher education whose primary purpose is to provide religious training or theological education, provided that the institution:

1. Awards only degrees, diplomas, or certificates (i) whose titles indicate the institution's primary purpose plainly upon their face and (ii) which state that the institution is excluded from the requirement of state approval; and

2. States plainly in its catalogs and other publications that (i) the institution's primary purpose is to provide religious training or theological education, (ii) the institution's degrees, diplomas, or certificates are so titled and worded, and (iii) the institution is exempt from the requirement of state approval.

B. The title of each degree, diploma, or certificate awarded by an institution which claims an exemption under the provisions of this section must reflect that the institution's primary purpose is religious education.

1. The titles of religious degrees that may be awarded include, but are not limited to, (i) Bachelor of Christian Education, (ii) Master of Divinity, and (iii) Doctor of Sacred Theology.

2. The titles of secular degrees that may not be awarded in any discipline, including religion, Christian education, and biblical studies, are (i) Associate of Arts, (ii) Associate of Science, (iii) Associate of Applied Science, (iv) Associate of Occupational Science, (v) Bachelor of Arts, (vi) Bachelor of Science, (vii) Master of Arts, (viii) Master of Science, (ix) Doctor of Philosophy, and (x) Doctor of Education.

C. An institution which complies with all of the provisions of subsection A of this section may state in writing to the director of the council that the institution is exempt from the provisions of Chapter 21 (§ 23-265 et seq.) of Title 23 of the Code of Virginia and this chapter. Upon recognition of the institution's claim by the director of the council, the institution thereafter shall not be required to submit to the council any further statement or application for exemption from the requirement of state approval, unless the institution ceases to comply with one or more of the provisions of this section, or unless the institution wishes to be partially exempt under the provisions of 8 VAC 40-30-60 A 6 of this chapter.

D. The council, on its own motion, may initiate formal or informal inquiries to confirm that these regulations are not applicable to a religious institution if the council has reason to believe that the institution may be in violation of the provisions of this section.

1. Any institution which claims an exemption under subsection A of this section on the basis that its primary purpose is to provide religious training or theological education shall be entitled to a rebuttable presumption of the truth of that claim.

2. It shall be the council's responsibility to show that an institution is not exempt under subsection A of this section.
3. The council assumes no jurisdiction or right to regulate religious beliefs under this chapter.
- E. An institution whose claim for exemption under subsection A of this section is denied by the council shall have the opportunity to appeal the council's action in accordance with 8 VAC 40-30-70 [of this chapter].

8 VAC 40-30-60. Institutions, programs, degrees, diplomas, and certificates exempt by council action.

A. Upon a determination by the *director* of the council, as provided in subsection B of this section, the following institutions, programs, degrees, diplomas, and certificates shall be exempt from the provisions of this chapter:

1. Any school subject to the provisions of Chapter 16 (§ 22.1-319 et seq.) of Title 22 22.1 of the Code of Virginia.

a. Included are proprietary schools and other postsecondary nondegree-granting institutions that are licensed by the State Board of Education.

b. A proprietary school or other [postsecondary postsecondary] nondegree-granting institution licensed by the State Board of Education that applies to the council for approval to confer degrees shall continue to comply with the provisions of Chapter 16 (§ 22.1-319 et seq.) of Title 22 22.1 of the Code of Virginia and relevant regulations of the State Board of Education [until such time as the council grants approval to confer degrees].

2. Any honorary degree conferred or awarded by an institution, as long as the degree (i) does not represent the satisfactory completion of all or any part of the requirements of a program or course of study and (ii) is normally regarded as one which is intended to be commemorative in nature in recognition of an individual's contributions to society.

3. Any postsecondary educational course or program of study offered by an institution of higher education at a United States military post or reservation when that course or program is open only to military post personnel or civilians employed by that military post or reservation.

a. Military personnel or civilians employed at one military post or reservation may take courses or programs of study at another military post or reservation without affecting the exemption from this chapter.

b. This exemption shall not apply to an institution that offers a course or program of study at a military post or reservation if:

(1) Civilians who are not employed by the military post or reservation are enrolled in the course or program at that site.

(2) The appropriate military official at the military post or reservation submits a written request to the

director of the council that the institution be subject to this chapter.

4. Any nursing education program offered by an institution to the extent that the program is regulated by the Virginia State Board of Nursing.

a. The *State Virginia* Board of Nursing is the state agency which is authorized to license registered nurses and to approve nursing programs with regard to the adequacy of the curriculum and resources for preparing students to take the licensing examination.

b. To award a degree in nursing, an institution must have obtained prior council approval in accordance with this chapter to award degrees at the appropriate degree level.

5. A professional program for professional or occupational training offered by an institution to the extent that the program is subject to approval by a regulatory board pursuant to Title 54.1 of the Code of Virginia.

6. Any religious degree, certificate, and/or diploma that is awarded by an institution whose primary purpose is to provide religious training or theological education but which also awards secular degrees as defined in subsection B of 8 VAC 40-30-50 of this chapter.

7. A certificate or diploma awarded by an institution on the basis of Continuing Education Unit (CEU) credit, or the equivalent, provided that:
 - a. the institution shall plainly state on the face of the certificate or diploma that the CEU credit is neither intended to be applicable to a degree program nor to be used in place of that for which degree credit is required.

b. The institution, as required by § 23.8.2 [Repealed] of the Code of Virginia, shall register annually with the council any course for CEU credit offered at a Virginia site other than the institution's home campus.

8. Any course or program of study given by or approved by any professional body, fraternal organization, civic club, or benevolent order principally for professional education or advancement or similar purpose and for which no degree or degree credit is awarded.

B. The *director* of the council shall determine the validity of each exemption claimed by an institution as provided by subsection A of this section.

1. An institution of higher education which claims an exemption under the provisions of subsection A of this section shall file with the council such information as may be required by the council either to determine whether the institution is exempt or to ensure that the institution continues to be exempt. The information required by the council shall be strictly limited to that which is necessary and relevant for such purposes.

2. An institution shall indicate in its application for an exemption the specific paragraph in subsection A of this section under which it claims to be exempt and shall certify the specific program or course that qualifies for exemption in accordance with that paragraph.

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8 VAC 40-30-110. Approval required to award certain diplomas and certificates.

An in-state institution must receive approval from the council prior to awarding any type or category of certificate or diploma at or below the associate level unless the institution awarded certificates or diplomas at or below the associate level prior to July 1, 1980. *The council may seek [assistance recommendation] from the Virginia [Department Board] of Education [, pursuant to § 23-267 A 3 of the Code of Virginia] in the review and approval of such certificate or diploma programs.*

8 VAC 40-30-150. Application of the standards.

A. The council's standards for institutional approval are designed (i) to ensure that all institutions of higher education that are subject to this chapter meet minimal academic standards and (ii) to be in the best interests of students who are expending time and money in obtaining postsecondary education and persons who rely on postsecondary degrees, diplomas, and certificates in judging the competence of individuals.

B. Unless otherwise specified, the standards for institutional approval apply only to an institution's site or sites in Virginia.

C. The site visit committee shall have discretion in using the council's standards for institutional approval to evaluate an institution's offering of courses for degree credit, programs of study, or degree programs through nontraditional learning situations, such as [, but not limited to,] (i) practicums, (ii) clinical experiences, (iii) internships, (iv) cooperative work experiences, (v) coursework offered in newspapers or other publications, or (vi) telecommunications activity.

1. The institution must ensure that degree credit is awarded only for actual academic learning which is demonstrated through testing or other appropriate evaluative measures consistent with institutional policy.

2. In recommending approval for an institution's offering of courses for degree credit, programs of study, or degree programs through nontraditional learning situations, the site visit committee [must shall]:

a. Identify any standards for institutional approval that are inapplicable or inappropriate; and

b. State explicitly in its report the reasons for recommending that the institution be approved.

D. In evaluating an institution's information resources and services, the site visit committee shall give due consideration to any library networking arrangements or electronic information services that are available to students and faculty at the institution's Virginia site. In addition, if an out-of-state institution's principal location outside Virginia is within 25 miles of the institution's Virginia site, the library or learning resource center at the institution's principal location may meet the standards (subdivisions 21 through 24 25 of subsection A of 8 VAC 40-30-160 of this chapter) for the provision of information resources and services at the Virginia site.

E. Notwithstanding an institution's failure to comply fully with one or more of the standards for institutional approval, the site visit committee may recommend that the institution be granted approval by the council. In order to make that recommendation, the site visit committee shall:

1. Judge the general educational environment of the institution to be sound because:

a. Demonstrable academic excellence directly compensates for failure to meet certain of the standards; or

b. The history of the institution indicates long-term stability and progress toward meeting the standards in question.

2. Identify in its report the standards that are not met and recommend specific actions to be taken by the institution in order to comply fully with those standards.

8 VAC 40-30-160. Standards for institutional approval.

A. The following standards shall apply to each institution for which council approval is required:

1. The institution shall have a clear, accurate, and comprehensive written mission statement which shall be available to the public upon request. The statement of mission minimally shall include the following items:

a. The history and development of the institution;

b. An identification of any persons, entities, or institutions that have a controlling ownership or interest in the institution;

c. The purpose of the institution, including a statement of the relative degree of emphasis on instruction, research, and public service;

d. A description of the institution's activities including telecommunications activities away from its principal location, including a list of all program areas in which courses are offered away from the principal location;

e. A list of all locations in Virginia at which the institution offers courses, a list of the degree programs currently offered or planned to be offered in Virginia, and the relationship of these programs to the statement of purpose; and

f. The institution's long-range plan (minimally for five years) in subparagraphs subdivisions c, d, and e of [this] paragraph subdivision 1 [of this subsection].

2. The institution shall have a current, written document, available to students and the general public upon request, that accurately states the powers, duties, and responsibilities of:

a. The governing board or owners of the institution;

b. The chief operating officer at each site in Virginia;

c. The principal administrators at each site in Virginia;

d. The faculty at each site in Virginia; and

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- e. The students, if students participate in institutional governance.
3. The institution shall have and maintain, and shall provide to all applicants upon request, a policy document accurately defining the minimum requirements for eligibility for admission to the institution and for acceptance at the specific degree level or into all specific degree programs offered by the institution. In addition, the document shall explain:
- a. The standards for academic credit given for experience;
 - b. The criteria for transfer credit;
 - c. The criteria for refunds of tuition and fees; and
 - d. Students' rights, privileges, and responsibilities.
4. The institution shall maintain records on all enrolled students. These records minimally shall include (i) each student's application for admission, which shall be retained for seven years or until the student's graduation, and (ii) a transcript of the student's academic work, which shall be retained permanently:
- a. *Each student's application for admission and admissions records containing information regarding the educational qualifications of each regular student admitted which are relevant to the institution's admissions standards. Each student record must reflect the requirements and justification for admission of the student to the institution. Admissions records must be maintained for five years [or until the student's graduation, whichever is longer].*
 - b. *Transcript of the student's academic work at the institution, which shall be retained permanently in either hard copy forms or in a database with backup.*
 - c. *A record of student academic progress at the institution including programs of study, dates of enrollment, courses taken and completed, grades, and indication of the student's current status (graduated, probation, etc.); and the student's employment after completion of the program if known.*
- In addition, the institution shall have a written plan for the preservation of students' transcripts by another institution or agency, as well as for access to the transcripts, in the event of institutional closure or revocation of approval to operate in Virginia.
5. The institution shall provide to prospective students and applicants for admission basic information about opportunities for student financial aid, if any. This information shall include, but not be limited to:
- a. The institution's policies regarding student financial aid;
 - b. The financial aid programs currently available at the institution; and
 - c. The eligibility requirements and student obligations for the receipt of financial aid.
- a. *Types of federal, state, local, private and institutional aid offered to students at the institution. If students at a Virginia site of an out-of-state institution have different types of financial aid available to them than do students at the institution's principal location, the institution shall provide to prospective and enrolled students at the Virginia site specific information about such differences and the financial aid programs available to them;*
- b. *Description of the financial aid application process and the method for determining student eligibility for aid;*
- c. *Methods and schedules used to determine and disburse financial aid to students; and*
- d. *Statement of the rights and responsibilities of financial aid recipients including:*
- (1) *Terms and conditions of any employment included in a financial aid package;*
 - (2) *Statement regarding the necessity of loan repayment;*
 - (3) *Conditions under which a student may receive a deferral or partial cancellation of his loan debt;*
 - (4) *Standards of academic progress required of students for continued participation in federal financial aid programs; and*
 - (5) *Procedures for students to reestablish eligibility for federal financial aid programs.*
6. The institution shall have adequate procedures for evaluating institutional effectiveness including a written plan for curriculum development and evaluation. The plan shall:
- a. Explain how each degree level or degree program is consistent with the mission of the institution;
 - b. State the planned head count and full-time equivalent student enrollments for each proposed program; and
 - c. Specify the process for evaluating each degree level or program once initiated. *The institution shall determine the expected results of each program offered in Virginia and shall describe how the level of achievement of the results will be measured. An effective program to evaluate institutional program effectiveness will usually require the use of a variety of procedures. The institution shall ensure that full-time faculty with training in appropriate fields are involved in curricular planning and development. The institution's evaluation process should also involve participation by students and administration. An institution's procedure to assess institutional and program effectiveness shall include the following:*
- (1) *Identification of a clearly defined purpose and goals for each degree program offered in Virginia,*
 - (2) *Procedures for assessing the extent to which the educational goals are being achieved, and*

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- (3) The documented use of the results of these evaluations to improve the degree programs offered in Virginia.
7. The institution shall ensure that full-time faculty with training in appropriate fields are involved in curricular planning and development. If an out-of-state institution does not provide for the planning and development of curricular offerings at each site in Virginia, that planning and development shall occur regularly at the institution's principal location outside Virginia.
8. 7. a. The institution shall establish and maintain publish in the institutional catalog minimum requirements for the satisfactory completion of each degree level and program. The requirements of each degree program shall be consistent with those generally expected for its degree level and discipline.
- b. In addition, All degree programs at the associate and baccalaureate levels, unless exempt from this chapter to the extent specified in paragraphs subdivisions 4 and 5 of subsection A of 8 VAC 40-30-60, shall include the following curriculum components:
- a. (1) For terminal occupational/technical programs leading to the Associate of Occupational Science (A.O.S.) degree, general education courses composing at least 10% of the total credit hours required for the degree;
- b. (2) For terminal occupational/technical programs leading to the Associate of Applied Science (A.A.S.) degree, general education courses composing at least 25% of the total credit hours required for the degree;
- c. (3) For all college-transfer associate degree programs and all baccalaureate degree programs, (i) general education courses composing at least 25% of the total credit hours required for the degree and (ii) required courses in the major field of study composing no more than 50% of the total credit hours required for the degree in a specific discipline.
- d. c. As an alternative to subparagraphs a through c of this paragraph subdivision 7 b of this subsection, a program curriculum in a specific discipline that meets or exceeds the curriculum specifications promulgated or endorsed by a reputable professional association or a recognized programmatic accreditation agency recognized by the U.S. Department of Education.
9. 8. a. The institution shall ensure that:
- a. (1) All instructional courses for degree credit normally require a minimum of 15 class contact hours for each semester credit hour or a minimum of 10 class contact hours for each quarter credit hour, or the equivalent; and
- b. (2) The elective and required courses for each program are offered on a schedule and in a sequence that enables both full-time and part-time students to complete the program in a reasonable period of time.
- b. As an alternative to subdivision 8 a of this subsection, an institution shall demonstrate that the number of credit and contact hours required for a program is sufficient in relation to the stated objectives of the program. To demonstrate this requirement, an institution shall document at a minimum that the length of its programs:
- (1) Conforms with the applicable accreditation standards for program length; or
- (2) Corresponds to the average length of similar programs in the state.
10. 9. The institution shall state in its catalog and other appropriate publications:
- a. The minimum requirements for satisfactory completion of each degree level and degree program;
- b. If the institution offers programs leading to the Associate of Applied Science (A.A.S.) or Associate of Occupational Science (A.O.S.) degree, that these programs are terminal occupational/technical programs and their credits generally are not applicable to other degrees;
- c. A course description of each required or elective course offered by the institution; and
- d. The academic schedule for the period covered by the publication.
10. All institutions shall ensure that recruitment personnel are providing prospective students with current and accurate information on the institution through the use of written materials and in oral admissions interviews.
- a. An institution using job placement data in its promotions shall provide prospective students with current and accurate information regarding job market statistics, graduation rates, and placement rates to support their assertions.
- b. The institution shall ensure that all institutional officials accurately represent the transferability of any courses or programs and state if any of the associate degrees offered by the institution are considered terminal degrees.
- c. All institutions shall certify that on an annual basis an appropriate administrative officer shall review the content and accuracy of all recruiting information before the use of such information.
11. The institution shall have a current, written policy on faculty accessibility which shall be distributed to all students. The institution shall ensure that instructional faculty are accessible to students for academic advising at stated times outside regularly scheduled class hours at each site where a course is offered and throughout the period during which the course is offered. The institution's policy on accessibility of faculty shall be current, written, and distributed to students.
12. An institution shall publish and make available to all students the institution's grievance policies and

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procedures regarding the receipt, investigation, and resolution of student complaints. These policies must include:

- a. An appropriate time frame for investigating and resolving the complaint;
- b. Safeguards that those persons charged with resolving the complaint are capable of making a fair and impartial judgment;
- c. Procedures to ensure that a student will not be subject to unfair actions as a result of his initiation of a complaint proceeding; and
- d. The maintenance of records, disposition, and other pertinent information concerning institutional complaints for at least five years.

12. 13. The institution shall provide evidence of its fiscal stability by maintaining an itemized annual budget of past, current, and projected revenues and expenditures for the total institution, regardless of principal location, and for each proposed site in Virginia. Each budget shall:

- a. List all sources of income and all educational and general (E&G) expenditures and specify the dollar amounts and percentages for each component of the budget for the preceding three fiscal years (including the current year) and for the next three fiscal years;
- b. Reflect any projected reallocation of institutional resources to support any new or proposed programs and the anticipated effect of that reallocation on existing programs; and
- c. Identify current and proposed programs that are supported by federal grants and contracts and indicate any alternative sources of funds available to support those programs.

13. 14. a. If the institution has a policy allowing for refunds of tuition and fees to students (see subparagraph c of paragraph 3 subdivision 3 c of this subsection), the institution shall have and maintain:

- a. (1) Either a line of credit or real (including capital) assets of value equal to the amount of total projected revenues from tuition and fees for any given year; or
- b. (2) Either an endowment or reserve funds that are adequate to provide refunds to students; or
- c. (3) A surety bond, issued by a surety company authorized to transact business in Virginia, adequate to provide refunds to students.

b. An institution which meets the requirements of this standard through subdivisions 14 a (2) or (3) of this subsection, shall establish by clear and convincing evidence that its endowment, reserve fund, or surety bond is adequate to cover refunds of tuition and fees.

14. 15. The institution shall demonstrate sound business and financial management by establishing and maintaining all of the following:

- a. An internal organizational arrangement for the administration and management of its financial resources;
- b. An institutional budget planning process; and
- c. Accounting and auditing procedures consistent with those established by the National Association of College and University Business Officers (NACUBO) including conformity with generally accepted accounting principles. If the audit raises a substantial doubt concerning the institution's ability to continue as a going concern or an adverse audit option, the institution shall be prepared to rebut such findings through clear and convincing evidence.

15. 16. The institution shall allocate a portion of its annual educational and general (E&G) budget to the instruction category. The minimum amount spent annually for instruction shall be [±a] at least 20% [30% 20%] of the total E&G budget [; or as defined in 8 VAC 40-30-10.]

[b. At or above the 25th percentile for member institutions of the Southern Association of Colleges and Schools (SACS) at the institution's degree level and enrollment category.]

16. 17. The institution shall ensure that each full-time, part-time, or adjunct instructional faculty member holds appropriate academic credentials in the program area or discipline in which the faculty member teaches. Each instructional faculty member shall either:

- a. Possess one or more degrees in an appropriate discipline; or
- b. As an alternative to formal academic credentials, demonstrate competence by virtue of prior experience or academic training, or both, which are related to the field in which the instruction will be offered.

17. 18. The institution shall ensure that each full-time, part-time, or adjunct instructional faculty member holds academic credentials appropriate to the degree level of the program or programs in which the faculty member teaches.

a. All instructional faculty teaching in a terminal occupational/technical program leading to the Associate of Applied Science (A.A.S.) or Associate of Occupational Science (A.O.S.) degree shall:

- (1) If teaching general education courses, hold a baccalaureate degree plus at least 18 graduate credit hours in the discipline being taught.
- (2) If teaching occupational/technical courses, hold either (i) an associate degree or (ii) qualify for a faculty appointment by virtue of scholarly or professional achievements.

b. All instructional faculty teaching in a college-transfer program at the associate level shall:

- (1) If teaching general education courses or in programs in the liberal arts and sciences, hold a

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baccalaureate degree plus at least 18 graduate credit hours in the discipline being taught.

(2) If teaching occupational/technical courses, either (i) hold a baccalaureate degree or (ii) qualify for a faculty appointment by virtue of scholarly or professional achievements.

c. An institution that offers one or more degree programs at the baccalaureate level shall ensure that at least one-third of the instructional faculty, including at least one instructional faculty member teaching in each program, shall hold a doctoral or other terminal degree. All other instructional faculty members who teach in programs at the baccalaureate level shall either:

(1) Hold a master's degree; or

(2) Qualify for a faculty appointment by virtue of scholarly or professional achievements.

d. All instructional faculty teaching in a program at the master's, first professional, or doctoral level shall either:

(1) Hold a doctoral or other terminal degree; or

(2) Qualify for a faculty appointment by virtue of scholarly or professional achievements.

18. 19. The institution's instructional faculty at each site shall hold either full-time, part-time, or adjunct appointments.

a. [#] At least 50% of the instructional faculty at each site shall hold full-time appointments; , or b. [#]

b.] At least one full-time faculty member shall be teaching in each program at each site [; and .]

e. [b. At least 40% of the instructional faculty teaching courses in the liberal arts and sciences at each site who do not hold full-time appointments shall hold part-time appointments.]

19. 20. The institution shall have at each site not less than 1.0 full-time equivalent (FTE) faculty per 25 full-time equivalent (FTE) students.

20. 21. The institution shall disclose to the instructional faculty whatever policies may exist regarding faculty:

a. Selection and evaluation;

b. Promotion, tenure, and termination;

c. Salaries and fringe benefits;

d. Development programs and sabbaticals;

e. Academic freedom; and

f. Rights, privileges, and responsibilities.

21. 22. The institution shall ensure that its library or learning resource center is accessible to students and faculty a sufficient number of hours, including stated times outside regularly scheduled class hours, at each site where coursework is offered and throughout the period during which the coursework is offered. The

institution's policy on accessibility to the library shall be current, written, and made available to students and faculty.

22. 23. The institution shall have in the library or learning resource center at each site: *professional library staff, clerical support, and technical support to provide adequate library services.*

a. Sufficient professional library staff to provide adequate library services; and

b. At least 1.0 full-time equivalent (FTE) clerical or other support staff, including student assistants, for each 1.0 FTE professional or paraprofessional librarian.

23. The institution shall have at each site an organized library or learning resources collection containing a minimal number of library volumes sufficient to meet the academic needs of the projected full-time equivalent (FTE) students, FTE faculty, and programs being offered at the site. The minimal number of volumes that must be accessible on the date when the first students are enrolled shall depend upon the highest degree level offered at the site.

a. An institution that offers degree programs at the associate level only shall have at least the minimum number of library volumes derived by the following formula:

(1) Basic collection	8,500 volumes
(2) For each FTE faculty member	50 volumes
(3) For each FTE student	6 volumes
(4) For each degree program	165 volumes

b. An institution that offers degree programs at the baccalaureate level or above shall have at least the minimum number of library volumes derived by the following formula:

(1) Basic collection	10,150 volumes
(2) For each FTE faculty member	100 volumes
(3) For each FTE student	12 volumes
(4) For each bachelor's degree program	335 volumes
(5) For each master's degree program	3,050 volumes
(6) For each doctoral degree program	24,500 volumes

24. An institution shall have and maintain adequate library resources for all programs offered in Virginia. Library resources shall be judged to be adequate if the council staff determines that the collection is appropriate for the achievement of the institution's mission and the stated objectives of the degree programs and is comparable to that which is normally expected in the education community for such degree programs. An institution offering graduate-level programs shall have

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library resources of sufficient variety and depth to support substantial student and faculty research.

~~24.~~ 25. The institution shall allocate a ~~an~~ adequate portion of its annual educational and general (E&G) budget to library or learning resource services. The minimum amount spent annually for these services shall be:

- a. Sufficient to support the staffing requirements of paragraph 22 of this subsection and to purchase materials resulting in at least a 5.0% annual increase in the number of library volumes before withdrawal; or
- b. At least 5.0% of the institution's total Educational and General (E&G) budget; or
- c. At or above the 25th percentile for member institutions of the Southern Association of Colleges and Schools (SACS) at the institution's degree level and enrollment category.

~~25.~~ As an alternative to paragraphs 21 through 24 of this subsection, an institution may make contractual or other formal arrangements with another institution of higher education for library or learning resource services that will meet the requirements of paragraphs 21 through 24 of this subsection. The institution of higher education providing those services by contract or other formal agreement shall:

- a. Be located within 30 minutes travel time or within 25 miles of the site of the institution contracting for the services;
- b. Be fully accredited by an accrediting body recognized by the U.S. Department of Education at the degree level of the programs offered by the contracting institution; and
- c. Offer one or more comparable programs at the degree level of the programs offered by the contracting institution.

~~26.~~ An institution may cooperate with other institutions to share library resources and computerized informational resources.

a. An in-state institution shall use such sharing arrangements only to supplement the basic library services provided by the institution and not to demonstrate compliance with subdivisions 22 through 25 of this subsection.

b. An out-of-state institution may provide library resources on-site or through electronic resources and links to its principal campus. As an alternative to subdivisions 22 through 25 of this subsection, an out-of-state institution may provide a copy of a formal written agreement with another institution of higher education for physical library resources or electronic resources. The institution of higher education providing such contracted services shall:

- (1) Be fully accredited by an accrediting body recognized by the U. S. Department of Education at

the degree level of the programs offered by the contracting institution;

(2) Offer one or more comparable programs at the degree level of the programs offered by the contracting institution; and

(3) If providing physical resources, be located within 30 minutes travel time or within 25 miles of the site of the institution contracting for the services;

~~26.~~ 27. The institution, through ownership, leasehold, or other contractual arrangements, shall provide adequate classroom and laboratory space, library space, and faculty and administrative offices to support the instructional activities at each site.

B. An institution may comply with paragraphs *subdivisions 1, 3, 5, 9, 11, 20, and 12, 21, and 22* of subsection A of this section by publication of the information specified in those *paragraphs subdivisions* in the institution's catalog or bulletin.

C. An institution may charge the public a reasonable fee to recover the costs of providing any information that must be available to the public in accordance with subsection A of this section.

8 VAC 40-30-180. Application by a new institution for approval to confer degrees.

A. A new in-state institution must receive authorization from the council before either (i) using the term "college" or "university" or similar term as defined by *paragraph subdivision 1* of subsection D of 8 VAC 40-30-20 of this chapter or (ii) publicizing its intent to enroll students into courses in one or more programs leading to degrees at a specified level. The *director of the council* shall grant the required authorization upon submission by the chief executive officer of the institution of the following items:

1. A copy of the institution's certificate from the Virginia State Corporation Commission authorizing the institution to transact business in the Commonwealth;
2. A statement of institutional mission that includes all the information specified in *paragraph subdivision 1* of subsection A of 8 VAC 40-30-160 of this chapter;
3. A written unconditional assurance that:
 - a. The chief executive officer has reviewed this chapter *these regulations*;
 - b. The institution will seek to meet all of the standards for institutional approval prior to conferring the first degrees to students to be enrolled in courses at the degree level for which approval is sought; and
 - c. The institution, until such time as it receives approval from the council to confer degrees, will clearly state in all of its publications, promotional materials sent to prospective students, and enrollment agreements, as required by subsection C of 8 VAC 40-30-30 of this chapter, that it is not approved by the council and will be able to confer degrees only if and when it receives appropriate approval from the council.

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B. A new in-state institution that has received authorization from the council to use the term "college" or "university" or similar term and to advertise must receive authorization from the council before enrolling any student into a course for degree credit.

1. No later than two years after receiving initial authorization in accordance with subsection A of this section, the institution must request authorization to enroll students by submitting the following items:

a. Evidence that the institution complies with paragraphs *subdivisions 1, 2, 3, 4, 5, 6 b, [7,] 11, 12, 13, 16, 17, 19 18, 20, and 20 21* of subsection A of 8 VAC 40-30-160 of this chapter; and

b. A plan for ensuring that adequate library services and facilities, as required by paragraphs ~~21~~ *subdivisions 22 through 26 27* of subsection A of 8 VAC 40-30-160 of this chapter, will be available to support the proposed programs.

2. Failure of an institution to request authorization to enroll students within two years following initial authorization by the council in accordance with subsection A of this section shall result in revocation of that authorization by the council except for good cause shown.

C. A new in-state institution that has received authorization to enroll students in accordance with subsection B of this section must submit to the council (i) a complete application for approval and (ii) a request for a site visit in accordance with subsection B of 8 VAC 40-30-300 of this chapter.

1. The institution must demonstrate in its application that it complies with all the requirements in subsection A of 8 VAC 40-30-160 of this chapter.

2. The institution must submit its application and request for a site visit at a time no later than the earlier of the two following dates:

- a. The midpoint between enrolling the first student and conferring the first degree; or
- b. Two years after receiving the authorization to enroll students.

3. Failure of the institution to submit its application and request for a site visit to the council within the time limits specified in paragraph *subdivision 2* of this subsection shall result in revocation by the council of the institution's authorizations in accordance with subsections A and B of this section except for good cause shown.

8 VAC 40-30-190. Application by an existing institution for approval to confer degrees at a new level or in a new program area.

A. An existing in-state institution that seeks to confer degrees at a degree level or in a new program area for which it does not hold approval must receive authorization from the council before enrolling any student into a course for degree credit at a new level or in a new program area.

1. The institution may request authorization to enroll students at the new level or in the new program area by submitting the following items:

a. Evidence that the institution complies with *paragraphs subdivisions 1, 2, 3, 4, 5, 6 b, [7,] 11, 12, 13, 16, 17, 19 18, 20, and 20 21* of subsection A of 8 VAC 40-30-160 of this chapter; and

b. A statement certifying that the institution has adequate library resources to support the *[courses new degree level or new programs]* to be offered.

2. The institution may forego submitting a request for authorization to enroll students and instead submit (i) a complete application for approval to confer degrees at the new level or in the new program area in accordance with subsection B of this section and (ii) a request for a site visit in accordance with ~~subsection B of 8 VAC 40-30-300 of this chapter~~. An institution that selects this option, however, shall not enroll any student into courses at the new level or in the new program area until and unless the council grants approval to the institution to confer degrees at the new level.

B. An existing in-state institution to which subsection A of this section is applicable shall submit (i) a complete application for approval and (ii) a request for a site visit in accordance with ~~subsection B of 8 VAC 40-30-300 of this chapter~~.

1. The institution must demonstrate in its application that it complies with all of the requirements in subsection A of 8 VAC 40-30-160 of this chapter.

2. An institution that has received authorization to enroll students in accordance with paragraph *subdivision 2* of subsection A of this section must submit its application and request for a site visit at a time no later than the earlier of the two following dates:

- a. The midpoint between enrolling the first student and conferring the first degree at the new level or in the new program area; or
- b. Two years after receiving the authorization to enroll students.

3. Failure of the institution to submit its application and request for a site visit to the council within the time limits specified in paragraph *subdivision 2* of this subsection shall result in revocation by the council of the institution's authorization to enroll students in accordance with subsection A of this section except for good cause shown.

8 VAC 40-30-200. Application by an existing institution for approval to confer degrees in additional programs within an existing program area.

A. An existing in-state institution that holds approval to confer degrees in one or more programs within a specific program area must receive approval from the council before conferring degrees in additional programs within that program area.

1. An institution that (i) holds full accreditation from an appropriate accrediting body recognized by the U.S. Department of Education and (ii) has received a site visit from either the council or an appropriate accrediting body within three years prior to submitting its application may apply for approval to offer the additional programs in accordance with subsection B of this section.
 2. An institution to which paragraph *subdivision 1* of this subsection is inapplicable shall apply for approval to offer the additional programs in accordance with 8 VAC 40-30-190 of this chapter.
 - B. An institution that meets the requirements of paragraph *subdivision 1* of subsection A of this section shall submit an abbreviated application for approval of the additional programs. The application shall contain evidence that the institution complies with paragraphs *subdivisions 7, 8, 9, 10, 12, 16, 13, 17, 19, 18, 20, and 26* of subsection A of 8 VAC 40-30-160 of this chapter.
- 8 VAC 40-30-240. Application for approval to operate at a new site.**
- A. An out-of-state institution must receive approval from the council prior to offering any instruction for degree credit at a site in Virginia. The institution must submit an application for approval to the council for each course for degree credit, program of study, or degree program including certificate and diploma programs at or below the associate level to be offered at a site. The application shall include all of the following items:
 1. A copy of the institution's certificate from the Virginia State Corporation Commission, as required by 8 VAC 40-30-220 of this chapter; .
 2. A written unconditional assurance that:
 - a. Each course, program of study, or degree, diploma, or certificate program proposed to be offered in Virginia has been approved by the governing board of the institution, and, if applicable, by the appropriate state agency in the state where the main campus of the institution is located; .
 - b. The institution has been approved as necessary by the appropriate state agency, if any, in the state where the main campus of the institution is located to:
 - (1) Offer degree, diploma, or certificate programs at the level for which credit is proposed to be awarded in those programs in Virginia; and
 - (2) Offer degree programs outside the state where the main campus is located.
 - c. Any credit earned in Virginia can be transferred to the institution's principal location outside Virginia as part of an existing degree, diploma, or certificate program offered by the institution.
 - d. *The institution offers the same program at the same level at its principal location outside Virginia that it seeks to offer in Virginia.*
 3. All materials specified in either subsection B or C of this section, depending upon the scope of the instruction to be offered at the Virginia site.
- B. An out-of-state institution that seeks to offer either (i) one or more programs of study whose total number of courses constitute more than 25% of the number required for completion of a particular degree program or program level or (ii) one or more degree programs at a site in Virginia must receive approval from the council for each program of study or degree program to be offered at that site.
 1. The institution must submit an application for approval that includes all of the following items:
 - a. The materials specified in subsection A of this section; and
 - b. Evidence that the institution complies with all of the requirements in subsection A of 8 VAC 40-30-160 of this chapter.
 2. The institution shall not enroll any student at the site until and unless the council, in accordance with Article 2 of Part VI of this chapter (8 VAC 40-30-320 et seq.), has granted approval to the institution to offer specific programs of study or degree programs at that site.
 - C. An out-of-state institution that seeks to offer only courses for degree credit at a Virginia site, provided that the cumulative total number of courses offered at the site during the time the institution operates in Virginia shall not exceed 25% of the total number of courses required for completion of a particular program or degree level, must receive authorization from the council to offer courses for degree credit prior to enrolling any student at the site.
 1. The institution must submit an application for authorization to enroll students in courses for degree credit that includes all of the following items:
 - a. The materials specified in subsection A of this section;
 - b. Evidence that the institution complies with paragraphs *subdivisions 1, 2, 3, 4, 5, 6 b, 11, 13, 16, 14, 17, 19, 18, 20, 21, and 26* of subsection A of 8 VAC 40-30-160 of this chapter; and
 - c. Written assurance that the institution has adequate library resources at the site to support the courses to be offered.
 2. Failure of an out-of-state institution, which has received authorization from the council in accordance with subsection B of 8 VAC 40-30-320 of this chapter, to enroll students in degree courses during any of the semesters or terms during an academic year shall result in revocation by the council of that authorization.
 - D. *An out-of-state institution that has approval from the council to operate one or more sites in Virginia must receive approval from the council before offering programs or courses at additional sites in Virginia. The institution shall submit an application for approval of any new site in accordance with subsection A of this section.*

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8 VAC 40-30-250. Application for approval to offer additional programs of study or degree programs at an established site.

A. An out-of-site institution that holds approval to offer one or more programs of study or degree programs at a Virginia site must receive approval from the council prior to enrolling any students in new or additional programs of study or degree programs at that site.

B. An out-of-state institution that seeks to offer one or more programs of study or degree programs, in a different program area from one in which it offers an approved program of study or degree program, must submit a complete application for approval that shall include all of the following items:

1. The written unconditional assurance specified in paragraph *subdivision 2* of subsection A of 8 VAC 40-30-240 of this chapter; and

2. Evidence that the institution complies with paragraphs *subdivisions 1, 2, 3, 4, 5, 6 b, 7, 8, 11, 13, 14, 17, 18, 19, 20, 21, 22 through 24 or 25 or 26, and 26 27* of subsection A of 8 VAC 40-30-160 of this chapter.

C. An out-of-state institution that seeks to offer one or more additional programs of study or degree programs, in a program area in which it offers an approved program of study or degree program, must submit an abbreviated application for approval to offer the additional programs of study or degree programs. The application shall contain evidence that the institution complies with paragraphs *subdivisions 7, 8, 9, 10, 12, 16 13, 17, 19 18, 20 and 26 27* of subsection A of 8 VAC 40-30-160 of this chapter.

8 VAC 40-30-290. Council staff review of applications.

A. The council staff will review all applications for approval that are submitted by institutions in accordance with Part V [of this chapter] (8 VAC 40-30-170 et seq.) [of this chapter]. The staff will verify that each application:

1. Contains all items specified in the applicable section of Part V of this chapter; and

2. Demonstrates that the institution is in substantial compliance with those standards, included in 8 VAC 40-30-160 of this chapter, that are specified in the applicable section of Part V of this chapter.

B. The council staff will review an institution's plan, submitted according to 8 VAC 40-30-180 or 8 VAC 40-30-190, for the provision of adequate library services and facilities and will consult with the institution regarding the sufficiency of that plan prior to making a recommendation for action by the council.

B. C. If an application is in good order, the council staff will prepare a report with recommendation for council action, as specified in 8 VAC 40-30-300 of this chapter.

8 VAC 40-30-300. Council staff recommendations to council for action on applications.

A. The council staff will prepare a report, containing a description of institutional compliance with this chapter and a recommendation for action by the council, in response to: 1. an application for authorization to enroll students in courses

for degree credit, submitted by an institution in accordance with subsection B of 8 VAC 40-30-180, subsection A of 8 VAC 40-30-190, or subsection C of 8 VAC 40-30-240 of this chapter.

2. An application for approval to offer one or more additional degree programs in a new program area, submitted by an institution in accordance with either subsection B of 8 VAC 40-30-200 or subsection C of 8 VAC 40-30-250 of this chapter.

B. The council staff will prepare a report in response to an application for approval to confer degrees or to offer degree programs, made by an institution in accordance with subsection C of 8 VAC 40-30-180, subsection B of 8 VAC 40-30-190, subsection B of 8 VAC 40-30-200, 8 VAC 40-30-210, subsection B of 8 VAC 40-30-240, or subsection D of 8 VAC 40-30-240, subsection B of 8 VAC 40-30-250, or subsection C of 8 VAC 40-30-250 of this chapter.

1. Before preparing a report, the council staff will shall organize a site visit committee to visit the Virginia site where the institution offers the degree instruction for which council approval is sought if the institution has submitted an application for approval in accordance with 8 VAC 40-30-180 C, 8 VAC 40-30-210, or 8 VAC 40-30-240 B. All other site visits shall be conducted only if, in the council staff's judgment, a site visit is necessary.

a. The principal task of the site visit committee will be to verify that the institution complies with the council's standards for institutional approval at the site and to report its findings to the council.

b. The site visit committee shall be composed of:

(1) One or more persons who are qualified by academic training or professional experience to verify the institution's compliance with the council's standards for approval, and, as applicable, to evaluate the institution's activities in accordance with 8 VAC 40-30-150 [of this chapter].

(2) A member of the council staff who shall serve as chairman of the committee.

c. The site visit will be scheduled at a time which is mutually convenient to the institution and the council but shall be conducted no later than three months prior to the date when the first student would complete any degree program for which approval is sought.

d. The institution shall pay the reasonable expenses associated with the site visit.

2. Following a site visit to the institution's Virginia site, the council staff will prepare a report that contains:

a. A signed report by the site visit committee; and

b. A recommendation by the council staff for action by the council in response to the institution's application.

C. A draft of a staff report prepared in accordance with subsection A or B of this section will be provided to the institution for correction of factual errors and comment. The staff report and any institutional comments then will be

presented to the council for action on the institution's application.

8 VAC 40-30-340. Authorization to enroll students in degree courses.

A. The council, in response to an application by an in-state institution and upon recommendation by the council staff, may authorize the institution to enroll students in degree courses.

1. The council will authorize a new in-state institution to enroll students in degree courses, pending the submission by the institution of a complete application for approval in accordance with subsection C of 8 VAC 40-30-180 of this chapter.

2. The council will authorize an existing in-state institution to enroll students in degree courses at a new degree level or in a new program area, pending the submission by the institution of a complete application for approval in accordance with subsection B of 8 VAC 40-30-190 of this chapter.

B. The council, in response to an application by an out-of-state institution and upon recommendation by the council staff, may authorize the institution to enroll students in degree courses to the extent provided by subsection C of 8 VAC 40-30-240 of this chapter.

1. The authorization to enroll students shall be for a term of five years.

2. The institution may request an extension of the authorization by submitting to the council a new application in accordance with paragraph 1 of subsection C of 8 VAC 40-30-240 of this chapter. The new application must be received by the council no later than 60 days prior to the expiration of the institution's current term of authorization.

8 VAC 40-30-350. Approval of an in-state institution to confer degrees.

A. The council, in response to an application by a new in-state institution and upon recommendation by the council staff, may grant approval to the institution to confer degrees at a specified level or in specific degree programs or program areas at a particular degree level. The council may specify certain conditions under which approval is granted and may stipulate requirements to be fulfilled by the institution during the term of approval.

1. The council will grant provisional approval to the institution if it is in substantial compliance with the council's standards for institutional approval, subject to the following conditions:

a. The institution shall complete, in the manner and during the time period stipulated by the council, any actions that may be required in order to come into full compliance with the council's standards.

b. The institution shall make satisfactory progress toward gaining accreditation from an appropriate accrediting agency recognized by the U.S. Department of Education.

(1) The institution normally shall seek accreditation from an accrediting body recognized by the U.S. Department of Education as an institutional accrediting agency.

(2) If the institution offers degree programs at the baccalaureate level or above and in only one discipline, it may seek accreditation from an accrediting agency recognized by the U.S. Department of Education as a programmatic accrediting agency for that discipline.

(3) The council shall determine the appropriateness of the accrediting agency from which the institution will seek accreditation.

(4) In addition to the other accreditation requirements stated in this subparagraph, if the institution offers a degree program or course of study to prepare students for a profession or occupation which is licensed by a regulatory board pursuant to Title 54.1 of the Code of Virginia, the institution shall seek any accreditation for the degree program or course of study that may be required by the regulatory board.

c. The initial term or provisional approval shall be for five years. The council shall grant an extension of provisional approval for an additional five-year term only if the institution:

(1) Has gained Candidate for Accreditation status with an appropriate accrediting agency and has reasonable expectations of gaining full accreditation before the end of the second five-year term [*or professional of provisional*] approval; or

(2) Submits evidence to the council that it has reasonable expectations of gaining Candidate for Accreditation status with an appropriate accrediting agency within one year and of gaining full accreditation before the end of the second five-year term of provisional approval.

2. The council may grant full approval to the new in-state institution to confer degrees when it is in full compliance with this chapter and holds full accreditation from an appropriate accrediting agency recognized by the U.S. Department of Education.

B. The council, in response to an application by an existing in-state institution and upon recommendation by the council staff, may grant approval to the institution to confer degrees at a new level or in specific new degree programs or program areas at a particular degree level. The council may specify certain conditions under which approval is granted and may stipulate requirements to be fulfilled by the institution during the term of approval.

1. The council will grant provisional approval to the institution if it is in substantial compliance with the council's standards for institutional approval, subject to the following conditions:

a. The institution shall complete, in the manner and during the time period stipulated by the council, any

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actions that may be required in order to come into full compliance with the council's standards.

b. The institution shall make satisfactory progress toward gaining accreditation for the new degree programs.

(1) The institution normally shall seek the additional accreditation from the recognized accrediting body with whom it holds institutional accreditation.

(2) If the institution offers a new degree program in a discipline that is accredited by a recognized programmatic accrediting agency, the council may stipulate that the institution seek accreditation for the program from the appropriate accrediting agency.

c. The initial term of provisional approval shall be for five years. The council will grant an extension of provisional approval for an additional five-year term only if the institution submits evidence to the council that it has reasonable expectations of gaining appropriate full accreditation for the new degree programs by the end of the second five-year term of provisional approval.

2. The council may grant full approval to the institution when it is in full compliance with this chapter and holds full accreditation from an appropriate accrediting agency for the new programs.

C. The council, in response to an application from an existing in-state institution and upon recommendation by the council staff, may grant full approval to an existing in-state institution to offer additional degree programs in a program area for which it holds approval to confer degrees.

8 VAC 40-30-360. Approval of an out-of-state institution to offer programs of study or degree programs.

A. The council, in response to an application by an out-of-state institution and upon recommendation by the council staff, may grant approval to the institution to offer one or more programs of study or degree programs at a new site in Virginia. The council may specify certain conditions under which approval is granted and may stipulate requirements to be fulfilled by the institution during the term of approval.

1. The council will grant conditional approval to the institution if the institution's application, made in accordance with subsection B of 8 VAC 40-30-240 of this chapter, demonstrates that the institution is in substantial compliance with the council's standards for institutional approval at the site.

a. The term of conditional approval shall be for not more than two years.

b. During the term of conditional approval, the council staff, in accordance with subsection B of 8 VAC 40-30-300 of this chapter, shall conduct a site visit to the institution's Virginia site and prepare a report and recommendation for council action.

c. If the site visit committee determines that the institution fails to comply with one or more of the

council's standards but can quickly come into full compliance with those standards, the council may grant a 90-day extension of conditional approval with stipulations of actions to be taken by the institution. During the 90-day term, the institution must comply with all the stipulations and demonstrate full compliance with the council's standards.

2. The council will grant full approval to the institution to offer one or more programs of study or degree programs at the new site when the institution is in full compliance with this chapter.

a. The term of full approval shall be for five years.
b. The institution may request an extension of approval by submitting to the council a new application in accordance with subsection B of 8 VAC 40-30-240 of this chapter. The new application must be received by the council no later than 60 days prior to the expiration of the institution's current term of full approval.

B. The council, in response to an application by an out-of-state institution and upon recommendation by the council staff, may grant approval to the institution to offer one or more courses of study or degree programs in a new program area at a site where the institution holds full approval. The council may specify certain conditions under which approval is granted and may stipulate requirements to be fulfilled by the institution during the term of approval.

1. The council will grant conditional approval to the institution if the institution's application, made in accordance with subsection B of 8 VAC 40-30-250 of this chapter, demonstrate that the institution is in substantial compliance with the council's standards at the site.

2. If the application is submitted during the fourth or fifth year of the institution's current term of full approval at the site, no site visit will be required and the council will grant a term of conditional approval that expires at the same time as the expiration date of the institution's current term of full approval at the site.

3. If the application is submitted before the end of the third year of the institution's current term of full approval at the site, the council will:

a. Grant conditional approval for a term of one year;
b. Require that the institution, during the term of conditional approval, receive a site visit in accordance with subparagraphs b and c of paragraph 1 of subsection A of this section; and
c. Grant full approval, when the institution is in full compliance with this chapter, for a term that expires at the same time as the expiration date of the institution's current term of full approval at the site.

C. The council, in response to an application from an out-of-state institution and upon recommendation by the council staff, will grant full approval to the institution to offer one or more additional programs of study or degree programs in a program area at a site where it holds full approval to offer at least one degree program in that program area. The term of

full approval shall expire at the same time as the expiration date of the institution's current term of full approval at the site.

B. The council, in response to an application by an out-of-state institution [pursuant to 8 VAC 40-30-250] and upon recommendation by the council staff, may grant approval to the institution to offer additional degree programs in a new program area or in an existing program area at a site where the institution holds full approval. The council may specify certain conditions under which approval is granted and may stipulate requirements to be fulfilled by the institution.

C. An out-of-state institution, approved by the council in accordance with 8 VAC 40-30-340 B or subsection A or B of this section, shall be required to submit an annual report of activity in Virginia as instructed by the council. Such report shall be developed by the council to include information such as volume of the institution's activity in Virginia, compliance with the standards for institutional approval, and student outcomes data. On the basis of the annual report, the council staff shall determine if the institution must file an application for renewal of approval [in accordance with 8 VAC 40-30-240 B or C 1. If in the council staff's judgment an application for renewal of that institution's approval is necessary, the council staff shall establish a schedule for renewal to demonstrate compliance with all of the council's institutional approval standards. The council staff shall prepare a report and recommendation for council action on such institution's approval based on the application and, if needed, a site visit to the institution's sites in Virginia].

8 VAC 40-30-365. Schedule for approval.

A. The council shall consider actions for institutional approval quarterly at its meetings for the months of January, April, July, and October unless the council staff requests other council consideration of institutional approval requests.

B. An institution which seeks council action on a request submitted in accordance with Part V (8 VAC 40-30-170 et seq.) of this chapter shall submit [the a complete and accurate] application for such request no later than 45 calendar days before the scheduled meeting of the council. An application that is submitted less than 45 calendar days before the scheduled meeting or that does not satisfactorily address the approval standards by the same deadline shall not be placed on the agenda for the next meeting during which the council considers institutional approval requests, unless the council staff waives the 45-day submission deadline for good cause. The council staff shall have the discretion to determine when an institution's application satisfactorily addresses the council's standards for institutional approval.

8 VAC 40-30-370. Denial, suspension, or revocation of approval.

A. The council, on its own motion, may deny an institution's application to confer degrees or to offer courses for degree credit, programs of study, or degree programs at a Virginia site, if the council determines that the institution has done one or more of the following:

1. Knowingly submitted any material information to the council in connection with its application for approval that is misleading or untrue.

2. Failed to comply with the council's standards for institutional approval, providing that there is clear and convincing evidence of that failure.

3. Publicly made or caused any false or misleading representation that it has complied with any of the requirements of §§ 23-265 through 23-276 of the Code of Virginia and this chapter.

4. Violated any of this chapter these regulations.

5. Willfully refused to furnish the council with any requested information or records demonstrably necessary for the council to carry out its responsibilities in accordance with Chapter 21 (§ 23-265 et seq.) of Title 23 of the Code of Virginia and this chapter.

B. The council, on its own motion, may suspend an institution's approval to confer degrees or to offer courses for degree credit, programs of study, or degree programs at a Virginia site, including any approval or authorization referred to in subsection A of 8 VAC 40-30-80 of this chapter, if the council determines that the institution has done either of the following:

1. Failed to comply with the council's standards for institutional approval, provided that there is clear and convincing evidence of that failure, or the Board of Education [concludes recommends] following review of the institution's certificate and diploma programs below the associate degree level that any of those programs should be discontinued.

2. Failed to maintain full accreditation with an accrediting agency recognized by the U.S. Department of Education.

C. The council, on its own motion, may revoke an institution's approval to confer degrees or to offer courses for degree credit, programs of study, or degree programs at a Virginia site, including any approval or authorization referred to in subsection A of 8 VAC 40-30-80 of this chapter, if the council determines that the institution has done any of the following:

1. Committed any of the actions described in paragraphs 1-through-5-of-subparagraph-A subsection A of this section.

2. Failed to comply with one or more of the conditions or stipulations imposed by the council when granting approval to the institution, including the requirement that the institution gain full accreditation from an appropriate accrediting agency recognized by the U.S. Department of Education.

3. Not enrolled any students within two years after receiving authorization from the council to enroll students in courses for degree credit.

4. Not enrolled any students during any of the consecutive semesters, quarters, or equivalent terms composing a full academic year.

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5. Ceased to operate, and has no plans to reinstitute operations again within one year, at:

- a. The main campus of an in-state institution; or
- b. A Virginia site of an out-of-state institution.

D. No later than seven days after the council denies, suspends, or revokes the approval of an institution, the director of the council shall provide written notification to the institution of:

1. The council's action and reasons for that action; and
2. The institution's opportunity, in accordance with 8 VAC 40-30-400 of this chapter, to appeal the council's action.

8 VAC 40-30-440. New authorizations and approvals required for certain institutions.

A. This section shall apply only to those institutions that received the following authorizations or approvals from the council prior to [the effective date of this chapter: September 1], 1996.

1. An in-state institution that was authorized to enroll students in degree courses but has not enrolled any students prior to the effective date of this chapter.
2. An in-state institution that has been granted provisional approval to confer degrees for a term that expires on or after the effective date of this chapter.
3. An out-of-state institution that was authorized to enroll students in degree courses or was granted conditional or full approval to offer programs of study or degree programs at a Virginia site.

B. An institution specified in paragraph 1 of subsection A of this section must receive a new authorization to enroll students in accordance with this chapter.

1. No later than 90 days after the effective date of this chapter, the institution must request that the council, in accordance with subsection A of 8 VAC 40-30-340 of this chapter, authorize the institution to enroll students in courses for degree credit.
2. The institution's request for the new authorization to enroll students shall include the items specified in subparagraphs a and b of paragraph 1 of subsection B of 8 VAC 40-30-180 of this chapter.

C. An institution specified in paragraph 2 of subsection A of this section must receive any extension of that provisional approval in accordance with this chapter.

1. No later than 60 days before the expiration date of the existing term of provisional approval, the institution must request that the council, in accordance with subsection A or B of 8 VAC 40-30-350 of this chapter, grant the institution an extension of provisional approval.
2. The institution's request for an extension of provisional approval shall include evidence that it complies with all the requirements in subsection A of 8 VAC 40-30-160 of this chapter.
3. The term of any extension of provisional approval that may be granted to the institution will be determined by

the institution's accreditation status at the time of the council's action.

a. If the institution is unaccredited, the term of the extension shall be for three years. A further extension of provisional approval for a term of five years will be granted by the council only if the institution has achieved Candidate for Accreditation status with an appropriate accrediting agency and has reasonable expectations of gaining full accreditation before the end of the additional five-year term of provisional approval.

b. If the institution has achieved Candidate for Accreditation status with an appropriate accrediting body, the term of the extension shall be for five years.

D. An institution specified in paragraph 3 of subsection A of this section must receive a new authorization to enroll students in degree courses or new approval to offer programs of study or degree programs at a Virginia site.

1. An institution that received either an authorization or an approval from the council prior to August 1, 1982, must submit an application, in accordance with 8 VAC 40-30-240 of this chapter, no later than 90 days after the effective date of this chapter.

2. An institution that received either an authorization or an approval from the council on or after August 1, 1982, must submit an application, in accordance with 8 VAC 40-30-240 of this chapter, no later than 60 days prior to the expiration of a term equal to five years from the date when the existing authorization or approval was granted.

E. Failure of an institution specified in subsection A of this section to comply with the applicable requirements of this section shall result in the revocation of the institution's authorization or approval except for good cause shown.

1. An in-state institution that has been granted provisional approval to confer degrees for a term that expires on or after [December 1], 1996.

2. An out-of-state institution that was authorized to enroll students in degree courses or was granted conditional or full approval to offer programs of study or degree programs at a Virginia site.

B. An institution specified in subdivision A 1 of this section must receive full approval or an extension of provisional approval in accordance with this chapter.

1. No later than 60 days before the expiration date of the existing term of provisional approval, the institution must request that the council, in accordance with subsection A or B of 8 VAC 40-30-350, grant the institution full approval or an extension of provisional approval.

2. The institution's request for full approval or an extension of provisional approval shall include evidence that it complies with all the requirements in subsection A of 8 VAC 40-30-160.

3. The council may grant full approval to the institution when it is in full compliance with this chapter and holds

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full accreditation from an appropriate accrediting agency recognized by the U.S. Department of Education.

4. The term of any extension of provisional approval that may be granted to the institution will be determined as follows:

a. The council may grant an extension of provisional approval to an institution which is in substantial compliance with this chapter, specifying certain conditions under which approval is granted and stipulating requirements to be fulfilled by the institution during the term of approval, for a term of extension as determined by the council.

b. If the institution is unaccredited, the term of extension shall be for two years. A further extension of provisional approval for a term of five years will be granted by the council only if the institution has achieved Candidate for Accreditation status with an appropriate accrediting agency and has reasonable expectations of gaining full accreditation before the end of the additional five-year term of provisional approval.

c. If the institution has achieved Candidate for Accreditation status with an appropriate accrediting body, the term of extension shall be for five years.

[5. If the institution achieved Candidate for Accreditation status and was granted provisional approval prior to December 1, 1997, the institution shall not be eligible for an extension of provisional approval.]

C. An institution specified in subdivision A 2 of this section must receive a new authorization to enroll students in degree courses or new approval to offer programs of study or degree programs at a Virginia site.

1. An institution that received a term of conditional approval from the council that expires after [December 1], 1996, must submit an application, in accordance with 8 VAC 40-30-240, no later than [60 days after, 45 days prior to the expiration of the existing term of approval]. Based on the sufficiency of the application, the council staff shall determine if a site visit is necessary before preparing a recommendation for council action on the institution's approval to operate in Virginia.

2. An institution that received an authorization to enroll students or a term of full approval that expires after [December 1], 1996, must submit an application, in accordance with 8 VAC 40-30-240, no later than [60 days after, 45 days prior to the expiration of the existing term of approval]. Based on the sufficiency of the application, the council staff shall determine if a site visit is necessary before preparing a recommendation for council action on the institution's approval to operate in Virginia.

D. Failure of an institution specified in subsection A of this section to comply with the applicable requirements of this section shall result in the revocation of the institution's authorization or approval except for good cause shown.

8 VAC 40-30-445. Pending applications.

All institutional applications for approval to confer degrees, diplomas, or certificates, or to offer degree programs in specific areas, or to offer specific programs of courses which [are were] pending before the council as of [September 1], 1996, shall be determined under the provisions of this chapter.

DOCUMENTS INCORPORATED BY REFERENCE

Guidelines for Completing Applications Required by the Regulations Governing the Approval of Certain Institutions to Confer Degrees, Diplomas and Certificates, State Council of Higher Education for Virginia, Revised September 1996.

Annual Report of Activity in Virginia, Out-of-State Institutions, State Council of Higher Education for Virginia, effective November 1, 1996.

NOTICE: The forms used in administering 8 VAC 40-30-10 et seq. are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the State Council of Higher Education for Virginia, James Monroe Building, 101 North 14th Street, 9th Floor, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

Institutional Approval Form 1, Information Sheet, Revised September 1996

Institutional Approval Form 2, Certification of Compliance: New In-State Private Institution, Revised September 1996

Institutional Approval Form 3, Certification of Compliance: Existing Virginia Post-Secondary School that Seeks to Confer Degrees, Revised September 1996

Institutional Approval Form 4, Certification of Compliance: Out-of-State Institution Seeking to Offer Degree Programs in Virginia, Revised September 1996

Institutional Approval Form 5, Claim of Exemption from Approval by Religious Institution, Revised September 1996

Institutional Approval Form 6, Claim of Exemption from Approval for a Religious Degree, Diploma, or Certificate, Revised September 1996

Institutional Approval Form 7, Claim of Exemption from Approval for Courses or Degree Programs Offered at a United States Military Post or Reservation, Revised September 1996

Institutional Approval Form 8, Part A: Current Funds Revenues by Source, Revised September 1996

Institutional Approval Form 8, Part B: Educational and General (E&G) Expenditures, Revised September 1996

Institutional Approval Form 9, Instructional Faculty's Academic Credentials and Teaching Disciplines, Revised September 1996

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Institutional Approval Form 10, Headcount Number of Instructional Faculty, Revised September 1996

Institutional Approval Form 11, Part A: Number of FTE Faculty, Part B: Number of FTE Students, Revised September 1996, with instructions

Institutional Approval Form 12, Number of Library Staff, Revised September 1996

Institutional Approval Form 13, Number of Library Volumes, Revised September 1996

Institutional Approval Form 14, Space Available to Support Instructional Activities at the Virginia Site, Revised September 1996

V.A.R. Doc. No. R97-12; Filed September 11, 1996, 10:50 a.m.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

REGISTRAR'S NOTICE: The following regulatory action is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 C 4 (c) of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation. The Department of Medical Assistance Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: State Plan for Medical Assistance Services Relating to Nursing Facility Sanctions.

12 VAC 30-20-252. Enforcement of Compliance for Nursing Facilities: Temporary Management (Attachment 4.35-C).

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

Effective Date: October 30, 1996.

Summary:

The purpose of this action is to specify in the Plan for Medical Assistance the policies and procedures to be used when a temporary manager must be appointed for a nursing facility which is found to be substantially out of compliance with the federal life, safety, and health requirements of participation, as identified by the survey of the Virginia Department of Health. These procedures are required and specified in federal law and are being incorporated into the state plan with no material difference.

This regulatory action incorporates into the state plan only federal requirements, consistent with 42 CFR 488.400 et seq., for the enforcement of survey and certification requirements applicable to nursing facilities. These policies provide for the appointment of a temporary manager for nursing facilities when, upon the standard Department of Health survey, they are found to be substantially out of compliance with federal life, health, or safety requirements of participation.

The changes identified in this final exempt regulation address the duration of the period of temporary management of a nursing facility that does not meet federal requirements of participation for Medicaid. The changes will conform the relevant language to the federal regulatory language, as identified by the federal Health Care Financing Administration in their process of reviewing the initial regulation.

Agency Contact: Copies of the regulation may be obtained from Victoria P. Simmons or Roberta J. Jonas, Regulatory Coordinators, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-8850.

12 VAC 30-20-252. Enforcement of compliance for nursing facilities: temporary management.

A. Temporary management in cases of immediate jeopardy. In accordance with 42 CFR 488.408 (1995) and 42 CFR 488.410 (1995), the Commonwealth shall (i) impose temporary management on the nursing facility; (ii) terminate the nursing facility's provider agreement; or (iii) impose both of these remedies when there are one or more deficiencies that constitute immediate jeopardy to resident health or safety. For purposes of this section, temporary management shall mean the temporary appointment by HCFA or the Commonwealth of a substitute facility manager or administrator with authority to hire, terminate, or reassign staff, obligate nursing facility funds; alter nursing facility procedures; and manage the nursing facility to correct deficiencies identified in the nursing facility's operation. The individual appointed as a temporary manager shall meet the qualifications of 42 CFR 488.415(b) (1995) and be compensated in accordance with the requirements of 42 CFR 488.415(c) (1995). The Commonwealth shall notify the facility that a temporary manager is being appointed. In situations of immediate jeopardy, the Commonwealth shall also have the authority to impose other remedies, as appropriate, in addition to termination of the provider agreement and temporary management. In a nursing facility or dually participating facility, if the Commonwealth finds that such nursing facility's or facility's noncompliance poses immediate jeopardy to resident health or safety, the Commonwealth shall notify HCFA of such finding.

B. Temporary management in situations of no immediate jeopardy. When there are widespread deficiencies that constitute actual harm that is not immediate jeopardy, the Commonwealth shall have the authority to impose temporary management in addition to the remedies of denial of payment for new admissions or civil money penalties of \$50 to \$3,000 per day.

C. Failure to relinquish authority to temporary management.

1. Termination of provider agreement. If a nursing facility fails to relinquish authority to the temporary manager, the Commonwealth shall terminate the nursing facility's provider agreement within 23 calendar days of the last day of the survey if the immediate jeopardy is not removed. If the facility fails to relinquish control to the temporary manager, state monitoring may be imposed pending termination of the provider agreement. If the

facility relinquishes control to the temporary manager, the Commonwealth must notify the facility that, unless it removes the immediate jeopardy, its provider agreement shall be terminated within 23 calendar days of the last day of the survey. A nursing facility's failure to pay the salary of the temporary manager shall be considered a failure to relinquish authority to temporary management.

2. Duration of temporary management. Temporary management shall end when the nursing facility meets any of the conditions specified in 42 CFR 488.454(c) (1995) are met. If the nursing facility has not achieved substantial compliance to reassume management control, the Commonwealth shall have the authority to terminate this nursing facility's provider agreement and impose additional remedies. For purposes of this section, substantial compliance shall mean a level of compliance with the requirements of participation such that any identified deficiencies pose no greater risk to resident health or safety than the potential for causing minimal harm.

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COMMONWEALTH of VIRGINIA

VIRGINIA CODE COMMISSION
General Assembly Building

910 CAPITOL STREET
RICHMOND, VIRGINIA 23219
(804) 786-3591

September 16, 1996

Joseph M. Teeffey, Director
Department of Medical Assistance Services
600 East Broad Street, Suite 1300
Richmond, Virginia 23219

Dear Mr. Teeffey:

This letter acknowledges receipt of 12 VAC 30-20-252, Enforcement of Compliance for Nursing Facilities: Temporary Management, filed by the Department of Medical Assistance Services.

As required by § 9-6.14:4.1 C 4(c) of the Code of Virginia, I have determined that these regulations are exempt from the operation of Article 2 of the Administrative Process Act since they do not differ materially from those required by federal law.

Sincerely,

A handwritten signature in ink that appears to read "E. M. Miller, Jr."/ge

E. M. Miller, Jr.
Acting Registrar of Regulations

V.A.R. Doc. No. R97-11; Filed September 6, 1996, 12:27 p.m.

REGISTRAR'S NOTICE: The Department of Medical Assistance Services has claimed an exemption from the Administrative Process Act in accordance with § 9-6.14:4.1 C 4 (a) of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved. The Department of Medical Assistance Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 12 VAC 30-90-20 et seq. Part II. Nursing Home Payment System (amending 12 VAC 30-90-20).

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

Effective Date: November 1, 1996.

Summary:

The purpose of this action is to provide for an exemption to the Department of Medical Assistance Services' routine cost limits for skilled nursing facilities (SNFs) operated by the Department of Mental Health, Mental Retardation, and Substance Abuse Services (DMHMRSAS) due to action taken by the 1996 General Assembly in Chapter 912 of the Acts of the Assembly, Item 322 C(3). The section of the State Plan affected by this action is the Nursing Home Payment System (12 VAC 30-90-20).

The current State Plan for Medical Assistance states that Medicaid reimbursement paid to skilled nursing facilities operated by DMHMRSAS will be made according to Medicare cost reimbursement principles.

Since FY'87, skilled nursing facilities operated by DMHMRSAS have continually applied to HCFA through the Medicare fiscal intermediary for and been approved for exceptions to the Medicare routine inpatient cost limitations. Approval has been based on the skilled nursing facilities provision of atypical services and the cost of providing such services exceeding the federally established limitations.

Requests for exceptions are submitted by the provider within 180 days of the date of issuance of Medicare's final audit cost settlement report. This process is usually two fiscal years following the close of the applicable fiscal year.

Upon notification of the revised (increased) cost limits, the Department of Medical Assistance Services (DMAS) must reopen and revise such applicable skilled nursing facility cost reports and issue the additional reimbursement to the skilled nursing facilities operated by the DMHMRSAS. This is a time consuming process with a predictable outcome. In order to make more effective use of DMAS personnel and other resources, this regulation will authorize the same reimbursement outcome using a less labor intensive process.

The public will not be affected by this regulatory change. The two state agencies involved (DMAS and DMHMRSAS) will save administrative time in having to make special requests to the Health Care Financing Administration (which have been approved for the last nine years) and reopening closed cost reports, recalculating the adjusted per diem rates, and issuing additionally owed payments. DMAS projects no negative issues involved in implementing this regulatory change.

This change will result in improved utilization and efficiency of manpower by both DMAS and DMHMRSAS. DMAS would not have the extra burden of reopening and revising the applicable cost reports. Facility personnel with DMHMRSAS will not have to conduct research and prepare written justification for requesting the exceptions to the SNF routine cost limits.

The change will improve budgetary and revenue forecasting. Currently, neither DMAS nor DMHMRSAS is sure as to which fiscal year the HCFA approvals will be effective, thereby needlessly complicating accounting and budgetary processes.

The change will reduce utilization of general funds within the applicable fiscal year. DMAS will be able to draw down from HCFA the federal matching funds and reimburse DMHMRSAS within the applicable fiscal year. This would also improve accountability of federal funds within DMAS since payments must be costed by applicable fiscal years.

The change will result in expenditure savings and added nonstate revenue to DMHMRSAS. Currently, DMHMRSAS utilizes the services of a healthcare financial consulting firm to develop the technical data required to be submitted for the annual exceptions to the cost limitation. This has a cost of \$167,400 for the most recent two-year period for which this work has been completed. For that two-year period the additional reimbursement (when approved by HCFA) will be \$3.6 million dollars total funds, or \$1.8 million of additional federal funds. These funds are expected to be paid with or without the present regulatory change. However, this change would authorize the additional funds without the approximately two year delay. In the first year it is implemented, this change will increase federal funds received by the Commonwealth because this delay will be eliminated. After that, the gain to the Commonwealth is only the avoidance of the consultants' costs and the time-value of eliminating the reimbursement delay. There are no localities which are uniquely affected by these regulations as they apply statewide.

Agency Contact: Copies of the regulation may be obtained from Victoria P. Simmons or Roberta J. Jonas, Regulatory Coordinators, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-8850.

12 VAC 30-90-20. Nursing home payment system; generally.

A. Effective October 1, 1990, the payment methodology for nursing facility (NF) reimbursement by the Virginia

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Department of Medical Assistance Services (DMAS) is set forth in this part. The formula provides for incentive payments to efficiently operated NFs and contains payment limitations for those NFs *nursing facilities* operating less efficiently. A cost efficiency incentive encourages cost containment by allowing the provider to retain a percentage of the difference between the prospectively determined operating cost rate and the ceiling.

B. Three separate cost components are used: plant cost, operating cost and nurse aide training and competency evaluation program and competency evaluation program (NATCEPs) costs. The rates, which are determined on a facility-by-facility basis, shall be based on annual cost reports filed by each provider.

C. In determining the ceiling limitations, there shall be direct patient care medians established for NFs *nursing facilities* in the Virginia portion of the Washington DC-MD-VA Metropolitan Statistical Area (MSA), the Richmond-Petersburg Metropolitan Statistical Area (MSA), and in the rest of the state. There shall be indirect patient care medians established for NFs *nursing facilities* in the Virginia portion of the Washington DC-MD-VA MSA, and in the rest of the state. The Washington DC-MD-VA MSA and the Richmond-Petersburg MSA shall include those cities and counties as listed and changed from time to time by the Health Care Financing Administration (HCFA). A NF *nursing facility* located in a jurisdiction which HCFA adds to or removes from the Washington DC-MD-VA MSA or the Richmond-Petersburg MSA shall be placed in its new peer group, for purposes of reimbursement, at the beginning of its next fiscal year following the effective date of HCFA's final rule.

D. Institutions for mental diseases providing nursing services for individuals age 65 and older shall be exempt from the prospective payment system as defined in 12 VAC 30-90-40, 12 VAC 30-90-60, and 12 VAC 30-90-80, as are mental retardation facilities. All other sections of this payment system relating to reimbursable cost limitations shall apply. These facilities shall continue to be reimbursed retrospectively on the basis of reasonable costs in accordance with Medicare and Medicaid principles of reimbursement, except that those that are defined as skilled nursing facilities (SNFs) and are operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services shall not be subject to the routine cost limits that are normally required and applicable under Medicare principles of reimbursement, but shall be reimbursed allowable cost as defined in Medicare and Medicaid principles of reimbursement. Reimbursement to Intermediate Care Facilities for the Mentally Retarded (ICF/MR) shall be limited to the highest rate paid to a state ICF/MR institution, approved each July 1 by DMAS.

E. Except as specifically modified herein, Medicare principles of reimbursement, as amended from time to time, shall be used to establish the allowable costs in the rate calculations. Allowable costs must be classified in accordance with the DMAS uniform chart of accounts (see 12 VAC 30-90-270) and must be identifiable and verified by contemporaneous documentation.

All matters of reimbursement which are part of the DMAS reimbursement system shall supersede Medicare principles

of reimbursement. Wherever the DMAS reimbursement system conflicts with Medicare principles of reimbursement, the DMAS reimbursement system shall take precedence. Appendices are a part of the DMAS reimbursement system.

V.A.R. Doc. No. R97-13; Filed September 11, 1996, 11:05 a.m.

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Title of Regulations: State Plan for Medical Assistance Relating to Reductions in Covered Inpatient Hospital and Physician Services; Home Tomorrow Program; and Maternity Length of Stay and Early Discharge.

12 VAC 30-50-10 et seq. Part III, Amount, Duration and Scope of Services (amending 12 VAC 30-50-100, 12 VAC 30-50-140, and 12 VAC 30-50-220).

12 VAC 30-70-10 et seq. Methods and Standards for Establishing Payment Rates--Inpatient Hospital Care (amending 12 VAC 30-70-50).

12 VAC 30-80-10 et seq. Methods and Standards for Establishing Payment Rates--Other Types of Care (adding 12 VAC 30-80-115).

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

Effective Date: November 1, 1996.

Summary:

These amendments reduce the lengths of inpatient hospital stays when medically appropriate in compliance with amendments to the budget, and revise the maternity length of stay and follow-up visit policies to comply with new legislation.

The Home Tomorrow Program was the result of a pilot program implemented successfully in several hospitals in the Commonwealth in cooperation with the Virginia Hospital Association (VHA). Beginning in 1992, the pilot program consisted of a trial period of special obstetric services. These pilots basically provided for one day of inpatient hospital care (24 hours to 36 hours) to be followed by a home health visit for those women and their newborns who met certain health standards.

However, during the 1996 General Assembly session, new legislation was passed that requires changes to the maternity length of stay and follow-up visit policies. Chapters 155 and 201 of the 1996 Virginia Acts of Assembly require the Medicaid State Plan to provide for inpatient lengths of stay for pregnant women in accordance with the "Guidelines for Perinatal Care" as developed by the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists. The language also requires payment for a follow-up visit as recommended by the attending physician within the time limits and in accordance with the guidelines. The language in this legislation necessitates revisions to this agency's regulations.

Under the revised policy, if the mother and newborn are discharged earlier than 48 hours after the day of delivery, DMAS will cover an early discharge follow-up

visit if recommended by the physician. The visit must be provided in accordance with the "Guidelines for Perinatal Care." Since many neonatal problems do not become apparent until several days following birth, the follow-up visit provides an opportunity to check on the condition of the mother and newborn shortly after they leave the care of the hospital. In this way, the mother and newborn can return home earlier while being assured of quality care.

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

Agency Contact: Copies of the regulation may be obtained from Victoria P. Simmons or Roberta J. Jonas, Regulatory Coordinators, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-8850.

12 VAC 30-50-100. Inpatient hospital services other than those provided in an institution for mental diseases.

A. Medicaid inpatient hospital admissions (lengths-of-stay) are limited to the 75th percentile of PAS (Professional Activity Study of the Commission on Professional and Hospital Activities) diagnostic/procedure limits. For admissions under ~~8 four~~ days that exceed the 75th percentile, the hospital must attach medical justification records to the billing invoice to be considered for additional coverage when medically justified. For all admissions that exceed ~~7 three~~ days up to a maximum of 21 days, the hospital must attach medical justification records to the billing invoice. (See the exception to subsection F of this section.)

B. Medicaid does not pay the Medicare (Title XVIII) coinsurance for hospital care after 21 days regardless of the length-of-stay covered by the other insurance. (See exception to subsection F of this section.)

C. Reimbursement for induced abortions is provided in only those cases in which there would be a substantial endangerment to health or life of the mother if the fetus were carried to term.

D. ~~Reimbursement for covered hospital days is limited to one day prior to surgery, unless medically justified. Hospital claims with an admission date more than one day prior to the first surgical date will pend for review by medical staff to determine appropriate medical justification, regardless of the number of days prior to surgery, must be medically justified.~~ The hospital must write on or attach the justification to the billing invoice for consideration of reimbursement for additional ~~all~~ preoperative days. Medically justified situations are those where appropriate medical care cannot be obtained except in an acute hospital setting thereby warranting hospital admission. Medically unjustified days in such admissions will be denied.

E. Reimbursement will not be provided for weekend (~~Friday/Saturday/Sunday~~) admissions, unless medically justified. Hospital claims with admission dates on ~~Friday or Saturday or Sunday~~ will be pended for review by medical staff to determine appropriate medical justification for these days. The hospital must write on or attach the justification to the billing invoice for consideration of reimbursement coverage

for these days. Medically justified situations are those where appropriate medical care cannot be obtained except in an acute hospital setting thereby warranting hospital admission. Medically unjustified days in such admissions will be denied.

F. Coverage of inpatient hospitalization will be limited to a total of 21 days for all admissions within a fixed period, which would begin with the first day inpatient hospital services are furnished to an eligible recipient and end 60 days from the day of the first admission. There may be multiple admissions during this 60-day period; however, when total days exceed 21, all subsequent claims will be reviewed. Claims which exceed 21 days within 60 days with a different diagnosis and medical justification will be paid. Any claim which has the same or similar diagnosis will be denied. EXCEPTION: **SPECIAL PROVISIONS FOR ELIGIBLE INDIVIDUALS UNDER 21 YEARS OF AGE:** Consistent with 42 CFR 441.57, payment of medical assistance services shall be made on behalf of individuals under 21 years of age, who are Medicaid eligible, for medically necessary stays in acute care facilities in excess of 21 days per admission when such services are rendered for the purpose of diagnosis and treatment of health conditions identified through a physical examination. Medical documentation justifying admission and the continued length of stay must be attached to or written on the invoice for review by medical staff to determine medical necessity. Medically unjustified days in such admissions will be denied.

G. ~~Coverage shall be limited to one day of inpatient hospital care for obstetrical services for uncomplicated vaginal deliveries unless additional days are medically justified. The hospital must attach medical justification to the billing invoice for consideration of reimbursement coverage for these days. Medically unjustified days in such admission shall be denied. Coverage for a normal, uncomplicated vaginal delivery shall be limited to the day of delivery plus an additional two days unless additional days are medically justified. Coverage for cesarean births shall be limited to the day of delivery plus an additional four days unless additional days are medically justified.~~

H. Reimbursement will not be provided for inpatient hospitalization for those surgical and diagnostic procedures listed on the mandatory outpatient surgery list unless the inpatient stay is medically justified or meets one of the exceptions. The requirements for mandatory outpatient surgery do not apply to recipients in the retroactive eligibility period.

I. For the purposes of organ transplantation, all similarly situated individuals will be treated alike. Transplant services for kidneys and corneas shall be covered for all eligible persons. Transplant services for liver, heart, and bone marrow transplantation and any other medically necessary transplantation procedures that are determined to not be experimental or investigational shall be limited to children (under 21 years of age). Kidney, liver, heart, and bone marrow transplants and any other medically necessary transplantation procedures that are determined to not be experimental or investigational require preauthorization. Cornea transplants do not require preauthorization. The patient must be considered acceptable for coverage and treatment. The treating facility and transplant staff must be

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recognized as being capable of providing high quality care in the performance of the requested transplant. Reimbursement for covered liver, heart, and bone marrow transplant services and any other medically necessary transplantation procedures that are determined to not be experimental or investigational shall be a fee based upon the greater of a prospectively determined, procedure-specific flat fee determined by the agency or a prospectively determined, procedure-specific percentage of usual and customary charges. The flat fee reimbursement will cover procurement costs; all hospital costs from admission to discharge for the transplant procedure; and total physician costs for all physicians providing services during the transplant hospital stay, including radiologists, pathologists, oncologists, surgeons, etc. The flat fee reimbursement does not include pre- and post-hospitalization for the transplant procedure or pretransplant evaluation. Reimbursement for approved transplant procedures that are performed out of state will be made in the same manner as reimbursement for transplant procedures performed in the Commonwealth. Reimbursement for covered kidney and cornea transplants is at the allowed Medicaid rate. Standards for coverage of organ transplant services are in 12 VAC 30-50-540.

J. The department may exempt portions or all of the utilization review documentation requirements of subsections A, D, E, F as it pertains to recipients under age 21, G, or H in writing for specific hospitals from time to time as part of their ongoing hospital utilization review performance evaluation. These exemptions are based on utilization review performance and review edit criteria which determine an individual hospital's review status as specified in the hospital provider manual. In compliance with federal regulations at 42 CFR 441.200, Subparts E and F, claims for hospitalization in which sterilization, hysterectomy or abortion procedures were performed, shall be subject to medical documentation requirements.

K. Hospitals qualifying for an exemption of all documentation requirements except as described in subsection J above shall be granted "delegated review status" and shall, while the exemption remains in effect, not be required to submit medical documentation to support pending claims on a prepayment hospital utilization review basis to the extent allowed by federal or state law or regulation. The following audit conditions apply to delegated review status for hospitals:

1. The department shall conduct periodic on-site post-payment audits of qualifying hospitals using a statistically valid sampling of paid claims for the purpose of reviewing the medical necessity of inpatient stays.
2. The hospital shall make all medical records of which medical reviews will be necessary available upon request, and shall provide an appropriate place for the department's auditors to conduct such review.
3. The qualifying hospital will immediately refund to the department in accordance with § 32.1-325.1 A and B of the Code of Virginia the full amount of any initial overpayment identified during such audit.
4. The hospital may appeal adverse medical necessity and overpayment decisions pursuant to the current

administrative process for appeals of post-payment review decisions.

5. The department may, at its option, depending on the utilization review performance determined by an audit based on criteria set forth in the hospital provider manual, remove a hospital from delegated review status and reapply certain or all prepayment utilization review documentation requirements.

12 VAC 30-50-140. Physician's services whether furnished in the office, the patient's home, a hospital, a skilled nursing facility or elsewhere.

A. Elective surgery as defined by the Program is surgery that is not medically necessary to restore or materially improve a body function.

B. Cosmetic surgical procedures are not covered unless performed for physiological reasons and require Program prior approval.

C. Routine physicals and immunizations are not covered except when the services are provided under the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Program and when a well-child examination is performed in a private physician's office for a foster child of the local social services department on specific referral from those departments.

D. Psychiatric services.

1. Psychiatric services are limited to an initial availability of 26 sessions, with one possible extension (subject to the approval of the Psychiatric Review Board) of 26 sessions during the first year of treatment. The availability is further restricted to no more than 26 sessions each succeeding year when approved by the Psychiatric Review Board. Psychiatric services are further restricted to no more than three sessions in any given seven-day period.

2. Psychiatric services can be provided by psychiatrists, clinical psychologists licensed by the State Board of Medicine, psychologists clinical licensed by the Board of Psychology, or by a licensed clinical social worker under the direct supervision of a psychiatrist, licensed clinical psychologist or a licensed psychologist clinical.

3. Psychological and psychiatric services shall be medically prescribed treatment which is directly and specifically related to an active written plan designed and signature-dated by either a psychiatrist or a clinical psychologist licensed by the Board of Medicine, a psychologist clinical licensed by the Board of Psychology, or a licensed clinical social worker under the direct supervision of a licensed clinical psychologist, a licensed psychologist clinical, or a psychiatrist.

4. Psychological or psychiatric services shall be considered appropriate when an individual meets the following criteria:

- a. Requires treatment in order to sustain behavioral or emotional gains or to restore cognitive functional levels which have been impaired;

- b. Exhibits deficits in peer relations, dealing with authority; is hyperactive; has poor impulse control; is clinically depressed or demonstrates other dysfunctional clinical symptoms having an adverse impact on attention and concentration, ability to learn, or ability to participate in employment, educational, or social activities;
 - c. Is at risk for developing or requires treatment for maladaptive coping strategies; and
 - d. Presents a reduction in individual adaptive and coping mechanisms or demonstrates extreme increase in personal distress.
5. Psychological or psychiatric services may be provided in an office or a mental health clinic.

E. Any procedure considered experimental is not covered.

F. Reimbursement for induced abortions is provided in only those cases in which there would be a substantial endangerment of health or life to the mother if the fetus were carried to term.

G. Physician visits to inpatient hospital patients are limited to a maximum of 21 days per admission within 60 days for the same or similar diagnoses and is further restricted to medically necessary inpatient hospital days as determined by the Program. EXCEPTION: SPECIAL PROVISIONS FOR ELIGIBLE INDIVIDUALS UNDER 21 YEARS OF AGE: Consistent with 42 CFR 441.57, payment of medical assistance services shall be made on behalf of individuals under 21 years of age, who are Medicaid eligible, for medically necessary stays in acute care facilities in excess of 21 days per admission when such services are rendered for the purpose of diagnosis and treatment of health conditions identified through a physical examination. Payments for physician visits for inpatient days determined to be medically unjustified will be adjusted.

H. Repealed.

I. *Repealed. Reimbursement shall not be provided for physician services provided to recipients in the inpatient setting whenever the facility is denied reimbursement.*

J. Reimbursement will not be provided for physician services performed in the inpatient setting for those surgical or diagnostic procedures listed on the mandatory outpatient surgery list unless the service is medically justified or meets one of the exceptions. The requirements of mandatory outpatient surgery do not apply to recipients in a retroactive eligibility period.

K. For the purposes of organ transplantation, all similarly situated individuals will be treated alike. Transplant services for kidneys and corneas shall be covered for all eligible persons. Transplant services for liver, heart, and bone marrow and any other medically necessary transplantation procedures that are determined to not be experimental or investigational shall be limited to children (under 21 years of age). Kidney, liver, heart, and bone marrow transplants and any other medically necessary transplantation procedures that are determined to not be experimental or investigational require preauthorization. Cornea transplants do not require preauthorization. The patient must be considered acceptable

for coverage and treatment. The treating facility and transplant staff must be recognized as being capable of providing high quality care in the performance of the requested transplant. Reimbursement for covered liver, heart, and bone marrow transplant services and any other medically necessary transplantation procedures that are determined to not be experimental or investigational shall be a fee based upon the greater of a prospectively determined, procedure-specific flat fee determined by the agency or a prospectively determined, procedure-specific percentage of usual and customary charges. The flat fee reimbursement will cover procurement costs; all hospital costs from admission to discharge for the transplant procedure; and total physician costs for all physicians providing services during the transplant hospital stay, including radiologists, pathologists, oncologists, surgeons, etc. The flat fee reimbursement does not include pre- and post-hospitalization for the transplant procedure or pretransplant evaluation. Reimbursement for approved transplant procedures that are performed out of state will be made in the same manner as reimbursement for transplant procedures performed in the Commonwealth. Reimbursement for covered kidney and cornea transplants is at the allowed Medicaid rate. Standards for coverage of organ transplant services are in 12 VAC 30-50-540.

12 VAC 30-50-220. Other diagnostic, screening, preventive, and rehabilitative services, i.e., other than those provided elsewhere in this plan.

A. Diagnostic services are not provided.

B. Screening services. Screening mammograms for the female recipient population aged 35 and over shall be covered, consistent with the guidelines published by the American Cancer Society.

C. Preventive services are not provided. *Maternity length of stay and early discharge.*

1. If the mother and newborn, or the newborn alone, are discharged earlier than 48 hours after the day of delivery, DMAS will cover one early discharge follow-up visit as recommended by the physicians in accordance with and as indicated by the "Guidelines for Perinatal Care" as developed by the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists (1992). The mother and newborn, or the newborn alone if the mother has not been discharged, must meet the criteria for early discharge to be eligible for the early discharge follow-up visit. This early discharge follow-up visit does not affect or apply to any usual postpartum or well-baby care or any other covered care to which the mother or newborn is entitled; it is tied directly to an early discharge. The criteria for an early discharge are as follows:

a. Discharge criteria for early discharge of mother.

(1) Uncomplicated vaginal, full-term delivery following a normal antepartum course;

(2) Postpartum observation has sufficiently documented a stable course, including the following observations:

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- (a) Vital signs are stable;
 - (b) Uterine fundus is firm, bleeding (lochia) is controlled, of normal amount and color;
 - (c) Hemoglobin is greater than eight, hematocrit is greater than or equal to 24 and estimated blood loss is not greater than 500 cc or blood loss does not result in the patient being symptomatic for anemia, i.e., lightheadedness, syncope, tachycardia, or shortness of breath;
 - (d) Episiotomy/repaired laceration is not inflamed and there is no evidence of infection or hematoma;
 - (e) Tolerating prescribed diet post delivery;
 - (f) Voiding without difficulty and passing flatus. Bowel sounds present; and
 - (g) If not previously obtained, ABO and Rh typing must be done and, if indicated, the appropriate amount of Rho(D) immunoglobulin must be administered.
- b. Discharge criteria for early discharge of infant. The newborn must be deemed normal by physical examination and stable meeting the following criteria:
- (1) Term delivery and weight is considered normal;
 - (2) Infant is able to maintain a stable body temperature under normal conditions;
 - (3) Infant is able to take and tolerate feedings by mouth and demonstrates normal sucking and swallowing reflexes;
 - (4) Laboratory data must be reviewed to include:
 - (a) Maternal testing for syphilis and hepatitis B surface antigen;
 - (b) Cord or infant blood type and direct Coombs test (if the mother is Rho(D) negative, or is type O, or if screening has not been performed for maternal antibodies;
 - (c) Hemoglobin or hematocrit and blood glucose determinations, as clinically indicated; and
 - (d) Any screening tests required by law; and
 - (5) Initial hepatitis B vaccine must [have been be] administered [in accordance with the time requirements in the current Recommended Childhood Immunization Schedule developed by the Advisory Committee on Immunization Practices under the requirements of § 1905(r)(1) of the Social Security Act (42 USC § 1396 d)].
- c. Discharge criteria for early discharge of mother and infant.
- (1) Family members or other support persons must be available to the mother for the first few days following discharge;
- (2) The mother or caretaker has demonstrated the ability to care for her infant, including feeding, bathing, cord care, diapering, body temperature assessment and measurement with a thermometer;
 - (3) The mother or caretaker has been taught basic assessment skills, including neonatal well-being and recognition of illness. She verbalizes understanding of possible complications and has been instructed to notify the appropriate practitioner as necessary; and
 - (4) A physician-directed source of continuing medical care for both mother and baby must be identified and arrangements made for the baby to be examined within 48 hours of discharge.
2. The early discharge follow-up visit must be provided as directed by a physician. The physician may coordinate with the provider of his choice to provide the early discharge follow-up visit, within the following limitations. Qualified providers are those hospitals, physicians, nurse midwives, nurse practitioners, federally qualified health clinics, rural health clinics, and health departments clinics that are enrolled as Medicaid providers and are qualified by the appropriate state authority for delivery of the service. The staff providing the follow-up visit, at a minimum, must be a registered nurse having training and experience in maternal and child health. The visit must be provided within 48 hours of discharge.
3. The visit must include, at a minimum, the following:
- a. Maternal assessment must include, but is not limited to:
 - (1) Vital signs;
 - (2) Assessment of lochia, height and firmness of the uterus;
 - (3) Assessment of the episiotomy, if applicable;
 - (4) Assessment for and of hemorrhoids;
 - (5) Assessment of bowel and bladder function;
 - (6) Assessment of the breasts, especially the nipples if the mother is breast feeding. Assessment of the mother's understanding of breast/nipple care and understanding of proper care;
 - (7) Assessment of eating habits for nutritional balance, stressing good nutrition especially in the breast feeding mother;
 - (8) Assessment for signs and symptoms of anemia and, if present, notification of the responsible physician for further instructions;
 - (9) Confirmation that the mother has an appointment for a six-week postpartum check-up; and
 - (10) Identification of the need for and make referrals to the appropriate resources for identified medical, social, and nutritional concerns and needs.
 - b. Newborn assessment must include, but is not limited to:

- (1) Vital signs;
- (2) Weight;
- (3) Examination of the umbilical cord and circumcision, if applicable;
- (4) Assessment of hydration status;
- (5) Evaluation of acceptance and tolerance of feedings, including the frequency of feeds and the amount taken each feed. If possible, observation of the mother or caretaker feeding the infant for technique assessment;
- (6) Assessment of bowel and bladder function;
- (7) Assessment of skin coloration; if the infant demonstrates any degree of jaundice, notification of the physician for further instruction. If infant is pale, mottled, lethargic, or with poor muscle tone, immediate notification of the physician for further instruction;
- (8) Assessment of infant behavior, sleep/wake patterns;
- (9) Assessment of the quality of mother/infant interaction, bonding;
- (10) Blood samples for lab work, or a urine sample as directed by state law, physician, or clinical judgment;
- (11) Confirmation that the infant has an appointment for routine two-week check up;
- (12) Discussion with the mother or caretaker planning for health maintenance, including preventive care, periodic evaluations, immunizations, signs and symptoms of physical change requiring immediate attention and emergency services available; and
- (13) Identification of the need for and make referrals to any other existing appropriate resources for identified medical, social and nutritional concerns and needs.

D. Rehabilitative services.

1. Intensive physical rehabilitation.

- a. Medicaid covers intensive inpatient rehabilitation services as defined in subdivision D 1 d in facilities certified as rehabilitation hospitals or rehabilitation units in acute care hospitals which have been certified by the Department of Health to meet the requirements to be excluded from the Medicare Prospective Payment System.
- b. Medicaid covers intensive outpatient physical rehabilitation services as defined in subdivision D 1 d in facilities which are certified as Comprehensive Outpatient Rehabilitation Facilities (CORFs).
- c. These facilities are excluded from the 21-day limit otherwise applicable to inpatient hospital services.

Cost reimbursement principles are defined in 12 VAC 30-70-10 through 12 VAC 30-70-130.

- d. An intensive rehabilitation program provides intensive skilled rehabilitation nursing, physical therapy, occupational therapy, and, if needed, speech-language pathology, cognitive rehabilitation, prosthetic-orthotic services, psychology, social work, and therapeutic recreation. The nursing staff must support the other disciplines in carrying out the activities of daily living, utilizing correctly the training received in therapy and furnishing other needed nursing services. The day-to-day activities must be carried out under the continuing direct supervision of a physician with special training or experience in the field of physical medicine and rehabilitation.
- e. Nothing in this regulation is intended to preclude DMAS from negotiating individual contracts with in-state intensive physical rehabilitation facilities for those individuals with special intensive rehabilitation needs.
- f. For continued intensive rehabilitation services, the patient must demonstrate an ability to actively participate in goal-related therapeutic interventions developed by the interdisciplinary team. This shall be evidenced by regular attendance in planned activities and demonstrated progress toward the established goals.
- g. Intensive rehabilitation services shall be considered for termination regardless of the preauthorized length of stay when any of the following conditions are met:
 - (1) No further potential for improvement is demonstrated. The patient has reached his maximum progress and a safe and effective maintenance program has been developed.
 - (2) There is limited motivation on the part of the individual or caregiver.
 - (3) The individual has an unstable condition that affects his ability to participate in a rehabilitative plan.
 - (4) Progress toward an established goal or goals cannot be achieved within a reasonable period of time.
 - (5) The established goal serves no purpose to increase meaningful functional or cognitive capabilities.
 - (6) The service can be provided by someone other than a skilled rehabilitation professional.

2. Community mental health services. Definitions. The following words and terms, when used in these regulations, shall have the following meanings unless the context clearly indicates otherwise:

"Code" means the Code of Virginia.

"DMAS" means the Department of Medical Assistance Services consistent with Chapter 10 (§ 32.1-323 et seq.) of Title 32.1 of the Code of Virginia.

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"DMHMRSA" means Department of Mental Health, Mental Retardation and Substance Abuse Services consistent with Chapter 1 (§ 37.1-39 et seq.) of Title 37.1 of the Code of Virginia.

a. Mental health services. The following services, with their definitions, shall be covered:

(1) Intensive in-home services for children and adolescents under age 21 shall be time-limited interventions provided typically but not solely in the residence of an individual who is at risk of being moved into an out-of-home placement or who is being transitioned to home from out-of-home placement due to a disorder diagnosable under the Diagnostic and Statistical Manual of Mental Disorders-III-R (DSM-III-R). These services provide crisis treatment; individual and family counseling; life (e.g., counseling to assist parents to understand and practice proper child nutrition, child health care, personal hygiene, and financial management, etc.), parenting (e.g., counseling to assist parents to understand and practice proper nurturing and discipline, and behavior management, etc.), and communication skills (e.g., counseling to assist parents to understand and practice appropriate problem-solving, anger management, and interpersonal interaction, etc.); case management activities and coordination with other required services; and 24-hour emergency response. These services shall be limited annually to 26 weeks.

(2) Therapeutic day treatment for children and adolescents shall be provided in sessions of two or more hours per day, to groups of seriously emotionally disturbed children and adolescents or children at risk of serious emotional disturbance in order to provide therapeutic interventions. Day treatment programs, limited annually to 780 units, provide evaluation, medication education and management, opportunities to learn and use daily living skills and to enhance social and interpersonal skills (e.g., problem solving, anger management, community responsibility, increased impulse control and appropriate peer relations, etc.), and individual, group and family counseling.

(3) Day treatment/partial hospitalization services for adults shall be provided in sessions of two or more consecutive hours per day, which may be scheduled multiple times per week, to groups of individuals in a nonresidential setting. These services, limited annually to 780 units, include the major diagnostic, medical, psychiatric, psychosocial and psychoeducational treatment modalities designed for individuals with serious mental disorders who require coordinated, intensive, comprehensive, and multidisciplinary treatment.

(4) Psychosocial rehabilitation for adults shall be provided in sessions of two or more consecutive hours per day to groups of individuals in a nonresidential setting. These services, limited annually to 936 units, include assessment, medication education, psychoeducation,

opportunities to learn and use independent living skills and to enhance social and interpersonal skills, family support, and education within a supportive and normalizing program structure and environment.

(5) Crisis intervention shall provide immediate mental health care, available 24 hours a day, seven days per week, to assist individuals who are experiencing acute mental dysfunction requiring immediate clinical attention. This service's objectives shall be to prevent exacerbation of a condition, to prevent injury to the client or others, and to provide treatment in the context of the least restrictive setting. Crisis intervention activities, limited annually to 180 hours, shall include assessing the crisis situation, providing short-term counseling designed to stabilize the individual or the family unit or both, providing access to further immediate assessment and follow-up, and linking the individual and family with ongoing care to prevent future crises. Crisis intervention services may include, but are not limited to, office visits, home visits, preadmission screenings, telephone contacts, and other client-related activities for the prevention of institutionalization.

b. Mental retardation services/related conditions: Day health and rehabilitation services shall be covered for persons with MR or related conditions and the following definitions shall apply:

Day health and rehabilitation services (limited to 780 units per year) shall provide individualized activities, supports, training, supervision, and transportation based on a written physician's order/plan of care to eligible persons for two or more hours per day scheduled multiple times per week. These services are intended to improve the recipient's condition or to maintain an optimal level of functioning, as well as to ameliorate the recipient's disabilities or deficits by reducing the degree of impairment or dependency. Therapeutic consultation to service providers, family, and friends of the client around implementation of the physician's order/plan of care may be included as part of the services provided by the day health and rehabilitation program. The provider shall be licensed by DMHMRSA as a Day Support Program. Specific components of day health and rehabilitation services include the following as needed:

- (1) Self-care and hygiene skills;
- (2) Eating and toilet training skills;
- (3) Task learning skills;
- (4) Community resource utilization skills (e.g., training in time, telephone, basic computations with money, warning sign recognition, and personal identifications, etc.);
- (5) Environmental and behavior skills (e.g., training in punctuality, self-discipline, care of personal belongings and respect for property and in wearing proper clothing for the weather, etc.);

- (6) Medication management;
 - (7) Travel and related training to and from the training sites and service and support activities;
 - (8) Skills related to the above areas, as appropriate that will enhance or retain the recipient's functioning.
3. Coverage shall be provided for investigations by local health departments to determine the source of lead contamination in the home as part of the management and treatment of Medicaid-eligible children who have been diagnosed with elevated blood lead levels. Only costs that are eligible for federal funding participation in accordance with current federal regulations shall be covered. Payments for environmental investigations under this section shall be limited to no more than two visits per residence.

12 VAC 30-70-50. Hospital reimbursement system.

The reimbursement system for hospitals includes the following components:

A. Hospitals were grouped by classes according to number of beds and urban versus rural. (Three groupings for rural - 0 to 100 beds, 101 to 170 beds, and over 170 beds; four groupings for urban - 0 to 100, 101 to 400, 401 to 600, and over 600 beds.) Groupings are similar to those used by the Health Care Financing Administration (HCFA) in determining routine cost limitations.

B. Prospective reimbursement ceilings on allowable operating costs were established as of July 1, 1982, for each grouping. Hospitals with a fiscal year end after June 30, 1982, were subject to the new reimbursement ceilings.

The calculation of the initial group ceilings as of July 1, 1982, was based on available, allowable cost data for hospitals in calendar year 1981. Individual hospital operating costs were advanced by a reimbursement escalator from the hospital's year end to July 1, 1982. After this advancement, the operating costs were standardized using SMSA wage indices, and a median was determined for each group. These medians were readjusted by the wage index to set an actual cost ceiling for each SMSA. Therefore, each hospital grouping has a series of ceilings representing one of each SMSA area. The wage index is based on those used by HCFA in computing its Market Basket Index for routine cost limitations.

Effective July 1, 1986, and until June 30, 1988, providers subject to the prospective payment system of reimbursement had their prospective operating cost rate and prospective operating cost ceiling computed using a new methodology. This method uses an allowance for inflation based on the percent of change in the quarterly average of the Medical Care Index of the Chase Econometrics - Standard Forecast determined in the quarter in which the provider's new fiscal year began.

The prospective operating cost rate is based on the provider's allowable cost from the most recent filed cost report, plus the inflation percentage add-on.

The prospective operating cost ceiling is determined by using the base that was in effect for the provider's fiscal year

that began between July 1, 1985, and June 1, 1986. The allowance for inflation percent of change for the quarter in which the provider's new fiscal year began is added to this base to determine the new operating cost ceiling. This new ceiling was effective for all providers on July 1, 1986. For subsequent cost reporting periods beginning on or after July 1, 1986, the last prospective operating rate ceiling determined under this new methodology will become the base for computing the next prospective year ceiling.

Effective on and after July 1, 1988, and until June 30, 1989, for providers subject to the prospective payment system, the allowance for inflation shall be based on the percent of change in the moving average of the Data Resources, Incorporated Health Care Cost HCFA-Type Hospital Market Basket determined in the quarter in which the provider's new fiscal year begins. Such providers shall have their prospective operating cost rate and prospective operating cost ceiling established in accordance with the methodology which became effective July 1, 1986. Rates and ceilings in effect July 1, 1988, for all such hospitals shall be adjusted to reflect this change.

Effective on or after July 1, 1989, for providers subject to the prospective payment system, the allowance for inflation shall be based on the percent of change in the moving average of the Health Care Cost HCFA-Type Hospital Market Basket, adjusted for Virginia (DRI-V), as developed by Data Resources, Incorporated, determined in the quarter in which the provider's new fiscal year begins. Such providers shall have their prospective operating cost rate and prospective operating cost ceiling established in accordance with the methodology which became effective July 1, 1986. Rates and ceilings in effect July 1, 1989, for all such hospitals shall be adjusted to reflect this change.

Effective on and after July 1, 1992, for providers subject to the prospective payment system, the allowance for inflation, as described above, which became effective on July 1, 1989, shall be converted to an escalation factor by adding two percentage points, (200 basis points) (DRI-V+2) to the then current allowance for inflation. The escalation factor shall be applied in accordance with the current inpatient hospital reimbursement methodology in effect on June 30, 1992. On July 1, 1992, the conversion to the new escalation factor shall be accomplished by a transition methodology which, for non-June 30 year end hospitals, applies the escalation factor to escalate their payment rates for the months between July 1, 1992, and their next fiscal year ending on or before May 31, 1993.

The new method will still require comparison of the prospective operating cost rate to the prospective operating ceiling. The provider is allowed the lower of the two amounts subject to the lower of cost or charges principles.

C. Subsequent to June 30, 1992, the group ceilings shall not be recalculated on allowable costs, but shall be updated by the escalator factor.

D. Prospective rates for each hospital shall be based upon the hospital's allowable costs plus the escalator factor, or the appropriate ceilings, or charges; whichever is lower. Except to eliminate costs that are found to be unallowable, no retrospective adjustment shall be made to prospective rates.

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Depreciation, capital interest, and education costs approved pursuant to PRM-15 (§ 400), shall be considered as pass throughs and not part of the calculation.

E. An incentive plan should be established whereby a hospital will be paid on a sliding scale, percentage for percentage, up to 25% of the difference between allowable operating costs and the appropriate per diem group ceiling when the operating costs are below the ceilings. The incentive should be calculated based on the annual cost report.

The table below presents three examples under the new plan:

Group	Hospital's Allowable Cost Per Ceiling Day	\$	Difference	Sliding Scale	Incentive
			% of Ceiling	\$	% of Difference
	\$230.00	\$230.00	-0-	-0-	-0-
	230.00	207.00	23.00	10%	2.30
	230.00	172.00	57.50	25%	14.38
	230.00	143.00	76.00	33%	19.00

F. There will be special consideration for exception to the median operating cost limits in those instances where extensive neonatal care is provided.

G. Disproportionate share hospitals defined.

The following criteria shall be met before a hospital is determined to be eligible for a disproportionate share payment adjustment.

1. Criteria.

a. A Medicaid inpatient utilization rate in excess of 8% for hospitals receiving Medicaid payments in the Commonwealth, or a low-income patient utilization rate exceeding 25% (as defined in the Omnibus Budget Reconciliation Act of 1987 and as amended by the Medicare Catastrophic Coverage Act of 1988); and

b. At least two obstetricians with staff privileges at the hospital who have agreed to provide obstetric services to individuals entitled to such services under a State Medicaid plan. In the case of a hospital located in a rural area (that is, an area outside of a Metropolitan Statistical Area, as defined by the Executive Office of Management and Budget), the term "obstetrician" includes any physician with staff privileges at the hospital to perform nonemergency obstetric procedures.

c. *Subsection A.2 Subdivision 1 b of this subsection does not apply to a hospital:*

(1) At which the inpatients are predominantly individuals under 18 years of age; or

(2) Which does not offer nonemergency obstetric services as of December 21, 1987.

2. Payment adjustment.

a. Hospitals which have a disproportionately higher level of Medicaid patients shall be allowed a

disproportionate share payment adjustment based on the type of hospital and on the individual hospital's Medicaid utilization. There shall be two types of hospitals: (i) Type One, consisting of state-owned teaching hospitals, and (ii) Type Two, consisting of all other hospitals. The Medicaid utilization shall be determined by dividing the number of utilization Medicaid inpatient days by the total number of inpatient days. Each hospital with a Medicaid utilization of over 8.0% shall receive a disproportionate share payment adjustment.

b. For Type One hospitals, the disproportionate share payment adjustment shall be equal to the product of (i) the hospital's Medicaid utilization in excess of 8.0%, times 11, times (ii) the lower of the prospective operating cost rate or ceiling. For Type Two hospitals, the disproportionate share payment adjustment shall be equal to the product of (i) the hospital's Medicaid utilization in excess of 8.0%, times (ii) the lower of the prospective operating cost rate or ceiling.

c. No payments made under subdivision 1 or 2 of this subsection shall exceed any applicable limitations upon such payments established by federal law or regulations.

H. Outlier adjustments.

1. DMAS shall pay to all enrolled hospitals an outlier adjustment in payment amounts for medically necessary inpatient hospital services provided on or after July 1, 1991, involving exceptionally high costs for individuals under one year of age.

2. DMAS shall pay to disproportionate share hospitals (as defined in paragraph G above) an outlier adjustment in payment amounts for medically necessary inpatient hospital services provided on or after July 1, 1991, involving exceptionally high costs for individuals under six years of age.

3. The outlier adjustment calculation.

a. Each eligible hospital which desires to be considered for the adjustment shall submit a log which contains the information necessary to compute the mean of its Medicaid per diem operating cost of treating individuals identified in subdivision H 1 or 2 above. This log shall contain all Medicaid claims for such individuals, including, but not limited to: (i) the patient's name and Medicaid identification number; (ii) dates of service; (iii) the remittance date paid; (iv) the number of covered days; and (v) total charges for the length of stay. Each hospital shall then calculate the per diem operating cost (which excludes capital and education) of treating such patients by multiplying the charge for each patient by the Medicaid operating cost-to-charge ratio determined from its annual cost report.

b. Each eligible hospital shall calculate the mean of its Medicaid per diem operating cost of treating individuals identified in subdivision H 1 or 2 above. Any hospital which qualifies for the extensive neonatal care provision (as governed by paragraph F, above)

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shall calculate a separate mean for the cost of providing extensive neonatal care to individuals identified in subdivision H 1 or 2 above.

c. Each eligible hospital shall calculate its threshold for payment of the adjustment, at a level equal to two and one-half standard deviations above the mean or means calculated in subdivision H 3 (ii) above.

d. DMAS shall pay as an outlier adjustment to each eligible hospital all per diem operating costs which exceed the applicable threshold or thresholds for that hospital.

4. Pursuant to 12 VAC 30-50-100, there is no limit on length of time for medically necessary stays for individuals under six years of age. This section provides that consistent with the EPSDT program referred to in 42 CFR 441.57, payment of medical assistance services shall be made on behalf of individuals under 21 years of age, who are Medicaid eligible, for medically necessary stays in acute care facilities in excess of 21 days per admission when such services are rendered for the purpose of diagnosis and treatment of health conditions identified through a physical examination. Medical documentation justifying admission and the continued length of stay must be attached to or written on the invoice for review by medical staff to determine medical necessity. Medically unjustified days in such admissions will be denied.

1. All-inclusive rate for one-day maternity and newborn services.

1. Hospitals may voluntarily participate in a program (the Home Tomorrow program) wherein women who have uncomplicated vaginal deliveries may be discharged from the hospital within 24 hours of such deliveries. If providers choose to participate and the patients are determined to be medically appropriate to participate, coverage is provided for routine inpatient services plus a comprehensive home health visit, including a maternal assessment, a newborn assessment, and a home assessment. Reimbursement for the total package of inpatient and outpatient services will be a fixed per case rate. The Home Tomorrow package of services includes one day of inpatient services and one comprehensive home visit provided within 48 hours of discharge. Cases with longer lengths of stay or where a home visit does not occur within 48 hours of discharge shall not be reimbursed under the Home Tomorrow program. These cases will be reimbursed at the normal per diem reimbursement rate.

2. The Home Tomorrow total fixed per case rates in effect from October 1, 1995, through June 30, 1996, shall be:

Northern Virginia	\$1,200
Rest of State	\$1,100
State Teaching Hospitals	\$1,700

These amounts shall be considered to constitute reimbursement both for operating and fixed costs. Disproportionate share hospital payments associated

with these services, if applicable, will be reimbursed upon year end cost settlement.

3. These per case rates will be updated at the beginning of each state fiscal year using the same inflation factor used for hospitals with fiscal years ending at that time. (Refer to subsection B of this section.)

12 VAC 30-80-115. Fee-for-service: Early Discharge Follow-up Visit for Mothers and Newborns.

The early discharge follow-up visit for mothers and newborns covered under the provisions of 12 VAC 30-50-220 C shall be reimbursed at the lower of the state agency fee schedule or actual charges. Providers qualified for reimbursement of this service are those hospitals, physicians, nurse midwives, nurse practitioners, federally qualified health clinics, rural health clinics, and health department clinics that are enrolled as Medicaid providers and are qualified by the appropriate state authority for delivery of the service. The service shall be delivered either by the appropriate professional who is an employee of the participating provider or is under contract with the participating billing providers listed in this section. The staff providing the follow-up visit, at a minimum, shall be a registered nurse having training and experience in maternal and child health.

Documents Incorporated by Reference

Guidelines for Perinatal Care, 1992, American Academy of Pediatrics and the American College of Obstetricians and Gynecologists.

Recommended Childhood Immunization Schedule - United States, January-June 1996, Morbidity and Mortality Weekly Report, January 5, 1996, Vol 44, Nos. 51 and 52.

V.A.R. Doc. No. R97-14; Filed September 11, 1996, 11:04 a.m.

EMERGENCY REGULATIONS

BOARD OF PSYCHOLOGY

Title of Regulation: 18 VAC 125-20-10 et seq. Regulations Governing the Practice of Psychology (amending 18 VAC 125-20-10, 18 VAC 125-20-30, 18 VAC 125-20-40, 18 VAC 125-20-50, 18 VAC 125-20-120, 18 VAC 125-20-130, and 18 VAC 125-20-150; repealing 18 VAC 125-20-20 and 18 VAC 125-20-110).

Statutory Authority: §§ 54.1-2400 and 54.1-3605 of the Code of Virginia.

Effective Dates: September 13, 1996, through September 12, 1997.

Reason for the Emergency Regulation:

By action of the 1996 General Assembly all categories of licensed psychologists will be regulated by the Board of Psychology effective July 1, 1996. Formerly, psychologists with the requisite education and experience in clinical psychology had the option of applying for licensure as "Clinical Psychologist" with the Board of Medicine or as "Psychologist" with the Board of Psychology. Under the new legislation, all psychologists with a clinical specialty will be licensed as "Clinical Psychologists" under the Board of Psychology. Psychologists with a nonclinical specialty will be designated "Applied Psychologists."

Chapter 937 of the 1996 Acts of the Assembly mandates that the Board adopt regulations to implement provisions of the act to be in effect within 280 days of the enactment date of April 17, 1996. Subdivision C 5 of § 9.6.14:4.1 of the Code of Virginia provides for an exemption to the provisions of Article 2 of the Administrative Process Act and the adoption of emergency regulations in this circumstance.

Changes to titles and definitions of practice for licensed psychologists in the new legislation differ from those in the current regulation. To address this problem, the Board proposes deleting title and practice definitions from the regulation and referencing the Code section that sets forth the new definitions. The Board also proposes amending or deleting any references to obsolete titles in the regulation, as appropriate.

In order to facilitate the transition of Clinical Psychologists which represent the majority of licensed psychologists, the Board proposes adopting the renewal schedule and renewal fees in the current Board of Medicine regulation. This represents a fee reduction for individuals currently licensed by the Board of Psychology. Automatic extension will be provided gratis for individuals currently licensed by the Board of Psychology to make the renewal schedule adjustment from annual to biennial. Additionally, the Board proposes rescinding the pro-rated initial licensure fee to simplify the administrative process and expedite issuance of new licenses. Because the examination fees are now paid directly to a contracted service, the Board proposes deleting these fees from the regulation.

Other than the changes described above for definitions, fees and title references, no other changes are proposed in this emergency regulation.

18 VAC 125-20-10. Definitions.

The following words and terms, *in addition to the words and terms defined in § 54.1-3600 of the Code of Virginia*, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"*Applicant*" means a person who submits a complete application for licensure with the appropriate fees.

"*Board*" means the Virginia Board of Psychology.

"*Candidate for licensure*" means a person who has satisfactorily completed the appropriate educational and experience requirements for licensure and has been deemed eligible by the board to sit for the required examinations.

"*Clinical psychologist*" means a psychologist who is competent in the diagnosis, prevention, treatment, and amelioration of psychological problems, behavioral or emotional disorders or conditions or mental conditions, by the application of psychological principles, psychological methods, or psychological procedures including but not limited to psychological assessment and evaluation and psychotherapy, which does not amount to the practice of medicine. The definition shall not be construed to limit or restrict any person licensed by a health regulatory board as defined in § 54.1-2500 of the Code of Virginia from rendering services which they are licensed to provide.

"*Practice of clinical psychology*" means the offering by an individual of services to the public as a clinical psychologist.

"*Demonstrable areas of competence*" means those therapeutic and assessment methods and techniques, and populations served, for which one can document adequate graduate training, workshops, or appropriate supervised experience.

"*Internship*" means a supervised and planned practical experience obtained in an integrated training program in a setting included as an integral and required part of the applicant's program of study.

"*Nonclinical services*" means such psychological services as consultation and evaluation for agencies, industry and other professionals, and shall not mean the assessment, diagnosis, or treatment of behavioral, emotional or nervous disorders.

"*Professional psychology program*" means an integrated program of doctoral study designed to train professional psychologists to deliver services in psychology.

"*Psychologist*" means a person trained in the application of established principles of learning, motivation, perception, thinking, and emotional relationships to problems of personality evaluation, group relations, and behavior adjustment.

"*Practice of psychology*" means the rendering or offering to render to individuals, groups, organizations, or the general public any service involving the application of principles, methods, or procedures of the science and profession of psychology, and which includes, but is not limited to:

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1. "Measuring and testing," which consists of the psychological assessment and evaluation of abilities, attitudes, aptitudes, achievements, adjustments, motives, personality dynamics or other psychological attributes of individuals, or groups of individuals, by means of standardized measurements or other methods, techniques or procedures recognized by the science and profession of psychology;

2. "Counseling and psychotherapy," which consists of the application of principles of learning and motivation in an interpersonal situation with the objectives of modification of perception and adjustment, consisting of highly developed skills, techniques, and methods of altering through learning processes, attitudes, feelings, values, self-concept, personal goals and adaptive patterns; and

3. "Psychological consulting," which consists of interpreting or reporting upon scientific fact or theory in psychology, rendering expert psychological opinion, psychological evaluation, or engaging in applied psychological research.

"Regional accrediting agency" means one of the six regional accrediting agencies recognized by the United States Secretary of Education established to accredit senior institutions of higher education.

"School psychologist" means a person who specializes in problems manifested in and associated with educational systems and who utilizes psychological concepts and methods in programs or actions which attempt to improve learning conditions for students or who is employed in this capacity by a public or nonprofit educational institution or who offers to render such services to the public whether or not employed by such an institution.

"Practice of school psychology" means the rendering or offering to render to individuals, groups, organizations, government agencies or the public any of the following services:

1. "Testing and measuring," which consists of psychological assessment, evaluation, and diagnosis relative to the assessment of intellectual ability, aptitudes, achievement, adjustment, motivation, personality, or any other psychological attribute of persons as individuals or in groups that directly relates to learning or behavioral problems in an educational setting;

2. "Counseling," which consists of professional advisement and interpretive services with children or adults for amelioration or prevention of educationally related problems.

Counseling services relative to the practice of school psychology include, but are not limited to, the procedures of verbal interaction, interviewing, behavior modification, environmental manipulation, and group processes.

Counseling services relative to the practice of school psychology are short term and are situation oriented;

3. "Consultation," which consists of educational or vocational consultation or direct educational services to schools, agencies, organizations, or individuals.

Consultation as herein defined is directly related to learning problems and related adjustments; and

4. Development of programs such as designing more efficient and psychologically sound classroom situations and acting as a catalyst for teacher involvement in adaptations and innovations.

"Supervision" means the ongoing process performed by a supervisor who monitors the performance of the person supervised and provides regular, documented individual consultation, guidance and instruction with respect to the skills and competencies of the person supervised.

"Supervisor" means an individual who assumes full responsibility for the education and training activities of a person and provides the supervision required by such a person.

18 VAC 125-20-20. Classification of licensees. (Repealed)

In compliance with Chapter 36 (§ 54.1-3600 et seq.) of Title 54.1 of the Code of Virginia, the board classifies licensees as psychologists, school psychologists, or clinical psychologists.

1. Psychologist. This license covers the practice of psychology, as defined in Chapter 36 (§ 54.1-3600 et seq.) of Title 54.1 of the Code of Virginia which is divided into two designated specialties requiring different sets of skills and knowledge: (i) for providers of clinical services and (ii) for providers of nonclinical services. The psychologist license is designated accordingly as either psychologist (clinical) or psychologist (nonclinical). The licensee's scope of practice is delimited by the designation of the license and further by licensee's demonstrable areas of competence.

2. Clinical psychologist. This license pertains only to the practice of clinical psychology as defined in Chapter 36 (§ 54.1-3600 et seq.) of Title 54.1 of the Code of Virginia. The candidate for this license, after further investigation and examination by the board, is recommended to the Virginia Board of Medicine for licensure and subsequent regulation.

3. School psychologist. This license pertains only to the practice of school psychology as defined in Chapter 36 (§ 54.1-3600 et seq.) of Title 54.1 of the Code of Virginia.

18 VAC 125-20-30. Fees required by the board.

A. The board has established fees for the following:

1. Registration of residency (per residency request) \$100
2. Application processing fee \$150
 - (a) Graduates of American institutions for licensure as:
 - (1) Psychologist (clinical or nonclinical) \$150
 - (2) School psychologist \$150
 - (3) Clinical psychologist \$450

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(b) Graduates of foreign institutions (in addition to application processing fee) \$150

3. Examinations:

(a) Nationally normed standardized examination \$325

(b) State written examination \$225

(c) National and state written examinations \$490

4. Initial license pre-rated portion of \$95
annual renewal fee

5. 3. Annual Biennial renewal of license \$95 125

6. 4. Late renewal \$ 10

7. 5. Endorsement to another jurisdiction \$ 10

8. 6. Additional or replacement wall certificate \$ 15

9. 7. Returned check \$ 15

10. 8. Rereview fee \$ 25

B. Fees shall be paid by check or money order made payable to the Treasurer of Virginia and forwarded to the board. All fees are nonrefundable.

C. Examination fees shall be paid directly to the examination service according to its requirements.

18 VAC 125-20-40. General requirements.

A. No person shall practice psychology or school psychology in the Commonwealth of Virginia except as provided in the Code of Virginia and this chapter.

B. No person shall practice clinical psychology in the Commonwealth of Virginia except when licensed by the Virginia State Board of Medicine upon recommendation by the Board of Psychology.

C. B. Licensure of all applicants under subsections A and B of this section shall be by examination by this board.

C. A psychologist, clinical psychologist or a school psychologist who desires to practice in other areas of psychology shall obtain a license from this board for the additional area in which the licensee seeks to practice.

D. Every applicant for examination by the board shall:

1. Meet the education and experience requirements prescribed in 18 VAC 125-20-50 or 18 VAC 125-20-60 of this chapter, whichever is applicable for the particular license sought; and

2. Submit to the executive director of the board, not less than 90 days prior to the date of the written examination:

a. A completed application, on forms provided by the board;

b. Documentation of having fulfilled the experience requirements of 18 VAC 125-20-50 or 18 VAC 125-20-60 where applicable.

c. The application processing fee prescribed by the board; and

3. Have the institution that awarded the graduate degrees submit directly to the executive director of the board, at least 90 days prior to the date of the written examination, official transcripts documenting:

a. The graduate work completed; and

b. The degrees awarded.

18 VAC 125-20-50. Education and experience requirements: Graduates of American institutions.

A graduate of an American higher education institution who applies for examination for licensure shall meet the requirements of subsection A, B, or C of this section, whichever is applicable:

A. Psychologists.

† A. Applied psychologist (nonclinical).

a. 1. Program of study. The applicant shall hold a doctorate in psychology from an institution accredited by a regional accrediting agency. Further, the applicant's program must conform to the following criteria for doctoral programs in psychology.

{1} a. The program, wherever it may be administratively housed, shall be clearly identified and labeled as a psychology program. Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists.

{2} b. The psychology program must stand as a recognizable, coherent organizational entity within the institution.

{3} c. There shall be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines.

{4} d. The program must be an integrated, organized sequence of study.

{5} e. There shall be an identifiable psychology faculty and a psychologist responsible for the program.

{6} f. The program shall have an identifiable body of students who are matriculated in that program for a degree.

g. 2. Education. The applicant's program shall have included at least one three semester-credit hour course in each of the following areas of study:

{1} a. Statistics and research design;

{2} b. Physiological psychology or sensation and perception;

{3} c. Learning/cognition;

{4} d. Social psychology;

{5} e. Study of the individual;

{6} f. History and systems; and

{7} g. Scientific and professional ethics and standards..

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e. 3. Experience. No supervised experience is required for licensure as a *an applied psychologist (nonclinical)*.

2 B. *Clinical psychologist (clinical)*.

a. 1. The applicant shall hold a doctorate from a professional psychology program in a regionally accredited university, which:

(#1) a. Was accredited by the American Psychological Association (APA) prior to the applicant's graduation from the program; or

(#2) b. Was accredited by the APA within four years after the applicant graduated from the program; or

(#3) c. If not APA accredited, was a program which met the criteria outlined in 18 VAC 125-20-50 A 1 a. Further, the program must have required successful completion by the applicant of all the following:

(a1) At least one three semester-credit hour course in each of the areas of study prescribed in subdivision A 1-b 2 of this section for a *an applied psychologist (nonclinical)*.

(b2) At least one three semester-credit hour course in each of the following additional areas of study:

(ia) Personality theory;

(ib) Diagnostic interviewing and behavioral assessment;

(ic) Psychometric, psychodiagnostic, and projective testing;

(id) Psychopathology;

(ie) Psychotherapy, both individual and group; and

(if) Practicum: Supervision and assessment/diagnosis and psychotherapy; and

(e3) A one-year, full-time internship approved by the American Psychological Association (APA) or consistent with the requirements for APA approval and approved by the applicant's doctoral program.

b2. Experience. Applicants shall possess post-doctoral experience as defined in this subparagraph and shall inform the board, when they apply, how they propose to meet this experience requirement. This requirement may be met in one of two ways:

(#1) a. By waiver based on lengthy experience. Applicants possessing many years of relevant post-doctoral experience in another jurisdiction may obtain a waiver of residency requirements by demonstrating to the board that they have received the substantial equivalent of the supervised experience required in subdivision A 2-b (#2) B 2 b described below; or

(#2) b. Residency requirements. The applicant under this provision shall show documentation of the successful completion of a one-year, full-time post-doctoral residency, or its equivalent in part-time experience for a period not to exceed three years,

consisting of supervised experience in the delivery of clinical services acceptable to the board; or the applicant may request approval to begin a residency with the following conditions:

(a1) Applicants shall apply for licensure and residency concurrently.

(b2) Prior to initiating the proposed residency training, the applicant shall:

(a) Register with the board;

(b) Pay the registration fee;

(c) Submit an agreement signed by the applicant and proposed Virginia licensed supervisor(s) stating the nature of the services to be rendered, the number of hours of supervision, and the nature of the supervision; and

(d) Receive approval from the board to begin the residency training. (Applicants who do not apply before beginning residency training, cannot be guaranteed the residency will be approved.)

(e3) Supervision shall be provided by a licensed *applied psychologist, clinical psychologist, or school psychologist*.

(d4) The supervisor shall not provide supervision for activities beyond the supervisor's demonstrable areas of competence, nor for activities for which the applicant has not had appropriate education and training.

(e5) There shall be a minimum of two hours of individual supervision per week. Group supervision of up to five residents may be substituted for one of the two hours per week on the basis that two hours of group supervision equals one hour of individual supervision, but in no case shall the resident receive less than one hour of individual supervision per week.

(f6) Residents may not call themselves *applied psychologists, clinical psychologists, or school psychologists; solicit clients; bill for services; or in any way represent themselves as professional psychologists*. During the residency period they shall use their names, the initials of their degree, and the title, "Resident in Psychology."

(g7) At the end of the residency training period, the supervisors shall submit to the board, a written evaluation of the applicant's performance.

~~B. Clinical psychologist. The applicant for examination for licensure as a clinical psychologist shall possess the same educational qualifications and shall have met the same experience requirements as those prescribed for a psychologist (clinical) in subdivisions A 2-a and A 2-b respectively of this section.~~

C. School psychologist.

1. Education. The applicant shall hold at least a master's degree in school psychology, with a minimum of at least

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60 semester credit hours, from a college or university accredited by a regional accrediting agency. The program requirements shall:

- a. Reflect a planned, integrated, and supervised program of graduate study as outlined for programs approved by the American Psychological Association (APA) or by the National Council for the Accreditation of Teacher Education (NCATE); and
 - b. Include an internship approved by the applicant's training program.
2. Experience. Applicants shall possess post-master's degree experience as defined in this section and shall inform the board when they apply as to how they propose to meet this experience requirement. This requirement may be met in one of two ways:

- a. By waiver based on lengthy experience. Applicants possessing many years of relevant post-master's degree experience in another jurisdiction may obtain a waiver of residency requirements by demonstrating to the board that they have received the substantial equivalent of the supervised experience required in subdivision C 2 b described below; or
- b. By residency. The applicant shall show documentation of a previous full-time residency of at least one school year, or the equivalent in part-time experience or request approval to begin a current residency with the following conditions:

- (1) Applicants shall apply for licensure and residency concurrently.
- (2) Prior to the proposed residency training, the applicant shall:
 - (a) Register with the board;
 - (b) Pay the registration fee;
 - (c) Submit an agreement signed by the applicant and proposed Virginia licensed supervisor(s) stating the nature of the services to be rendered, the number of hours of supervision, and the nature of the supervision; and
 - (d) Receive approval from the board to begin the residency training. (Applicants who do not apply before beginning residency training cannot be guaranteed the residency will be approved).
- (3) Supervision shall be provided by a licensed school psychologist, licensed *applied* psychologist, or licensed clinical psychologist.
- (4) The supervisor shall not provide supervision for activities beyond the supervisor's demonstrable areas of competence, nor for activities for which the applicant has not had appropriate education and training.
- (5) There shall be a minimum of two hours of individual supervision per week. Group supervision of up to five residents may be substituted for one of the two hours per week on the basis that two hours

of group supervision equals one hour of individual supervision, but in no case shall the resident receive less than one hour of individual supervision per week.

(6) Residents may not call themselves *applied* psychologists, clinical psychologists, or school psychologists; solicit clients; bill for services; or in any way represent themselves as professional psychologists. During the residency period they shall use their names, the initials of their degree, and the title, "Resident in School Psychology."

(7) At the end of the residency training period, the supervisor(s) shall submit to the board a written evaluation of the applicant's performance.

(8) The applicant shall not continue in residency status for more than three years.

D. Applicants for additional licenses. To obtain additional licenses, all requirements shall be met as prescribed by the board. Applicants shall complete a new application and submit new application fees. A complete new application process may be initiated at the board's discretion.

18 VAC 125-20-110. Licensure. (Repealed)

A. Upon payment of the prorated portion of the biennial licensure fee prescribed by the board, the board will issue to each successful candidate a license to practice as a psychologist or school psychologist.

B. The board will recommend to the Board of Medicine each successful candidate the Board of Psychology examines for licensure as a clinical psychologist.

C. A psychologist, clinical psychologist or a school psychologist who desires to practice in other areas of psychology shall obtain a license from this board for the additional area in which the licensee seeks to practice.

18 VAC 125-20-120. Annual Biennial renewal of licensure.

Every license issued by the board shall expire on June 30 of each the last day of the licensee's birth month of each even-numbered year.

1. Every licensee who intends to continue to practice shall, by June 30 of each year on or before the expiration date of the license, submit to the board:

- a. A license renewal application on forms supplied by the board; and
- b. The renewal fees prescribed in 18 VAC 125-20-30.

2. Failure of a licensee to receive a renewal notice and application forms from the board shall not excuse the licensee from the renewal requirement.

18 VAC 125-20-130. Late renewal; reinstatement.

A. A person whose license has expired may renew it within two years after its expiration date by paying the penalty fee prescribed in 18 VAC 125-20-30 and the license renewal fee for each year the biennium the license was not renewed.

Emergency Regulations

B. A person whose license has not been renewed for two years or more and who wishes to resume practice shall:

1. Present evidence satisfactory to the board regarding continued competency to perform the duties regulated by the board; and
2. Upon approval for reinstatement, pay the penalty fee and the license fee for each *the* renewal period the license was not renewed, as prescribed by the board and pay a rereview fee as prescribed in 18 VAC 125-20-30.

18 VAC 125-20-150. Standards of practice.

A. The protection of the public health, safety, and welfare and the best interest of the public shall be the primary guide in determining the appropriate professional conduct of all persons whose activities are regulated by the board.

B. Persons licensed by the board shall:

1. Provide only services and use only techniques for which they are qualified by training and experience;
2. When advertising services to the public, ensure that such advertising is neither fraudulent nor misleading;
3. Represent accurately their competency, education, training and experience;
4. Neither accept nor give commissions, rebates or other forms of remuneration for referral of clients for professional services;
5. Make advance financial arrangements that safeguard the best interests of and are clearly understood by their clients;
6. Refrain from undertaking any activity in which their personal problems are likely to lead to inadequate or harmful services;
7. Avoid dual relationships with clients that could impair professional judgment or compromise the client's well being (to include but not limited to treatment of close friends, relatives, employees and sexual intimacies with clients; bartering services; romantic or sexualized relationships with any current supervisee);
8. Avoid any action that will violate or diminish the legal and civil rights of clients or of others who may be affected by the action;
9. Keep confidential their professional relationships with clients, including their records and reports, except when a client is a danger to self or others, or when the licensee is under a court order to disclose such information;
10. Terminate a professional psychological relationship when it is clear that services are not benefiting the client;
11. Ensure that the welfare of clients is not compromised in any experimentation or research involving those clients;
12. Report to the board known violations of the laws and regulations governing the practice of psychology;
13. Represent oneself as a licensed psychologist only when licensed by the board as a psychologist;

14. Represent oneself as a licensed school psychologist only when licensed by the board as a school psychologist;

15. Represent oneself as a licensed clinical psychologist or otherwise use variations of the description clinical psychology to describe one's practice only when licensed by the Board of Medicine as a clinical psychologist;

1614. Not represent oneself as "board certified" without specifying the complete name of the specialty board; and

1715. Keep pertinent, confidential records for at least seven years with adults and organizations and 10 years with minors after termination of services to any consumer.

/s/ John W. Hasty, Director
Department of Health Professions
Date: June 27, 1996

/s/ Robert W. Lauterberg, Director
Department of Planning and Budget
Date: August 22, 1996

/s/ Robert C. Metcalf
Secretary of Health and Human Resources
Date: August 23, 1996

/s/ George Allen
Governor
Date: September 11, 1996

V.A.R. Doc. No. R97-19; Filed September 13, 1996, 4:23 p.m.

MARINE RESOURCES COMMISSION

EMERGENCY REGULATIONS

Title of Regulation: 4 VAC 20-560-10 et seq. Pertaining to the York River, Poquoson River and Back River Shellfish Management Areas and the James River and York River Broodstock Management Areas (amending 4 VAC 20-560-20, 4 VAC 20-560-50, and 4 VAC 20-560-60).

Statutory Authority: §§ 28.2-201 and 28.2-210 of the Code of Virginia.

Effective Dates: September 3, 1996, to October 4, 1996.

Preamble:

This emergency regulation establishes the York, Poquoson, and Back River Shellfish Management Areas and the James River and York River Broodstock Management Areas, with provisions to control the harvest of clams from those areas. This emergency regulation is promulgated pursuant to the authority contained in §§ 28.2-201, 28.2-210, and 28.2-503 of the Code of Virginia. This emergency regulation amends 4 VAC 20-560-10 et seq. which was promulgated on February 28, 1995, and effective on March 9, 1995. As set forth in § 28.2-210 of the Code of Virginia, this emergency regulation remains in force for only 30 days from the effective date unless subsequently adopted after the public hearing and advertisement as set forth in §§ 28.2-209, 28.2-211, and 28.2-212 of the Code of Virginia. The effective dates of this emergency regulation are September 3, 1996, to October 4, 1996.

Agency Contact: Copies of the regulation may be obtained from Deborah R. Cawthon, Regulatory Coordinator, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2248.

CHAPTER 560.

PERTAINING TO THE YORK RIVER, POQUOSON RIVER AND BACK RIVER SHELLFISH MANAGEMENT AREA AREAS AND THE JAMES RIVER AND YORK RIVER BROODSTOCK MANAGEMENT AREA AREAS.

4 VAC 20-560-20. Shellfish management areas.

A. The York River Shellfish Management Area shall consist of all public grounds located inshore of a line beginning at the entrance to the Virginia Institute of Marine Science boat basin at Gloucester Point, running northwesterly to Buoy No. 30, thence northwesterly to Buoy No. 32, thence northwesterly to Buoy No. 34, then northwesterly to Pages Rock Buoy, thence northwesterly and ending at Clay Bank Wharf.

B. The Poquoson River Shellfish Management Area shall consist of all public grounds bounded by a line beginning at Hunts Point Survey Taylor and running northwesterly to Survey Station Spit, thence northeasterly to Survey Station Cabin North, thence east to Survey Station Cabin South, thence southeasterly following the general shoreline (not to include any creeks or canals) to the flag pole near Survey Station 80 at York Point, thence 175 degrees to Day Marker No. 14 and returning to Hunts Point Survey Taylor.

C. The Back River Shellfish Management Area shall consist of all current public clamming grounds bounded by a

line from corner 3 on Shell Plant 115 through corner 17, a daymarker, on Shell Plant 115, 237.42 feet to a point being the point of beginning; thence southeasterly to corner number 1 Public Clamming Ground (PCG#12); thence southeasterly to corner number 3A Public Clamming Ground (PCG#12); thence northeasterly to corner number 3 Public Clamming Ground (PCG#12); thence northwesterly to corner number 2 Public Clamming Ground (PCG#12); thence southwesterly to the POB. Also, for a period of one year, throughout 1994, Shell Plant 115 will also be included in the Back River Shellfish Management Area.

D. The James River Broodstock Management Area shall begin at the southwest corner of Public Ground No. 1 Warwick County; thence along a bearing North 43-38-17 West 1,677.00 feet to corner 5 Public Ground No. 1 Warwick County; thence along a bearing North 50-05-07 East 280.30 feet to a corner; thence South 43-38-17 East 1,677.00 feet to a corner; thence South 50-5-077 West 260.30 feet to the Southwest corner of Public Ground No. 1 Warwick County, being the point of beginning, containing 10.00 acres.

E. The York River Broodstock Management Area shall be identical to that closed to patent tonging in the vicinity of the George P. Coleman Memorial Bridge as defined in 4 VAC 20-520-10 et seq. and is described as follows: the area under any portion of the George P. Coleman Memorial Bridge, the area within the 300 feet of the eastern, or downstream, side of the George P. Coleman Memorial Bridge and the area on the western, or upstream, side of the George P. Coleman Memorial Bridge within a 400 foot radius of the two center caissons, numbered 1S and 1N.

4 VAC 20-560-50. Time of day and harvest restrictions.

A. It shall be unlawful for any person to harvest clams by patent tong from either the York or Poquoson River Shellfish Management Area before sunrise or after 2 p.m.

B. It shall be unlawful for any person to harvest clams by patent tong from the Back River Shellfish Management Area before sunrise or after 4 p.m.

C. It shall be unlawful for any person to harvest clams by patent tong from either the York, Poquoson or Back River Shellfish Management Area on Saturday or Sunday.

D. It shall be unlawful for any person to harvest any shellfish from the James River Broodstock Management Area at any time.

E. It shall be unlawful for any person to harvest any shellfish from the York River Broodstock Management Area at any time.

4 VAC 20-560-60. Penalty.

A. As set forth in § 28.2-903 of the Code of Virginia, any person violating any provision of this chapter shall be guilty of a Class 3 misdemeanor, and a second or subsequent violation of any provision of this chapter committed by the same person within 12 months of a prior violation is a Class 1 misdemeanor.

B. In addition to the penalties prescribed by law, any person violating 4 VAC 20-560-50 D or E shall immediately

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return all harvested shellfish to the Broodstock Management Area, shall cease harvesting on that day, shall be required to appear before the Marine Resources Commission pursuant to any violation, and all harvesting apparatus shall be subject to seizure.

C. The Marine Resources Commission may revoke the permit of any person convicted of a violation of this chapter.

/s/ William A. Pruitt
Commissioner

V.A.R. Doc. No. R97-4; Filed August 30, 1996, 3:36 p.m.

* * * * *

Title of Regulation: 4 VAC 20-930-10 et seq. Pertaining to the Hampton Roads Hard Clam Harvest Area.

Statutory Authority: §§ 28.2-201, 28.2-210, and 28.2-816 of the Code of Virginia.

Effective Dates: September 3, 1996, to October 1, 1996.

Preamble:

This emergency regulation establishes a Hampton Flats Hard Clam Harvest Area and provisions to control the harvest of hard clams from this area. This emergency regulation is promulgated pursuant to the authority contained in §§ 28.2-201, 28.2-210 and 28.2-816 of the Code of Virginia. The effective date of this emergency regulation is September 3, 1996. This emergency regulation shall terminate on October 1, 1996.

Agency Contact: Copies of the regulation may be obtained from Deborah R. Cawthon, Regulatory Coordinator, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2248.

CHAPTER 930. PERTAINING TO THE HAMPTON ROADS HARD CLAM HARVEST AREA.

4 VAC 20-930-10. Purpose.

The provisions of this chapter are in response to reduced abundance of hard clams in direct market-clam areas and increased harvest pressure on the hard clam resource. This chapter also provides for purchase, transport and planting of broodstock clams to sanctuary areas.

4 VAC 20-930-20. Hampton Flats Hard Clam Harvest Area.

The Hampton Flats Hard Clam Harvest Area shall consist of all tidal waters within a line beginning at the Newport News Boat Harbor inshore at the VMRC Operations Building; thence continuing southeasterly to buoy "R'22," thence following the buoy line to the north side of the Explosives Landing Berth; thence in a northwesterly direction to buoy "18," continuing northbound and extending through Channel Marker "2" to the shoreline Radio Tower; thence following the shoreline in a southwesterly direction back to the VMRC Operations Building.

4 VAC 20-930-30. Harvest season.

The harvest season for the Hampton Flats Hard Clam Harvest Area shall be from Tuesday, September 3, 1996, through Monday, September 30, 1996. However, this harvest area may be closed to harvest if the number of clams harvested from this area equals 227,800 on or before September 17, 1996.

4 VAC 20-930-40. Harvest restrictions.

A. It shall be unlawful for any person to possess any hard clam which can be passed through a 1 1/4-inch inside diameter culling ring.

B. For the possession limit described in subsection A of this section, there shall be a 5.0% tolerance of hard clams by number in each bag or container.

C. It shall be unlawful for any person to possess any hard clam which cannot be passed through a 2 7/8-inch inside diameter culling ring.

D. For the possession limit described in subsection C of this section, there shall be a 10% tolerance of hard clams by number in each bag or container as stipulated in 4 VAC 20-590-10 et seq.

E. An amount up to 500 large size hard clams may be possessed per boat for sale to the Marine Resources Commission for planting in brood stock sanctuaries.

F. Only at the request of the Virginia Marine Resources Commission, fishermen harvesting clams in the Hampton Flats Hard Clam Harvest Area shall be required to sell up to 500 large size hard shell clams.

G. The clam boat captain will be paid three cents per clam for each large size hard shell clam sold to the state, following the conclusion of harvesting within the Hampton Flats Harvest Area for the 1996 season.

H. It shall be unlawful for any person to harvest clams from the Hampton Flats Hard Clam Harvest Area before sunrise or after 3 p.m.

4 VAC 20-930-50. Unloading port.

The Newport News Boat Harbor shall be the sole unloading port for hard shell clams harvested from the Hampton Flats Hard Clam Harvest Area.

4 VAC 20-930-60. Penalty.

A. As set forth in § 28.2-903 of the Code of Virginia, any person violating any provision of this regulation shall be guilty of a Class 3 misdemeanor, and a second, or subsequent violation of any provision of this regulation committed by the same person within 12 months of a prior violation is a Class 1 misdemeanor.

B. The Marine Resources Commission may revoke the permit of any person convicted of a violation of this regulation.

/s/ William A. Pruitt
Commissioner

V.A.R. Doc. No. R97-5; Filed August 30, 1996, 3:36 p.m.

Marine Resources Commission

FINAL REGULATIONS

NOTICE: The Marine Resources Commission is exempted from the Administrative Process Act (§ 9-6.14:4.1 of the Code of Virginia); however, it is required by § 9-6.14:22 B to publish all final regulations.

Title of Regulation: 4 VAC 20-380-10 et seq. Pertaining to Grey Trout (Weakfish) (amending 4 VAC 20-380-10, 4 VAC 20-380-20, 4 VAC 20-380-30, 4 VAC 20-380-50, and 4 VAC 20-380-60).

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

Effective Date: September 1, 1996.

Preamble:

This regulation establishes limitations on the commercial and recreational harvest of grey trout in order to reduce the fishing mortality rate and to rebuild the severely depleted stock of grey trout. The limitations include minimum size limits, gear restrictions and season limits for the commercial fishery and minimum size and possession limits for the recreational fishery. This regulation is promulgated pursuant to authority contained in § 28.2-201 of the Code of Virginia. This regulation amends previous 4 VAC 20-380-10 et seq. which was adopted by the Marine Resources Commission on April 23, 1996, and made effective May 1, 1996. The effective date of these amendments is September 1, 1996.

Agency Contact: Copies of the regulation may be obtained from Deborah R. Cawthon, Regulatory Coordinator, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2248.

4 VAC 20-380-10. Purpose.

The purpose of this chapter is to achieve *maintain* at least a 33% reduction in the grey trout fishing mortality rate during the April 1, 1996, through March 31, 1997, period until March 31, 1998, thereby reducing the probability of recruitment failure and stock collapse and allowing for a rebuilding of the spawning stock. This chapter is designed to be consistent with federal and interstate management measures.

4 VAC 20-380-20. Definitions.

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

"Closed season" means an interval of time, in days, when it shall be unlawful for any fisherman licensed in accordance with the provisions of 4 VAC 20-610-10 et seq. and § 28.2-301 of the Code of Virginia to possess any grey trout less than 12 inches in length or more than 150 pounds of grey trout 12 inches or greater in length.

"Fishing season" means the time period of April 1 through March 31.

"Grey Trout" means any fish of the species *Cynoscion regalis*.

4 VAC 20-380-30. Minimum size limits, tolerances.

A. For any person fishing with pound net or haul seine there shall be no minimum size limit on grey trout.

B. It shall be unlawful for any person fishing with gill nets to possess any grey trout less than 12 inches in length.

C. It shall be unlawful for any trawl boat to land any grey trout in Virginia that are less than 12 inches in length.

D. It shall be unlawful for any person fishing with hook-and-line, rod-and-reel, or hand line to possess any grey trout less than 12 1/4 inches in length.

E. It shall be unlawful for any person using any gear type not specified in subsections A, B, C or D of this section to possess any grey trout less than nine inches in length.

F. During a closed season it shall be unlawful for any person using any gear type which is regulated by a closed season to possess any grey trout less than 12 inches in length.

F. G. Length is measured in a straight line from the tip of the nose to the tip of the tail.

4 VAC 20-380-50. Commercial fishing season.

A. It shall be unlawful for any person fishing with pound net to possess any grey trout during the closed seasons. The closed season on grey trout harvested by pound net shall be May 1 through May 22, 1996, and September 13, 1996, through March 31, 1997, except as provided in subdivision 1 of this subsection.

1. Any pound net fisherman who holds 2 or 3 pound net licenses in accordance with the provisions of 4 VAC 20-600-10 et seq. may forfeit only one of those licenses to be eligible to possess grey trout during exempt from the closed seasons as established in this subsection. Any pound net fisherman who holds 4, 5, or 6 pound net licenses in accordance with the provisions of 4 VAC 20-600-10 et seq. may forfeit only two of those licenses to be eligible to possess grey trout during exempt from the closed seasons as established in this subsection. Any pound net fisherman who holds 7, 8, or 9 pound net licenses in accordance with the provisions of 4 VAC 20-600-10 et seq. may forfeit only three of those licenses to be eligible to possess grey trout during exempt from the closed seasons as established in this subsection. Forfeiture of any license shall be through March 31, 1997 of each fishing season, and shall occur prior to May 1, 1996 of each fishing season.

2. Any pound net licensee who forfeits a license pursuant to subdivision 1 of this subsection shall retain his priority rights to such locations for future licensing until April 1, 1997 of the following fishing season. Any pound net fisherman who forfeits one or more pound net licenses may reclaim such licenses during the period of March 15 of the current fishing season through April 1, 1997 period of the following fishing season, but shall not set or fish any pound nets attached to provided for by such licenses prior to April 1, 1997.

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3. Those pound net licensees who hold multiple gear licenses and satisfy the requirement of subdivision 1 of this subsection may transfer an unused license to a licensee who holds a single pound net license.
- B. The closed seasons on grey trout harvested by gill net shall be May 14 through October 7, 1996, and December 18, 1996, through March 31, 1997.
- C. The closed seasons on grey trout harvested by haul seine shall be April 1 through April 15, 1996; June 11 through August 20, 1996; and September 20 through September 26, 1996, and October 3, 1996 25 through March 31, 1997.
- D. The closed season on landing grey trout harvested by trawl shall be September 26 through March 31, 1997.

4 VAC 20-380-60. Possession limit.

It shall be unlawful for any person fishing with hook-and-line, rod-and-reel or hand line to possess more than ~~four~~ 14 grey trout. When fishing from a boat or vessel where the entire catch is held in a common hold or container, the possession limit shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by ~~four~~ 14. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit. Any grey trout taken after the possession limit has been reached shall be returned to the water immediately.

/s/ William A. Pruitt
Commissioner

V.A.R. Doc. No. R97-3; Filed August 30, 1996, 3:36 p.m.

* * * * *

Title of Regulation: 4 VAC 20-610-10 et seq. Pertaining to Commercial Fishing and Mandatory Harvest Reporting (amending 4 VAC 20-610-20 and 4 VAC 20-610-30).

Statutory Authority: §§ 28.2-201, 28.2-204, 28.2-242 and 28.2-243 of the Code of Virginia.

Effective Date: September 1, 1996.

Preamble:

This regulation describes the procedures and manner for application for registration as a commercial fisherman, the manner and form of mandatory harvest reports by commercial fishermen and others, and exceptions to the registration process and delay requirements as specified in § 28.2-241 of the Code of Virginia. A commercial hook-and-line license is also established. This regulation is promulgated pursuant to authority contained in §§ 28.2-201, 28.2-204, 28.2-242, and 28.2-243 of the Code of Virginia. This regulation amends and readopts previous 4 VAC 20-610-10 et seq. that was adopted March 28, 1995, and was effective April 25, 1995. The effective date of these amendments is September 1, 1996.

Agency Contact: Copies of the regulation may be obtained from Deborah R. Cawthon, Regulatory Coordinator, Marine

Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2248.

4 VAC 20-610-20. Definitions.

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

"Commission" means the Marine Resources Commission.

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

"Continuing business enterprise" means any business which is required to have a Virginia Seafood Buyer's License or is required to have a business license by county, city or local ordinance.

"Sale" means sale, trade, or barter.

"Sell" means sell, trade, or barter.

"Selling" means selling, trading or bartering.

"Sold" means sold, traded, or bartered.

4 VAC 20-610-30. Commercial fisherman registration license; exceptions.

A. In accordance with § 28.2-241 C of the Code of Virginia, only persons who hold a valid Commercial Fisherman Registration License may sell, trade, or barter their catch, or give their catch to another, in order that it may be sold, traded, or bartered. Only these licensees may sell their catches from Virginia tidal waters, regardless of the method or manner in which caught. Exceptions to the requirement to register as a commercial fisherman for selling catch are authorized for the following persons only:

1. Persons taking menhaden under the authority of licenses issued pursuant to § 28.2-402 of the Code of Virginia.

2. Persons taking diminutive quantities of minnows, used solely for bait for fishing. Persons independently harvesting and selling, trading, or bartering no more than three gallons of minnows per day who are not part of, hired by, or engaged in a continuing business enterprise.

a. Only minnow pots, a cast net or a minnow seine less than 25 feet in length may be used by persons independently harvesting minnows.

b. All other marine species taken during the process of harvesting minnows shall be returned to the water immediately.

3. One agent, who is not registered as a commercial fisherman, may be authorized to possess the registration license of a commercial fisherman in order to serve as a substitute in his absence for fishing the license holder's gear and selling the catch. No more than one person shall be used as an agent at any time. An agent must possess the registration license of the owner when fishing or selling the catch in his behalf.

B. In accordance with § 28.2-241 H, of the Code of Virginia, only persons with a valid Commercial Fisherman

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Registration License may purchase gear licenses. Beginning with licenses for the 1993 calendar year and for all years thereafter, gear licenses will be sold only upon presentation of evidence of a valid Commercial Fisherman Registration License.

Exceptions to the prerequisite requirement are authorized for the following gears only, and under the conditions described below:

1. Menhaden purse seine licenses issued pursuant to § 28.2-402 of the Code of Virginia may be purchased without holding a Commercial Fisherman Registration License.
2. Commercial gear licenses used for recreational purposes and issued pursuant to § 28.2-226.2 of the Code of Virginia may be purchased without holding a Commercial Fisherman Registration License.
- C. Exceptions to the two-year delay may be granted by the commissioner, if he finds any of the following:
 1. (i) The applicant for an exception has demonstrated, to the satisfaction of the commissioner, that the applicant has fished a significant quantity of commercial gear in Virginia waters during at least two of the previous five years; and (ii) the applicant can demonstrate, to the satisfaction of the commissioner, that a significant hardship caused by unforeseen circumstances beyond the applicant's control has prevented the applicant from making timely application for registration. The commissioner may require the applicant to provide such documentation as he deems necessary to verify the existence of hardship.
 2. The applicant is purchasing another commercial fisherman's gear, and the seller of the gear holds a Commercial Fisherman Registration License and the seller surrenders that license to the commission at the time the gear is sold.
 3. An immediate member of the applicant's family, who holds a current registration, has died or is retiring from the commercial fishery and the applicant intends to continue in the fishery.
 4. Any applicant denied an exception may appeal the decision to the commission. The applicant shall provide a request to appeal to the commission 30 days in advance of the meeting at which the commission will hear the request. The commission will hear requests at their March, June, September, and December meetings.
 5. Under no circumstances will an exception be granted solely on the basis of economic hardship.

/s/ William A. Pruitt
Commissioner

V.A.R. Doc. No. R97-2; Filed August 30, 1996, 3:35 p.m.

Title of Regulation: 4 VAC 20-620-10 et seq. Pertaining to Summer Flounder (amending 4 VAC 20-620-20, 4 VAC 20-620-30, 4 VAC 20-620-40, and 4 VAC 20-620-60).

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

Effective Date: October 1, 1996.

Preamble:

This regulation establishes limitations on the commercial and recreational harvest of Summer Flounder in order to reduce the fishing mortality rate and to rebuild the severely depleted stock of Summer Flounder. The limitations include a commercial harvest quota and possession limits, minimum size limits, and a recreational possession and season limit. This regulation is promulgated pursuant to the authority contained in § 28.2-201 of the Code of Virginia, and amends 4 VAC 20-620-10 et seq. which was promulgated by the Marine Resources Commission and made effective May 1, 1996. The effective date of this regulation is October 1, 1996.

Agency Contact: Copies of the regulation may be obtained from Deborah R. Cawthon, Regulatory Coordinator, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2248.

4 VAC 20-620-20. Definition.

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

"Land" or "landing" means to enter port with finfish, shellfish, crustaceans or other marine seafood on board any boat or vessel, to begin offloading finfish, shellfish, crustaceans or other marine seafood, or to offload finfish, shellfish, crustaceans, or other marine seafood.

"Trip" means that period during which a vessel shall have left a dockside landing place, relocated to waters where trawling is legally permitted, and returned to a dockside landing place.

4 VAC 20-620-30. Commercial harvest quotas.

A. During each calendar year, commercial landings of Summer Flounder shall be limited to the total pounds calculated pursuant to the joint Mid-Atlantic Fishery Management Council/Atlantic States Marine Fisheries Commission Summer Flounder Fishery Management Plan, as approved by the National Marine Fisheries Service on August 6, 1992 (50 CFR Part 625); and shall be distributed as described in subsections B through H of this section:

B. The commercial harvest of Summer Flounder from Virginia tidal waters for each calendar year shall be limited to 300,000 pounds.

C. During the period of January 1 through March 31 of each calendar year, landings of Summer Flounder harvested outside of Virginia shall be limited to an amount of pounds equal to 64.3% of the total specified in subsection A of this

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section after deducting the amount specified in subsection B of this section.

D. During the period of April 1 through June 30 of each calendar year, landings of Summer Flounder harvested outside of Virginia shall be limited to an amount of pounds equal to 6.4% of the total specified in subsection A of this section after deducting the amount specified in subsection B.

E. During the period of July 1 through September 30 of each calendar year, landings of Summer Flounder harvested outside of Virginia shall be prohibited.

F. During the period of October 1 through December 31 of each calendar year, landings of Summer Flounder harvested outside of Virginia shall be limited to an amount of pounds equal to 29.3% of the total specified in subsection A of this section after deducting the amount specified in subsection B of this section and as may be further modified by subsection G.

G. During the periods set forth in subsections C, D, and E of this section, should landings exceed or fall short of the quota specified for that period any such excess shall be deducted from, and any such shortage shall be added to, the quota for the period set forth in subsection F of this section. During the period specified in subsection B of this section, should landings be projected to fall short of the quota specified for that period, any such shortage shall be added to the quota for the period set forth in subsection F of this section. A projection of harvest under this subsection will be made on or about November 1.

H. For each of the time periods and quotas set forth in subsections C, D, E, F and G of this section, the Marine Resources Commission will give timely notice to the industry of the calculated poundages and any adjustments thereto. It shall be unlawful for any person to harvest for commercial purposes or to land Summer Flounder for sale commercial purposes after the commercial harvest or landing quota as described in this section has been attained and announced as such.

I. *It shall be unlawful for any buyer of seafood to receive any Summer Flounder after any commercial harvest or landing quota as described in this section has been attained and announced as such.*

4 VAC 20-620-40. Commercial trip limitation vessel possession limitations.

A. During the period of January 1 through March 31 of each calendar year, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to land possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 9,000 pounds per vessel per trip except that when it is projected and announced that 80% of the quota for this period has been taken, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to land possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 5,000 pounds per vessel per trip.

B. During the period of April 1 through June 30 of each calendar year, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to land

possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 2,500 pounds per vessel trip.

C. During the period October 1 through December 31 of each calendar year, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to land possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 5,000 pounds per vessel per trip, except that when it is projected and announced that 85% of the quota for this period has been taken, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to land possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 2,500 pounds per vessel per trip.

D. For each of the time periods and trip limits set forth in subsections A and C of this section, the Marine Resources Commission will give timely notice of any changes in trip possession limits.

E. For each possession limit described in subsections A, B, and C of this section, there shall be a tolerance of 10% of Summer Flounder by weight. Persons in possession of Summer Flounder, aboard any vessel, in excess of the possession limit plus the tolerance shall be in violation of this chapter. Any buyer or processor offloading or accepting any quantity of Summer Flounder from any vessel in excess of the possession limit plus the tolerance shall be in violation of this chapter.

F. Any person found in violation of any of the possession limits described in this section shall be subject to having the entire amount of Summer Flounder confiscated. Any confiscated Summer Flounder shall be considered as a removal from the appropriate commercial harvest or landings quota. Upon confiscation, the marine patrol officer shall inventory the confiscated Summer Flounder and, at a minimum, secure two bids for purchase of the confiscated Summer Flounder from approved and licensed seafood buyers. The confiscated fish will be sold to the highest bidder and all funds derived from such sale shall be deposited for the Commonwealth. Following disposition of any case involving confiscation of Summer Flounder, the collected funds will be returned to the accused upon a finding of innocence, whereas a finding of guilty will result in forfeiture of such funds to the Commonwealth.

G. It shall be unlawful for any person to offload from a boat or vessel for commercial purposes any Summer Flounder during the period of 10 p.m. to 7 a.m.

H. Any boat or vessel possessing more than the lawful limit of Summer Flounder which has entered Virginia waters for safe harbor shall not offload any Summer Flounder.

I. After any commercial harvest or landing quota as described in 4 VAC 20-620-30 has been attained and announced as such, any boat or vessel possessing Summer Flounder on board may enter Virginia waters for safe harbor but shall contact the Marine Resources Commission Operation Center in advance of such entry into Virginia waters.

Marine Resources Commission

4 VAC 20-620-60. Possession limit.

A. It shall be unlawful for any person fishing with hook-and-line, rod-and-reel, spear, gill or other recreational gear, or with commercial hook-and-line, to possess more than eight Summer Flounder. When fishing is from a boat, or vessel where the entire catch is held in a common hold or container, the possession limit shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by eight. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit. Any Summer Flounder taken after the possession limit has been reached shall be returned to the water immediately.

B. Possession of any quantity of Summer Flounder which exceeds the possession limit described in subsection A of this section shall be presumed to be for commercial purposes.

/s/ William A. Pruitt
Commissioner

V.A.R. Doc. No. R97-7; Filed September 3, 1996, 3:35 p.m.

Title of Regulation: 4 VAC 20-920-10 et seq. Pertaining to Landing Licenses.

Statutory Authority: § 28.2-228.1 of the Code of Virginia.

Effective Date: October 1, 1996.

Preamble:

This regulation establishes a license for the landing of seafood for commercial purposes in Virginia and a special endorsement license to land Summer Flounder in Virginia. This regulation is promulgated pursuant to the authority contained in § 28.2-228.1 of the Code of Virginia. The effective date of this regulation is October 1, 1996.

Agency Contact: Copies of the regulation may be obtained from Deborah R. Cawthon, Regulatory Coordinator, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2248.

CHAPTER 920. PERTAINING TO LANDING LICENSES.

4 VAC 20-920-10. Purpose.

The purpose of this chapter is to establish a license for the landing of seafood for commercial purposes in Virginia and to limit the number of commercial fishing vessels which may land Summer Flounder in Virginia.

4 VAC 20-920-20. Definitions.

"Land" or "landing" means to enter port with finfish, shellfish, crustaceans or other marine seafood on board any boat or vessel, to begin offloading finfish, shellfish, crustaceans or other marine seafood, or to offload finfish, shellfish, crustaceans, or other marine seafood.

"Substantially similar harvesting capacity" means the same gross registered tonnage and vessel-registered length for commercial vessels.

4 VAC 20-920-30. License requirements and exemptions.

A. It shall be unlawful for any boat or vessel to land seafood in Virginia for commercial purposes without a Seafood Landing License provided from the Virginia Marine Resources Commission or its agent. The license shall be required of each boat or vessel used to land seafood for commercial purposes. Possession of any quantity of a marine seafood species which exceeds the recreational possession limit for that species shall be presumed to be for commercial purposes. The fee for the license shall be \$150, and any boat or vessel so licensed shall display a Seafood Landing License decal provided by the Virginia Marine Resources Commission. The decals shall be displayed on both the port and starboard sides of the pilot house.

B. It shall be unlawful for any buyer of seafood to receive any marine seafood from any boat or vessel which is not licensed for the landing of seafood unless that boat or vessel is exempt from the requirement to obtain a Seafood Landing License as described in this section.

C. Any boat or vessel which is both owned and operated by a person who holds a valid Virginia Commercial Fisherman Registration License shall be exempt from the requirement to obtain a Seafood Landing License.

D. Any boat or vessel operated by a person harvesting and landing marine seafood from the Potomac River who holds a valid Potomac River Fisheries Commission commercial license shall be exempt from the requirement to obtain a Seafood Landing License.

E. Any boat or vessel operated by a person harvesting and landing marine seafood from leased ground or reharvesting marine seafood as part of the shellfish relay process shall be exempt from the requirements to obtain a Seafood Landing License.

4 VAC 20-920-40. Summer Flounder endorsement license and exemption.

A. It shall be unlawful for any boat or vessel to land Summer Flounder in Virginia for commercial purposes without first obtaining a Seafood Landing License as described in 4 VAC 20-920-30 and a Summer Flounder Endorsement License. The Summer Flounder Endorsement License shall be required of each boat or vessel used to land Summer Flounder for commercial purposes. Possession of any quantity of Summer Flounder which exceeds the possession limit, described in 4 VAC 20-620-60, shall be presumed to be for commercial purposes. There shall be no fee for the license, and any boat or vessel so licensed shall display a Summer Flounder Endorsement License decal, provided by the Virginia Marine Resources Commission. The decals shall be displayed on both the port and starboard sides of the pilot house.

B. It shall be unlawful for any buyer of seafood to receive any Summer Flounder from any boat or vessel which is not licensed for the landing of Summer Flounder unless that boat or vessel is exempt from the requirement to obtain a Seafood

Marine Resources Commission

Landing License and a Summer Flounder Endorsement License as described in 4 VAC 20-920-30 and this section.

C. Any boat or vessel which is both owned and operated by a person who holds a valid Virginia Commercial Fisherman Registration License shall be exempt from the requirement to obtain a Summer Flounder Endorsement License.

D. Any boat or vessel operated by a person harvesting and landing marine seafood from the Potomac River who holds a valid Potomac River Fisheries Commission commercial license shall be exempt from the requirement to obtain a Summer Flounder Endorsement License.

E. Any boat or vessel operated by a person harvesting and landing marine seafood from leased ground or reharvesting marine seafood as part of the relay process shall be exempt from the requirements to obtain a Summer Flounder Endorsement License.

F. To be eligible for a Summer Flounder Endorsement License the boat or vessel shall have landed and sold at least 500 pounds of Summer Flounder in Virginia in at least one year during the period of 1993 through 1995.

1. The owner shall complete an application for each boat or vessel by providing to the commission a notarized and signed statement of applicant's name, address, telephone number, boat or vessel name, and registration or documentation number and a copy of the vessel's federal Summer Flounder moratorium permit.

2. The owner shall complete a notarized authorization to allow the commission to obtain copies of landings data from the National Marine Fisheries Service.

G. A Summer Flounder Endorsement License may be transferred to a vessel that is entering the Summer Flounder fishery and replacing a vessel of substantially similar harvesting capacity which involuntarily left the Summer Flounder fishery provided that both the entering and replaced vessels are owned by the same person.

4 VAC 20-920-50. Penalty.

A. As set forth in § 28.2-228.1 of the Code of Virginia, the following shall constitute Class 3 misdemeanors: (i) landing seafood without the license required by this chapter and (ii) failure to produce or have available for inspection the license required by this chapter when requested by any officer. Failure to produce the license is *prima facie* evidence that the person is landing seafood without a license.

B. Any person found guilty of violating any of the seafood laws or regulations of Virginia may have his Seafood Landing License and Summer Flounder Endorsement License revoked upon review by the commission as provided for in § 28.2-232 of the Code of Virginia.

/s/ William A. Pruitt
Commissioner

V.A.R. Doc. No. R97-6; Filed September 3, 1996, 3:36 p.m.

GENERAL NOTICES/ERRATA

Symbol Key

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

CHESAPEAKE BAY RESTORATION FUND ADVISORY COMMITTEE

Notice of Acceptance of Grant Proposals Regarding the Chesapeake Bay Restoration Fund

The Chesapeake Bay Advisory Committee will be making recommendations for financial support grants to be awarded in May 1997 for Chesapeake Bay related projects. The advisory committee was given the responsibility of developing guidelines for the use of the moneys collected from the sale of the special Chesapeake Bay license plates. Applications will be accepted from state agencies, local government, and public or private not-for-profit agencies, institutions or organizations. Applications and guidelines may be obtained from Carol Agee or Martin Farber, Division of Legislative Services, General Assembly Building, 910 Capitol Street, Richmond, Virginia 23219, telephone (804) 786-3591. The deadline for submission of grant proposals is October 1, 1996.

DEPARTMENT OF CONSERVATION AND RECREATION

1996 Virginia Outdoors Plan

The Draft 1996 Virginia Outdoors Plan will be available in the Planning District Commission offices and libraries on the following list through October 8, 1996. Please provide any comments on the document to the Department of Conservation and Recreation by 5 p.m. on Friday, October 11, 1996. All comments will be considered and may be addressed in the text of the published plan. All questions concerning the location of the review copies of the plan or the procedure for making comments should be made to the Department of Conservation and Recreation, 203 Governor Street, Suite 326, Richmond, VA 23219, telephone (804) 786-5046.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, Division of Planning and Recreation Resources, 203 Governor Street, Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899, or (804) 786-2121/TDD

■

General Notices/Errata

Mr Ronald C. Flanary Executive Director LENOWISCO PLANNING DISTRICT COMMISSION U.S. 58 & 421 West Duffield VA 24244	Mr Andrew Chafin Executive Director CUMBERLAND PLATEAU PLANNING DISTRICT COMMISSION 950 Clydesway Road Lebanon VA 24266	Mr Thomas Taylor Executive Director MOUNT ROGERS PLANNING DISTRICT COMMISSION 1021 Terrace Dr Marion VA 24354
Mr David Rundgren Executive Director NEW RIVER VALLEY PLANNING DISTRICT COMMISSION 1612 Wadsworth Street Radford VA 24143	Mr Wayne G Strickland Executive Director FIFTH PLANNING DISTRICT COMMISSION 313 Luck Ave., SW Roanoke VA 24010	Mr William H Strider Executive Director CENTRAL SHENANDOAH PLANNING DISTRICT COMMISSION 633 North Coalter Street Staunton VA 24402-1950
Mr Thomas J Christoffel AICP Executive Director LORD FAIRFAX PLANNING DISTRICT COMMISSION 103 East 6th Street Front Royal VA 22630-3499	Mr G Mark Gibb Executive Director NORTHERN VIRGINIA PLANNING DISTRICT COMMISSION 7535 Little River Tpk #100 Annandale VA 22003	Mr Richard B Stroempler Executive Director RAPPAHANNOCK-RAPIDAN PLANNING DISTRICT COMM 211 Waters Place Culpeper VA 22701
Ms Nancy K O'Brien, Exec. Director THOMAS JEFFERSON PLANNING DISTRICT COMMISSION Nations Bank Building 300 E. Main St., First Floor Charlottesville VA 22902-1505	Mr Dennis E. Gragg Executive Director CENTRAL VIRGINIA PLANNING DISTRICT COMMISSION 915 Main St., Ste. 302 Lynchburg VA 24505	Mr Robert W Dowd AICP Executive Director WEST PIEDMONT PLANNING DISTRICT COMMISSION One Starling Avenue Martinsville VA 24114
Ms Joyce I French Executive Director SOUTHSIDE PLANNING DISTRICT COMMISSION 200 S. Mecklenburg Avenue South Hill VA 23970	Mr Jack E Houghton Executive Director PIEDMONT PLANNING DISTRICT COMMISSION 102 1/2 High Street Farmville VA 23901	Mr James Hassinger Executive Director RICHMOND REGIONAL PLANNING DISTRICT COMMISSION 2104 West Laburnum Ave #101 Richmond VA 23227
Ms Stephen H Manster Executive Director RADCO PLANNING DISTRICT COMMISSION 512 Lafayette Blvd. Fredericksburg VA 22404	Ms Joyce Bradford Executive Director NORTHERN NECK PLANNING DISTRICT COMMISSION Corner of 202 and 630 Callao VA 22435	Mr Dan Kavanagh Executive Director MIDDLE PENINSULA PLANNING DISTRICT COMMISSION Woodleaf Commons, Rt. 17-business Saluda VA 23149
Mr Dennis K Morris Executive Director CRATER PLANNING DISTRICT COMMISSION 1964 Wakefield Street Petersburg VA 23805	Mr Arthur L. Collins Executive Director HAMPTON ROADS PLANNING DISTRICT COMMISSION 723 Woodlake Dr Chesapeake VA 23320	Mr Paul F Berge Executive Director ACCOMACK-NORTHAMPTON PLANNING DISTRICT COMM 23372 Front St. Accomac VA 23301
Mr. Arthur L. Collins Executive Director HAMPTON ROADS PLANNING DISTRICT COMMISSION 2 Eaton Street, Suite 502 Hampton, VA 23669	Patrick County Branch Library Blue Ridge Street Stuart, VA 24171	Franklin County Public Library 138 East Court Street Rocky Mount, VA 24151
Danville Public Library 511 Patton Street Danville, VA 24540	Blue Ridge Regional Library 310 East Church Street Martinsville, VA 24112	

General Notices/Errata

STATE BOARD OF HEALTH

† Legal Notice of Opportunity to Comment on Proposed State Plan of Operations and Administration of Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) for Federal Fiscal Year 1997

Pursuant to the authority vested in the State Board of Health by § 32.1-12 of the Code of Virginia and in accordance with the provisions of Section 203 of Public Law 95-627, notice is hereby given of a public comment period to enable the general public to participate in the development of the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) for Federal Fiscal Year 1997.

Written comments on the proposed plan will be accepted in the office of the Director, Division of Public Health Nutrition, Department of Health, 1500 East Main Street, Room 132, Richmond, Virginia 23219, until 5 p.m. on October 15, 1996.

The proposed State Plan for WIC Program Operations and Administration may be reviewed at the office of your health district headquarters during public business hours beginning September 18, 1996. Please contact your local health department for the location of this office in your area.

DEPARTMENT OF LABOR AND INDUSTRY

† Notice of New Procedures of the Boiler Safety Compliance Division

The Virginia Department of Labor and Industry has instituted new procedures which the Boiler Safety Compliance Division will use in assessing penalties to owners/users of boilers and pressure vessels without valid certificates of inspection. Implementation of the procedures will result in increased protection to citizens of the Commonwealth from potentially hazardous boilers.

In July 1995, the penalty for operating a boiler without a proper certificate under the Boiler and Pressure Vessel Safety Act was changed from a misdemeanor to a civil penalty. The penalty is not to exceed \$100 per day for each boiler, water heater or unfired pressure vessel in violation. The new process will streamline notice requirements and minimize bureaucratic delay between discovery of unsafe and improper boiler conditions and suspension of operating certificates and/or assessment of fines. It also provides a standardized, written record of corrections needed and ensures fair, consistent and prompt application of the law.

Certificates will be suspended for boilers with nonconformances with the Boiler and Pressure Vessel Rules and Regulations (16 VAC 25-50-10 et seq.) which are immediate threats to life and property. For situations which do not immediately threaten life or property, a penalty will be assessed if the violation is not corrected before the end of an abatement period of a minimum of 10 days.

Other violations which are included in the new procedures are: (i) operating a boiler or pressure vessel at a pressure higher than that allowed on a Certificate of Inspection; and (ii) operating a boiler or pressure vessel without a valid Certificate of Inspection. The penalties for operating a boiler or pressure vessel without a valid Certificate of Inspection cover overdue invoices (30 days past due), and overdue inspections/unregistered (after 30 days notice).

The new procedures provide for the owner/user to contest the suspension, abatement period or penalty and for the settlements to be negotiated.

Additional information about the new procedures or a copy of the procedures can be obtained by calling the Virginia Department of Labor and Industry's Boiler Safety Compliance Division at (804) 786-3169.

STATE WATER CONTROL BOARD

† Enforcement Action Proposed Consent Decree Town of Crewe

The State Water Control Board proposes to enter into a consent decree with the Town of Crewe. The decree requires the town to come into compliance with the VPDES Permit No. VA0020303 for its wastewater treatment plant. The decree contains a schedule for the construction of an expanded and upgraded wastewater treatment plant, the implementation of an infiltration and inflow corrective action program and a plan addressing the recordkeeping of the operation and maintenance of the plant.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive written comments relating to the proposed amendment to the consent decree until October 30, 1996. Comments should be addressed to Cynthia Akers, Department of Environmental Quality, 4949-A Cox Road, Glen Allen, Virginia 23060-6295, and should refer to the consent decree.

The proposed decree may be examined at the Department of Environmental Quality, Piedmont Regional Office, Innsbrook Corporate Center, 4949-A Cox Road, Glen Allen, Virginia 23060. A copy of the decree may be obtained in person or by mail from the above office.

VIRGINIA CODE COMMISSION

Notice to State Agencies

Mailing Address: Our mailing address is: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219. You may FAX in your notice; however, we ask that you FAX two copies and do not follow up with a mailed copy. Our FAX number is: (804) 692-0625.

Forms for Filing Material on Dates for Publication in The Virginia Register of Regulations

All agencies are required to use the appropriate forms when furnishing material and dates for publication in *The Virginia Register of Regulations*. The forms are supplied by the office of the Registrar of Regulations. If you do not have any forms or you need additional forms, please contact: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

FORMS:

NOTICE of INTENDED REGULATORY ACTION - RR01

NOTICE of COMMENT PERIOD - RR02

PROPOSED (Transmittal Sheet) - RR03

FINAL (Transmittal Sheet) - RR04

EMERGENCY (Transmittal Sheet) - RR05

NOTICE of MEETING - RR06

AGENCY RESPONSE TO LEGISLATIVE OBJECTIONS -

RR08

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17. Signature and Title of Editor, Publisher, Business Manager, or Owner <i>Jane D. Chaffin, Deputy Registrar</i>	Date <u>9/17/96</u>	
I certify that all information furnished on this form is true and complete. I understand that anyone who furnishes false or misleading information on this form or who omits material or information requested on the form may be subject to criminal sanctions (<i>including fines and imprisonment</i>) and/or civil sanctions (<i>including multiple damages and civil penalties</i>).		

Instructions to Publishers

1. Complete and file one copy of this form with your postmaster on or before October 1, annually. Keep a copy of the completed form for your records.
2. Include in items 10 and 11, in cases where the stockholder or security holder is a trustee, the name of the person or corporation for whom the trustee is acting. Also include the names and addresses of individuals who are stockholders who own or hold 1 percent or more of the total amount of bonds, mortgages, or other securities of the publishing corporation. In item 11, if none, check box. Use blank sheets if more space is required.
3. Be sure to furnish all information called for in item 15, regarding circulation. Free circulation must be shown in items 15d, e, and f.
4. If the publication had second-class authorization as a general or requester publication, this Statement of Ownership, Management, and Circulation must be published; it must be printed in any issue in October or the first printed issue after October, if the publication is not published during October.
5. In item 16, indicate date of the issue in which this Statement of Ownership will be printed.
6. Item 17 must be signed.

Failure to file or publish a statement of ownership may lead to suspension of second-class authorization.

PS Form 3526, October 1994 (Reverse)

ERRATA

STATE AIR POLLUTION CONTROL BOARD

Title of Regulation: 9 VAC 5-80-360 et seq. Article 3, Acid Rain Operating Permits (Rule 8-7).

Publication: V.A.R. 12:25 3369-3410 September 2, 1996.

Correction to Final Regulation:

Page 3383, column 1, 9 VAC 5-80-410 A, line 3, after "partial" insert "for federal delegation purposes,"

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

Title of Regulation: 8 VAC 40-120-10 et seq. Virginia's Guidelines for Determining Domicile and Eligibility for In-State Tuition Rates.

Publication: 12:24 V.A.R. 3218-3233 August 19, 1996.

Correction to Final Regulation:

Page 3219, column 2, 8 VAC 40-120-30 A 2, line 6, after "purpose" delete comma

Page 3223, column 2, 8 VAC 40-120-70 b 2, line 7, strike "(i)" insert "a"; strike "(vi)" insert "g"

Page 3224, column 1, 8 VAC 40-120-70 D 3, line 6, after "student" delete comma

Page 3224, column 1, 8 VAC 40-120-70 E 1 a, last line, strike "B" insert "E"

Page 3226, column 2, 8 VAC 40-120-110 F 2, line 9, after "information" insert "(see 8 VAC 40-120-130)"

Page 3227, column 1, 8 VAC 40-120-110 J 2 c, line 1, lower case "nonimmigrant's"

Page 3227, column 1, 8 VAC 40-120-110 J 4 b (3), line 1, after "B-1/B-2" strike "-" insert ":"

Page 3228, column 1, 8 VAC 40-120-110 J 4 h (2) (b), line 3, strike "have" insert "has"; line 4, strike "they have" insert "he has"

Page 3229, column 1, 8 VAC 40-120-110 J 4 m (1), line 2, insert space between "recognized" and "nonacademic"

Page 3229, column 1, 8 VAC 40-120-110 J 4 o (4), line 1, insert "," before "0-2"

Page 3229, column 1, 8 VAC 40-120-110 J 4 q, line 1, delete "(1)"; line 7, delete "(2) Q visa holders are ineligible."

Page 3231, column 2, 8 VAC 40-120-210 B 1, line 1, before "meaning" insert ";"

Page 3231, column 2, 8 VAC 40-120-210 B, before "Note:" insert "("; after "spouse." insert ")"

CALENDAR OF EVENTS

Symbol Key

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

 Location accessible to handicapped

 Telecommunications Device for Deaf (TDD)/Voice Designation

NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the *Virginia Register* deadline may preclude a notice of such cancellation.

For additional information on open meetings and public hearings held by the Standing Committees of the Legislature during the interim, please call Legislative Information at (804) 786-6530.

VIRGINIA CODE COMMISSION

EXECUTIVE

BOARD FOR ACCOUNTANCY

October 17, 1996 - 10 a.m. -- Open Meeting

October 18, 1996 - 9 a.m. -- Open Meeting

Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

An open meeting to discuss regulatory review and other matters requiring board action, and to receive and discuss committee reports and disciplinary cases. A public comment period will be held at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Nancy Taylor Feldman, Assistant Director, Board for Accountancy, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-2474 or (804) 367-9753/TDD 

† October 24, 1996 - 10 a.m. -- Open Meeting

Department of Professional and Occupational Regulation,
3600 West Broad Street, 5th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A work session of the three-member Regulatory Review Committee to conduct regulatory review. No other business will be discussed at this meeting. A public comment period will be held at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Nancy Taylor Feldman, Assistant Director, Board for Accountancy, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-2474 or (804) 367-9753/TDD 

Privatization Task Force

NOTE: CHANGE IN MEETING DATE

October 7, 1996 - 10 a.m. -- Open Meeting

Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting of the Privatization Task Force to further discuss privatization of the Board for Accountancy. This is a work session. No other business will be discussed at this meeting. This task force is a three-member ad hoc committee. Written comments may be submitted prior to the meeting for consideration by the task force. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Nancy Taylor Feldman, Assistant Director, Board for Accountancy, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-2474 or (804) 367-9753/TDD 

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Board of Agriculture and Consumer Services

October 2, 1996 - 9 a.m. -- Open Meeting

Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia.

A regular meeting to discuss regulations and fiscal matters and to receive reports from the staff of the Department of Agriculture and Consumer Services. The board may consider other matters relating to its responsibilities. At the conclusion of other business the board will entertain public comment for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact Roy E. Seward at least five days before

Calendar of Events

the meeting date so that suitable arrangements can be made.

Contact: Roy E. Seward, Secretary to the Board, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Richmond, VA 23219, telephone (804) 786-3535.

Virginia Horse Industry Board

November 6, 1996 - 10 a.m. -- Open Meeting

Virginia Cooperative Extension--Charlottesville/Albemarle Unit, 168 Spotnap Road, Lower Level Meeting Room, Charlottesville, Virginia. ☎

A meeting to review the budget for the current fiscal year and discuss equine health issues as presented by the State Veterinarian's office. The board will also consider marketing efforts and projects, including the economic impact study of the industry. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact Andrea S. Heid at least five days before the meeting date so that suitable arrangements can be made.

Contact: Andrea S. Heid, Equine Marketing Specialist, Department of Agriculture and Consumer Services, 1100 Bank St., Room 906, Richmond, VA 23219, telephone (804) 786-5842 or (804) 371-6344/TDD ☎

Pesticide Control Board

October 10, 1996 - 9 a.m. -- Open Meeting

Washington Building, 1100 Bank Street, Board Room, Room 204, Richmond, Virginia. ☎

Committee meetings and a general business meeting. Portions of the meeting may be held in closed session pursuant to § 2.1-344 of the Code of Virginia. The public will have an opportunity to comment on any matter not on the board's agenda beginning at 9 a.m. Any person who needs any accommodations in order to participate at the meeting should contact Dr. Marvin A. Lawson at least 10 days before the meeting date so that suitable arrangements can be made.

Contact: Dr. Marvin A. Lawson, Program Manager, Office of Pesticide Services, Department of Agriculture and Consumer Services, 1100 Bank St., Room 401, P.O. Box 1163, Richmond, VA 23218, telephone (804) 371-6558 or toll-free 1-800-552-9963.

ALCOHOLIC BEVERAGE CONTROL BOARD

October 7, 1996 - 9:30 a.m. -- Open Meeting

October 21, 1996 - 9:30 a.m. -- Open Meeting

November 4, 1996 - 9:30 a.m. -- Open Meeting

November 18, 1996 - 9:30 a.m. -- Open Meeting

Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. ☎

A meeting to receive and discuss reports from and activities of staff members.

Contact: W. Curtis Coleburn, Secretary to the Board, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 367-0712 or FAX (804) 367-1802.

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND LANDSCAPE ARCHITECTS

† October 11, 1996 - 9 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514 or (804) 367-9753/TDD ☎

October 11, 1996 - 2:30 p.m. -- Public Hearing

Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia.

November 1, 1996 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects intends to amend regulations entitled: **18 VAC 10-20-10 et seq. Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects Rules and Regulations.** The purpose of the proposed amendments is to make the regulations clearer and easier to understand.

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

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514.

Board for Interior Designers

† October 3, 1996 - 9 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact

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the board at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514 or (804) 367-9753/TDD ☎

ASSISTIVE TECHNOLOGY LOAN FUND AUTHORITY BOARD

October 17, 1996 - 1 p.m. -- Open Meeting

Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to conduct board business.

Contact: Michael Scione, Assistive Technology Loan Fund Authority Board Staff, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA 23230, telephone (804) 662-7606 toll-free 1-800-552-5019/TDD and Voice, or (804) 662-9040/TDD ☎

AUCTIONEERS BOARD

† October 23, 1996 - 10 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514 or (804) 367-9753/TDD ☎

VIRGINIA AVIATION BOARD

October 22, 1996 - 3 p.m. -- Open Meeting

Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A workshop for the board. No formal actions will be taken. Individuals with disabilities should contact Cindy Waddell 10 days prior to the meeting if assistance is needed.

Contact: Cindy Waddell, Department of Aviation, 5702 Gulfstream Road, Sandston, VA 23150, telephone (804) 236-3625 or (804) 236-3624/TDD ☎

October 23, 1996 - 9 a.m. -- Open Meeting

Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular bimonthly meeting of the board. Applications for state funding will be presented to the board and other matters of interest to the Virginia aviation community will be discussed. Individuals with disabilities should contact Cindy Waddell 10 days prior to the meeting if assistance is needed.

Contact: Cindy Waddell, Department of Aviation, 5702 Gulfstream Road, Sandston, VA 23150, telephone (804) 236-3625 or (804) 236-3624/TDD ☎

BOARD FOR BARBERS

October 21, 1996 - 9 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 4, 4th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A general business meeting and examination workshop. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least two weeks prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475 or (804) 367-9753/TDD ☎

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

Northern Area Review Committee

October 8, 1996 - 10 a.m. -- Open Meeting

November 12, 1996 - 10 a.m. -- Open Meeting

Chesapeake Bay Local Assistance Department, 805 East Broad Street, Suite 701, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to review Chesapeake Bay Preservation Area programs for the Northern Area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the meeting; however, written comments are welcome.

Contact: Shawn Smith, Senior Planner, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440, FAX (804) 225-3447 or toll-free 1-800-243-7229/TDD ☎

Southern Area Review Committee

October 8, 1996 - 2 p.m. -- Open Meeting

November 12, 1996 - 2 p.m. -- Open Meeting

Chesapeake Bay Local Assistance Department, 805 East Broad Street, Suite 701, Richmond, Virginia. (Interpreter for the deaf provided upon request)

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A meeting to review Chesapeake Bay Preservation Area programs for the Southern Area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the meeting; however, written comments are welcome.

Contact: Shawn Smith, Senior Planner, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440, FAX (804) 225-3447 or toll-free 1-800-243-7229/TDD 

VIRGINIA CHESAPEAKE BAY TRIBUTARY STRATEGY INTERAGENCY WORK GROUP

† November 12, 1996 - 3 p.m. -- Open Meeting
Northern Virginia Community College, 8333 Little River Turnpike, Annandale, Virginia.

† November 13, 1996 - 3 p.m. -- Open Meeting
J. Sargeant Reynolds Community College, North Run Corporate Center, 1630 East Parham Road, Richmond, Virginia.

† November 14, 1996 - 3 p.m. -- Open Meeting
Lord Fairfax Community College, 173 Skirmisher Lane, Middletown, Virginia.

† November 18, 1996 - 5 p.m. -- Open Meeting
Colonial Beach High School, One Hundred and First Street, Colonial Beach, Virginia.

† November 20, 1996 - 3 p.m. -- Open Meeting
Augusta County Government Center, 4801 Lee Highway, Verona, Virginia.

The draft of Virginia's Potomac Basin Tributary Nutrient Reduction Strategy is available for public comment from October 21 to November 21, 1996. Copies are available for review at the Planning District Commission, the Soil and Water Conservation District, the Department of Environmental Quality and the Department of Conservation and Recreation regional offices in the Potomac basin. The strategies are designed to reduce controllable nutrient loads in the Potomac River. The reduction strategies will address point (treatment plants, industrial discharges, etc.) and nonpoint (runoff from agricultural fields, residential areas stormwater, etc.) sources of pollution. In addition, a series of public open houses on the strategy will be held. Using posters and other display materials, the open houses are designed to provide citizens the opportunity to review the strategies and the concepts behind them at their leisure. Staff will be available to answer questions about the strategies. A brief orientation will also be presented on the hour. Written comments can also be submitted at these meetings or by sending them to the addresses on the draft.

Contact: Gary Waugh, Public Relations Manager, Department of Conservation and Recreation, 203 Governor St., Suite 213, Richmond, VA 23219, telephone (804) 786-5045, FAX (804) 371-2072, or (804) 786-2121/TDD 

CHILD DAY-CARE COUNCIL

October 10, 1996 - 9 a.m. -- Open Meeting
November 14, 1996 - 9 a.m. -- Open Meeting
December 12, 1996 - 9 a.m. -- Open Meeting
Theater Row Building, 730 East Broad Street, Lower Level, Conference Room 1, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The council will meet to discuss issues and concerns that impact child day centers, camps, school age programs, and preschool/nursery schools. Public comment will be received at noon. Please call ahead of time for possible changes in meeting time.

Contact: Rhonda Harrell, Division of Licensing Programs, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1775.

COMPENSATION BOARD

October 31, 1996 - 11 a.m. -- Open Meeting
Ninth Street Office Building, 202 North Ninth Street, 9th Floor, Room 913/913A, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A routine business meeting.

Contact: Bruce W. Haynes, Executive Secretary, P.O. Box 710, Richmond, VA 23218-0710, telephone (804) 786-0786, FAX (804) 371-0235, or (804) 786-0786/TDD 

DEPARTMENT OF CONSERVATION AND RECREATION

Board of Conservation and Recreation

† October 1, 1996 - 1 p.m. -- Open Meeting
Department of Conservation and Recreation, 203 Governor Street, Room 200, Richmond, Virginia. 

The Stormwater Management Subcommittee of the Board of Conservation and Recreation will meet with Department of Conservation and Recreation officials to discuss and comment on proposed amendments to the Virginia Stormwater Management Regulations. Public comment will be received at the end of all regular business.

Contact: Leon E. App, Agency Regulatory Coordinator, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-4570, FAX (804) 786-6141, or (804) 786-2121/TDD 

† October 3, 1996 - 10 a.m. -- Open Meeting
Virginia Beach Recreation Center-Bayside, 4420 First Court Road, Virginia Beach, Virginia. 

A regular quarterly business meeting to include (i) the Stormwater Management Subcommittee report; (ii) regulatory action to amend the Stormwater Management Regulations update; and (iii) a panel discussion on

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stormwater management by staff of the Department of Conservation and Recreation, Department of Environmental Quality, and Chesapeake Bay Local Assistance Department. Public comment will be received following all regular business. There will be a post meeting tour of local stormwater management facilities. The public is invited to attend, but must provide their own transportation.

Contact: Leon E. App, Conservation and Development Programs Supervisor, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-4570, FAX (804) 786-6141, or (804) 786-2121/TDD

Appomattox Scenic River Advisory Board

† October 8, 1996 - 7 p.m. -- Open Meeting
Colonel Porcher Taylor Residence, 1801 Ramblewood Road, Petersburg, Virginia.

A meeting to discuss river issues.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, Division of Planning and Recreation Resources, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899 or (804) 786-2121/TDD

Falls of the James Scenic River Advisory Board

October 3, 1996 - Noon -- Open Meeting
City Hall, 900 East Broad Street, Planning Commission Conference Room, 5th Floor, Richmond, Virginia.

† November 7, 1996 - Noon -- Open Meeting
City Hall, 900 East Broad Street, Planning Commission Conference Room, 5th Floor, Richmond, Virginia.

A meeting to review river issues and programs.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, Division of Planning and Recreation Resources, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899 or (804) 786-2121/TDD

Fall River Renaissance Committee

October 2, 1996 - 10 a.m. -- Open Meeting
October 30, 1996 - 10 a.m. -- Open Meeting
Department of Conservation and Recreation, 203 Governor Street, Soil and Water Conference Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to report on progress for plans for the Fall River Renaissance campaign and continue to develop further plans. The Fall River Renaissance is a campaign to further the efforts of citizens and organizations that are engaged in volunteer activities to conserve and enhance Virginia's rivers and public waters. It will be held September 21-October 19, 1996.

Contact: Carol Comstock, Director of Development, Department of Conservation and Recreation, 203 Governor St., Suite 213, Richmond, VA 23219, telephone (804) 786-2294, FAX (804) 371-2072, or (804) 786-2121/TDD

CONSERVATION AND RECREATION FOUNDATION

† October 17, 1996 - 9:30 a.m. -- Open Meeting
Northern Virginia Regional Park Authority, Fairfax Station, 5400 Ox Road, Board Room, Fairfax, Virginia.

A meeting to discuss organizational matters, a briefing of new foundation members, and presentation on the Virginia Outdoors Plan.

Contact: John Davy, Planning Bureau Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-1119, FAX (804) 371-7899, or (804) 786-2121/TDD

BOARD FOR CONTRACTORS

† October 9, 1996 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A regularly scheduled quarterly meeting of the board to address policy and procedural issues; review and render decisions on applications for contractor licenses/certificates, and review and render case decisions on matured complaints against licensees/certificants. The meeting is open to the public; however, a portion of the meeting may be discussed in executive session. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Contact: Geralde W. Morgan, Senior Administrator, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785 or (804) 367-9753/TDD

Disciplinary Committee

October 2, 1996 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A meeting to review board member reports and summaries from informal fact-finding conferences held pursuant to the Administrative Process Act, and to review consent order offers in lieu of further disciplinary proceedings. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least two weeks prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Contact: Suzanne E. Bambacus, Assistant Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2683.

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BOARD OF CORRECTIONAL EDUCATION

† October 18, 1996 - 10 a.m. -- Open Meeting
Department of Correctional Education, James Monroe Building, 101 North 14th Street, 7th Floor, Richmond, Virginia.

A monthly meeting to discuss general business.

Contact: Patty Ennis, Administrative Assistant, Department of Correctional Education, James Monroe Bldg., 101 N. 14th St., 7th Floor, Richmond, VA 23219, telephone (804) 225-3314, FAX (804) 225-3255, or (804) 371-8467/TDD 

October 18, 1996 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Correctional Education intends to adopt regulations entitled: **6 VAC 10-10-10 et seq. Public Participation Guidelines**. The purpose of the proposed regulation is to provide interested parties with a means to request the development, amendment or repeal of a regulation.

Statutory Authority: §§ 9-6.14:7.1 and 22.1-343 of the Code of Virginia.

Contact: Mark Monson, Budget Manager, Department of Correctional Education, James Monroe Bldg., 101 N. 14th St., 7th Floor, Richmond, VA 23219, telephone (804) 225-3310, FAX (804) 225-3255, or (804) 371-8467/TDD 

DEPARTMENT OF CORRECTIONS (STATE BOARD OF)

October 16, 1996 - 10 a.m. -- Public Hearing
Department of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia.

November 16, 1996 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Corrections intends to amend regulations entitled: **6 VAC 15-20-10 et seq. Regulations Governing Certification and Inspection**. The Regulations Governing Certification and Inspection process comply with § 53.1-5 of the Code of Virginia, which requires the Board of Corrections to develop program standards for correctional facilities and services and to monitor the activities of the department and its effectiveness in implementing those standards. These regulations, then, serve to enforce all facility and program standards promulgated by the board. The regulations provide uniform factors for evaluating all programs and establish the proper steps in the certification, appeal and waiver processes. Through a regular board and departmental review, the attached amendments are being proposed to (i) strengthen the regulations by tightening requirements for timeliness and communication of departmental information to the board;

(ii) meet specific recommendations made by the Joint Legislative Audit and Review Commission; and (iii) comply with the requirements of § 53.1-68 of the Code of Virginia, which was recently amended to require one unannounced annual inspection and one unannounced annual health inspection of local correctional facilities.

Statutory Authority: §§ 53.1-5 and 53.1-68 of the Code of Virginia.

Contact: Amy Miller, Regulatory Coordinator, Department of Corrections, P.O. Box 26963, Richmond, VA 23261-6963, telephone (804) 674-3119.

October 16, 1996 - 10 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia.

A meeting to discuss matters which may be presented to the board.

Contact: Barbara Fellows, Secretary to the Board, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235 or FAX (804) 674-3130.

Administration Committee

October 16, 1996 - 8:30 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia.

A meeting to discuss administrative matters which may be presented to the full board.

Contact: Barbara Fellows, Secretary to the Board, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235 or FAX (804) 674-3130.

Correctional Services Committee

October 15, 1996 - 10 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia.

A meeting to discuss correctional services matters which may be presented to the full board.

Contact: Barbara Fellows, Secretary to the Board, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235 or FAX (804) 674-3130.

BOARD FOR COSMETOLOGY

October 7, 1996 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A general business meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Karen W. O'Neal. The department fully complies with the Americans with Disabilities Act. Please notify the department of your request at least two weeks in advance.

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Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475 or (804) 367-9753/TDD 

CRIMINAL JUSTICE SERVICES BOARD

October 8, 1996 - 1 p.m. -- Open Meeting
General Assembly Building, 910 Capitol Square, House Room D, Richmond, Virginia.

A meeting to consider matters related to the board's responsibilities for criminal justice training and improvement of the criminal justice system. Public comments will be heard before adjournment of the meeting.

Contact: Sherri Stader, Assistant to the Director, Department of Criminal Justice Services, 805 E. Broad St., 10th Floor, Richmond, VA 23219, telephone (804) 786-8718, FAX (804) 786-0588.

LOCAL EMERGENCY PLANNING COMMITTEE - CHESTERFIELD COUNTY

October 3, 1996 - 5:30 p.m. -- Open Meeting
November 7, 1996 - 5:30 p.m. -- Open Meeting
6610 Public Safety Way, Chesterfield, Virginia.

A regular meeting.

Contact: Lynda G. Furr, Assistant Emergency Services Coordinator, Chesterfield Fire Department, P.O. Box 40, Chesterfield, VA 23832, telephone (804) 748-1236.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Work Group on Ammonia, Mercury, Lead and Copper with Respect to Water Quality Standards

October 17, 1996 - 10 a.m. -- Open Meeting
Department of Environmental Quality, 629 East Main Street, Conference Room 5B, Richmond, Virginia.

The department has established a work group on four topics with respect to the water quality standards program: mercury, ammonia, lead, and copper. The work group will, upon completion, advise the Director of Environmental Quality. Other meetings of the work group have been tentatively scheduled for November 21 and December 19, 1996; January 16, February 20, March 20, April 17, May 15, and June 19, 1997. Persons interested in the meetings should confirm meeting date, time and location with the contact person below.

Contact: Alan J. Anthony, Chairman, Work Group on Ammonia, Mercury, Lead and Copper, 629 E. Main St., P.O. Box 10009, Room 205, Richmond, VA 23240-0009, telephone (804) 698-4114, FAX (804) 698-4522, or toll-free 1-800-592-5482.

VIRGINIA FIRE SERVICES BOARD

October 3, 1996 - 7 p.m. -- Public Hearing
Tidewater Area, HTR School, 927 South Bird Neck Road, Virginia Beach, Virginia.

October 11, 1996 - 7 p.m. -- Public Hearing
Hanover County, Hanover School, Holiday Inn International, 810 England Street, Ashland, Virginia.

October 16, 1996 - 7 p.m. -- Public Hearing
Abingdon Fire Station, 316 Park Street, Abingdon, Virginia.

October 17, 1996 - 7 p.m. -- Public Hearing
Holiday Inn Roanoke Airport, 6626 Thirlane Road, Roanoke, Virginia.

November 6, 1996 - 7 p.m. -- Public Hearing
South Hill Volunteer Fire Department, 114 North Brunswick Avenue, South Hill, Virginia.

November 14, 1996 - 7 p.m. -- Public Hearing
Augusta County Government Complex, 4801 Lee Highway, Verona, Virginia.

November 23, 1996 - 7 p.m. -- Public Hearing
Sheraton National, Columbia Pike and Washington Boulevard, Arlington, Virginia.

The Virginia Fire Services Board and Virginia Department of Fire Programs are holding a series of public hearings throughout the state in September, October and November regarding revisions to the Fire Programs Fund Policies and Code. If you have any questions or need a copy of the revisions please contact the Department of Fire Programs area office. Comments will be received at the beginning of each session.

Contact: Bobby L. Stanley, Jr., Executive Director, Department of Fire Programs, 2807 N. Parham Rd., Suite 200, Richmond, VA 23294, telephone (804) 527-4236.

October 17, 1996 - 7:30 p.m. -- Public Hearing
Holiday Inn Roanoke Airport, 6626 Thirlane Road, Roanoke, Virginia.

A public hearing to discuss fire training and policies. The meeting is open to the public for comments and input.

Contact: Bobby L. Stanley, Jr., Executive Director, Department of Fire Programs, 2807 N. Parham Rd., Suite 200, Richmond, VA 23294, telephone (804) 527-4236.

October 18, 1996 - 9 a.m. -- Open Meeting
Holiday Inn Roanoke Airport, 6626 Thirlane Road, Roanoke, Virginia.

A business meeting to discuss fire training and policies. The meeting is open to the public for comments and input.

Contact: Bobby L. Stanley, Jr., Executive Director, Department of Fire Programs, 2807 N. Parham Rd., Suite 200, Richmond, VA 23294, telephone (804) 527-4236.

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Fire/EMS Education and Training Committee

October 17, 1996 - 10:30 a.m. -- Open Meeting
Holiday Inn Roanoke Airport, 6626 Thirlane Road, Roanoke, Virginia.

A meeting to discuss fire training and policies. The meeting is open to the public for comments and input.

Contact: Bobby L. Stanley, Jr., Executive Director, Department of Fire Programs, 2807 N. Parham Rd., Suite 200, Richmond, VA 23294, telephone (804) 527-4236.

Fire Prevention and Control Committee

October 17, 1996 - 8:30 a.m. -- Open Meeting
Holiday Inn Roanoke Airport, 6626 Thirlane Road, Roanoke, Virginia.

A meeting to discuss fire training and policies. The meeting is open to the public for comments and input.

Contact: Bobby L. Stanley, Jr., Executive Director, Department of Fire Programs, 2807 N. Parham Rd., Suite 200, Richmond, VA 23294, telephone (804) 527-4236.

Legislative/Liaison Committee

October 17, 1996 - 2 p.m. -- Open Meeting
Holiday Inn Roanoke Airport, 6626 Thirlane Road, Roanoke, Virginia.

A meeting to discuss fire training and policies. The meeting is open to the public for comments and input.

Contact: Bobby L. Stanley, Jr., Executive Director, Department of Fire Programs, 2807 N. Parham Rd., Suite 200, Richmond, VA 23294, telephone (804) 527-4236.

Residential Sprinkler Committee

October 16, 1996 - 1 p.m. -- Open Meeting
Holiday Inn Roanoke Airport, 6626 Thirlane Road, Roanoke, Virginia.

A meeting to discuss fire training and policies. The meeting is open to the public for comments and input.

Contact: Bobby L. Stanley, Jr., Executive Director, Department of Fire Programs, 2807 N. Parham Rd., Suite 200, Richmond, VA 23294, telephone (804) 527-4236.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† November 6, 1996 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 W. Broad Street, Richmond, Virginia. (

A general board meeting to discuss board business. Public comments will be received at the beginning of the meeting for 15 minutes. A formal hearing will follow.

Contact: Elizabeth Young Kirksey, Executive Director, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907, FAX (804) 662-9943 or (804) 662-7197/TDD (

Legislative Committee

† October 11, 1996 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, Richmond, Virginia. (

A regular business meeting. Public comments will be accepted.

Contact: Elizabeth Young Kirksey, Executive Director, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907, FAX (804) 662-9943 or (804) 662-7197/TDD (

BOARD OF GAME AND INLAND FISHERIES

† October 24, 1996 - 10 a.m. -- Open Meeting

† October 25, 1996 - 9 a.m. -- Open Meeting
Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, Virginia. ((Interpreter for the deaf provided upon request)

The board intends to consider fish regulations to be effective in 1997 and 1998. The board will determine whether the amendments governing seasons, creel limits, and methods of take and possession of fish, which were proposed at its August 22, 1996, board meeting, will be adopted as final regulations. The board will also address possible amendments proposed at its August 22 board meeting to regulations governing nongame aquatic species, nuisance wildlife species, and boating. The board intends, based upon public input which includes that which was received at a series of statewide public meetings, to adopt changes to the above regulations. The board will solicit public comment on October 24, at which time any interested citizen present shall be heard. The board reserves the right to adopt final amendments which may be more liberal than, or more stringent than the regulations currently in effect, or the regulation amendments proposed at the August 22, 1996, board meeting, as necessary for the proper management of fish and wildlife resources. In addition, general and administrative matters may be discussed, and the board may hold an executive session. If the board completes its agenda on the first day of the scheduled meeting, it will not convene on Friday, October 25.

Contact: Phil Smith, Policy Analyst Senior, Department of Game and Inland Fisheries, 4010 W. Broad St., Richmond, VA 23230, telephone (804) 367-8341 or FAX (804) 367-2427.

Calendar of Events

DEPARTMENT OF HEALTH (STATE BOARD OF)

October 10, 1996 - 9:30 a.m. -- Public Hearing
Department of Professional and Occupational Regulation, 3600 West Broad Street, 3rd Floor Conference Room, Richmond, Virginia.

November 16, 1996 -- Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to amend regulations entitled: **12 VAC 5-220-10 et seq. Virginia Medical Care Facilities Certificate of Public Need Rules and Regulations.** The purpose of the proposed amendment is to establish a distinct process for acceptance and consideration of requests for Certificates of Public Need which involve the establishment of new nursing home facilities or increasing the number of beds at an existing medical care facility, and to implement changes to the Certificate of Public Need law effective July 1, 1996.

Statutory Authority: §§ 32.1-12 and 32.1-102.1 et seq. of the Code of Virginia.

Public comments may be submitted until 5 p.m. on November 16, 1996, to Nancy R. Hofheimer, Director, Office of Health Facilities Regulation, Department of Health, 3600 West Broad Street, Suite 216, Richmond, Virginia 23230.

Contact: Paul E. Parker, Director, Division of Resource Development, Office of Health Facilities Regulation, Department of Health, 3600 W. Broad St., Suite 216, Richmond, VA 23230, telephone (804) 367-2127 or FAX (804) 367-2149.

October 10, 1996 - 11 a.m. -- Public Hearing
Department of Professional and Occupational Regulation, 3600 West Broad Street, 3rd Floor Conference Room, Richmond, Virginia.

November 16, 1996 -- Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to amend regulations entitled: **12 VAC 5-360-10 et seq. State Medical Facilities Plan: Nursing Home Services.** The purpose of the proposed regulation is to revise and expand project review standards for the evaluation of nursing home Certificate of Public Need requests. The amendments are proposed to prepare the Department of Health for competitive review of nursing home bed applications which has not occurred since 1988.

Statutory Authority: §§ 32.1-12, 32.1-102.2, and 32.1-145 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on November 16, 1996, to Nancy R. Hofheimer, Director, Office of Health Facilities Regulation, Department of Health, 3600 West Broad Street, Suite 216, Richmond, Virginia 23230.

Contact: Paul E. Parker, Director, Division of Resource Development, Office of Health Facilities Regulation, Department of Health, 3600 W. Broad St., Suite 216, Richmond, VA 23230, telephone (804) 367-2127 or FAX (804) 367-2149.

Biosolids Use Information Committee

October 17, 1996 - 1 p.m. -- Open Meeting
UVA Richmond Center, 7740 Shrader Road, Suite E, Richmond, Virginia.

A meeting to discuss specific concerns relating to the land application and agricultural use of biosolids, including issues related to the final Biosolids Use Regulations recently adopted by the State Board of Health to regulate the land application, marketing, or distribution of biosolids.

Contact: C. M. Sawyer, Director, Division of Wastewater Engineering, Department of Health, Office of Water Programs, P.O. Box 2448, Richmond, VA 23218, telephone (804) 786-1755 or FAX (804) 786-5567.

Biosolids Use Regulations Advisory Committee

October 17, 1996 - 10 a.m. -- Open Meeting
UVA Richmond Center, 7740 Shrader Road, Suite E, Richmond, Virginia.

A meeting to discuss issues concerning the implementation and proposed revisions of the Biosolids Use Regulations involving land application, distribution, or marketing of biosolids.

Contact: C. M. Sawyer, Director, Division of Wastewater Engineering, Department of Health, Office of Water Programs, P.O. Box 2448, Richmond, VA 23218, telephone (804) 786-1755 or FAX (804) 371-2891.

BOARD OF HEALTH PROFESSIONS

† October 15, 1996 - 1 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.
(Interpreter for the deaf provided upon request)

A full board meeting with agenda items to include the review of HB 1439 study progress. Public comment will be received at the beginning of the meeting.

Contact: Carol Stamey, Administrative Assistant, Board of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910, FAX (804) 662-9943 or (804) 662-7197/TDD.

Calendar of Events

Compliance and Discipline Committee

† October 15, 1996 - 8:30 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 2, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to review board study on uniform disclosure, and to receive an update on the statistical report. Public comment will be received at the beginning of the meeting.

Contact: Carol Stamey, Administrative Assistant, Board of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910, FAX (804) 662-9943 or (804) 662-7197/TDD

Ad Hoc Committee on Criteria

† October 15, 1996 - 10:30 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 2, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to discuss study progress. Public comment will be received at the beginning of the meeting.

Contact: Carol Stamey, Administrative Assistant, Board of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910, FAX (804) 662-9943 or (804) 662-7197/TDD

Practitioner Self-Referral Committee

† October 16, 1996 - 8:30 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 3, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to consider the request for an advisory opinion on referrals. Public comment will be received at the beginning of the meeting.

Contact: Carol Stamey, Administrative Assistant, Board of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910, FAX (804) 662-9943 or (804) 662-7197/TDD

Regulatory Research Committee

† October 15, 1996 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 2, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to review request to evaluate the need to regulate athletic trainers, to further study counseling-related professions, and to adopt final regulations on dietitians and nutritionists and discuss other business as necessary. Public comment will be received at the beginning of the meeting.

Contact: Carol Stamey, Administrative Assistant, Board of Health Professions, 6606 W. Broad St., 4th Floor, Richmond,

VA 23230-1717, telephone (804) 662-9910, FAX (804) 662-9943 or (804) 662-7197/TDD

BOARD FOR HEARING AID SPECIALISTS

† October 15, 1996 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 2, Richmond, Virginia.

An examination workshop. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507 or (804) 367-9753/TDD

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† October 7, 1996 - 8 a.m. -- Open Meeting
Clinch Valley College, Wise, Virginia.

The Executive Committee will meet at 8 a.m.; the planning, resources, and outreach committees will meet between 9 a.m. and noon. The full council will hold its regular meeting p.m. from 1 p.m. to 5 p.m. This will be a general business meeting. For more information, contact the council.

Contact: Michael McDowell, Public Information Director, State Council of Higher Education, James Monroe Bldg., 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2637 or FAX (804) 786-0572.

VIRGINIA HIGHER EDUCATION TUITION TRUST FUND

October 24, 1996 - 10 a.m. -- Open Meeting

November 21, 1996 - 10 a.m. -- Open Meeting

James Monroe Building, 101 North 14th Street, 3rd Floor, Richmond, Virginia.

A regular meeting.

Contact: Diana F. Cantor, Executive Director, Virginia Higher Education Tuition Trust Fund, James Monroe Building, 101 N. 14th St., 3rd Floor, Richmond, VA 23219, telephone (804) 786-2060.

Calendar of Events

VIRGINIA HIV PREVENTION COMMUNITY PLANNING COMMITTEE

† October 17, 1996 - 7:30 p.m. -- Public Hearing
Winchester Medical Center, 1840 Amherst Street, Winchester, Virginia. (Interpreter for the deaf provided upon request)

† November 7, 1996 - 7 p.m. -- Public Hearing
James J. McCoart Administration Building, One County Complex Court, Prince William, Virginia. (Interpreter for the deaf provided upon request)

† November 12, 1996 - 7:30 p.m. -- Public Hearing
College of William and Mary, University Center, Chesapeake Room A, Williamsburg, Virginia. (Interpreter for the deaf provided upon request)

† November 13, 1996 - 7 p.m. -- Public Hearing
Lynchburg Public Library, 2315 Memorial Avenue, Community Room, Lynchburg, Virginia. (Interpreter for the deaf provided upon request)

A public hearing on HIV prevention and Ryan White Health Care in Virginia.

Contact: Elaine G. Martin, Coordinator, STD/AIDS Education, Bureau of STD/AIDS, Department of Health, P.O. Box 2448, Room 112, Richmond, VA 23218, telephone (804) 786-0877 or toll-free 1-800-533-4148.

HOPEWELL INDUSTRIAL SAFETY COUNCIL

October 8, 1996 - 9 a.m. -- Open Meeting
November 5, 1996 - 9 a.m. -- Open Meeting
Hopewell Community Center, Second and City Point Road, Hopewell, Virginia. (Interpreter for the deaf provided upon request)

Local Emergency Preparedness Committee Meeting on emergency preparedness as required by SARA Title III.

Contact: Robert Brown, Emergency Services Coordinator, 300 N. Main St., Hopewell, VA 23860, telephone (804) 541-2298.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† October 15, 1996 - 11 a.m. -- Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting of the Board of Commissioners to (i) review and, if appropriate, approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under its various programs; (iii) review the authority's operations for the prior month; and (iv) consider such other matters and take such other actions as it may deem appropriate.

Various committees of the Board of Commissioners may also meet before or after the regular meeting and consider matters within their purview. The planned

agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere Street, Richmond, VA 23220, telephone (804) 782-1986.

STATEWIDE INDEPENDENT LIVING COUNCIL

October 23, 1996 - 10 a.m. -- Open Meeting
Hampton Public Library, 4207 Victoria Boulevard, Hampton, Virginia. (Interpreter for the deaf provided upon request)

A meeting to conduct regular business.

Contact: Jim Rothrock, Statewide Independent Living Council Staff, 1802 Marriott Rd., Richmond, VA 23229, telephone (804) 673-0119, toll-free 1-800-552-5019/TDD and Voice, or (804) 662-9040/TDD.

COUNCIL ON INFORMATION MANAGEMENT

NOTE: CHANGE IN MEETING DATE

† October 4, 1996 - 10 a.m. -- Open Meeting
Council on Information Management, 1100 Bank Street, Suite 901, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular bimonthly meeting.

Contact: Linda Hening, Administrative Assistant, Council on Information Management, 1100 Bank St., Suite 901, Richmond, VA 23219, telephone (804) 225-3622 or 1-800-828-1120/TDD.

DEPARTMENT OF LABOR AND INDUSTRY

Safety and Health Codes Board

September 30, 1996 - 10 a.m. -- Open Meeting
General Assembly Building, 910 Capitol Square, House Room C, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The tentative agenda items for consideration by the board include; (i) proposed regulation concerning Certified Lead Contractor Notification, Lead Project Permits and Permit Fees (16 VAC 25-35-10 et seq.); (ii) Personal Protective Equipment for Shipyard Employment (16 VAC 25-100-1915.159; corrections); (iii) consolidation of repetitive provisions; technical amendments; and (iv) Incorporation of General Industry Health and Safety Standards Applicable to Construction Work (16 VAC 25-175-1926.416 and 16 VAC 25-175-1926.417); correcting amendment.

Contact: Regina P. Cobb, Agency Management Analyst, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-0610, FAX (804) 786-8418 or (804) 786-2376/TDD.

Calendar of Events

VIRGINIA MANUFACTURED HOUSING BOARD

October 9, 1996 - 10 a.m. -- Open Meeting

Department of Housing and Community Development, The Jackson Center, 501 North Second Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular monthly meeting of the board.

Contact: Curtis L. McIver, Associate Director, Department of Housing and Community Development, Manufactured Housing Office, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7160 or (804) 371-7089/TDD

STATE MANAGEMENT TEAM

† October 2, 1996 - 3 p.m. -- Open Meeting

Washington County Public Library, 205 Oakhill Street, Abingdon, Virginia. (Interpreter for the deaf provided upon request)

A meeting to discuss policy and procedure regarding the Comprehensive Services Act for At Risk Youth and Their Families for recommendation to the State Executive Council. Please contact Pamela Fitzgerald Cooper at (804) 371-2177 to be put on the agenda.

Contact: Marion Greenfield, Policy Analyst, State Management Team, P.O. Box 1797, Richmond, VA 23236, telephone (804) 786-6431 or FAX (804) 371-0091.

MATERNAL AND CHILD HEALTH COUNCIL

† October 16, 1996 - 2 p.m. -- Open Meeting

General Assembly Building, 910 Capitol Square, Speaker's Conference Room, 6th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to focus on improving the health of the Commonwealth's mothers and children by promoting and improving programs and service delivery systems related to maternal and child health, including prenatal care, school health, and teenage pregnancy.

Contact: Patricia Avery, Executive Secretary Senior, Department of Health, Office of Family Health Services, 1500 E. Main St., Room 104-B, Richmond, VA 23219, telephone (804) 371-0478.

School Health Subcommittee

† October 22, 1996 - 10 a.m. -- Open Meeting

Eastern Henrico County Government Center, 3820 Nine Mile Road, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to focus on improving the health of the Commonwealth's children and adolescents by promoting and improving programs and service delivery systems related to school health programs.

Contact: Nancy Ford, School Health Nurse Consultant, Department of Health, Division of Child and Adolescent

Health, 1500 E. Main St., Suite 137, Richmond, VA 23218-2448, telephone (804) 786-7367.

BOARD OF MEDICAL ASSISTANCE SERVICES

Drug Utilization Review Board

October 10, 1996 - 2 p.m. -- Open Meeting

Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Board Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to conduct routine business.

Contact: Marianne R. Rollings, Registered Pharmacist, Pharmacy Services Unit, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-3820 or FAX (804) 786-0414.

Virginia Medicaid Pharmacy Liaison Committee

October 24, 1996 - 1 p.m. -- Open Meeting

Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Board Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to conduct routine business.

Contact: Marianne R. Rollings, Registered Pharmacist, Pharmacy Services Unit, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-3820 or FAX (804) 786-0414.

Pharmacy Prior Authorization Advisory Committee

October 3, 1996 - 1 p.m. -- Public Hearing

October 4, 1996 - 1 p.m. -- Public Hearing

General Assembly Building, 910 Capitol Square, House Room D, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A public hearing to receive comments on pharmaceutical products that will be recommended for prior authorization to the Board of Medical Assistance Services.

Contact: Patty Atkins-Smith, Agency Management Analyst, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-6391.

October 10, 1996 - 10 a.m. -- Open Meeting

Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Board Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A routine business meeting including a discussion of implementation of a prior authorization program for the department.

Contact: Patty Atkins-Smith, Agency Management Analyst, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-6391.

Calendar of Events

BOARD OF MEDICINE

October 2, 1996 - Public comments may be submitted until this date. The public comment period has been extended.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medicine intends to amend regulations entitled: **18 VAC 85-20-10 et seq.** **Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, and Chiropractic.** The proposed amendment to 18 VAC 85-20-90 B permits the use of Schedule III and IV drugs in the treatment of obesity under specified conditions and a treatment plan.

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

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7423, FAX (804) 662-9943, or (804) 662-7197/TDD ☎

October 3, 1996 - 8 a.m.-- Open Meeting

October 4, 1996 - 8 a.m.-- Open Meeting

October 5, 1996 - 8 a.m.-- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Rooms 1-4, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The board will meet on October 3, 1996, to conduct general board business, receive committee and board reports, and discuss any other items which may come before it. The board will meet on October 3, 4 and 5 to review reports, interview licensees, conduct administrative proceedings, and make decisions on disciplinary matters. The board will review any regulations that may come before it. The board will entertain public comments during the first 15 minutes on agenda items.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943, or (804) 662-7197/TDD ☎

Credentials Committee

October 5, 1996 - 8 a.m.-- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Rooms 3 and 4, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The committee will meet in open and closed session to conduct general business, interview and review medical credentials of applicants applying for licensure in Virginia, and discuss any other items which may come before the committee. The committee will receive public comments of those persons appearing on behalf of candidates.

Contact: Warren W. Koontz, M.D., Executive Director, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

Executive Committee

October 24, 1996 - 8 a.m.-- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Rooms 2 and 3, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The committee will meet in open and closed session to: (i) review disciplinary files requiring administrative action; (ii) adopt amendments for approval of promulgation of regulations as presented; and (iii) act on other issues that come before the board. The chairman will not entertain public comments.

Contact: Warren W. Koontz, M.D., Executive Director, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

Informal Conference Committee

October 24, 1996 - 11 a.m.-- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.

The Informal Conference Committee, composed of three members of the board, will inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 A 7 and A 15 of the Code of Virginia. Public comment will not be received.

Contact: Karen W. Perrine, Deputy Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7693, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

† **September 30, 1996 - 10:30 a.m.**-- Open Meeting

† **November 4, 1996 - 10:30 a.m.**-- Open Meeting

Department for the Visually Handicapped, 397 Azalea Avenue, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting of the Pilot Leadership Team to help the department refine and complete development of the two pilot project proposals and monitor and evaluate their implementation.

Contact: Cheryl Crawford, Administrative Staff Specialist, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-5682, FAX (804) 371-6638, toll-free 1-800-451-5544, or (804) 371-8977/TDD ☎

Calendar of Events

State Human Rights Committee

† November 1, 1996 - 9 a.m. -- Open Meeting
Central State Hospital, 7th Avenue, Building 65, Petersburg, Virginia.

A regular meeting of the committee to discuss business and conduct hearings relating to human rights issues. Agenda items are listed for the meeting.

Contact: Kli Kinzie, State Human Rights Secretary, Department of Mental Health, Mental Retardation and Substance Abuse Services, 109 Governor St., Richmond, VA 23219, telephone (804) 786-3988, FAX (804) 371-2308, toll-free 1-800-451-5544 or (804) 371-8977/TDD ☎

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

† October 10, 1996 - 9 a.m. -- Open Meeting
The Breaks Interstate Park, Dickenson County, Virginia. ☎

An informal session to discuss the department's proposed planning process and to discuss the role of the board in policy making activities.

Contact: Martha Mead, Director, Legislative Affairs, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-9048 or FAX (804) 371-0092.

GOVERNOR'S MINED LAND RECLAMATION ADVISORY BOARD

October 3, 1996 - 10 a.m. -- Open Meeting
Department of Mines, Minerals and Energy, Buchanan-Smith Building, Route 23, Big Stone Gap, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to review and discuss recent interstate mining compact commission issues associated with the coal industry.

Contact: Danny Brown, Division Director, Department of Mines, Minerals and Energy, Division of Mined Land Reclamation, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (540) 523-8152, FAX (540) 523-8247 or toll-free 1-800-828-1120 (VA Relay Center).

DEPARTMENT OF MINES, MINERALS AND ENERGY

November 14, 1996 - 10 a.m. -- Public Hearing
Department of Mines, Minerals and Energy, U. S. Route 23 South, Big Stone Gap, Virginia.

November 15, 1996 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mines, Minerals and Energy intends to amend regulations

entitled: **4 VAC 25-130-10 et seq. Coal Surface Mining Reclamation Regulations.** The Department of Mines, Minerals and Energy is proposing amendments to the Virginia Coal Surface Mining Reclamation Regulation governing protection against uncontrolled blowouts of water from underground coal mine workings. The amendments are identical to the emergency regulation amendments effective from March 29, 1996, through March 28, 1997 (see 12:16 VA.R. 2193-2198 April 29, 1996). The amendments add a requirement that applicants for coal mining permits must include information in their permit applications about the steps to be taken during mining to prevent the sudden release of accumulated water from the underground mine workings. The amendments also establish a minimum width for the barrier of coal to be left in place where the coal seam being mined dips toward the land surface and where the barrier may impound water. The amendments provide a standard formula for calculating the required barrier thickness, or alternately allows for site-specific designs to determine the needed barrier thickness.

Statutory Authority: §§ 45.1-161.3 and 45.1-230 of the Code of Virginia.

Contact: Danny R. Brown, Division Director, Department of Mines, Minerals and Energy, Division of Mined Land Reclamation, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (540) 523-8100, FAX (540) 523-8163, or toll-free 1-800-828-1120 (VA Relay Center).

DEPARTMENT OF MOTOR VEHICLES

Medical Advisory Board

October 9, 1996 - 1 p.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. ☎

A regular business meeting.

Contact: Millicent N. Ford, Program Manager, Medical Advisory Board, Department of Motor Vehicles, 2300 W. Broad St., Richmond, VA 23220, telephone (804) 367-0132.

MOTOR VEHICLE DEALER BOARD

September 30, 1996 - 2 p.m. -- Public Hearing
Wytheville Community College, 1000 East Main Street, Grayson Hall, The Commons, Room 113, Wytheville, Virginia.

October 1, 1996 - 1 p.m. -- Public Hearing
Vinton War Memorial, 814 East Washington Avenue, Dining Room (on right), Vinton, Virginia.

October 2, 1996 - 10 a.m. -- Public Hearing
Virginia Army National Guard Armory, 340 South Willow Street, Harrisonburg, Virginia.

October 7, 1996 - 10 a.m. -- Public Hearing
Department of Motor Vehicles, 2300 West Broad Street, Agecroft Room, Richmond, Virginia.

Calendar of Events

October 8, 1996 - 11 a.m. -- Public Hearing

Virginia Army National Guard Armory, 208 Marcella Road, Hampton, Virginia.

October 9, 1996 - 2:30 p.m. -- Public Hearing

Northern Virginia Community College, 8333 Little River Turnpike, Ernst Cultural Center, Annandale, Virginia.

November 2, 1996 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Motor Vehicle Dealer Board intends to adopt regulations entitled: **24 VAC 22-20-10 et seq. Motor Vehicle Dealer Fees.** The Motor Vehicle Dealer Board is a self-sustaining entity. All expenses for the board must be paid through fees assessed by the board. At the current fee level the board will not be able to meet its expenses. It is projected that the board will have a negative cash balance by the end of March 1997 if the fees are not adjusted. The proposed regulations will increase certain fees for motor vehicle dealers and salespersons and enable the board to continue its function.

Statutory Authority: §§ 46.2-1506, 46.2-1503.4, 46.2-1519 and 46.2-1546 of the Code of Virginia.

Public comments may be submitted until November 2, 1996, to Barbara Klotz, P.O. Box 27412, Room 724, Richmond, VA 23269-0001.

Contact: Daniel B. Wilkins, Executive Director, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23230, telephone (804) 367-1100, FAX (804) 367-1053, or (804) 272-9278/TDD ☎

VIRGINIA MUSEUM OF NATURAL HISTORY

Board of Trustees

† October 26, 1996 - 9 a.m. -- Open Meeting

Dutch Inn Hotel and Convention Center, 633 Virginia Avenue, Collinsville, Virginia. ☎

A meeting to include reports from the development, executive, finance, legislative, marketing, outreach, personnel, planning and facilities, and research and collections committees. Public comment will be received following approval of the minutes of the August meeting.

Contact: Rhonda J. Knighton, Administrative Staff Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (540) 666-8616 or (540) 666-8638/TDD ☎

Development Committee

† October 26, 1996 - 8 a.m. -- Open Meeting

Dutch Inn Hotel and Convention Center, 633 Virginia Avenue, Collinsville, Virginia. ☎

A meeting to discuss the Board of Trustees annual giving leadership campaign, and to review fundraising issues for the DINOSAURS! exhibit.

Contact: Rhonda J. Knighton, Administrative Staff Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (540) 666-8616 or (540) 666-8638/TDD ☎

Marketing Committee

† October 26, 1996 - Noon -- Open Meeting

Dutch Inn Hotel and Convention Center, 633 Virginia Avenue, Collinsville, Virginia. ☎

A meeting to discuss marketing of the DINOSAURS! exhibit.

Contact: Rhonda J. Knighton, Administrative Staff Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (540) 666-8616 or (540) 666-8638/TDD ☎

Outreach Committee

† October 26, 1996 - 7:30 a.m. -- Open Meeting

Dutch Inn Hotel and Convention Center, 633 Virginia Avenue, Collinsville, Virginia. ☎

A meeting to discuss outreach goals and objectives.

Contact: Rhonda J. Knighton, Administrative Staff Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (540) 666-8616 or (540) 666-8638/TDD ☎

Research and Collections Committee

† October 26, 1996 - 7:30 a.m. -- Open Meeting

Dutch Inn Hotel and Convention Center, 633 Virginia Avenue, Collinsville, Virginia. ☎

A meeting to discuss appointment of research associates.

Contact: Rhonda J. Knighton, Administrative Staff Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (540) 666-8616 or (540) 666-8638/TDD ☎

BOARDS OF NURSING AND MEDICINE

October 22, 1996 - 10:30 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

The Committee of the Joint Boards of Medicine and Nursing, the Board of Nursing and the Board of Medicine will conduct informal conferences. Public comment will not be received.

Contact: Karen W. Perrine, Deputy Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond,

Calendar of Events

VA 23230-1717, telephone (804) 662-7693, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

Contact: Geralde W. Morgan, Senior Administrator, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-2785 or (804) 367-9753/TDD ☎

BOARD OF OPTOMETRY

† October 11, 1996 - 8 a.m. -- Open Meeting
Wintergreen Resort, Route 664, Wintergreen, Virginia. (Interpreter for the deaf provided upon request)

A general board meeting to conduct regulatory review and to discuss general regulations as well as those relating to therapeutic pharmaceuticals. Public comment will be received at the beginning of the meeting.

Contact: Carol Stamey, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910 or (804) 662-7197/TDD ☎

† October 11, 1996 - 2 p.m. -- Open Meeting
Wintergreen Resort, Route 664, Wintergreen, Virginia. (Interpreter for the deaf provided upon request)

A meeting to conduct informal conferences. Public comment will be received at the beginning of the meeting.

Contact: Carol Stamey, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910 or (804) 662-7197/TDD ☎

BOARD OF PHARMACY

† October 17, 1996 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A board meeting and formal hearing. There will be a 15-minute public comment period beginning at 9:15 a.m.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9911 or FAX (804) 662-9313.

BOARD FOR PROFESSIONAL SOIL SCIENTISTS

† October 17, 1996 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regularly scheduled meeting of the board to address policy and procedural issues and other business matters which may require board action. The meeting is open to the public; however, a portion of the meeting may be discussed in executive session. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

STATE REHABILITATION ADVISORY COUNCIL

† November 18, 1996 - 10 a.m. -- Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular business meeting.

Contact: Kathy Hayfield, SRAC Staff, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA 23230, telephone (804) 662-7134, toll-free 1-800-552-5019/TDD and Voice, or (804) 662-9040/TDD ☎

VIRGINIA RESOURCES AUTHORITY

October 8, 1996 - 9:30 a.m. -- Open Meeting

November 12, 1996 - 9:30 a.m. -- Open Meeting

The Mutual Building, 909 East Main Street, Suite 607, Board Room, Richmond, Virginia.

The board will meet to approve minutes of the meeting of the prior month, to review the authority's operations for the prior months, and to consider other matters and take other actions as it may deem appropriate. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting. Public comments will be received at the beginning of the meeting.

Contact: Shockley D. Gardner, Jr., Virginia Resources Authority, 909 E. Main St., Suite 607, Mutual Building, Richmond, VA 23219, telephone (804) 644-3100 or FAX (804) 644-3109.

STATE BOARD OF SOCIAL SERVICES

† October 16, 1996 - 9 a.m. -- Open Meeting

† October 17, 1996 - 9 a.m. (if necessary) -- Open Meeting
Virginia Beach Resort Hotel and Conference Center, 2800 Shore Drive, Virginia Beach, Virginia. (Interpreter for the deaf provided upon request)

A work session and formal business meeting of the board.

Contact: Phyllis Sisk, Special Assistant, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1900, FAX (804) 692-1949, toll-free 1-800-552-3431, or toll-free 1-800-552-7096/TDD ☎

BOARD OF SOCIAL WORK

† October 18, 1996 - 9 a.m. -- Open Meeting

† October 19, 1996 - 9 a.m. -- Open Meeting
Williamsburg Hospitality House, 415 Richmond Road, Williamsburg, Virginia. (Interpreter for the deaf provided upon request)

Calendar of Events

A planning meeting for 1997 and discussion of the board's regulations. Public comment will be received at 9:15 a.m. on Friday, October 18.

Contact: Evelyn B. Brown, Executive Director, Board of Social Work, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9914, FAX (804) 662-9943, or (804) 662-7197/TDD

† November 1, 1996 - 9 a.m. -- Public Hearing

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia.

† November 29, 1996 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9.6.14:7.1 of the Code of Virginia that the Board of Social Work intends to amend regulations entitled: **18 VAC 140-20-10 et seq. Regulations Governing the Practice of Social Work.** The purpose of the proposed amendment is to reduce licensure renewal fees and eliminate the initial licensure fee for new licensees.

Statutory Authority: §§ 54.1-113, 54.1-2400, and 54.1-3700 et seq.

Contact: Janet Delorme, Deputy Executive Director, Board of Social Work, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9575, FAX (804) 662-9943, or (804) 662-7197/TDD

COMMONWEALTH TRANSPORTATION BOARD

† October 16, 1996 - 1 p.m. -- Open Meeting

Natural Bridge Hotel, Jefferson Ballroom, Natural Bridge, Virginia. (Interpreter for the deaf provided upon request)

A monthly meeting of the board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval. Public comment will be received at the outset of the meeting on items on the meeting agenda for which the opportunity for public comment has not been afforded the public in another forum. Remarks will be limited to five minutes. Large groups are asked to select one individual to speak for the group. The board reserves the right to amend these conditions. Separate committee meetings may be held on call of the chairman. Contact Department of Transportation Public Affairs at (804) 786-2715 for schedule.

Contact: Robert E. Martinez, Secretary of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-8032.

TRANSPORTATION SAFETY BOARD

NOTE: CHANGE IN MEETING DATE

October 9, 1996 - 9 a.m. -- Open Meeting

Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The quarterly meeting of the board to review transportation safety issues in the Commonwealth.

Contact: Angelisa C. Jennings, Management Analyst, Department of Motor Vehicles, 2300 W. Broad St., Richmond, VA 23220, telephone (804) 367-2026 or FAX (804) 367-6031.

TREASURY BOARD

October 16, 1996 - 9 a.m. -- Open Meeting

November 20, 1996 - 9 a.m. -- Open Meeting

December 18, 1996 - 9 a.m. -- Open Meeting

James Monroe Building, 101 North 14th Street, Treasury Board Room, 3rd Floor, Richmond, Virginia.

A regular meeting.

Contact: Gloria Hatchel, Administrative Assistant, Department of the Treasury, James Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 371-6011.

BOARD OF VETERINARY MEDICINE

† October 1, 1996 - 9:30 a.m. -- Open Meeting

Roanoke Airport Marriott, 2801 Hershberger Road, Roanoke, Virginia. (Interpreter for the deaf provided upon request)

A meeting to conduct informal conferences. Public comment will be received.

Contact: Terri H. Behr, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9915 or (804) 662-7197/TDD

† October 8, 1996 - 9 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Virginia. (Interpreter for the deaf provided upon request)

A board meeting to conduct regulatory review. Brief public comment will be received at the beginning of the meeting.

Contact: Terri H. Behr, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9915 or (804) 662-7197/TDD

Calendar of Events

† October 9, 1996 - 8 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to include informal conferences. Public comment will not be received.

Contact: Terri H. Behr, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9915 or (804) 662-7197/TDD

BOARD FOR THE VISUALLY HANDICAPPED

October 23, 1996 - 1:30 p.m. -- Open Meeting
Department for the Visually Handicapped, Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The board is responsible for advising the Governor, the Secretary of Health and Human Resources, the Commissioner, and the General Assembly on the delivery of public services to the blind and the protection of their rights. The board also reviews and comments on policies, budgets and requests for appropriations for the department. At this regular quarterly meeting, the board members will receive information regarding department activities and operations, review expenditures from the board's institutional fund, and discuss other issues raised by board members.

Contact: Katherine C. Proffitt, Executive Secretary Senior, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140, toll-free 1-800-622-2155, or (804) 371-3140/TDD

VIRGINIA VOLUNTARY FORMULARY BOARD

October 24, 1996 - 10:30 a.m. -- Open Meeting
Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia.

A meeting to consider public hearing comments and review new product data for drug products pertaining to the Virginia Voluntary Formulary.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, Virginia Voluntary Formulary, James Monroe Bldg., 101 N. 14th St., Room S-45, Richmond, VA 23219, telephone (804) 786-4326.

BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS

October 2, 1996 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 3, Richmond, Virginia.

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special

accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8507, FAX (804) 367-2474 or (804) 367-9753/TDD

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

October 3, 1996 - 8:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to discuss regulatory review, disciplinary cases, and other matters requiring board action. A public comment period will be held at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-2474 or (804) 367-9753/TDD

GOVERNOR'S ADVISORY COMMISSION ON WELFARE REFORM

October 29, 1996 - 9 a.m. -- Open Meeting
General Assembly Building, 910 Capitol Square, House Room 4, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A business round table from 9 to 11 a.m. Subcommittee meetings will meet from 11 a.m. to noon. From 1 to 4 p.m. the commission will hold its regularly scheduled meeting.

Contact: Fay Lohr, Director, Office of Community Services, Department of Social Services, 730 E. Broad St., 8th Floor, Richmond, VA 23219, telephone (804) 692-1895, FAX (804) 692-1869 or toll-free 1-800-828-1120/TDD

LEGISLATIVE

ADMINISTRATIVE LAW ADVISORY COMMITTEE

October 9, 1996 - 11 a.m. -- Open Meeting
State Capitol, Capitol Square, House Room 2, Richmond, Virginia. (Interpreter for the deaf provided upon request)

Calendar of Events

A meeting to discuss the on-going studies of the committee, adopt recommendations to present to the Virginia Code Commission, and conduct any other business.

Contact: Lyn Hammond, Program Coordinator, Administrative Law Advisory Committee, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591 or FAX (804) 371-0169.

VIRGINIA CODE COMMISSION

† November 19, 1996 - 10 a.m. -- Open Meeting
General Assembly Building, 910 Capitol Square, Speaker's Conference Room, 6th Floor, Richmond, Virginia. []

A meeting to receive a report from the Administrative Law Advisory Committee and to conduct general business.

Contact: Jane D. Chaffin, Deputy Registrar, Division of Legislative Services, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591 or FAX (804) 692-0625.

JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION

† October 15, 1996 - 9:30 a.m. -- Open Meeting
General Assembly Building, 910 Capitol Square, Senate Room A, Richmond, Virginia.

Staff briefings on Interim Report of the Structure of the Natural Resources Agency and on the Information Technology Consultant Workplan.

Contact: Phillip A. Leone, Director, Joint Legislative Audit and Review Commission, General Assembly Building, 910 Capitol St., Suite 1100, Richmond, VA 23219, telephone (804) 786-1258.

COMMISSION ON YOUTH

October 21, 1996 - 4 p.m. -- Public Hearing
Arlington, Virginia - Location to be announced.

HJR 181 Study of Homeless Children in Virginia.

Contact: Joyce Huey, Commission on Youth, General Assembly Building, 910 Capitol Street, Suite 517B, Richmond, VA 23219-0406, telephone (804) 371-2481.

October 21, 1996 - 7 p.m. -- Public Hearing
Arlington, Virginia - Location to be announced.

HJR 92 Study of Youth Gangs in Virginia.

Contact: Joyce Huey, Commission on Youth, General Assembly Building, 910 Capitol Street, Suite 517B, Richmond, VA 23219-0406, telephone (804) 371-2481.

CHRONOLOGICAL LIST

OPEN MEETINGS

September 30

Labor and Industry, Department of
- Safety and Health Codes Board
† Mental Health, Mental Retardation and Substance Abuse Services, Department of

October 1

† Conservation and Recreation, Board of
† Veterinary Medicine, Board of

October 2

Agriculture and Consumer Services, Department of
- Board of Agriculture and Consumer Services
Conservation and Recreation, Department of
- Fall River Renaissance Committee
Contractors, Board for
- Disciplinary Committee
† Management Team, State
Waste Management Facility Operators, Board for

October 3

† Architects, Professional Engineers, Land Surveyors and Landscape Architects, Board for
- Board for Interior Designers
† Conservation and Recreation, Department of
- Board of Conservation and Recreation
- Falls of the James Scenic River Advisory Board
Emergency Planning Committee - Local, Chesterfield County
Mined Land Reclamation Advisory Committee, Governor's
Medicine, Board of
Waterworks and Wastewater Works Operators, Board for

October 4

† Information Management, Council on
Medical Assistance Services, Department of
- Pharmacy Prior Authorization Advisory Committee
Medicine, Board of

October 5

Medicine, Board of
- Credentials Committee

October 7

Accountancy, Board for
- Privatization Task Force
Alcoholic Beverage Control Board
Cosmetology, Board for
† Higher Education for Virginia, State Council of

October 8

Chesapeake Bay Local Assistance Board
- Northern Area Review Committee
- Southern Area Review Committee
† Conservation and Recreation, Department of
- Appomattox Scenic River Advisory Board
Criminal Justice Services Board
- Committee on Training

Calendar of Events

- Hopewell Industrial Safety Council
Resources Authority, Virginia
† Veterinary Medicine, Board of
- October 9**
Administrative Law Advisory Committee
† Contractors, Board for
Motor Vehicles, Department of
- Medical Advisory Board
Transportation Safety Board
† Veterinary Medicine, Board of
- October 10**
Agriculture and Consumer Services, Department of
- Pesticide Control Board
Child Day-Care Council
Medical Assistance Services, Department of
- Drug Utilization Review Board
- Pharmacy Prior Authorization Advisory Committee
† Mental Health, Mental Retardation and Substance Abuse Services Board, State
- October 11**
† Architects, Professional Engineers, Land Surveyors and Landscape Architects, Board for
† Funeral Directors and Embalmers, Board of
- Legislative Committee
† Optometry, Board of
- October 15**
Corrections, Board of
- Correctional Services Committee
† Health Professions, Board of
- Compliance and Discipline Committee
- Ad Hoc Committee on Criteria
- Regulatory Research Committee
† Hearing Aid Specialists, Board for
† Housing Development Authority, Virginia
† Legislative Audit and Review Commission, Joint
- October 16**
Corrections, Board of
- Administration Committee
Fire Services Board
- Residential Sprinkler Committee
† Health Professions, Board of
- Practitioner Self-Referral Committee
† Maternal and Child Health Council
† Social Services, State Board of
† Transportation Board, Commonwealth
Treasury Board
- October 17**
Accountancy, Board for
† Assistive Technology Loan Fund Authority Board
† Conservation and Recreation Foundation
Environmental Quality, Department of
- Work Group on Ammonia, Mercury, Lead and Copper
Fire Services Board
- Fire/EMS Education and Training Committee
- Fire Prevention and Control Committee
- Legislative/Liaison Committee
Health, Department of
- Biosolids Use Information Committee
- Biosolids Use Regulations Advisory Committee
† Pharmacy, Board of
† Professional Soil Scientists, Board for
† Social Services, State Board of
- October 18**
Accountancy, Board for
† Correctional Education, Board of
Fire Services Board
† Social Work, Board of
- October 19**
† Social Work, Board of
- October 21**
Alcoholic Beverage Control Board
Barbers, Board for
- October 22**
Aviation Board, Virginia
† Maternal and Child Health Council
- School Health Subcommittee
Medicine, Board of
- October 23**
† Auctioneers Board
Aviation Board, Virginia
Independent Living Council, Statewide
Visually Handicapped, Board for the
- October 24**
† Accountancy, Board for
† Game and Inland Fisheries, Board of
Higher Education Tuition Trust Fund, Virginia
Medical Assistance Services, Department of
- Virginia Medicaid Pharmacy Liaison Committee
Medicine, Board of
- Executive Committee
Voluntary Formulary Board, Virginia
- October 25**
† Game and Inland Fisheries, Board of
- October 26**
† Museum of Natural History, Virginia
- Board of Trustees
- Development Committee
- Marketing Committee
- Outreach Committee
- Research and Collections Committee
- October 29**
Welfare Reform, Governor's Advisory Commission on
- October 30**
Conservation and Recreation, Department of
- Fall River Renaissance Committee
- October 31**
Compensation Board
- November 1**
† Mental Health, Mental Retardation and Substance Abuse Services, Department of
- State Human Rights Committee

Calendar of Events

November 4 Alcoholic Beverage Control Board † Mental Health, Mental Retardation and Substance Abuse Services, Department of	October 2 Motor Vehicle Dealer Board
November 5 Hopewell Industrial Safety Council	October 3 Fire Services Board, Virginia Medical Assistance Services, Department of - Pharmacy Prior Authorization Advisory Committee
November 6 Agriculture and Consumer Services, Department of - Virginia Horse Industry Board † Funeral Directors and Embalmers, Board of	October 4 Medical Assistance Services, Department of - Pharmacy Prior Authorization Advisory Committee
November 7 † Conservation and Recreation, Department of - Falls of the James Scenic River Advisory Board Emergency Planning Committee, Local - Chesterfield County	October 7 Motor Vehicle Dealer Board
November 12 Chesapeake Bay Local Assistance Board - Northern Area Review Committee - Southern Area Review Committee † Chesapeake Bay Tributary Strategy Interagency Work Group, Virginia Resources Authority, Virginia	October 8 Motor Vehicle Dealer Board
November 13 † Chesapeake Bay Tributary Strategy Interagency Work Group, Virginia	October 9 Motor Vehicle Dealer Board
November 14 † Chesapeake Bay Tributary Strategy Interagency Work Group, Virginia	October 10 Health, State Board of
November 18 Alcoholic Beverage Control Board † Chesapeake Bay Tributary Strategy Interagency Work Group, Virginia † Rehabilitation Advisory Council, State	October 11 Architects, Professional Engineers, Land Surveyors and Landscape Architects, Board for Fire Services Board, Virginia
November 19 † Virginia Code Commission	October 16 Corrections, Board of Fire Services Board, Virginia
November 20 † Chesapeake Bay Tributary Strategy Interagency Work Group, Virginia Treasury Board	October 17 Fire Services Board, Virginia † HIV Prevention Community Planning Committee
November 21 Higher Education Tuition Trust Fund, Virginia	October 21 Youth, Commission on † HIV Prevention Community Planning Committee
December 12 Child Day-Care Council	November 1 † Social Work, Board of
December 18 Treasury Board	November 6 Fire Services Board, Virginia
PUBLIC HEARINGS	
September 30 Motor Vehicle Dealer Board	November 7 † HIV Prevention Community Planning Committee
October 1 Motor Vehicle Dealer Board	November 12 † HIV Prevention Community Planning Committee
	November 13 † HIV Prevention Community Planning Committee
	November 14 Fire Services Board, Virginia Mines, Minerals and Energy, Department of
	November 23 Fire Services Board, Virginia