



**GOVERNOR McDONNELL'S  
REGULATORY REFORM INITIATIVE**

REPORT  
TO THE  
GOVERNOR



**DECEMBER 20, 2013**  
(WITH CORRECTIONS)

December 20, 2013

The Honorable Robert F. McDonnell  
Office of the Governor  
Patrick Henry Building, 3rd Floor  
1111 East Broad Street  
Richmond, Virginia 23219

Dear Governor McDonnell:

On behalf of your staff, executive branch agencies, citizens and stakeholders, it is our pleasure to provide you with this report of the results of the Regulatory Reform Initiative (“RRI”). A year ago, you asked us to begin this initiative to reduce the burdens that regulations place on the citizens of Virginia. We are pleased to report this initiative has yielded significant results.

As you said at the launch of this initiative: “While the regulations contained in the Virginia Administrative Code are important parts of ensuring the safety and well-being of Virginians, these regulations can sometimes also be unnecessarily burdensome on the people and job creators of the Commonwealth. Unnecessary administrative burdens hamper job creation by Virginia employers. Smart regulatory reform will produce a freer and better environment for citizens and businesses.”

Through this initiative, 931 sections of state regulations have been, or are in the process of being, repealed. Additionally, executive branch agencies have pursued 110 regulatory actions, impacting 678 sections of regulations, to reduce burdens on Virginians and make our regulations easier to understand.

This work could not have been completed without the guidance of former Director of Policy Development & Deputy Counselor to the Governor Jeff Palmore, the hard work and tireless efforts of Melanie K. West and the rest of the Economic and Regulatory Analysis Division at the Department of Planning and Budget, and the 29 agencies that participated in this effort.

Thank you for your leadership in instituting this initiative.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Jasen Eige".

J. Jasen Eige  
Counselor & Senior Policy Advisor to the Governor



## **PARTICIPATING STATE AGENCIES**

**Office of the State Inspector General**

**The Library of Virginia**

**The Virginia Museum of Natural History**

**Virginia Department for the Blind and Vision Impaired**

**Virginia Department for Aging and Rehabilitative Services**

**Virginia Department of Agriculture and Consumer Services**

**Virginia Department of Alcoholic Beverage Control**

**Virginia Department of Behavioral Health and Developmental Services**

**Virginia Department of Conservation and Recreation**

**Virginia Department of Criminal Justice Services**

**Virginia Department of Education**

**Virginia Department of Environmental Quality**

**Virginia Department of Forensic Science**

**Virginia Department of Game and Inland Fisheries**

**Virginia Department of General Services**

**Virginia Department of Health**

**Virginia Department of Health Professions**

**Virginia Department of Housing and Community Development**

**Virginia Department of Labor and Industry**

**Virginia Department of Medical Assistance Services**

**Virginia Department of Mines, Minerals and Energy**

**Virginia Department of Motor Vehicles**

**Virginia Department of Professional and Occupational Regulation**

**Virginia Department of Social Services**

**Virginia Department of Taxation**

**Virginia Department of Transportation**

**Virginia Marine Resources Commission**

**Virginia Motor Vehicle Dealer Board**

**Virginia Racing Commission**

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## EXECUTIVE SUMMARY

The Virginia Administrative Code (VAC) contains over 31,000 pages of state regulations. These regulations have been promulgated by a host of state agencies, boards, authorities, councils, commissions, and universities. Virginians are affected daily by these rules. They shape many aspects of life including business, education, health, transportation, public safety, and agriculture and forestry. In recent years, the sheer number of regulations has grown excessive, and efforts have been made to simplify and streamline government and reduce unnecessary regulatory burdens. Governor Robert F. McDonnell has been a leader in these efforts.

In 2006, then-Attorney General McDonnell established a Government and Regulatory Reform Task Force (Task Force). This Task Force, made up of present and former state and local government officials, business leaders, consumer advocates, and private citizens, worked over the next three years to reduce unnecessary regulatory burdens. Ultimately, over 350 recommendations were made, many of which have been implemented.

These efforts to improve and simplify government continued once Governor McDonnell was sworn in as Governor. On January 16, 2010, he created the Governor's Commission on Government Reform and Restructuring (Reform Commission). The Reform Commission also issued a series of recommendations in November 2011, including a statement that:

“...[I]n order to address the growing regulatory burden on small businesses that stands in the way of job creation in the Commonwealth, the Governor should direct a comprehensive review of regulations to identify those that are unnecessary, overly burdensome, or harmful to economic growth. The Commission strongly recommends that regulatory relief be one of the Governor's highest priorities in 2012.”

It was at this time that several agencies began their comprehensive review of regulations and reform activities and, accordingly, some regulatory reform activities contained in this report date from this period.

In addition, as a result of the Reform Commission's work, a significant reform bill was introduced and passed by the 2012 General Assembly (Chapters 803 and 835, 2012 Virginia Acts of Assembly). This legislation reorganized the executive branch to streamline government and make it more efficient.

On September 12, 2012, Governor McDonnell launched the Virginia Regulatory Reform Initiative (RRI). The goals of this effort were to repeal obsolete regulations and to reduce unnecessary regulatory burdens on individuals, businesses, and other stakeholders. This initiative is the continuation of Governor McDonnell's efforts, mentioned above, as Attorney General to eliminate unnecessary and burdensome regulations through his Task Force, and his efforts as Governor to reform and streamline government through the Reform Commission.

## REGULATORY REFORM AT A GLANCE

Number of RRI contributing agencies	29
Number of RRI regulatory actions	167
Number of sections identified for repeal	931
Number of sections repealed or to be repealed by year end	848
Number of sections subject to non-repeal RRI amendments	678
Number of staff at RRI contributing agencies who worked on this project	197

The current initiative involved broad participation by state agencies. Twenty-nine state agencies submitted regulatory actions as part of the RRI. Yet another agency reduced the size of its governing body, thereby reducing its operating costs. Most other state agencies participated in the regulatory review process although they ultimately concluded that no reform changes were necessary.

A few examples of the reforms brought about by this initiative include:

- The Board of Medicine provided a one-time reduction in renewal fees for family physicians, podiatrists, chiropractors, respiratory care practitioners, physician assistants, occupational therapists, radiologic technologists, acupuncturists, athletic trainers, and midwives.
- A change in permitting procedures will reduce costs (\$7,000 per facility) for entities such as some electricity generators, paper manufacturers, and landfills, without affecting the environment.
- Manufacturers outside of Virginia have been taking advantage of costs subsidized by Virginia taxpayers for “street drug preparations” (bath salts for example) during forensic testing. The proposed changes would allow the Department of Forensic Science to charge the actual costs of the “street drug preparations” used in the forensic evaluation process, saving Virginia taxpayers thousands of dollars.
- The Virginia Waste Management Board took action to provide relief from a burdensome permit amendment fee for solid waste landfills that are undergoing corrective action. It was charging landfill sites a fee of \$22,860, but streamlining efforts within the corrective action program have reduced costs. These efforts allowed the board to decrease the fee to \$3,000, a reduction of 87 percent.

In all, 167 regulatory actions were filed by state agencies as a result of the RRI (as well as previous government reform efforts led by Governor McDonnell) and have yielded significant benefits for the Commonwealth. These actions repeal regulatory sections, reduce unnecessary regulatory burdens, implement other RRI changes, or do a combination of two or all three. Altogether, 931 sections in the VAC have been identified for repeal, 848 of which have already been repealed or are scheduled to be repealed by the end of 2013. Additionally, 110 regulatory actions affecting 678 sections have been filed to reduce unnecessary regulatory burdens or to implement other RRI changes. To date, nearly 77% of all filed actions have been finalized.



Of these 167 regulatory actions, 48 were exempt from reviews required by the Virginia Administrative Process Act (Virginia Code 2.2-4000 et seq.) (APA) and Executive Order 14 (EO 14) (2010) governing the Development and Review of Regulations Proposed by State Agencies; this means that agencies were quickly able to effectuate these changes. The other 119 actions involved executive branch review by the Office of the Attorney General, the Department of Planning and Budget (DPB), the appropriate Cabinet Secretary, and the Governor in accordance with the requirements of the APA and EO 14. Of these 119 actions, 83 were promulgated using the fast-track regulatory process, while 36 followed the standard rulemaking process. These 119 actions were also subject to public comment, which ensured public participation in the RRI process as well.

The Director of DPB, as well as DPB's Economic and Regulatory Analysis Section, assisted the Governor's Office with tracking agency progress on the Virginia Regulatory Town Hall ([www.townhall.virginia.gov](http://www.townhall.virginia.gov)) during the RRI and with preparing this report.



# **REGULATORY REFORM INITIATIVE OVERVIEW, TIMELINE, AND RESULTS**

On September 12, 2012, Governor Robert F. McDonnell launched his Regulatory Reform Initiative (RRI). This initiative was the outgrowth of Governor McDonnell's efforts as Attorney General which also focused on eliminating unnecessary and burdensome regulations through the Task Force on Regulatory and Government Reform (Task Force). The Task Force made more than 350 recommendations to streamline Virginia's Administrative Code (VAC).

As part of the RRI, executive branch agencies were instructed to conduct a comprehensive review of their regulations to identify those that could be repealed or those that were no longer in use. Agencies were also directed to identify opportunities for reducing unnecessary regulatory burdens on individuals, businesses, and other regulated groups, and to identify statutes that required unnecessary or overly burdensome regulations. Agencies were instructed to begin these activities immediately with the goal of making as much progress as possible by the end of the McDonnell administration in January 2014.

The Governor also solicited ideas from the public, asking citizens, businesses, and regulated constituencies to suggest areas for reform, repeal, or reduction of regulatory burdens. The Governor's Office created a web portal for citizens to make their recommendations on areas for reform.

## **GUIDING PRINCIPLES**

In conducting their review of regulations, agencies were directed to use the guiding principles outlined in Executive Order 14 (2010) including: "Agencies should ensure that their current regulations provide for the least possible intrusion in the lives of the citizens of the Commonwealth consistent with public health, safety, and welfare. Agencies should identify and assess the least costly means, including reasonably available alternatives, in lieu of regulation for achieving the goals of a regulation. Suggested alternatives include: economic incentives to encourage the desired outcomes (such as user fees or marketable permits); information disclosure requirements, rather than regulatory mandates, so that the public can make more informed choices; and performance standards in place of mandating specific techniques or behavior. Lastly, agencies are to ensure that their regulations are clearly written and easily understandable by the individuals and entities affected."

## **"FIRST GLANCE" REGULATIONS (SEPTEMBER AND OCTOBER 2012)**

Agencies were advised to begin the process of repealing or reforming regulations that they had previously targeted. Additionally, these and all future RRI actions were to be flagged for executive branch reviewers on the Virginia Regulatory Town Hall (Town Hall) website ([www.townhall.virginia.gov](http://www.townhall.virginia.gov)) so that these actions could receive expedited review where possible.



## **AGENCY WORK PLANS (SUBMITTED BY OCTOBER 31, 2012)**

Agencies were requested to formulate work plans to establish a timeline for their review of regulations and the promulgation of regulatory changes in accordance with the Virginia Administrative Process Act (Virginia Code § 2.2-4000 et seq.). The goal was to complete the rulemaking process prior to the end of Governor McDonnell's administration. Where they were able to do so, agencies were encouraged to utilize either exempt actions or the fast-track process to promulgate their RRI changes.

## **PUBLIC ANNOUNCEMENT OF THE RRI ON OCTOBER 22, 2012**

On October 22, 2012, Governor McDonnell issued a press release announcing the RRI to the public and also launched an internet portal for citizens to submit ideas for regulatory reform at <http://regreform.virginia.gov/>. Ideas submitted to this portal were sent to the appropriate agency for consideration.

## **AGENCIES SUBMIT PROPOSED LEGISLATION TO AMEND THE CODE OF VIRGINIA (SUBMITTED BY NOVEMBER 16, 2012)**

By November 16, 2012, agencies submitted to the Governor's Office a list of proposed statutory amendments that would be necessary to repeal regulations required by the Code of Virginia. Several of these recommendations resulted in legislation passed by the 2013 General Assembly.

## **NOVEMBER AND DECEMBER 2012 THROUGH THE 2013 GENERAL ASSEMBLY SESSION**

As time permitted, agencies continued their regulatory review, repeal, and reform activities and executive branch reviewers continued to process these regulatory actions.

Additionally, the Governor reviewed all legislative proposals submitted in connection to the RRI and determined that several could be introduced as part of the Governor's 2013 legislative agenda. These six pieces of legislation were introduced and all were enacted by the General Assembly.

## **POST-2013 GENERAL ASSEMBLY SESSION**

Agencies initiated any regulatory actions they had not yet started and, in general, agencies continued to finalize their regulatory review, repeal, and reform activities. Executive branch reviewers expedited their handling of RRI actions to the best of their ability.

## **RRI RESULTS**

The RRI has resulted in the filing of a total of 167 regulatory actions by state agencies. To date, nearly 77% of all RRI actions filed have been finalized. During the RRI, agencies reported their results as follows: First, agencies sent the Governor's Office monthly updates of their RRI activities. Second, agencies entered specific information concerning the status of their RRI actions on the Town Hall so that the Governor's Office could quickly review RRI activities across all agencies. Finally, and, most recently, agencies submitted summaries of their work which form the basis of this report.



## **REPEAL OF OBSOLETE, SUPERSEDED, OR DUPLICATIVE REGULATIONS**

As a result of hard work by agencies, many sections in the VAC have been repealed or are in the process of being repealed because they are obsolete or have been superseded by other laws or regulations. In other cases, sections have been removed from the VAC because they are duplicative of the Code of Virginia or other state regulations and do not make a particular regulation any easier to understand. By remaining in the VAC, these obsolete and unnecessary regulations are confusing to the public and regulated communities. These repeals will help the public understand and comply with regulatory requirements. In total, **931** sections in the VAC have been identified for repeal.

## **REDUCING UNNECESSARY REGULATORY BURDENS AND DESIGNING OTHER REGULATORY IMPROVEMENTS**

Agencies have been able to identify many ways to reduce unnecessary regulatory burdens for Virginians. These include eliminating unnecessary reporting requirements, allowing for the electronic submission of information by regulated entities, and extending the period of time for the regulated community to enjoy some benefit, e.g., before having to take action to renew a license, certification or registration.

In addition to reducing unnecessary regulatory burdens, agencies have promulgated amendments to make other improvements to the VAC consistent with the RRI. These include making provisions more succinct and clear, and consolidating regulatory provisions so they are easier to find. In addition, provisions were updated to reflect current agency practices. Finally, some amendments had the effect of increasing opportunities for Virginians, e.g., to enjoy certain recreational activities for longer periods of the year. In sum, 110 regulatory actions affecting **678** sections have been filed to reduce unnecessary regulatory burdens or to implement other RRI changes.

# AGENCY RESULTS

The following pages present a summary of agency results which were self-reported with edits made for consistency and formatting.

## OFFICE OF THE STATE INSPECTOR GENERAL

In accordance with the Governor's Regulatory Reform Initiative, the Office of the State Inspector General has reviewed its regulations and is taking action to repeal eight obsolete regulation sections.

### *Repeal Obsolete Regulations:*

There are currently two regulations that fall under the Office of the State Inspector General that are no longer relevant. Therefore, the agency will file an action to repeal the following regulation: Policies, Standards, and Procedures for Agency and Institutional Internal Auditors (Directive No. 1-85) (1 VAC 42-10). The repeal of the External Review Follow-Up for Agency and Institutional Internal Auditors (Directive No. 1-90) (1 VAC 42-20) became effective on December 4, 2013.

## THE LIBRARY OF VIRGINIA

In accordance with the Governor's Regulatory Reform Initiative, the Library of Virginia conducted a thorough review of its regulations. As a result, several regulations were deemed to be necessary and minimally burdensome. For others, the agency began the regulatory process to repeal the regulations.

A new simplified regulation called Standards for Recorded Permanent Instruments will replace these repealed regulations. The new regulation has completed the NOIRA stage. The proposed regulatory action simplifies the rules by combining them into one regulation. Currently, they are spread out over three regulations. The new regulation will be less burdensome on the regulated community as the language in the planned regulation will be simplified, the organization will be improved, and obsolete sections will be removed.

### *A complete list of the board's RRI proposed changes follow:*

#### *To be repealed:*

Standards for Plats (17 VAC 15-60)

Standards for Recorded Instruments (17 VAC 15-70)

Standards for Paper for Permanent Circuit Court Records (17 VAC 15-80)

In total, 18 VAC sections will be repealed.

#### *To be promulgated:*

Standards for Recorded Permanent Instruments (17 VAC 15-61)



## **THE VIRGINIA MUSEUM OF NATURAL HISTORY**

The Virginia Museum of Natural History reduced the size of its Board of Trustees from 25 to 15 members. The objective was to reduce travel costs for the board to quarterly board meetings in (primarily) Martinsville, Virginia. The museum budgets \$4,000 annually, and this led to an approximate 40 percent reduction in expenses to \$2,400 annually.

## **VIRGINIA DEPARTMENT FOR THE BLIND AND VISION IMPAIRED**

In response to the Governor's Regulatory Reform Initiative, the Virginia Department for the Blind and Vision Impaired (department) reviewed regulations in three of its major programs. Reviews were conducted of regulations related to the Business Enterprise program, the Rehabilitation Teaching and Independent Living Services program, and the Vocational Rehabilitation program. As a result of this review, the department concluded that regulations associated with its Vocational Rehabilitation program were outdated and should be revised to provide greater clarity to consumers of services and agency personnel.

Specifically, the department has proposed to repeal some existing regulations (22 VAC 45-50) while concurrently promulgating new regulations (22 VAC 45-51). The current regulations, last revised in the 1990s, are outdated. The revisions to 22 VAC 45-51 incorporate updated federal language, update the names of two agencies, eliminate one section that is not necessary to ensure compliance with federal regulations, separate one section into two separate sections to provide greater clarity, and combine two sections that were duplicative. Overall, these changes make the regulations more clear and streamlined.

## **DEPARTMENT FOR AGING AND REHABILITATIVE SERVICES**

In accordance with the Governor's Regulatory Reform Initiative, the Department for Aging and Rehabilitative Services (department) reviewed its regulations and is in the process of taking action on the Provision of Vocational Rehabilitation Services to streamline processes, consolidate sections, provide regulatory flexibility, improve clarity, eliminate obsolete provisions and terms, and repeal an unnecessary section (22 VAC 30-20-120).

Currently, the proposed regulatory changes are being reviewed by the Office of the Attorney General (OAG) for certification of the department's authority to promulgate these actions. The standard regulatory process does not require the OAG to meet any specific time frame in reviewing these proposed changes. Upon receiving certification from the OAG, the department plans to take the following actions:



***Streamlining of Processes:***

Delete the requirement of a face to face interview between a vocational (VR) applicant and VR counselor. This will allow for the electronic submission of information and require less time to process applications (22 VAC 30-20-120).

***Consolidation:***

Consolidate information in two regulatory sections dealing with physical and mental restoration services. The list of services was deleted from 22 VAC 30-20-120, but retained in 22 VAC 30-20-10.

***Provide Enhanced Regulatory Flexibility:***

- Remove time limits on some services that VR consumers can receive and remove the requirement that counselors seek approval from the Commissioner before providing some services to consumers. This helps expedite service provision (22 VAC 30-20-120).
- Require use of the minimum grade requirement of the institution rather than a grade of C for VR consumers participating in a postsecondary training program (22 VAC 30-20-120).
- Remove the requirement that only Virginia colleges and universities will be utilized for postsecondary training of VR consumers, but the department will only sponsor costs to attend state institutions except under certain circumstances. This still gives a preference to state supported institutions but allows for flexibility in choosing a training institution while instituting some cost saving measures (22 VAC 30-20-120).
- Delete the requirement that only individuals with severe disabilities will receive sponsorship to obtain a graduate degree (22 VAC 30-20-120).
- Change the financial assistance for required textbooks and supplies from an amount established by the department to the amount determined to be needed by the educational institution (22 VAC 30-20-120).
- Delete the requirement that eyeglasses and hearing aids not be purchased unless comparable in performance and cost to other hearing aids. The purchase of hearing aids is subject to change with technology and is addressed in the department's policy (22 VAC 30-20-120).
- Delete the maximum payment allowances for tools and equipment and home/vehicle modifications. This change allows for flexibility in meeting consumer needs when purchasing these services (22 VAC 30-20-120).

***Improved Clarity:***

- Require that the department may only assist with the cost of the local Virginia community college for the first two years of a college program unless there are program requirements or disability related supports that cannot be obtained at the local community college. This clarifies how much the department shall spend on the first two years of college training (22 VAC 30-20-120).

- Specify the requirements that interpreters for the deaf hold a credential recognized by the department for the Deaf and Hard of Hearing in § 51.5-113 of the Code of Virginia. Having both agencies require the same credentials simplifies the regulations (22 VAC 30-20-120).
- Amend the VR consumer financial needs test for clarification regarding income level and income exclusions (22 VAC 30-20-120).
- Amend the notification requirements of the VR consumer, or their representative, of their appeal rights (22 VAC 30-20-120).

***Elimination of Obsolete Provisions and Terms:***

Remove definitions that are obsolete or no longer consistent with current laws and existing practices (22 VAC 30-20-120).

***Repeal:***

Repeal evaluation of vocational rehabilitation potential because this section is redundant and unnecessary (22 VAC 30-20-120). One VAC section was removed.

## **DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

In accordance with the Governor’s Regulatory Reform Initiative, the Department of Agriculture and Consumer Services (VDACS) reviewed its regulations, which resulted in the repeal of one obsolete regulation and amendments to a second regulation to provide regulatory relief. A description of those changes is provided below.

***Elimination of Obsolete Provisions:***

Repealed the Regulation Establishing the Virginia Quality Label, as the regulation is no longer necessary. This regulation established rules governing the use of the Virginia Quality Label to market Virginia agricultural products. Since Virginia adopted and utilizes the United States Department of Agriculture (USDA) grade standards and retains the authority to adopt other grades or standards in addition to or different from those recommended or adopted by the USDA, a separate Virginia Quality Label is not necessary. The repeal of three sections was effective June 21, 2013 (2 VAC 5-260).

***Reduced Regulatory Burden:***

Amended the Regulations Governing Pesticide Applicator Certification under Authority of Virginia Pesticide Control Act to eliminate an unnecessary regulatory requirement. The regulation, among other things, establishes the categories and subcategories in which a commercial pesticide applicator may choose to become certified. Certification in two of these subcategories, (i) fumigation of soil and agricultural products and (ii) chemigation, currently requires concurrent certification in the agricultural plant pest control category. This requirement was necessary when each of these subcategories did not have its own separate manual and exam. VDACS has developed a manual and exam for both the fumigation of soil and agricultural products subcategory and the chemigation subcategory. As such,

concurrent certification in the agricultural plant pest control category is no longer necessary. The changes became effective on September 12, 2013 (2 VAC 5-685).

***Prior Actions:***

During the current administration and prior to implementation of the RRI, VDACS and the Board of Agriculture and Consumer Services acted to repeal several regulations that, as a result of periodic reviews, were determined to be unnecessary. Those regulations are listed below.

- All twenty sections of the Rules and Regulations for the Enforcement of the Virginia Weights and Measures Law were repealed effective January 5, 2012 (2 VAC 5-340).
- All three sections of the Rules and Regulations for the Enforcement of the Virginia Petroleum Products Franchise Act were repealed effective August 1, 2012 (2 VAC 5-460).
- All twelve sections of the Rules and Regulations Pertaining to the Registration and Certification of Grape Nursery Stock were repealed effective January 5, 2012 (2 VAC 5-470).

## **DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL**

In accordance with the Governor's Regulatory Reform Initiative, the Alcoholic Beverage Control Board reviewed its regulations and took several actions which consolidated some regulations, improved the clarity of others, repealed obsolete sections, updated regulations, and reduced regulatory burdens. The Alcoholic Beverage Control Board adopted the following regulatory amendments on August 5, 2013. They are scheduled to become effective by the end of January 2014.

***Consolidation:***

Consolidate four sections of regulatory text dealing with new product approval and containers into two sections (Eliminate sections 3 VAC 5-40-40 and 3 VAC 5-40-50 which are consolidated into 3 VAC 5-40-20 and 3 VAC 5-40-30).

***Improved Clarity:***

- Rewrite definitions and food service qualifications for restaurants (3 VAC 5-50).
- Clarify farm winery fruit requirements (3 VAC 5-60).
- Clarify tax filing requirements for manufacturers (3 VAC 5-60).
- Simplify references to barrier crimes for employment by licensees (3 VAC 5-50).
- Clarify advertising rules in connection with event sponsorships (3 VAC 5-20).

- Clarify that each location of a multi-location licensee is treated as a separate entity for first-time violation status (3 VAC 5-70).

***Elimination of Obsolete Provisions:***

- Repeal unnecessary language requiring a person's weight to be noted on forms of identification approved for licensee's use to establish age (3 VAC 5-50).
- Remove obsolete references to approved frozen drink dispensers (3 VAC 5-50).
- Remove obsolete language that prohibited retailers from paying the board by credit card (3 VAC 5-30).

***Updated Regulatory Text:***

- Correct an outdated reference to the appropriate federal agency involved in the alcohol trade practice regulation (3 VAC 5-20).
- Update food sale requirement for gourmet shops to correspond to a statutory change (3 VAC 5-50).

***Reduced Regulatory Burdens:***

- Change the regulation to allow banquet licensees 90 days instead of the current 30 to file reports of income and expenses (3 VAC 5-70).
- Extend the filing date for wholesalers to file purchase orders from the 5th to the 15th day of the month, and allowed for future electronic filing (3 VAC 5-60).
- Allow licensees to store records off-site (3 VAC 5-70).
- Expand the ability of restaurants to advertise happy hour drink specials (3 VAC 5-50).
- Allow combination packaging for all types of alcoholic beverages (3 VAC 5-20).
- Add importers and bottlers to those entities who are allowed to sponsor public events (3 VAC 5-20).
- Allow Sunday merchandising of wine (3 VAC 5-30).
- Allow manufacturers to provide merchandising services to retailers (3 VAC 5-30).
- Allow wholesalers to provide retailers with similar substitute products when a product is discontinued (3 VAC 5-30).
- Create an exception to the prohibition on cross-employment between manufacturers or wholesalers and retailers in cases where the manufacturer or wholesaler does not supply the retailer product, directly or indirectly (3 VAC 5-30).

- Allow manufacturers, importers, bottlers, and brokers to provide neckers, brochures, etc., to retailers (3 VAC 5-30).
- Eliminate the necessity of separate product approval for gift packages containing approved products (3 VAC 5-40).
- Allow the use of growlers for wine, and allowed gourmet shops to sell growlers (3 VAC 5-40).
- Allow limited peddling of wine (3 VAC 5-60).
- Expand authority of distilled spirits solicitor salesmen (3 VAC 5-60).
- Allow distilled spirits manufacturers to provide samples at hospitality rooms at conventions and trade shows (3 VAC 5-70).
- Allow for future electronic reporting by wine and beer shippers (3 VAC 5-70).

## **DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES**

In accordance with the Governor's Regulatory Reform Initiative, the Board of Behavioral Health and Developmental Services (board) reviewed its regulations and identified an opportunity to improve the clarity, streamline administrative processes, and reduce regulatory burdens for its Human Rights regulations (12 VAC 35-115). A list of the board's RRI activity follows.

### ***Improved Clarity, Streamlined Administrative Process, Improved Program Efficiencies, and Eliminated Redundancies:***

The board has commenced a regulatory action to amend the Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation and Substance Abuse Services (12 VAC 35-115). The NOIRA was published on December 31, 2012. Public comment was received through March 18, 2013. The proposed regulatory text is under development by the agency.

## **DEPARTMENT OF CONSERVATION AND RECREATION**

This summary report outlines the status of regulatory actions identified as part of the Governor's Regulatory Reform Initiative for the Department of Conservation and Recreation (DCR) and two of its boards, the Virginia



Soil and Water Conservation Board and the Board of Conservation and Recreation. A series of actions have been advanced in support of the RRI and are outlined below.

#### Department of Conservation and Recreation

##### ***Reduced Regulatory Burdens:***

Chapter 598 (HB522) of the 2012 Virginia Acts of Assembly amended § 10.1-204 of the Code of Virginia regarding the statewide system of trails to allow for the use of wheelchairs or power-driven mobility devices by disabled individuals on the statewide system of trails. As the Virginia State Park Regulations now conflict with the Code of Virginia, an exempt or fast-track action will be implemented to address this legislative action. The type of action will be dependent on the language developed. Such an action is considered regulatory reform as it provides additional lawful opportunities for disabled individuals (4 VAC 5-30).

#### Virginia Soil and Water Conservation Board

##### ***Reduced Regulatory Burdens:***

- The Impounding Structure Regulations were amended: (1) to strike a balance between public safety and the reduced risks associated with low hazard impounding structures, (2) to consider the impact of downstream limited-use or private roadways with low traffic volume, (3) to offer a streamlined general permit process with reduced requirements, and (4) to establish a simplified methodology for dam break inundation zone analysis. These changes became effective on November 8, 2012 (4 VAC 50-20).
- The Erosion and Sediment Control Regulations, the Erosion and Sediment Control Certification Regulations, the Stormwater Management Regulations, and the Chesapeake Bay Preservation Area Designation and Management Regulations were amended so that these regulatory programs could be implemented in a consolidated and consistent manner, resulting in greater efficiencies (one-stop shopping) for those being regulated. The regulatory actions, when taken together, constitute a reduction in regulatory burdens on the development community as key water quality acts are integrated to produce more effective and streamlined programs. These regulations were all subsequently moved to the State Water Control Board on July 1, 2013 in accordance with Chapters 756 and 793 of the 2013 Virginia Acts of Assembly. The changes became effective on November 21, 2012 (4 VAC 50-30, 4 VAC 50-50, 4 VAC 50-60, and 4 VAC 50-90).
- Established new Resource Management Plan Regulations that represent a balanced process by which farmers may voluntarily implement a high level of Best Management Practices that are protective of water quality and that may be applied towards necessary nutrient and sediment reductions associated with the Chesapeake Bay Watershed Implementation Plan and other TMDLs. This will provide farmers with a regulatory safe-harbor if they voluntarily participate in this program. The changes become effective on December 6, 2013 (4 VAC 50-70).



## Board of Conservation and Recreation

### ***Elimination of Obsolete Provisions:***

The Regulations Governing Application for and Use of Grant Funds to Localities (4 VAC 45-10) outline the criteria associated with implementing a public beach grants program. Funding for this program has not existed for years and this would be better managed through a grant manual should funds become available in the future. The powers associated with these regulations were transferred to the Board of Conservation and Recreation when the Public Beach Board was abolished. As a repeal of these regulations was anticipated, they were not officially renumbered and transferred to the Board of Conservation and Recreation (board) under 4 VAC 3. DCR anticipates recommending to the board that it initiate an action repealing these regulations by the end of 2013 (4 VAC 3).

## **DEPARTMENT OF CRIMINAL JUSTICE SERVICES**

In accordance with the Governor's Regulatory Reform Initiative, the Department of Criminal Justice Services (department) reviewed its regulations and took several actions which consolidated some regulations, improved the clarity of others, repealed obsolete sections, updated regulations, and reduced regulatory burdens. In total, 18 VAC sections will be repealed. A complete list of the department's RRI changes follows.

### ***Consolidation:***

An action will be filed shortly to consolidate two regulations dealing with personnel at the Department of Corrections into one chapter. Provisions in 6 VAC 20-100 will be consolidated into 6 VAC 20-70 and then 6 VAC 20-100 will be repealed.

### ***Elimination of Obsolete Provisions:***

- Repeal of McGruff House Program Regulations that are no longer statutorily supported is expected to be finalized by January 2014 (6 VAC 20-140).
- Repeal of Rules Relating to Compulsory Minimum Training Standards for Private Security Services Business Personnel that is obsolete and no longer in use. This action will become effective January 13, 2014 (6 VAC 20-110).

### ***Updated Regulatory Text:***

- Promulgate an action correcting sections of regulations referencing criminal history record information use and security (6 VAC 20-120).
- Amend regulations to include new statutory programs and amendments intended to support the department responsibility to protect the citizens of the Commonwealth from unqualified, unscrupulous, and incompetent persons engaging in private security services (6 VAC 20-171).

- Amend regulations to reduce confusion to constituents relating to the asset forfeiture program (6 VAC 20-150).

***Reduced Regulatory Burdens:***

Replace the document incorporated by reference with the website link to the document of training standards (6 VAC 20-20).

## **DEPARTMENT OF EDUCATION**

In accordance with the Governor's Regulatory Reform Initiative, the Virginia Department of Education (DOE) developed a work plan that would result in the repeal of 17 sets of regulations, which is 32 percent of the 53 sets of the Board of Education (board) regulations currently in effect. As of July 25, 2013, the board had taken final action to repeal 16 sets of regulations. These 16 sets of regulations are all in the executive branch review process. The 17<sup>th</sup> set of regulations went to the board for final approval to repeal at its September 26 and October 24 meetings.

***Repeal Unnecessary Regulations:***

In its work plan, DOE identified three sets of regulations that are required by statute, but the regulatory requirements are already specified in the Code of Virginia and the Appropriation Act, making the regulations unnecessary. Therefore, DOE proposed legislation to amend Virginia Code §§ 22.1-25 and 22.1-302, and to repeal the second enactment clause of Chapter 965 of the 2004 Acts of Assembly. The proposed legislation, SB 1201, was passed unanimously by the 2013 General Assembly. Subsequently, on June 27, 2013, the board voted to repeal these three sets of unnecessary regulations. These regulations are:

- Regulations Governing Substitute Teachers (8 VAC 20-640).
- Regulations for Conducting Division-Level Academic Reviews (8 VAC 20-700).
- Regulations Governing the Process for Submitting Proposals to Consolidate School Divisions (8 VAC 20-710).

***Consolidate and Streamline Regulations:***

DOE had also identified 13 sets of regulations governing local school divisions that could be updated, streamlined, and consolidated into a single set of regulations, the Regulations Governing Local School Boards and School Divisions (8 VAC 20-720). On March 18, 2010, the board voted to consolidate these regulations into one set of amended regulations, and to repeal 13 sets of outdated regulations. These regulations are:

- Management of the Student's Scholastic Record in the Public Schools of Virginia (8 VAC 20-150).
- Regulations Governing School Community Programs (8 VAC 20-180).
- Classifications of Expenditures (8 VAC 20-210).
- Regulations Governing School Activity Funds (8 VAC 20-240).
- Regulations Governing the Testing of Sight and Hearing of Pupils (8 VAC 20-250).
- Rules Governing Instructions Concerning Drugs and Substance Abuse (8 VAC 20-310).
- Regulations Governing Physical and Health Education (8 VAC 20-320).

- Rules Governing Division Superintendent of Schools (8 VAC 20-390).
- Regulations Governing Allowable Credit for Teaching Experience (8 VAC 20-410).
- Regulations Governing Personnel in Public School Libraries under Joint Contract (8 VAC 20-420).
- Regulations Governing Sick Leave Plan for Teachers (8 VAC 20-460).
- Regulations Governing School Boards Local (8 VAC 20-490).
- Regulations for the Protection of Students as Participants in Human Research (8 VAC 20-565).

***Comport with General Assembly Actions:***

The board is also in the process of repealing two additional sets of regulations to comport with General Assembly actions.

The General Assembly amended § 22.1-254.1 of the Code of Virginia to provide a number of different options for a program of instruction for parents who home school their children, and eliminated the requirement that the Superintendent of Public Instruction approve correspondence courses for home schooling. However, no action was taken to amend Virginia Code § 22.1-205 which requires the board to approve correspondence courses in driver education for parents who home school their children. The board has proposed repealing the regulations governing the approval of correspondence courses, and moving the applicable language to the regulations governing driver education. The regulations were scheduled to go before the board on September 26, 2013 and October 24, 2013 for final review and approval. The regulations that will be repealed are the Regulations Governing the Approval of Correspondence Courses for Home Instruction (8 VAC 20-60).

The General Assembly amended § 22.1-253.13:4 of the Code of Virginia to strengthen the requirements for earning a high school diploma. One of the provisions of the legislation would eliminate the General Achievement Diploma and fold the requirements into the Adult High School Diploma. Emergency amendments to Regulations Governing Adult High School Programs (8 VAC 20-30) were approved by the board on June 28, 2012, and the proposed regulations went before the board on September 26, 2013 and October 24, 2013. Following executive branch review and public comment, this regulatory proposal will return to the board for final review and approval. The regulations that will be repealed are the Regulations Governing the General Achievement Diploma (8 VAC 20-680).

## **DEPARTMENT OF ENVIRONMENTAL QUALITY**

In accordance with the Governor's Regulatory Reform Initiative, the State Air Pollution Control Board, State Water Control Board, and Virginia Waste Management Board took several actions which consolidated some regulations, repealed obsolete sections, updated regulations, and reduced regulatory burdens. The most significant changes were the Virginia Waste Management Board's action to reduce the fee charged to solid waste management facilities for corrective action permit applications and the State Water Control Board's action to allow aboveground and underground storage tank facilities to utilize a certificate of deposit to demonstrate financial responsibility for releases.



## Virginia Waste Management Board

### ***Reduced Regulatory Burdens:***

- Repealed the annual reporting requirement for transporters of hazardous waste, effective July 4, 2013 (9 VAC 20-60).
- Amended the financial assurance regulations for solid waste facilities to allow local governments to use a financial test to assure environmental costs for solid waste management facilities up to 43 percent of the locality's total annual revenue, effective August 1, 2013 (9 VAC 20-70).
- Reduced the application fee for corrective action at solid waste landfills from \$22,860 to \$3,000, effective August 1, 2013 (9 VAC 20-90).
- Repealed the registration requirement for transporters of regulated medical waste, effective July 4, 2013 (9 VAC 20-120).

## State Air Pollution Control Board

### ***Elimination of Obsolete Provisions:***

Repealed Rule 5-6, Standards of Performance for Regulated Medical Waste Incinerators to reduce confusion, effective August 28, 2013 (9 VAC 5-50, 18 sections repealed).

### ***Prior Actions:***

In response to regulation reviews for the Governor's Reform Commission, the State Air Pollution Control Board adopted the following repeal actions which went into effect between May 23, 2012 and September 27, 2012:

- Repealed obsolete requirements for hospital/medical/infectious waste incinerators (9 VAC 5-40, 26 sections repealed).
- Repealed obsolete provisions of the regulations concerning volatile organic compound emissions from portable fuel container spillage, architectural and industrial maintenance coatings, and consumer products (9 VAC 5-40, 44 sections repealed).
- Repealed obsolete requirements of the clean air mercury rule (9 VAC 5-140, 38 sections repealed).
- Repealed obsolete regulation for transportation conformity (9 VAC 5-150, 40 sections repealed).
- Repealed obsolete regulation for national low emission vehicles (9 VAC 5-200, 3 sections repealed).
- Repealed obsolete regulation establishing a variance for Atlantic Research Corporation (9 VAC 5-221, 6 sections repealed).

- Repealed obsolete requirements establishing a variance for open burning in Gloucester County (9 VAC 5-240, 5 sections repealed).
- Repealed obsolete general permit (9 VAC 5-500, 24 sections repealed).

#### State Water Control Board

##### ***Consolidation:***

Amended the Eastern Virginia Groundwater Management Area Regulation to change the title and incorporate the Eastern Shore Groundwater Management Area into a single regulation; and repealed the separate Eastern Shore regulation, effective August 28, 2013 (amended 9 VAC 25-600, repealed 9 VAC 25-620, 1 section repealed).

##### ***Elimination of Obsolete Provisions:***

- Repealed a regulation concerning proxy voting by board members, effective January 30, 2013 (9 VAC 25-250, 2 sections repealed).
- Repealed Procedural Rule No. 3 - Certification Pursuant to 33 USC § 1341 to eliminate provisions that had been superseded by another regulation and eliminate any confusion as to what requirements apply, effective July 4, 2013 (9 VAC 25-240, 7 sections repealed).

##### ***Other:***

- Amendment to allow owners of petroleum underground storage tanks to meet financial responsibility requirements through a certificate of deposit. This is scheduled to become effective on October 10, 2013 (9 VAC 25-590).
- Amendment to allow owners of aboveground storage tanks to meet financial responsibility requirements through a certificate of deposit. This is scheduled to become effective on October 10, 2013 (9 VAC 25-640).

## **DEPARTMENT OF FORENSIC SCIENCE**

In accordance with the Governor's Regulatory Reform Initiative, the Forensic Science Board (board) reviewed its regulations. The board took several actions to improve the clarity of its regulations, update regulatory text, eliminate obsolete provisions, and reduce costs to the Commonwealth. The board's most significant proposed action was to require manufacturers of drug field tests to pay the actual costs of the street drug preparations used in the evaluation process; a cost currently borne by the Commonwealth. A complete list of the board's RRI changes follows.



***Ensure Out-of-State Entities Paying Actual Cost of Virginia Services Delivered:***

- Require manufacturers submitting drug field test kits for evaluation to pay (in addition to the current fee of \$50 for each drug), the actual costs of the street drug preparations used in the evaluation process. Under the current regulation, field test kit manufacturers, all of whom are located outside the Commonwealth, are charged a \$50 fee for each drug for which individual evaluation is requested. This fee, intended to address the manpower costs of the evaluation process, does not include the cost of the street drug preparations used in the evaluation process to assess the efficacy of a particular field test kit. The street drug preparations for controlled drugs, particularly for newly emerging drugs such as research chemicals (also commonly referred to as bath salts), are difficult to obtain and expensive. In recent requests for evaluation, the materials costs far surpassed the fees collected and, effectively, were paid by the taxpayers. The proposed fast-track regulatory amendments will be adopted at the conclusion of the public comment period which closed December 18, 2013 (6 VAC 40-30).

***Reduce State Costs:***

- Allow the Department of Forensic Science (department) to deliver notification of the revocation of a breath test operator or instructor license via any mail carrier's signature required delivery service. The current regulation requires the department to use the United States Postal Service's certified mail process to deliver such notices. The ability to select between mail carrier services will enable the department to choose the most cost efficient delivery method. The proposed fast-track regulatory amendments will be adopted at the conclusion of the public comment period closing January 2, 2014 (6 VAC 40-20).

***Improved Clarity:***

- Change verbiage relating to the department's assessment of marijuana and drug field test kits pursuant to Virginia Code § 19.2-188.1 from an approval process to an evaluation process to more accurately express the neutrality of the evaluation process. The proposed fast-track regulatory amendments are ready for publication in the Virginia Registrar (6 VAC 40-30 and 6 VAC 40-50).
- Clarify the process for resubmitting marijuana and drug field test kits after disapproval (6 VAC 40-30 and 6 VAC 40-50).

***Elimination of Obsolete Provisions:***

Repeal unnecessary language regarding preventative maintenance checklists, a document relevant to breath alcohol instrumentation no longer in use in the Commonwealth. The proposed fast-track regulatory amendments will be adopted at the conclusion of the public comment period closing January 2, 2014 (6 VAC 40-20).

***Updated Regulatory Text:***

Corrected an outdated website address for the State Compensation Board. This exempt regulatory action became effective on June 20, 2013 (6 VAC 40-40).

## DEPARTMENT OF GAME AND INLAND FISHERIES

In accordance with the Governor's Regulatory Reform Initiative, the Board of Game and Inland Fisheries reviewed its regulations and took several actions which consolidated some regulations, improved the clarity of others, repealed obsolete sections, updated regulations, and reduced regulatory burdens. The board also initiated several regulatory changes that resulted in increased recreational opportunities for Virginians. The board's most significant changes consolidated regulations governing deer hunting seasons and amended existing regulations to expand other hunting opportunities. A complete list of the board's RRI changes follows. The Board of Game and Inland Fisheries adopted the following regulatory amendments which became effective on August 15, 2013.

### ***Consolidation:***

- Consolidated four regulatory sections of regulatory text dealing with firearms deer season into one: Eliminated 4 VAC 15-90-20, 4 VAC 15-90-21, 4 VAC 15-90-22, 4 VAC 15-90-30. New section: 4 VAC 15-90-10.

### ***Improved Clarity:***

- Removed a description of licensing fees to reduce confusion (4 VAC 15-40-21).
- Clarified that the Wildlife Services Branch of the United States Department of Agriculture may – in addition to VDACS – provide wildlife control as a service to Virginia landowners in response to damage issues (4 VAC 15-40-50).

### ***Elimination of Obsolete Provisions:***

Repealed unnecessary language relating to allowances for the use of crossbows and the related prerequisites to these allowances once the special crossbow season was instituted (4 VAC 15-50-70 and 4 VAC 15-240-60).

### ***Updated Regulatory Text:***

- Corrected sections of regulations referencing Route 29 in Amherst County which changed once the bypass around Amherst was completed. The corrections restored the intended regulatory allowances (4 VAC 15-90-70, 4 VAC 15-90-80, 4 VAC 15-90-260, 4 VAC 15-50-110, and 4 VAC 15-70-40).
- Amended a section of regulatory text to make it consistent with Virginia Code § 29.1-514 and reduce stakeholder confusion (4 VAC 15-40-260).

### ***Reduced Regulatory Burdens:***

- Changed a regulation to newly allow importation with prior approval of native and naturalized species by institutions accredited by the Association of Zoos and Aquariums (4 VAC 15-30-50).

- Expanded the model firearms ordinances to include coyotes. This helps localities and their landowners in dealing with coyote problems (4 VAC 15-270-90).

***Other:***

The board also increased the number of recreational opportunities available in Virginia by making the following changes:

- Liberalized firearms deer seasons in parts of Northern Virginia to assist with population control (4 VAC 15-90-10).
- Created a uniform deer season in Campbell County (4 VAC 15-90-10).
- Created additional archery seasons in parts of Northern Virginia (4 VAC 15-90-70).
- Increased bag limit in Roanoke County (4 VAC 15-90-90).
- Removed Earn a Buck requirement in several localities (4 VAC 15-90-89).
- Extended the open bear season in certain localities in Southwest Virginia (4 VAC 15-50-11).
- Expanded bear hound training seasons (4 VAC 15-50-120).
- Created new youth and apprentice bear hunting day (4 VAC 15-50-12).
- Expanded youth deer hunting day to include apprentice hunters (4 VAC 15-90-23).
- Expanded youth spring turkey hunting day to include apprentice hunters (4 VAC 15-240-40).
- Expanded youth fall turkey hunting day to include apprentice hunters (4 VAC 15-240-51).
- Expanded bag limit for otters (4 VAC 15-170-20).
- Permitted longer squirrel hunting season (4 VAC 15-230-20).
- Expanded rabbit dog training opportunities (4 VAC 15-40-70).

## **DEPARTMENT OF GENERAL SERVICES**

In accordance with the Governor's Regulatory Reform Initiative, the Department of General Services (DGS) reviewed its regulations and took several actions that repealed obsolete sections, updated regulations, and reduced regulatory burdens. DGS has 11 active chapters. DGS' most significant changes were as follows.



***Elimination of Obsolete Provisions:***

- Repealed Rules and Regulations Governing the Handling of Forensic Work Division of Forensic Science consisting of two sections, November 2012 (1 VAC 30-80).
- Repealed Regulations for the Approval of Field Tests for Detection of Drugs consisting of two sections, November 2012 (1 VAC 30-90).

***Updated Regulatory Text:***

- Revised Regulations Governing the Certification of Non-commercial Environmental Laboratories, Exempt action filed in September 2012 to reflect 2012 Code of Virginia changes (1 VAC 30-45).
- Revised Regulations Governing the Certification of Commercial Environmental Laboratories, Exempt action filed in September 2012 to reflect 2012 Code of Virginia changes (1 VAC 30-46).
- Revised Federal Property and Administrative Act of 1949 – amended the regulation with exempt regulatory action to correct outdated Code sections and language. Published by the Registrar in April 2013 (1 VAC 30-120).

***Reduced Regulatory Burdens:***

DGS is reviewing the Regulations for Use of Capitol Square with the intent of revising the regulations through the regulatory process. The agency has held meetings and met with other entities to discuss procedures used by those agencies. The result will be regulations that will provide for free movement with care and consideration for the safety of all tourists, visitors, the general public, and those individuals that work in and around Capitol Square, and will promote the enjoyment and preservation of landscape and buildings for all who may be on Capitol Square (1 VAC 30-100).

## **VIRGINIA DEPARTMENT OF HEALTH**

In accordance with the Governor's Regulatory Reform Initiative, the State Board of Health (board) reviewed its regulations and took several actions which improved the clarity of regulations, repealed obsolete sections, updated regulations, and reduced regulatory burdens. A complete list of the board's RRI changes follows.

***Repeal Obsolete Regulations:***

- The Virginia Health Planning Board (VDPB) regulations pertain to regional health planning boards and agencies. During the 2002 session, the General Assembly enacted legislation abolishing the VHPD and transferring its responsibilities to the board. The regulations are duplicates of the applicable statutes (§§32.1-122.01 through 32.1-122.08 of the Code of Virginia) and are not necessary. Prior to 2002, regional health planning agencies had been operating under the informal oversight of the board and the Virginia Department of Health (VDH), as the VHPB had not met since 1991. The legislation enacted in 2002 formalized that transfer of authority. The recommendation to incorporate the functions of the VHPB under the board was part of a project conducted by the Code Commission regarding review of boards, commissions, etc. A fast-track action was approved by the Commissioner on behalf of the



board. This action will become effective March 1, 2014 (12 VAC 20-10 through 12 VAC 20-50). This repeal will eliminate 63 sections in the VAC.

- The Alternative Onsite Soil Evaluator regulations establish licensing requirements for Alternative Onsite Soil Evaluators (AOSEs). During the 2007 session, the General Assembly passed legislation which transferred implementation, administration, and enforcement of licensing requirements for AOSEs from VDH to the Department of Professional and Occupational Regulation (DPOR). DPOR promulgated regulations relating to the licensure of onsite soil evaluators on July 1, 2009 (18 VAC 160-20). That legislation abrogated the board's authority to license AOSEs and, while Title 32.1 of the Code of Virginia contains other references to the board's regulation of AOSEs, VDH has been able to successfully implement these statutory provisions independent of 12 VAC 5-615. As such, these regulations are no longer necessary. A fast-track action proposing to repeal this regulation was published in the Virginia Register on August 12, 2013, but more than 10 objections were received. The agency is currently in the process of determining the next step (12 VAC 5-615).
- The board repealed four sections of regulatory text describing the Taking of Fish for Human Consumption from the North Fork of the Holston River. This action became effective November 22, 2013 (12 VAC 5-170).

#### ***Reduce Regulatory Burdens:***

- The amendments to the State Emergency Medical Services (EMS) regulation streamline the EMS provider recertification process and remove a process that no longer was functioning. The amendments remove the requirement for EMS providers to take a written examination or obtain a waiver from testing from the relevant operational medical director in order to recertify their EMS certification. Executive branch review is currently in progress (12 VAC 5-31).
- Some of the provisions of the current regulations for the Repacking of Crab Meat for Human Consumption either cannot be met by certified Virginia repacking establishments because of changes in the way that crab meat is being imported from foreign countries and shipped into the U.S or are unnecessary and have no relevance to public health. The amendments provide requirements that Virginia processors can reasonably meet and will address the existing risks of the importation of crab meat from unapproved sources and the repacking of foreign crab meat and labeling it as domestic crab meat. Executive branch review is currently in progress (12 VAC 5-165).

#### ***Update and Clarify Regulations:***

- These amendments to the Patient Level Data System regulations correct outdated citations and enhance clarity in order to achieve improvements that will be reasonable, prudent, and will not impose an unnecessary burden on VDH or the public. The Office of the Attorney General (OAG) is currently reviewing the proposed fast-track action, which will be submitted for executive branch review once the OAG review is complete (12 VAC 5-217).
- These amendments make corrections to outdated citations and enhance the clarity of the Rules and Regulations Governing Outpatient Health Data Reporting. The OAG is currently reviewing the proposed fast-track action, which will be submitted for executive branch review once the OAG review is complete (12 VAC 5-218).

- These amendments update and clarify the Regulations for the Conduct of Human Research to more closely reflect current practice and to achieve improvements that will be reasonable, prudent, and will not impose an unnecessary burden on human subjects and researchers. Executive branch review is currently in progress (12 VAC 5-20).
- These amendments to the Regulations for Administration of the Virginia Hearing Impairment Identification and Monitoring System reflect the most current Joint Committee on Infant Hearing Statement issued in 2007. Substantive changes include: moving risk factor criteria to identify infants at risk for hearing loss from definitions to a new section and placing detailed criteria for each category of risk in a guidance document; requiring infants who receive neonatal intensive care services for longer than five days to be tested with auditory brainstem response screening technology; adding several new sections to address responsibilities of other birthing places or centers, reporting responsibilities to primary health care providers, and the program relationship to the Part C system; and further defining reporting requirements which include provisions for confirming negative results. This action became effective December 6, 2013 (12 VAC 5-80).
- These amendments update and clarify the Virginia Organ and Tissue Donor Registry regulation to more closely reflect current registry practice and to achieve improvements that will be reasonable, prudent, and will not impose an unnecessary burden on users of the registry or the public. The public comment period is open and will end February 14, 2014 (12 VAC 5-475).

## **DEPARTMENT OF HEALTH PROFESSIONS**

In accordance with the Governor's Regulatory Reform Initiative, the Department of Health Professions (DHP) and its 13 health regulatory boards reviewed regulations with the goal of repealing regulations that are unnecessary or no longer in use and reducing unnecessary regulatory burdens on individuals, businesses, and other regulated groups. A complete listing of the RRI changes by board is as follows:

### Board of Counseling

*The following proposed changes to the Regulations Governing the Practice of Professional Counseling are undergoing executive branch review.*

#### ***Improved Clarity:***

- Amend or add definitions for clarity in the regulation (18 VAC 115-20).
- Clarify that licensure by endorsement is the pathway for anyone who holds or has held a license in another U. S. jurisdiction (18 VAC 115-20).

- Clarify an issue about whether a person who had completed residency hours but failed the licensure examination may either discontinue counseling-related activities or continue to work under an approved supervisor (18 VAC 115-20).

***Elimination of Obsolete Provisions:***

- Delete a one-time renewal fee for 2010 (18 VAC 115-20).
- Delete reference to a section now repealed and an expired deadline for registration of supervision in exempt settings (18 VAC 115-20).
- Delete a provision relating to supervision of a residency that expired in 2010 (18 VAC 115-20).

***Updated Regulatory Text:***

- Eliminate confusion about approval of educational programs by deletion of subsection A (18 VAC 115-20).
- Change the name of an approved continuing education organization consistent with its current identity (18 VAC 15-20).

***Reduced Regulatory Burdens:***

- Eliminate requirement for submission of a transcript if already on file for approval of supervised practice (18 VAC 115-20).
- Allow verification of a license rather than documentation to simplify the application process (18 VAC 115-20).
- Allow an applicant who does not have the educational and experience credentials equivalent to those required for Virginia licensure to provide evidence of clinical practice for 24 of the last 60 months preceding his application. The current requirement is five out of the last six years of clinical practice (18 VAC 115-20).
- Reduce the hourly requirement for a residency from 4,000 to 3,400 to provide for inclusion of the internship within the graduate degree program. Accordingly, specific requirements for an internship relating to on-site and off-site supervision, completion of graduate hours prior to beginning an internship, and licensure of supervisors are eliminated (18 VAC 115-20).
- Allow acceptance of continuing education offerings from local governmental agencies in addition to state and federal agencies (18 VAC 115-20).

***Other:***

The board also adopted amendments to strengthen the grounds for unprofessional conduct for better protection of the public:

- Clarify that the prohibition on a sexual relationship with a client or former client includes a romantic relationship that does not involve sexual intimacy (18 VAC 115-20).
- Clarify that the prohibition against inappropriate relationships includes students (18 VAC 115-20).
- Clarify that procurement of a license by fraud or misrepresentation includes the submission of the application or supervisory forms necessary for issuance of a license (18 VAC 115-20).
- Add as grounds for discipline the performance of an act likely to deceive, defraud, or harm the public (18 VAC 115-20).

### Board of Dentistry

#### ***Reduced Regulatory Burdens:***

Added the American Academy of Dental Hygiene to the listing of organizations and entities that can approve continuing education courses for dentists and dental hygienists in Virginia (18 VAC 60-20).

### Board of Funeral Directors and Embalmers

#### ***Improved Clarity:***

Amended requirement for evidence of training in the Occupational Safety and Health Administration (OSHA) regulations and specified that the funeral licensee is only responsible for training in those standards for which funeral-related businesses are accountable, such as universal precautions and blood-borne pathogens (18 VAC 65-20).

#### ***Elimination of Obsolete Provisions:***

Eliminated an outdated deadline for certification of crematory operators (18 VAC 65-20).

#### ***Reduced Regulatory Burdens:***

- Reduced the advance notification required for an inspection and issuance of a new funeral establishment license from 45 days to 30 days prior to opening an establishment (18 VAC 65-20).
- Eliminated the requirement for a manager of record to be employed full time by an establishment for at least 40 hours per week (18 VAC 65-20).
- Amended the location requirement for a first aid kit for the preparation room to give an establishment the option of where to store the first aid kit (18 VAC 65-20).
- Allowed a funeral establishment to maintain a chronological or alphabetical listing of all preneed contracts. For business purposes, most funeral homes keep an alphabetical listing of contracts so they can be easily accessible for arrangements when the need arises. DHP inspectors have preferred a chronological listing, but will be able to work with the alphabetical listing if that is the establishment's preference (18 VAC 65-30).

- Expanded the definition of a training facility to allow all or a portion of the embalming training to be at a facility of state or federal government or an accredited educational institution. The amendment would allow the board to approve embalming training obtained in the military through mortuary affairs as partial completion of an internship program by veterans as well as training at the medical examiner office or through a school of mortuary science (18 VAC 65-40-220 and 18 VAC 65-40-250).
- Changed the timeframe for submission of the traineeship report from 14 days to 10 days (18 VAC 65-40).

### Board of Medicine

#### ***Reduced Regulatory Burdens:***

- Adopted amendments to all chapters under the Board of Medicine for a one-time fee reduction applicable to the next renewal cycle for all professions in 2014 or 2015 (18 VAC 85-20).
- Allowed an applicant who does not have active practice, defined as 160 hours of professional practice within the 24 months immediately preceding application, to demonstrate competency by documenting 20 hours of continuing education (18 VAC 85-40).
- Allowed either the employing supervising physician or the assistant to inform the board if the physician assistant is going to discontinue working with the physician with whom there is a practice agreement on file (18 VAC 85-50).
- Permitted reporting to the board only in the absence of both the supervisor and the alternate supervising physician. Likewise, notification for a planned absence would only be required if both the supervising physician and the alternate would be gone (18 VAC 85-50).
- Added an alternative using the NMTCB certification examination as qualifying an applicant for licensure (18 VAC 85-101).
- Allowed the option of having credentialing documents translated and certified by translating services in lieu of translation by the embassy of the issuing government (18 VAC 85-110).

#### ***Elimination of Obsolete Provisions:***

- Eliminated an effective date in the continuing education section that is no longer applicable or necessary (18 VAC 85-40).
- Deleted the definition for the term “Committee” which was deleted in the Code of Virginia. Changed the term practice agreement to protocol for consistency with current terminology used in supervision of physician assistant practice (18 VAC 85-50).
- Eliminated section 130 because the provisions are redundant with the standards for professional conduct now established in section 176 (18 VAC 85-110).

- Deleted the term accredited educational program because the term is used in a section being deleted and is no longer necessary (18 VAC 85-120).
- Repealed sections 60 and 70, as evidence of graduation by way of a transcript and documentation of passage of the NATABOC examination are redundant to criteria for certification and unnecessarily burdensome on applicants, educational institutions, and the board. Evidence of current NATABOC certification provides assurance that an applicant has met the educational and examination requirements for licensure (18 VAC 85-120).

***Updated Regulatory Text:***

- Corrected the name of the accrediting body for educational programs from Committee on Accreditation for Respiratory Care to Commission (18 VAC 85-40).
- Added a definition of NMTCB (Nuclear Medicine Technology Certification Board) because the credential would be accepted for licensure as a radiologic technologist (18 VAC 85-101).

***Consolidation:***

Repealed one section of text and incorporated those provisions into the section describing the requirements for a practice agreement (18 VAC 85-50).

***Improved Clarity:***

- Amended the term “program” for rad tech-limited because coursework is often not completed in the context of a program (18 VAC 85-101).
- Clarified that the practical experience of radiologic examinations is on patients rather than practice with a simulator or a dummy (18 VAC 85-101).
- Substituted the word “administer” for the word “instill” in the prohibition on administration of contrast media as the word is more commonly understood in the practice (18 VAC 85-101).
- Eliminated definition for “provisional licensure,” as terminology is amended in section 75 to refer to temporary authorization (18 VAC 85-120).
- Clarified that provisional licensure may be granted after someone has been approved to sit for the NATABOC certification examination (18 VAC 85-120).

**Board of Nursing**

***Updated Regulatory Text:***

Allowed the executive director of the board to approve delegation of disciplinary cases to an agency subordinate without consultation with the board president (18 VAC 90-15).

*The following changes to the Regulations Governing Certified Nurse Aides will become effective January 13, 2014.*



***Consolidation:***

Consolidate provisions for issuance of a duplicate license and provisions for supervision of licensed practical nurses within Part I, General Provisions (18 VAC 90-20).

***Improved Clarity:***

- Clarify that the examination referenced in the regulation is the NCLEX examination, which is required for licensure (18 VAC 90-20).
- Clarify that applicants may only be issued a single state license if they have passed a licensing examination other than NCLEX (18 VAC 90-20).
- Clarify that renewal notices may be sent electronically rather than by hard copy (18 VAC 90-20).
- Repeal sections 370 through 410 which are being re-promulgated as a separate chapter, since these sections pertain to programs for administration of medications by unlicensed persons or the establishment of an adult immunization program rather than to the practice of nursing (18 VAC 90-20).

***Elimination of Obsolete Provisions:***

Eliminate the requirement for filing an application for re-examination at least 60 days prior to the first day of the month in which the applicant expects to take the examination since the NCLEX examination is now computerized and offered continuously (18 VAC 90-20).

***Updated Regulatory Text:***

Allow a clinical nurse specialist to attest to current certification on renewal of registration rather than providing evidence of certification. This amendment was made for consistency with current renewal procedures (18 VAC 90-20).

***Reduced Regulatory Burdens:***

- Allow a certificate of naturalization as proof of a name change in addition to current evidence of a marriage certificate or court order (18 VAC 90-20).
- Allow a licensee to submit an address change electronically rather than requiring the information to be sent in writing (18 VAC 90-20).
- Change the timeline from six months to 12 months to give applicants more time to qualify before having to file a new application with a new fee (18 VAC 90-20).
- Allow the board to use evidence of a current, unrestricted license in the United States obtained through a national electronic system (NURSYS), so registration as a volunteer can be greatly simplified (18 VAC 90-20).
- Eliminate the need for notarization and accept an attestation from the volunteer organization for restricted volunteer registration (18 VAC 90-20).

- Allow a nurse who is changing the primary state of residence to practice under the former party state license and multistate licensure privilege for a period not to exceed 90 days rather than the current limitation of 30 days while awaiting approval of application. This change became effective on August 2, 2013 (18 VAC 90-20).

*The following changes to the Regulations Governing Certified Nurse Aides will become effective January 13, 2014.*

***Consolidation:***

- Delete words and terms pertaining to nurse aide education programs because those sections in which they are used are deleted and re-promulgated in Chapter 26 (18 VAC 90-25).
- Repeal and re-promulgate sections 20 through 60, requirements for nurse aide education programs, as a separate chapter to facilitate compliance and use of the regulations (18 VAC 90-25).

***Elimination of Obsolete Provisions:***

Repeal section 90 because the requirements are redundant of those in section 15 and are therefore unnecessary (18 VAC 90-25).

***Updated Regulatory Text:***

Correct the renewal cycle for advanced Certified Nurse Aides which was changed from biennial to annual in 2011, but this section had not yet been updated (18 VAC 90-25).

***Reduced Regulatory Burdens:***

- Allow an applicant who has completed a clinical nursing education course within the past 12 months to qualify for certification as a nurse aide (18 VAC 90-25).
- Allow a licensee to provide a certificate of naturalization as proof of a name change in addition to current evidence of a marriage certificate or court order (18 VAC 90-25).
- Allow a licensee to submit an address change electronically rather than requiring the information to be sent in writing (18 VAC 90-25).
- Accept electronic verification of registration, certification, or licensure by another state for applicants seeking certification by endorsement (18 VAC 90-25).

***Reduced Regulatory Burdens:***

Modify the process for obtaining approval for a new nurse aide education program and for maintaining board approval to allow a more timely approval process. Board staff will receive the progress report and may determine whether requirements for maintaining a program have been met, so there would be no need to convene the committee and no delay in continued approval. If the decision is to place the program on conditional approval, the program provider is given a reasonable period of time to correct the deficiencies. Then the program may request an informal conference with the committee (18 VAC 90-26).



*The following changes to the Regulations Governing the Certification of Massage Therapy became effective on August 15, 2013.*

***Improved Clarity:***

Clarified the criteria for provisional certification to assist applicants in compliance with law and regulation (18 VAC 90-50).

***Elimination of Obsolete Provisions:***

- Eliminated requirement for passage of the national certifying examination for consistency with change to the Code of Virginia in 2012 (18 VAC 90-50).
- Eliminated an outdated requirement for an applicant to become nationally certified, which is no longer required by law (18 VAC 90-50).

***Updated Regulatory Text:***

Updated language to encourage massage therapists to use the online renewal system (18 VAC 90-50).

***Reduced Regulatory Burdens:***

- Allowed a change of address to be submitted electronically in addition to a written submission (18 VAC 90-50).
- Allowed a certificate of naturalization to be used as documentation of a name change (18 VAC 90-50).

*The following changes to the Regulations Governing the Registration of Medication Aides became effective on August 15, 2013.*

***Improved Clarity:***

- Clarified the process for approval of a training program and for the process of requesting a hearing before an informal conference approval is denied (18 VAC 90-60).
- Clarified that a person who fails the examination three times must reenroll and complete another training program before re-applying for registration (18 VAC 90-60).
- Clarified that the applicant may be deemed eligible to sit for the competency evaluation if there are no grounds for denial of registration and if the registration or certification in the other jurisdiction is current or eligible for reinstatement. The regulation is amended so ineligible applicants will not needlessly expend the application fee (18 VAC 90-60).

***Elimination of Obsolete Provisions:***

- Deleted grandfathering provision for persons who were already practicing as medication aides which expired in 2009 (18 VAC 90-60).

- Removed the required percentage of registrants in a random audit as the board typically uses a statistically valid sample of its regulants for an audit (18 VAC 90-60).

***Updated Regulatory Text:***

Established an exception to the prohibition of intramuscular administration because medication aides are trained in and allowed to administer glucagon for emergency treatment of an insulin-dependent resident (18 VAC 90-20).

***Reduced Regulatory Burdens:***

- Allowed a change of address to be submitted electronically in addition to a written submission (18 VAC 90-20).
- Allowed a certificate of naturalization to be used as documentation of a name change (18 VAC 90-20).
- Allowed 20 percent of the clinical training hours to be a simulation experience to allow programs more flexibility in providing skills practice (18 VAC 90-60).
- Added completion of a nursing education program to the list of programs that would fulfill that requirement (18 VAC 90-60).

**Board of Optometry**

*The following changes to the Regulations Governing the Practice of Optometry are currently undergoing executive branch review.*

***Improved Clarity:***

Clarify that applicants who are licensed in other jurisdictions may apply for licensure by examination if they do not meet the active practice requirement for endorsement (36 out of the past 60 months). Further, applicants do not have to show that they are currently licensed in each jurisdiction, only that they are or have been licensed and if their license has lapsed, they are eligible for reinstatement (18 VAC 105-20).

***Elimination of Obsolete Provisions:***

- Delete reference to a reduction in the renewal fees for 2006 to 2008 (18 VAC 105-20).
- Delete the date from 2011 when the requirement for optometrists to post or notify patients of their policy on destruction of patient records was established (18 VAC 105-20).

***Updated Regulatory Text:***

Allow submission of the renewal form and required fee electronically (18 VAC 105-20).

***Reduced Regulatory Burdens:***

- Allow the board to accept passage of the examination required for initial licensure in another state, rather than requiring the examinations to be approximately comparable (18 VAC 105-20).

- Allow an applicant for licensure by endorsement to have licenses in other jurisdictions that are lapsed, provided there is one current license and no pending disciplinary action (18 VAC 105-20).
- Delete the language about practice for 36 out of the past 60 months for licensure by examination because an applicant who can demonstrate such practice would be licensed by endorsement (18 VAC 105-20).
- Adopted a one-time reduction in renewal fees for 2013. This change became effective on October 23, 2013 (18 VAC 105-20).

### Board of Pharmacy

#### ***Improved Clarity:***

- Clarified that the renewal fees may be paid at any time up to the expiration date to accommodate electronic renewal notices and encourage on-time payments (18 VAC 110-20).
- Amended reference to eligibility for a license to sell, which is currently limited to a practitioner with an active license to practice medicine although practitioner is defined as a doctor of medicine, osteopathic medicine, or podiatry who possesses a current active license issued by the Board of Medicine (18 VAC 110-30).
- Clarified that the license referenced applies to a wholesale distributor and a permit applies to a manufacturer or warehouse (18 VAC 110-50).

#### ***Elimination of Obsolete Provisions:***

- Deleted language in fee section because it only applied to renewals for the 2009-2010 renewal cycle (18 VAC 110-20).
- Eliminated restrictions on enclosures and doors to the prescription area of a certain height and locks to prevent entry by anyone other than the licensee. The board adopted language about locks and alarms consistent with pharmacies (18 VAC 110-20).

#### ***Updated Regulatory Text:***

- Amended rule to provide that the patient's individual drug drawer or tray shall be labeled in a manner to identify the patient and his location without violating health privacy laws because the current requirement for the drawer or tray to be labeled with the patient's name may violate HIPAA (18 VAC 110-20).
- Deleted requirement for intern hours to be verified by another state board because in some states hours are certified by the pharmacy school rather than the board (18 VAC 110-20).

#### ***Reduced Regulatory Burdens:***

- Allowed a pharmacy technician to renew by attestation of having obtained required continuing education (CE). Currently, the regulation requires proof of required CE (18 VAC 110-20).
- Amended rule to resolve a regulatory conflict and for consistency with the board's current guidance that the pharmacy record contain the identification of individual pharmacists involved in central or remote dispensing and thus, suggests that multiple pharmacists may assume responsibility for individual dispensing functions associated with dispensing one prescription product. The current rule suggests that one pharmacist shall verify the accuracy of the prescription product in all respects and assume responsibility for the entire transaction (18 VAC 110-20).
- Allowed for compliance packaging in addition to unit dose dispensing for pharmacies using such technology. The amended rule would avoid the \$250 fee and delay in implementation currently necessary to apply for a pilot project or use of innovative technology (18 VAC 110-20).
- Allowed an exception to the requirement for an alarm system for teaching institutions possessing only Schedule VI drugs (18 VAC 110-20).
- Modified requirement for an enclosed area that is designated as the controlled substances selling and storage area to be not less than 60 square feet to require only 40 square feet (18 VAC 110-30).
- Allowed records related to the sale of controlled substances to be maintained outside the selling and storage area with access limited to the licensee and those persons authorized to assist in the area (18 VAC 110-30).
- Allowed other persons authorized to assist to have entry into the locked area when the physician is on duty. The allowance for an emergency key or access code clarifies that it is used for emergency access by another licensee (18 VAC 110-20).
- Eliminated the requirements for applications to include social security or control numbers for all partners or all officers or directors of a corporation unless the individuals are directly involved in the operation of the distributorship (18 VAC 110-50).
- Changed the requirement for the person who is named as the responsible party to submit a sworn statement or affirmation disclosing whether that individual has a criminal conviction or is the subject of any pending criminal charges. The amendment changed the language to a required attestation (18 VAC 110-50).

### Board of Physical Therapy

*The following changes to the Regulations Governing the Practice of Physical Therapy will become effective January 13, 2014.*

#### **Improved Clarity:**

- Move fee provisions to Part I, General Provisions for consistency and clarity and include fees for inactive licensure, currently contained in another section (18 VAC 112-20).

- Change the term evaluation to re-evaluation in rules concerning the physical therapist's responsibility for periodic evaluations including documentation of the patient's response to therapeutic intervention. The use of the term evaluation in this context has been confusing and problematic; the term re-evaluation is defined in the amended regulation (18 VAC 112-20).

***Elimination of Obsolete Provisions:***

Delete an obsolete fee that expired in 2010 (18 VAC 112-20).

***Updated Regulatory Text:***

Delete an application requirement for a current report from the National Practitioner Data Bank because the two federal reports have been consolidated into one, the Healthcare Integrity and Protection Data Bank (18 VAC 112-20).

***Reduced Regulatory Burdens:***

- Delete as an approved sponsor or provider of continuing education the Joint Commission on Accreditation of Healthcare Organizations and replaced it with a national accrediting organization granted authority by the Centers for Medicare and Medicaid Services to assure compliance with Medicare conditions of participation to be more inclusive and less restrictive. This change became effective on September 26, 2013 (18 VAC 112-20).
- Delete the requirement in licensure by endorsement for active, clinical practice with a current, unrestricted license for at least five years prior to applying for licensure in Virginia if the applicant did not take the same examination Virginia required at the time of initial licensure in another state (18 VAC 112-20).
- Reduce the internship hours for reinstatement, reactivation, or licensure by endorsement from 480 to 320 hours to enable the applicant to become fully licensed more quickly. If the applicant completes the Practice Review Tool offered by FSBPT, the applicant can reduce the internship hours to 160 from the current requirement of 320 hours (18 VAC 112-20).
- Allow the final note in the patient record to document the status of the patient at the time of discharge from a health care facility because the patient is often discharged from a health care facility without the opportunity for the physical therapist to re-evaluate the patient (18 VAC 112-20).
- Amend the requirement for re-evaluation of those patients who have been receiving care for the same condition or injury for six months or longer to require re-evaluation at least every 90 days from the last re-evaluation rather than every 30 days (18 VAC 112-20).
- Delete remediation requirements for an applicant who fails the national examination three times (18 VAC 112-20).
- Reduce the requirement for active practice in another jurisdiction for reactivation of a Virginia license (18 VAC 112-20).

- Eliminate the requirement that an internship be served in a facility that serves as a clinical education facility for students enrolled in an accredited program educating physical therapists in Virginia (18 VAC 112-20).

### Board of Psychology

#### ***Improved Clarity:***

Clarified that the American Psychological Association accredited program must be in clinical or counseling psychology to avoid confusion by applicants (18 VAC 125-20).

#### ***Elimination of Obsolete Provisions:***

Eliminated rules about repeat examinations because they are determined by the examining body rather than by the board (18 VAC 125-20).

#### ***Updated Regulatory Text:***

- Deleted reference to payment by check or money order since most licensees now renew online with a credit card (18 VAC 125-20).
- Eliminated a report from the National Practitioner Data Bank as an application requirement because two national data banks merged into the Healthcare Integrity and Protection Data Bank, so only one report will be required (18 VAC 125-20).
- Changed the accreditation designation previously known as the National Register, which is now combined with the Association of State and Provincial Psychology Boards and now called the Association of State and Provincial Psychology Boards /National Register of Health Service Psychologists (18 VAC 125-20).

#### ***Reduced Regulatory Burdens:***

- Eliminated requirement for an applicant to submit a transcript if the transcript was already submitted to qualify for approval of a residency, which will result in a cost-avoidance for applicants and facilitate the application process which is sometimes delayed while the board waits for an educational program to send the transcript (18 VAC 125-20).
- Specified verification of a mental health or health license or certificate to narrow the requirement to only those professional licenses akin to the license which the applicant is seeking in Virginia (18 VAC 125-20).
- Allowed an applicant to attest to having read and agreed to comply with laws and standards for the practice of psychology rather than submit an affidavit, which is part of the application that must be notarized (18 VAC 125-20).
- Allowed an applicant who does not have ten years of active practice to provide evidence of clinical practice for 24 of the last 60 months preceding the application. The current requirement is five out of the last six years of clinical practice (18 VAC 125-20).

- Allowed two hours of group supervision to be substituted for one hour of individual supervision within a pre-doctoral practicum, if the applicant is using pre-doctoral hours to count towards the residency requirement (18 VAC 125-20).

*The following change to the Regulations Governing Delegation to an Agency Subordinate will become effective January 13, 2014.*

***Updated Regulatory Text:***

Change the determination of which cases may be delegated to an agency subordinate from the chair of the probable cause committee to the chair of the discipline committee (18 VAC 125-15).

Board of Social Work

***Improved Clarity:***

- Defined the term ancillary services to facilitate an understanding of what activities constitute such services (18 VAC 140-20).
- Clarified that the examinations prescribed by the board for licensure as a Licensed Clinical Social Worker or a Licensed Social Worker are the licensing examinations of the Association of Social Work Boards (18 VAC 140-20).

***Elimination of Obsolete Provisions:***

- Eliminated language about supervision that was begun before 2008 and accepted until 2012 so it is no longer valid or necessary (18 VAC 140-20).
- Eliminated the rule that the board shall establish passing scores on the examination because the board relies on the testing body to deem what score constitutes passing a particular examination (18 VAC 140-20).
- Eliminated an outdated phrase relating to a requirement that began with the 2003 renewal (18 VAC 140-20).

***Updated Regulatory Text:***

Amended the term face-to-face supervision to allow for the use of technology that provides real-time, visual contact among the individuals involved (18 VAC 140-20).

***Reduced Regulatory Burdens:***

- Eliminated the following relating to submission of application package: (1) the requirement to submit all required documentation and information in one package to facilitate online applications in which elements of the package may be sent electronically from the applicant and/or third parties, (2) the requirement for the application to be notarized, which does not ensure accuracy of the information being submitted (such as criminal convictions or disciplinary actions), and (3) the requirement for the transcript to be sent directly to the applicant and then submitted to the board in the original sealed envelope (18 VAC 140-20).

- Allowed the board to accept practice in an exempt setting, which may not require licensure in the other jurisdiction to meet the requirement for active practice for 36 out of the past 60 months to be licensed by endorsement (18 VAC 140-20).
- Eliminated requirement for documentation to verify completion of Category II activities to relieve the burden on licensees and others who are asked to provide verification (18 VAC 140-20).

### Board of Veterinary Medicine

#### ***Improved Clarity:***

- Revised regulations on externships/precepteeships to state the regulation in the affirmative and to make it more clear (18 VAC 150-20).
- Deleted the term “animal massage” and substituted “massage therapy” to specify what must be delegated to persons qualified by training and experience by order of the veterinarian. The board does not believe animal massage needs to be delegated by an order (18 VAC 150-20).

#### ***Reduced Regulatory Burdens:***

- Added international conferences in veterinary medicine to those entities that may offer continuing education for board credit (18 VAC 150-20).
- Allowed late renewal up to one year after expiration rather than requiring reinstatement after 30 days. The difference in cost between paying the late fee and a reinstatement fee would be \$130 for veterinarians, \$35 for veterinarian technicians, and \$100 for registered equine dental technicians. Reinstatement also requires submission of all documentation showing completion of continuing education. A late renewal only requires verification of continuing education hours (18 VAC 150-20).

## **DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

In accordance with the Governor’s Regulatory Reform Initiative, the Department of Housing and Community Development (DHCD) reviewed its regulations and took actions to repeal regulations that were no longer needed. Seven regulations were repealed in their entirety. The repeal of these regulations took effect on January 1, 2013.

#### ***Elimination of Unnecessary and Obsolete Regulations:***

Numerous housing programs were created in 1990 through the Virginia Housing Partnership Revolving Fund (fund) pursuant to Section 36-141 et seq. of the Code of Virginia. The use of the fund for providing housing assistance has substantially changed since it began in 1990 and most housing programs are no longer funded in this manner. Consequently, some of the state programs for which regulations were adopted are no longer active.



DHCD determined that there was no longer a need for state regulations for these inactive programs and took action under the RRI to repeal the regulations. The following is a list of these regulations:

- 13 VAC 5-120 – Local Housing Rehabilitation Program: Program Guidelines (11 sections).
- 13 VAC 5-130 – Multifamily Loan Program (24 sections).
- 13 VAC 5-140 – Congregate Housing Program Guidelines (9 sections).
- 13 VAC 5-150 – Share-Expansion Grant/Loan Program (7 sections).
- 13 VAC 5-160 – Homeownership Assistance Program Regulation (17 sections).
- 13 VAC 5-170 – Procedures for the Allocation of Low-Income Housing Tax Credits (12 sections).
- 13 VAC 5-180 – Migrant Housing Programs (8 sections).

## **DEPARTMENT OF LABOR AND INDUSTRY**

In accordance with the Governor’s Regulatory Reform Initiative, the Department of Labor and Industry (DOLI) and the Safety and Health Codes Board (board) reviewed their regulations and introduced regulatory reform actions which improved clarity, updated the regulations, repealed obsolete language, and reduced regulatory burdens. DOLI proposed regulatory amendments to two regulations:

- 16 VAC 25-20, Regulation Concerning Licensed Asbestos Contractor Notification, Asbestos Project Permits, and Permit Fees.
- 16 VAC 25-40, Standard for Boiler and Pressure Vessel Operator Certification.

The regulatory actions initiated by DOLI and the board also resulted in increased regulatory flexibility for Virginians. An analysis of these RRI changes, which took effect on August 15, 2013, follows.

### ***Improved Clarity and Updated Regulatory Text:***

- Clarified that localities should forward a copy, upon adoption or amendment of an ordinance regarding certification of boiler operators, to the local board which examines and determines an applicant's qualifications for certification as a boiler operator and that localities should not forward this document to DOLI (16 VAC 25-40).
- Amended a section of regulatory text to remove unnecessary regulatory language and to specify that certification examinations for boiler operators are to be administered by the locality and not by DOLI’s Chief Boiler Inspector (16 VAC 25-40).
- Removed unnecessary language that defined Commissioner and Department (16 VAC 25-40).
- Corrected and clarified language to note that an applicant who has completed the examination for certification as a boiler operator is to be given written notice of the results of the application within 30 days following the date of the examination (16 VAC 25-40).



***Eliminated Obsolete Provisions and Reduced Regulatory Burdens:***

Eliminated a provision requiring notice to DOLI of asbestos projects in residential buildings since asbestos project fees are not charged for these types of asbestos removal projects as defined under 16 VAC 25-20-10.

## **DEPARTMENT OF MEDICAL ASSISTANCE SERVICES**

In accordance with the Governor's Regulatory Reform Initiative, the Board of Medical Assistance Services (board) reviewed its regulations and took several actions that will repeal obsolete sections and updated an entire section of regulations. The board's most significant changes are listed below.

***Elimination of Obsolete Provisions:***

- Repeal the regulations associated with the Health Insurance for the Working Uninsured Program. This program was never implemented and these regulations were of no legal effect (12 VAC 30-100-400 and 410, as well as 12 VAC 30-100-430 through 490) for a total of 9 sections.
- Repeal the regulations associated with the Assisted Living Services for Auxiliary Grant Individuals in Adult Care Residences Program. This program was terminated in 2000 when the Centers for Medicare and Medicaid Services discontinued the waiver that supported the program (12 VAC 30-120-450 through 12 VAC 30-120-480) for a total of 3 sections.
- Repeal the regulations associated with the MEDALLION Primary Care Case Management Program. This program was terminated as obsolete when managed care was expanded throughout the entire Commonwealth. (Repeal 12 VAC 30-120-260 through 12 VAC 30-120-350, and remove MEDALLION references from 12 VAC 30-60-147 and 12 VAC 30-60-200, 12 VAC 30-120-360 and 120-370, 12 VAC 30-141-10, 12 VAC 30-141-20, 12 VAC 30-141-70, 12 VAC 30-141-200, 12 VAC 30-141-500, 12 VAC 30-141-570, 12 VAC 30-141-660, 12 VAC 30-141-670, 12 VAC 30-141-680, 12 VAC 30-141-730, 12 VAC 30-141-830, 12 VAC 30-141-850, and 12 VAC 30-141-880).

***Updated Regulatory Text:***

Repeal the entire regulatory section associated with the Technology Assisted Waiver Program and promulgated updated replacement regulations. These regulations were out of date and require numerous changes to both update and clarify the regulations, bringing them in line with current industry practice and standards, and clarifying potentially confusing language (Repeal 12 VAC 30-120-70 through 12 VAC 30-120-120, and promulgate new regulations 12 VAC 30-120-1700 through 12 VAC 30-120-1780).



## DEPARTMENT OF MINES, MINERALS AND ENERGY

In accordance with the Governor's Regulatory Reform Initiative, the Department of Mines, Minerals and Energy (DMME) reviewed its regulations and initiated five regulatory actions which repealed obsolete or duplicative sections or reduced regulatory burdens. DMME's most significant change was eliminating an entire chapter of the Virginia Administrative Code (VAC). DMME adopted the following regulatory amendments:

### *Elimination of Obsolete or Duplicative Provisions:*

- Repealed an entire obsolete chapter of the VAC (4 VAC 25-140). These regulations and the authorizing statute (Title 45.1, Chapter 17 of the Code of Virginia) governing the permitting, operations, and reclamation of surface and underground coal mines have been superseded by 4 VAC 25-130 and Chapter 19 of Title 45.1 (4 VAC 25-140).
- Repealed one unnecessary section referring to the mineral mine operator's manual and one section containing duplicative language relating to mineral mining reclamation regulations (4 VAC 25-31).
- Repealed eleven obsolete or duplicative sections relating to health and safety regulations for mineral mining. The eliminated obsolete or duplicative sections covered such topics as blasting requirements, recordkeeping requirements, machinery maintenance, and other health and safety issues (4 VAC 25-40).

### *Reduced Regulatory Burdens:*

- Amended regulations to allow coal mine operators in the Commonwealth greater flexibility in meeting advanced first aid instruction requirements by increasing the number of acceptable training programs. The regulation was also amended to require annual refresher training and recertification every two years for CPR as opposed to the current annual recertification requirement (4 VAC 25-20).
- Amended mineral mining certification regulations to remove the overly rigid technical term, pre-shift inspections, that is not used anywhere else in the VAC. The term is replaced with examinations to increase operators' flexibility and to maintain consistency with other sections of the regulations (4 VAC 25-35).

## DEPARTMENT OF MOTOR VEHICLES

In accordance with the Governor's Regulatory Reform Initiative (RRI), the Department of Motor Vehicles (DMV) reviewed its regulations and took several actions which repealed obsolete regulations and reduced regulatory burdens. DMV's most significant changes were the repeal of three sets of regulations. A complete list of the agency's RRI changes follows.

### *Elimination of Obsolete Provisions:*

- Repealed eight sections that were unnecessary and redundant regarding motorcycle rider safety training center programs. (24 VAC 20-50).
- Repealed 12 redundant sections relating to commercial driver's licenses (24 VAC 20-60).
- Virginia Motor Vehicle Rental Tax Rules and Regulations (24 VAC 20 - 100) have been identified for repeal. Responsibility for this regulation has now been transferred to the Virginia Department of Taxation. This regulation will be repealed once pending cases are resolved.
- The responsibility for the Virginia Motor Vehicle Rental Tax Rules and Regulations (24 VAC 20-100) has been transferred to the Virginia Department of Taxation. Once all DMV pending cases have been resolved, DMV will move to repeal this entire regulation.

***Reduced Regulatory Burdens:***

Repealed three unnecessary regulation sections relating to the kinds of evidence that can be used to prove that all local, state, and federal taxes have been paid on any motor vehicle, trailer, or semitrailer required to be registered under §§ 46.2-697, 46.2-698, 46.2-700 or § 46.2-703 of the Code of Virginia. Repeal of this regulation allows the Commissioner to issue guidance to add new methods and types of evidence that may be used to prove that all local, state, and federal taxes have been paid as technology changes lead to less reliance on paper evidence (24 VAC 20-90).

## **DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

In accordance with the Governor's Regulatory Reform Initiative, the Department of Professional and Occupational Regulation (DPOR) engaged in a comprehensive review of the 32 regulations associated with its 18 boards and regulatory programs. As a result, DPOR identified regulations across several professions for proposed amendment or elimination to ensure the least restrictive requirements were in place while still protecting the public.

Among the most significant proposed changes is elimination of mandatory continuing education for certain tradesmen as a condition of license renewal. A complete list of the board's proposed RRI changes follows.

Board for Asbestos, Lead, and Home Inspectors

***Reduce Regulatory Burdens:***

- Increase the license renewal grace period from six to 12 months after the expiration date for asbestos licensees (18 VAC 15-20).
- Extend the time period for training providers to submit course participant lists upon completion of the training program from 24 hours to ten business days (18 VAC 15-20).

- Apply the two-instructor minimum requirement for accredited asbestos training programs only to initial worker courses, not to initial courses for supervisors, inspectors, and project monitors (18 VAC 15-20).
- Increase the license renewal “grace period” from six to 12 months after expiration date for lead licensees (18 VAC 15-30).
- Remove requirement for certificates of completion to contain unique identification numbers for participants (18 VAC 15-30).
- Remove requirement to retake the examination for any former certificate holder who must apply as a new applicant for certified home inspectors if they previously held a certificate which expired and went past the permissible reinstatement period (18 VAC 15-40).

### Board for Contractors

#### ***Reduce Regulatory Burdens:***

- Eliminate adverse financial history documentation and reporting requirements for Qualified Individuals (QIs) associated with all classes of contractor license applications, because a QI is the technical expert for a particular specialty/classification and not otherwise responsible for financial or regulatory compliance (18 VAC 50-22).
- Extend license reinstatement period for all contractors from one to two years, which allows for restoration of license after expiration without meeting current, more stringent examination/education requirements (18 VAC 50-22).
- Remove continuing education (CE) as a prerequisite for certain tradesman license renewal (HVAC, electrical, plumbing and gas-fitting). Based on disciplinary case data, the board does not find that CE affects tradesmen competency or public protection to a degree significant enough to justify the considerable financial burden on individual tradesmen (adding an average of \$400, minimum, to the cost of license renewal every two years). Eliminating the CE component also streamlines the licensing and activation process for applicants (18 VAC 50-30).
- Extend license reinstatement period for all individual license and certification holders (Tradesman, Water Well System Providers, Elevator Mechanics, and Accessibility Mechanics) from one to two years, which allows for restoration of license after expiration without meeting current, more stringent examination/education requirements (18 VAC 50-30).

### Board for Waterworks and Wastewater Works Operators and Onsite Sewage Systems Professionals

#### ***Reduce Regulatory Burdens:***

Eliminate the rigid documentation requirement associated with the work experience attestation necessary for conventional onsite sewage system installer applicants to qualify for the exam waiver. Applicants still must satisfactorily demonstrate experience in the field for eight of the preceding 12 years (18 VAC 160-20).



## DEPARTMENT OF SOCIAL SERVICES

In accordance with the Governor's Regulatory Reform Initiative, the State Board of Social Services reviewed its regulations and took action to consolidate and streamline some regulations, and repeal others. A complete list of the board's RRI changes follows.

### *Repeal/Consolidation:*

- Repealed the Public Participation Guidelines promulgated by the Child Day Care Council, which was abolished effective July 1, 2012. This change eliminating 11 sections became effective on July 7, 2013 (22 VAC 15-11).
- Repeal two regulations related to Child Protective Services and incorporate updated provisions into a single updated regulation for Child Protective Services. The State Board of Social Services submitted the proposed regulation in December 2013 (22 VAC 40-700, 22 VAC 40-705, and 22 VAC 40-720).

### *Improved Clarity:*

Amend the Child Support Enforcement Program regulation (22 VAC 40-880) by removing sections that are obsolete or redundant of state and federal law. Public comment period for the proposed regulation ended on August 30, 2013. The State Board of Social Services took action on the final regulation in December 2013.

### *Other:*

Amend the regulation governing Background Checks for Child Welfare Agencies (22 VAC 40-191) to implement the Governor's 2012 government reform legislation. The changes incorporate provisions from a Child Day Care Council regulation (22 VAC 15-51) which will be repealed once the background checks changes become effective.

## DEPARTMENT OF TAXATION

In accordance with the Governor's Regulatory Reform Initiative, the Department of Taxation (department) has reviewed its regulations and repealed 23 obsolete regulation sections.

### *Elimination of Obsolete Provisions:*

Legislation enacted in the 2012 General Assembly session transferred the administration of the Motor Vehicle Fuel Sales Tax regulations from the department to the Department of Motor Vehicles (DMV), effective July 1, 2013. This legislation was a recommendation of Governor McDonnell's Government Reform and Restructuring Commission, which worked to develop proposals for reforming state government to reduce costs and improve service delivery. Effective July 1, 2013, DMV assumed administration of this tax and the department was no longer authorized to maintain this regulation. The repeal of this regulation became effective on June 17, 2013 (23 VAC 10-240).



## DEPARTMENT OF TRANSPORTATION

In accordance with the Governor's Regulatory Reform Initiative, the Virginia Department of Transportation (VDOT) reviewed those regulations promulgated by the agency, the Commissioner of Highways, or VDOT's policy board, the Commonwealth Transportation Board (CTB).

One regulation was reclassified as a guidance document earlier this year, and is being processed for formal repeal (Criteria for Transferring Secondary Roads to Primary System, 24 VAC 30-470) consisting of one section. VDOT and the CTB plan to consider several regulatory actions in the upcoming months.

### ***Consolidation:***

Two regulations have been consolidated into one regulation by means of a fast-track regulatory action. (Access Management Regulations: Principal Arterials, 24 VAC 30-72 and Access Management Regulations: Minor Arterials, Collectors, and Local Streets, 24 VAC 30-73).

### ***Elimination of Obsolete/Unnecessary Regulations:***

- Repeal obsolete regulations pursuant to Chapter 485 of the 2013 Acts of Assembly (Rules and Regulations Governing the Use, Operation and Maintenance of State-Owned Fleet Vehicles, 24 VAC 30-170 and Rules and Regulations Governing the Purchase or Lease of Motor Vehicles with Public Funds, 24 VAC 30-190) consisting of one section.
- Repeal unnecessary regulation pursuant to Chapter 222 of the 2013 Acts of Assembly (Recreational Access Fund Policy, 24 VAC 30-301) containing two sections.
- Repeal unnecessary regulation (Guide for Additions, Abandonments and Discontinuances, 24 VAC 30-290) consisting of one section.
- Repeal unnecessary regulation (Roadway and Structure Lighting, 24 VAC 30-530) containing one section.
- Repeal unnecessary regulation (List of Differentiated Speed Limits, 24 VAC 30-610) consisting of one section.
- Repeal obsolete regulation (Appraisal Fee Regulations, 24 VAC 30-45) containing three sections.

## VIRGINIA MARINE RESOURCES COMMISSION

In accordance with the Governor's Regulatory Reform Initiative, the Virginia Marine Resources Commission (MRC) reviewed its regulations and took action to reduce regulatory burdens.



***Reduced Regulatory Burdens:***

Repealed the MRC's daily harvest reporting requirements for shellfish aquaculture operations in order to allow those businesses to report their harvests from state-leased water bottom on a monthly basis instead of a daily basis (4 VAC 20-610).

***Other:***

The MRC also increased the number of recreational opportunities available in Virginia by making the following changes: (1) decreased the recreational summer flounder size limit (4 VAC 20-620), and (2) increased the recreational striped bass possession limit (4 VAC 20-252).

## **MOTOR VEHICLE DEALER BOARD**

In accordance with the Governor's Regulatory Reform Initiative, the Motor Vehicle Dealer Board (MVDB) reviewed its regulations and has initiated actions to reduce unnecessary recordkeeping, consolidate some regulations, improve the clarity of others, repeal unnecessary regulations, update some regulations, and reduce regulatory burdens. The MVDB is also in the process of preparing a legislative proposal that would allow the agency to eliminate an entire set of regulations.

The MVDB has conducted one public hearing with regards to the RRI. Through the Regulatory Town Hall, an amended set of regulations are now in the executive review process awaiting publication in the Virginia Register of Regulations.

***Reduce Recordkeeping Requirements:***

Eliminate the requirement for motor vehicle dealers to retain copies/images of newspaper and internet advertisements (24 VAC 22-30-30).

***Eliminate Unnecessary Regulations:***

The following sections have been proposed for elimination as they repeat what is stated in law and are therefore unnecessary: 24 VAC 22-30-30-C2, 24 VAC 22-30-40-B, 24 VAC 22-30-40-C, and 24 VAC 22-30-50.

***Improved Clarity:***

Update ten subsections in 24 VAC 22-30-10 (Intent), 24 VAC 22-30-20 (Definitions), and 24 VAC 22-30-30 (Practices) to clarify the requirements and make the regulations easier to follow.

## **VIRGINIA RACING COMMISSION**

In accordance with the Governor's Regulatory Reform Initiative, the Virginia Racing Commission (VRC) reviewed its regulations and took several actions that repealed obsolete sections, updated regulations, and reduced regulatory burdens. A complete list of the VRC's RRI changes follows.

***Elimination of Obsolete Provisions:***

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- Amended regulations to eliminate obsolete language pertaining to the way in which wagering pools are calculated (11 VAC 10-20).
  - Repealed a portion of a section related to a type of wager called a Twin Trifecta which is currently not offered by the licensee and considered to be obsolete (11 VAC 10-20).
  - Repealed an entire section that involved the issuance of a temporary license to conduct account wagering. This section is no longer required in the VRC's regulations due to a recent change made to the Code of Virginia (11 VAC 10-45).

***Updated Regulatory Text:***

Amended four sections of the VRC's chapter on medication to include the words serum or plasma. The testing laboratory requires that blood samples submitted for testing be in the form of serum instead of plasma, which differed from the prior testing laboratory. The VRC decided to include both serum and plasma throughout this chapter in case it should decide to use a different testing laboratory in the future that would require the samples to be submitted in plasma form (11 VAC 10-180).

***Reduced Regulatory Burdens:***

Amended regulations to eliminate the requirements for an outrider in harness racing, additional copies of videotapes of races where certain incidents occur, a security guard to be posted at the entrance to the judges stand, and that the licensee shall submit a written report to the Virginia State Police in addition to the VRC for every incident that occurs on the licensee's property (11 VAC 10-20).

# SUMMARY OF LEGISLATION ADVOCATED UNDER THE REGULATORY REFORM INITIATIVE

## 2013 ACTS OF THE ASSEMBLY

**Chapter 129:** Repealed an obsolete chapter in Title 45.1 that regulated the surface mining of coal. The provisions of this chapter have been superseded by the Virginia Coal Surface Mining Control and Reclamation Act. This legislation allowed the accompanying regulations to be repealed.

**Chapter 226:** Provided that the Commissioner of the Department of Motor Vehicles may determine what sort of evidence will be accepted as proof of payment of taxes on vehicles and of the registration or exemption from registration of certain vehicles without doing so by regulation. This legislation further amended the Code of Virginia to eliminate any agency discretion to implement the statutory requirements for the motorcycle rider safety training course program thereby paving the way for the repeal of the Rules and Regulations for Motorcycle Rider Safety Training Center Program (24 VAC 20-50).

**Chapter 348:** Allowed the Department of Environmental Quality to transmit electronically air pollution control, water quality, and waste management permits or certificates, as well as other information such as plan approvals.

**Chapter 349:** Allowed a landowner to trap or shoot fur-bearing animals including muskrats and raccoons upon his own land during the closed season when these animals are causing damage to his crops or property, or are posing a threat to human health or safety, or are causing a nuisance. Previously, such animals could be trapped or shot after the landowner obtained a permit from a conservation police officer, setting up unnecessary bureaucratic and regulatory hurdles where no justification exists.

**Chapter 632:** Repealed certain provisions regarding the permitting of infectious waste incinerators by the State Air Pollution Control Board and the Waste Management Board. The repeal of these sections paved the way for elimination of outdated state regulations which have been superseded by federal air emission requirements. The Waste Management Board's regulations related to medical waste incinerators remain in place under the board's other existing authorities.

**Chapter 644:** Removed the requirement that the Board of Education promulgate regulations concerning the process for submitting proposals for the consolidation of school divisions and temporarily employed teachers. The legislation also removed the requirement that the board promulgate emergency regulations regarding division level academic reviews.

**Chapter 780:** Provided an exemption from the Administrative Process Act for the Department of Criminal Justice Services (DCJS) whenever DCJS develops, issues, or revises any training standards approved by the Criminal Justice Services Board.



# APPENDIX

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# COMMONWEALTH OF VIRGINIA



## OFFICE OF THE GOVERNOR

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### **Executive Order Number Fourteen (2010)**

### **Development and Review of Regulations Proposed By State Agencies**

#### **Importance of the Initiative**

By virtue of the authority vested in me as Governor under Article V of the Constitution of the Commonwealth of Virginia and under the laws of the Commonwealth, including, but not limited, to Sections 2.2-4013 and 2.2-4017 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish policies and procedures for review of all new, revised, and existing regulations proposed by state agencies, which shall include for purposes of this executive order all agencies, boards, commissions and other entities of the Commonwealth within the executive branch that issue regulations. Nothing in this Executive Order shall be construed to limit my authority under Section 2.2-4013 to require an additional 30-day final adoption period, or to exercise any other rights and prerogatives existing under Virginia law.

#### **General Policy**

The executive branch agencies of the Commonwealth must consider, review, and promulgate many regulations each year. This Executive Order sets out procedures and requirements to ensure the efficiency and quality of Virginia's regulatory process. All references to days mean calendar days.

All state employees who draft, provide policy analysis for, or review regulations shall carefully consider and apply the principles outlined below during the regulatory development and review process. All regulatory activity should be undertaken with the least possible intrusion in the lives of the citizens of the Commonwealth consistent with public health, safety, and welfare. Proposed and final regulations shall reflect the Governor's initiative that state government operates more efficiently and effectively. Where applicable and to the extent



permitted by law, it shall be the policy of the Commonwealth that, unless otherwise mandated by law, only regulations that are necessary to interpret the law or to protect the public health, safety, or welfare shall be promulgated.

- A. Agencies shall identify the nature and significance of the problem a regulation is intended to address, including, where applicable, why private markets and institutions cannot adequately address the problem.
- B. Agencies shall identify and assess the least costly means including reasonably available alternatives in lieu of regulation for achieving the goals of a regulation. This shall include where feasible and consistent with public health, safety, and welfare:
  - 1. The use of economic incentives to encourage the desired outcomes (such as user fees or marketable permits);
  - 2. The use of information disclosure requirements, rather than regulatory mandates, so that the public can make more informed choices; and
  - 3. The use of performance standards in place of mandating specific techniques or behavior.
- C. Regulatory development shall be based on the best reasonably available and reliable, scientific, economic, and other information concerning the need for, and consequences of, the intended regulation. Agencies shall specifically cite the best reasonably available scientific, economic, and other information in support of regulatory proposals.
- D. Regulations shall be designed to achieve their intended objective in the most efficient, cost effective manner.
- E. Regulations shall be clearly written and easily understandable by the individuals and entities affected.
- F. All legal requirements related to public participation and all public participation guidelines shall be strictly followed to ensure that citizens have reasonable access and opportunity to present their comments and concerns. Use of the Virginia Regulatory Town Hall Web site (Town Hall) should be specifically offered in each instance. Agencies shall establish procedures that provide for a timely written response to all comments and the inclusion of suggested changes that would improve the quality of the regulation.
- G. In addition to requirements set out in the Virginia Administrative Process Act (APA) (Section 2.2-4006 et seq. of the Code of Virginia), agencies shall post all rulemaking actions on the Town Hall to ensure that the public is adequately informed of rulemaking activity.
- H. Agencies, as well as reviewing entities, shall endeavor to perform their tasks in the regulatory process as expeditiously as the regulatory subject matter will allow and shall adhere to the time frames set out in this Executive Order.
- I. Each agency head will be held accountable for ensuring that the policies and objectives specified in this Executive Order are put into effect. Agency heads shall ensure that information requested by the Department of Planning and Budget (DPB) or the Office of the Governor in connection with this Executive Order is provided on a timely basis. Incomplete packages may be returned to the appropriate agency by DPB.
- J. Regulations shall not be considered perpetual and will be subject to periodic evaluation and review and modification, as appropriate, in accordance with the APA, and policy initiatives of the Governor.
- K. Public comment will be encouraged for all regulations. DPB shall work with state agencies to promote use of the Town Hall to facilitate public comment.

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- L. Regulatory development shall be conducted in accordance with statutory provisions related to impact on small businesses. DPB shall work with state agencies to address these requirements during the regulatory review process, including notifications as appropriate to the Joint Commission on Administrative Rules.
  - M. Agencies shall actively seek input for proposed regulations from interested parties, stakeholders, citizens and members of the General Assembly.
  - N. During regulatory development, agencies shall consider the impact on existing and potential Virginia employers and their ability to maintain and increase the number of jobs in the commonwealth, as well as the cost of compliance by the general public.

## **Applicability**

The review process in this Executive Order applies to rulemaking initiated by agencies of the Commonwealth of Virginia in accordance with Article 2 of the APA.

With the exception of the requirements governing the periodic review of existing regulations, the posting of meeting agenda and minutes, and the posting of guidance documents, the requirements of this Executive Order may not apply to regulations exempt from Article 2 of the APA. A Cabinet Secretary, the Governor, or his Chief of Staff may request in writing that an agency comply with all or part of the requirements of this Executive Order for regulations exempt from Article 2 of the APA. Copies of such requests shall be forwarded to the Governor's Policy Office and DPB. In addition, a Cabinet Secretary may request in writing that certain Article 2 exempt regulations be further exempted from all or part of the requirements of this Executive Order.

These procedures shall apply in addition to those already specified in the APA, the agencies' public participation guidelines, and the agencies' basic authorizing statutes.

Any failure to comply with the requirements set forth herein shall in no way affect the validity of a regulation, create any cause of action or provide standing for any person under Article 5 of the APA (Section 2.2-4025 et seq. of the Code of Virginia), or otherwise challenge the actions of a government entity responsible for adopting or reviewing regulations.

## **Regulatory Review Process**

Regulations shall be subject to executive branch review as specified herein. For each stage of the regulatory development process, agencies shall complete the agency background document provided by DPB to describe the regulatory action and inform the public about the substance and reasons for the rulemaking. All agency regulatory packages shall be submitted via the Town Hall.

Agencies shall submit regulatory packages to the Registrar on the Town Hall within 14 days of being authorized to do so. The Chief of Staff or Counselor to the Governor may grant exceptions to this requirement for good cause.

### **A. Standard Rulemaking Process**

#### ***1. Notice of Intended Regulatory Action (NOIRA) Stage***



DPB shall review the submission of a Notice of Intended Regulatory Action to determine whether it complies with all requirements of this Executive Order and applicable statutes and whether the contemplated regulatory action comports with the policy of the Commonwealth as set forth herein. The NOIRA shall include the nature of the regulatory changes being considered and the relevant sections of the Virginia Administrative Code. Within 14 days of receiving a complete NOIRA review package from the agency, the Director of DPB shall advise the appropriate Secretary and the Governor of DPB's determination. The agency shall be authorized to submit the NOIRA to the Registrar for publication when at least one of the following conditions is met:

1. The Governor approves the NOIRA for publication, or
2. Fourteen days have elapsed since DPB's notice of its determination to the appropriate Secretary and Governor and neither the Governor nor the Secretary has objected to the NOIRA.

If the Director of DPB advises the appropriate Secretary and the Governor that the NOIRA presents issues requiring further review, the NOIRA shall be forwarded to the Secretary. The Secretary shall review the NOIRA within 14 days and forward a recommendation to the Governor. The Chief of Staff or Counselor to the Governor is hereby authorized to approve NOIRAs on behalf of the Governor.

Public comments received following publication of the NOIRA should be encouraged and carefully considered in development of the proposed stage of a regulation.

## ***2. Proposed Stage***

Following the initial public comment period required by Section 2.2-4007.01 of the Code of Virginia and taking into account the comments received, the agency shall prepare a regulatory review package. Agencies should complete the proposed stage after the close of the NOIRA comment period as expeditiously as the subject matter will allow. However, the agency must submit the package to DPB within 180 days following the close of the NOIRA comment period, unless a waiver is granted.

If a regulatory package is submitted to DPB, and DPB determines that the package is not substantially complete, then DPB shall notify the agency within 10 days. At that time, the agency must withdraw the package from the Town Hall and resubmit the package only after all important missing elements identified by DPB have been added.

A proposed regulatory action shall be in as close to final form as possible, including completed review by all appropriate regulatory advisory panels or negotiated rulemaking panels. A proposed stage shall not address new issues that were not disclosed to the public when the NOIRA was published.

In addition to the information required on the regulation background form, the agency shall also include in the regulatory package a memorandum from the Office of the Attorney General (OAG) certifying that the agency has legal authority to promulgate the regulation being proposed. The OAG may also provide any appropriate comments for consideration by the Governor with respect to the proposed regulation. This process for feedback shall be managed in a manner similar to the process that has traditionally been used for soliciting the Attorney General's advice and recommendations on enrolled legislation.



DPB shall review the proposed regulation package to determine whether it complies with all requirements of this Executive Order and applicable statutes and whether the contemplated regulatory action comports with the policy of the Commonwealth as set forth herein. Per § 2.2-4007.04 of the Code of Virginia, within 45 days of receiving a complete proposed regulation package from the agency, DPB shall prepare a policy analysis and economic impact analysis, and advise the affected Secretary of DPB's determination. The Secretary shall review the proposed regulation package within 14 days and forward a recommendation to the Governor. The Chief of Staff or the Counselor to the Governor is hereby authorized to approve proposed regulations on behalf of the Governor. Within 14 days of receiving notification that the Governor has approved the proposed regulation package, the agency shall submit the proposed regulation package to the Registrar for publication, unless an exception to this requirement is granted for good cause by the Chief of Staff or Counselor to the Governor.

### ***3. Final Stage***

Following the public comment period required by Section 2.2-4007.03 of the Code of Virginia and taking into account the comments received, the agency shall revise the proposed regulation as necessary. Agencies should complete the proposed stage after the close of the proposed stage comment period as expeditiously as the subject matter will allow. However, the agency must submit the package to DPB within 180 days following the close of the proposed stage comment period, unless a waiver is granted by the Chief of Staff or the Counselor to the Governor. If any change with substantial impact – as determined by DPB has been made to the regulatory text between the proposed and final stages, the agency shall obtain a letter from the OAG certifying that the agency has authority to make the additional changes. The OAG may also provide any appropriate comments for consideration by the Governor with respect to the final regulation. This process for feedback shall be managed in a manner similar to the process that has traditionally been used for soliciting the Attorney General's advice and recommendations on enrolled legislation.

DPB shall review the final stage package to determine whether it complies with all requirements of this Executive Order and applicable statutes and whether the regulatory action comports with the policy of the Commonwealth as set forth herein. In particular, DPB shall assess the effect of any substantive changes made since the publication of the proposed regulation and the responsiveness of the agency to public comment. Within 14 days of receiving a complete final regulation package from the agency, the Director of DPB shall advise the affected Secretary and the Governor of DPB's determination. After DPB's review, the final regulation shall be forwarded to the appropriate Secretary and the Governor. The Secretary shall make a recommendation to the Governor within 14 days. The agency shall be authorized to submit the final regulation to the Registrar for publication when the Governor approves the final stage for publication.

## **B. Fast-Track Rulemaking Process**

The fast-track rulemaking process is for rules that are expected to be noncontroversial. A package would clearly qualify as a fast-track if the proposal appears to be (1) noncontroversial and the promulgating entity has no discretion over the proposal, or (2) appears to be noncontroversial and the areas of board/agency discretion are minor, or (3) appears to be noncontroversial and no individual or entity is adversely affected. On the other hand, a regulatory proposal would not be appropriate for the fast-track



process if it is controversial and the promulgating entity has discretion over at least some of the significant details. All situations other than those described above would be presented by DPB to the Governor's office for a determination as to whether the regulatory proposal may proceed as a fast-track.

In addition to the information required on the agency background document when the proposed action has the effect of enhancing regulatory oversight, the agency shall also include in the regulatory package a memorandum from the OAG certifying that the agency has legal authority to promulgate the proposed regulation.

DPB shall review the fast-track regulation to determine whether the regulatory change is appropriately within the intended scope of fast-track regulatory authority and whether it complies with all other requirements of this Executive Order and applicable statutes and whether the contemplated regulatory action comports with the policy of the Commonwealth. If there is any question as to whether a package should be allowed to proceed on a fast-track basis, DPB shall request the Governor's office to make this determination. The period to determine whether a regulatory proposal is appropriate for the fast-track process shall not exceed 10 days from the time DPB receives a complete regulatory package.

After a package has been determined to be appropriate for the fast-track process, DPB shall have 30 days to prepare a policy analysis and economic impact analysis of the proposed regulation. After DPB's review, the fast-track regulation shall be forwarded to the appropriate Secretary and the Governor. The Secretary shall make a recommendation to the Governor within 14 days. The agency shall be authorized to submit the fast-track regulation to the Registrar for publication when the Governor approves the fast-track regulatory package for publication.

For purposes of repealing all or part of regulations in accordance with the fast-track rulemaking process provided by Section 2.2-4012.1, such recommendation may be initiated by the Agency Head, DPB or the Governor's Policy Director. The Chief of Staff or Counselor to the Governor has authority to approve the modification once the requirements of the Code have been met.

### **C. Emergency Rulemaking Process**

In addition to the information required on the background form, the agency shall also include in the regulatory package for any emergency regulation a memorandum from the OAG certifying that the agency has legal authority to promulgate the emergency regulation.

DPB shall review the emergency regulation package to determine whether it complies with all requirements of this Executive Order and applicable statutes and whether the contemplated regulatory action comports with the policy of the Commonwealth as set forth herein. Within 14 days of receiving a complete emergency regulation package from the agency, the Director of DPB shall advise the Secretary of DPB's determination. The Secretary shall review the emergency regulation package within 14 days and forward a recommendation to the Governor. Upon receiving notification that the Governor has approved the emergency regulation package, the agency may then submit the emergency regulation package to the Registrar for publication.



## **Periodic Review of Existing Regulations**

Each existing regulation in the state shall be reviewed at least once every four years by the promulgating agency unless specifically exempted from periodic review by the Governor. The review shall ensure that each regulation complies with the principles set out in this Executive Order. In addition, each periodic review shall include an examination by the OAG to ensure statutory authority for the regulation and that the regulation does not exceed the authority to regulate granted as set out in the enabling legislation. The periodic review of a regulation shall be reported to the appropriate Secretary and Counselor to the Governor on a form established by DPB.

Agencies shall cooperate with reviews of regulations by the OAG, including but not limited to, reasonable requests for data and other supporting information as may be necessary to conduct the review.

Prior to the commencement date of the periodic review for a regulation, an agency shall post on the Town Hall a notice of the periodic review. The agency shall provide for a minimum of 21 days of public comment commencing on the posted date for the review. No later than 60 days after the close of the public comment period, the agency shall post a completed periodic review report on the Town Hall.

When a regulation has undergone a comprehensive review as part of a regulatory action and when the agency has solicited public comment on the regulation, a periodic review shall not be required until four years after the effective date of this regulatory action.

The Governor may request a periodic review of a regulation at any time deemed appropriate. Such a request may outline specific areas to be addressed in the review. In the case of such a request, the agency shall follow the procedures for periodic review as established herein or such other procedures as may be stipulated by the Governor.

## **Petitions for Rulemaking**

Agencies shall post petitions for rulemaking and written decisions to grant or deny the petitioner's request on the Town Hall in accordance with the time frames established in Section 2.2-4007 of the Code of Virginia.

## **Waivers from Process Deadlines**

The Chief of Staff or the Counselor to the Governor may waive the deadlines an agency must meet when submitting proposed and final regulatory packages. A waiver shall only be granted when an agency has demonstrated a compelling need for extending the deadlines set out herein. An agency shall submit a waiver request as soon as possible prior to the expiration of a deadline. Such requests shall be submitted on forms prepared by DPB.

## **Electronic Availability of Meeting Agenda and Minutes**

Executive branch agencies that promulgate regulations and keep minutes of regulatory meetings shall post such minutes of their public meetings on the Town Hall in accordance with the time frames established in Section 2.2-3707 and 2.2-3707.1 of the Code of Virginia. In addition, agencies shall post the notice of, and agenda for, a



public meeting on the Town Hall at least 7 days prior to the date of the meeting, except if it is necessary to hold an emergency meeting in which case the agenda shall be posted as soon as possible.

### **Electronic Availability of Guidance Documents**

Agencies shall make all guidance documents, as defined by Section 2.2-4001 of the Code of Virginia, available to the public on the Town Hall. Any guidance document currently available in electronic format shall be posted on the Town Hall. Any changes to a guidance document shall be reflected on the Town Hall within 10 days of the change.

### **Effective Date of the Executive Order**

This Executive Order rescinds Executive Order Number One Hundred and Seven (2009) issued by Governor Timothy M. Kaine. This Executive Order shall become effective upon its signing and shall remain in full force and effect until June 30, 2014, unless amended or rescinded by further Executive Order.

# RRI LIST OF REGULATIONS AND ACTIONS

Notes:

1. The four digit numbers in the “Regulatory Action(s)” column below, e.g., 3781, represent Action ID numbers on the Town Hall website. By typing an Action ID number into the Search Box on Town Hall (<http://townhall.virginia.gov/>), more detail about a particular action may be obtained.
2. At last count, eighteen regulatory actions involve two or more regulations and, therefore, some actions appear multiple times on this list.
3. Where a regulation title below includes “[REPEALED],” it signifies that an action to repeal this regulation was filed during the RRI and has now been completed.

VAC Citation	Agency	Title of Regulation	Regulatory Action(s)
1 vac 30 - 45	Department of General Services	Regulations Governing the Certification of Non-Commercial Environmental Laboratories	[ Town Hall ID 3781 - Final - Nov 21, 2012 - Register Date: 10/22/12 - Effective Date: Nov 21, 2012 ]
1 vac 30 - 46	Department of General Services	Regulations Governing the Certification of Commercial Environmental Laboratories	[ Town Hall ID 3781 - Final - Nov 21, 2012 - Register Date: 10/22/12 - Effective Date: Nov 21, 2012 ]
1 vac 30 - 80	Department of General Services	[REPEALED] Rules and Regulations Governing the Handling of Forensic Work Division of Forensic Science	[ Town Hall ID 3804 - Final - Dec 19, 2012 - Register Date: 11/19/12 - Effective Date: Dec 19, 2012 ]
1 vac 30 - 90	Department of General Services	[REPEALED] Regulations for the Approval of Field Tests for Detection of Drugs	[ Town Hall ID 3804 - Final - Dec 19, 2012 - Register Date: 11/19/12 - Effective Date: Dec 19, 2012 ]
1 vac 30 - 100	Department of General Services	Regulations for Capitol Square	Agency states that this action will be filed soon.
1 vac 30 - 120	Department of General Services	Federal Property and Administrative Services Act of 1949, as Amended	[ Town Hall ID 2785 - Final - May 22, 2013 - Register Date: 4/22/13 - Effective Date: May 22, 2013 ]
1 vac 42 - 10	Office of the State Inspector General	Policies, Standards, and Procedures for Agency and Institutional Internal Auditors (Directive No. 1-85)	[ Town Hall ID 4098 - Final - Dec 04, 2013 - Register Date: 11/4/13 - Effective Date: Dec 04, 2013 ]
1 vac 42 - 20	Office of the State Inspector General	External Review Follow-Up for Agency and Institutional Internal Auditors (Directive No. 1-90)	[ Town Hall ID 4098 - Final - Dec 04, 2013 - Register Date: 11/4/13 - Effective Date: Dec 04, 2013 ]

VAC Citation	Agency	Title of Regulation	Regulatory Action(s)
2 vac 5 - 260	Department of Agriculture and Consumer Services	[REPEALED] Regulations Establishing the Virginia Quality Label	[ Town Hall ID 3864 - Fast-Track - Jun 21, 2013 - Register Date: 5/6/13 - Effective Date: Jun 21, 2013 ]
2 vac 5 - 340	Department of Agriculture and Consumer Services	[REPEALED] Rules and Regulations for the Enforcement of the Virginia Weights and Measures Law	[ Town Hall ID 3558 - Fast-Track - Jan 05, 2012 - Register Date: 11/21/11 - Effective Date: Jan 05, 2012 ]
2 vac 5 - 460	Department of Agriculture and Consumer Services	[REPEALED] Rules and Regulations for the Enforcement of the Virginia Petroleum Products Franchise Act	[ Town Hall ID 3703 - Final - Aug 01, 2012 - Register Date: 7/2/12 - Effective Date: Aug 01, 2012 ]
2 vac 5 - 470	Department of Agriculture and Consumer Services	[REPEALED] Rules and Regulations Pertaining to the Registration and Certification of Grape Nursery Stock	[ Town Hall ID 3559 - Fast-Track - Jan 05, 2012 - Register Date: 11/21/11 - Effective Date: Jan 05, 2012 ]
2 vac 5 - 685	Department of Agriculture and Consumer Services	Regulations Governing Pesticide Applicator Certification Under Authority of Virginia Pesticide Control Act	[ Town Hall ID 3996 - Fast-Track - Sep 12, 2013 - Register Date: 7/29/13 - Effective Date: Sep 12, 2013 ]
3 vac 5 - 20	Department of Alcoholic Beverage Control	Advertising	[ Town Hall ID 3692 - Final - Dec 18, 2013 - Register Date: 11/18/13 - Effective Date: Dec 18, 2013 ]
3 vac 5 - 30	Department of Alcoholic Beverage Control	Tied-House	[ Town Hall ID 3694 - Final - Dec 18, 2013 - Register Date: 11/18/13 - Effective Date: Dec 18, 2013 ]
3 vac 5 - 40	Department of Alcoholic Beverage Control	Requirements for Product Approval	[ Town Hall ID 3695 - Final - Jan 15, 2014 - Register Date: 12/16/13 - Effective Date: Jan 15, 2014 ]
3 vac 5 - 50	Department of Alcoholic Beverage Control	Retail Operations	[ Town Hall ID 3696 - Final - Jan 29, 2014 - Register Date: 12/30/13 - Effective Date: Jan 29, 2014 ]
3 vac 5 - 60	Department of Alcoholic Beverage Control	Manufacturers and Wholesalers Operations	[ Town Hall ID 3697 - Final - Dec 18, 2013 - Register Date: 11/18/13 - Effective Date: Dec 18, 2013 ]
3 vac 5 - 70	Department of Alcoholic Beverage Control	Other Provisions	[ Town Hall ID 3698 - Final - Dec 18, 2013 - Register Date: 11/18/13 - Effective Date: Dec 18, 2013 ]
4 vac 5 - 30	Department of Conservation and	Virginia State Parks Regulations	Agency states that this action will be filed soon.
4 vac 20 - 252	Marine Resources Commission	Pertaining to the Taking of Striped Bass	Exempt action filed directly with Register of Regulations. Register Date: 1/14/13 - Effective Date: January 1, 2013

<b>VAC Citation</b>	<b>Agency</b>	<b>Title of Regulation</b>	<b>Regulatory Action(s)</b>
4 vac 20 - 610	Marine Resources Commission	Pertaining to Commercial Fishing and Mandatory Harvest Reporting	Exempt action filed directly with Register of Regulations. Register Date: 1/14/13 - Effective Date: January 1, 2013
4 vac 20 - 620	Marine Resources Commission	Pertaining to Summer Flounder	Exempt action filed directly with Register of Regulations. Register Date: 3/25/13 - Effective Date: March 1, 2013
4 vac 25 - 20	Department of Mines, Minerals and Energy	Board of Coal Mining Examiners Certification Requirements	[ Town Hall ID 3835 - Fast-Track - Sep 25, 2013 - Register Date: 8/12/13 - Effective Date: Sep 25, 2013 ]
4 vac 25 - 31	Department of Mines, Minerals and Energy	Reclamation Regulations for Mineral Mining	[ Town Hall ID 3865 - Fast-Track - Jul 04, 2013 - Register Date: 5/20/13 - Effective Date: Jul 04, 2013 ]
4 vac 25 - 35	Department of Mines, Minerals and Energy	Certification Requirements for Mineral Miners	[ Town Hall ID 3866 - Fast-Track - Sep 26, 2013 - Register Date: 8/12/13 - Effective Date: Sep 26, 2013 ]
4 vac 25 - 40	Department of Mines, Minerals and Energy	Safety and Health Regulations for Mineral Mining	[ Town Hall ID 3862 - Fast-Track - Sep 26, 2013 - Register Date: 8/12/13 - Effective Date: Sep 26, 2013 ]
4 vac 25 - 140	Department of Mines, Minerals and Energy	Coal Surface Mining Regulations	[ Town Hall ID 3995 - Final - Aug 29, 2013 - Register Date: 7/29/13 - Effective Date: Aug 29, 2013 ]
4 vac 45 - 10	Department of Conservation and Recreation	Regulations Governing Application for and Use of Grant Funds to Localities	Agency states that this action will be filed soon.
4 vac 50 - 20	Department of Conservation and Recreation	Impounding Structure Regulations	[ Town Hall ID 3632 - Fast-Track - Nov 08, 2012 - Register Date: 9/24/12 - Effective Date: Nov 08, 2012 ]
4 vac 50 - 30	Department of Conservation and Recreation	Erosion and Sediment Control Regulations	[ Town Hall ID 3811 - Final - Nov 21, 2012 - Register Date: 10/22/12 - Effective Date: Nov 21, 2012 ]
4 vac 50 - 50	Department of Conservation and Recreation	Erosion and Sediment Control Certification Regulations	[ Town Hall ID 3812 - Final - Nov 21, 2012 - Register Date: 10/22/12 - Effective Date: Nov 21, 2012 ]
4 vac 50 - 60	Department of Conservation and Recreation	Stormwater Management Regulations	[ Town Hall ID 3810 - Final - Nov 21, 2012 - Register Date: 10/22/12 - Effective Date: Nov 21, 2012 ]

<b>VAC Citation</b>	<b>Agency</b>	<b>Title of Regulation</b>	<b>Regulatory Action(s)</b>
4 vac 50 - 70	Department of Conservation and Recreation	Resource Management Plans	[ Town Hall ID 3677 - Final - Dec 06, 2013 - Register Date: 5/6/13 - Effective Date: Dec 06, 2013 ]
4 vac 50 - 90	Department of Conservation and Recreation	Chesapeake Bay Preservation Area Designation and Management Regulations	[ Town Hall ID 3813 - Final - Nov 21, 2012 - Register Date: 10/22/12 - Effective Date: Nov 21, 2012 ]
6 vac 20 - 20	Department of Criminal Justice Services	Rules Relating to Compulsory Minimum Training Standards for Law-Enforcement Officers	[ Town Hall ID 3882 - Fast-Track - Aug 15, 2013 - Register Date: 7/1/13 - Effective Date: Aug 15, 2013 ]
6 vac 20 - 70	Department of Criminal Justice Services	Rules Relating to Compulsory Minimum Training Standards for Noncustodial Employees of the Department of Corrections	Agency states that this action will be filed soon.
6 vac 20 - 100	Department of Criminal Justice Services	Rules Relating to Compulsory Minimum Training Standards for Correctional Officers of the Department of Corrections, Division of Adult Institutions	Agency states that this action will be filed soon.
6 vac 20 - 110	Department of Criminal Justice Services	Rules Relating to Compulsory Minimum Training Standards for Private Security Services Business Personnel	[ Town Hall ID 3827 - Fast-Track - Approved by Governor ]
6 vac 20 - 140	Department of Criminal Justice Services	Mcgruff House Program Regulations	[ Town Hall ID 4044 - Final - At Agency ]
6 vac 20 - 150	Department of Criminal Justice Services	Rules Relating to the Forfeited Drug Asset Sharing Program	[ Town Hall ID 4074 - Fast-Track - At Agency ]
6 vac 20 - 171	Department of Criminal Justice Services	Regulations Relating to Private Security Services	[ Town Hall ID 2725 - Final - Sep 01, 2013 - Register Date: 7/15/13 - Effective Date: Sep 01, 2013 ]
6 vac 40 - 20	Department of Forensic Science	Regulations for Breath Alcohol Testing	[ Town Hall ID 3977 - Fast-Track - Jan 17, 2014 - Register Date: 12/2/13 - Effective Date: Jan 17, 2014 ]
6 vac 40 - 30	Department of Forensic Science	Regulations for the Approval of Field Tests for Detection of Drugs	[ Town Hall ID 4034 - Fast-Track - Jan 03, 2014 - Register Date: 11/18/13 - Effective Date: Jan 03, 2014 ]
6 vac 40 - 40	Department of Forensic Science	Regulations for the Implementation of the Law Permitting DNA Analysis Upon Arrest for All Violent Felonies and Certain Burglaries	[ Town Hall ID 3963 - Final - Jun 20, 2013 - Register Date: 5/20/13 - Effective Date: Jun 20, 2013 ]

<b>VAC Citation</b>	<b>Agency</b>	<b>Title of Regulation</b>	<b>Regulatory Action(s)</b>
6 vac 40 - 50	Department of Forensic Science	Regulations for the Approval of Marijuana Field Tests for Detection of Marijuana Plant Material	[ Town Hall ID 4049 - Fast-Track - Approved by Governor ]
8 vac 20 - 30	Department of Education	Regulations Governing Adult High School Programs	[ Town Hall ID 3745 - Proposed - AT Attorney General's Office ]
8 vac 20 - 60	Department of Education	Regulations Governing the Approval of Correspondence Courses for Home	[ Town Hall ID 3386 - Final - AT Attorney General's Office ]
8 vac 20 - 150	Department of Education	Management of the Student's Scholastic Record in the Public Schools of Virginia	[ Town Hall ID 2658 - Final - At Governor's Office ]
8 vac 20 - 170	Department of Education	Regulations Governing Instructional Materials -Selection and Utilization By Local School Boards	[ Town Hall ID 2658 - Final - At Governor's Office ]
8 vac 20 - 180	Department of Education	Regulations Governing School Community Programs	[ Town Hall ID 2658 - Final - At Governor's Office ]
8 vac 20 - 210	Department of Education	Classifications of Expenditures	[ Town Hall ID 2658 - Final - At Governor's Office ]
8 vac 20 - 240	Department of Education	Regulations Governing School Activity Funds	[ Town Hall ID 2658 - Final - At Governor's Office ]
8 vac 20 - 250	Department of Education	Regulations Governing the Testing of Sight and Hearing of Pupils	[ Town Hall ID 2658 - Final - At Governor's Office ]
8 vac 20 - 310	Department of Education	Rules Governing Instructions Concerning Drugs and Substance Abuse	[ Town Hall ID 2658 - Final - At Governor's Office ]
8 vac 20 - 320	Department of Education	Regulations Governing Physical and Health Education	[ Town Hall ID 2658 - Final - At Governor's Office ]
8 vac 20 - 340	Department of Education	Regulations Governing Driver Education	[ Town Hall ID 3386 - Final - AT Attorney General's Office ]
8 vac 20 - 390	Department of Education	Rules Governing Division Superintendent of Schools	[ Town Hall ID 2658 - Final - At Governor's Office ]
8 vac 20 - 410	Department of Education	Regulations Governing Allowable Credit for Teaching Experience	[ Town Hall ID 2658 - Final - At Governor's Office ]
8 vac 20 - 420	Department of Education	Regulations Governing Personnel in Public School Libraries Operated Under Joint Contract Under Control of Local School Board or Boards	[ Town Hall ID 2658 - Final - At Governor's Office ]

<b>VAC Citation</b>	<b>Agency</b>	<b>Title of Regulation</b>	<b>Regulatory Action(s)</b>
8 vac 20 - 460	Department of Education	Regulations Governing Sick Leave Plan for Teachers	[ Town Hall ID 2658 - Final - At Governor's Office ]
8 vac 20 - 490	Department of Education	Regulations Governing School Boards Local	[ Town Hall ID 2658 - Final - At Governor's Office ]
8 vac 20 - 565	Department of Education	Regulations for the Protection of Students as Participants in Human Research	[ Town Hall ID 2658 - Final - At Governor's Office ]
8 vac 20 - 640	Department of Education	Regulations Governing Substitute Teachers	[ Town Hall ID 4028 - Fast-Track - Approved by Governor ]
8 vac 20 - 680	Department of Education	Regulations Governing the General Achievement Diploma	[ Town Hall ID 3745 - Proposed - AT Attorney General's Office ]
8 vac 20 - 700	Department of Education	Regulations for Conducting Division-Level Academic Reviews	[ Town Hall ID 4029 - Fast-Track - Approved by Governor ]
8 vac 20 - 710	Department of Education	Regulations Governing the Process for Submitting Proposals to Consolidate School Divisions	[ Town Hall ID 4030 - Fast-Track - Approved by Governor ]
8 vac 20 - 720	Department of Education	Regulations Governing Local School Boards and School Divisions	[ Town Hall ID 2658 - Final - At Governor's Office ]
9 vac 5 - 10	Department of Environmental Quality	General Definitions	[ Town Hall ID 3604 - Fast-Track - Sep 27, 2012 - Register Date: 8/13/12 - Effective Date: Sep 27, 2012 ]
9 vac 5 - 20	Department of Environmental Quality	General Provisions	[ Town Hall ID 3604 - Fast-Track - Sep 27, 2012 - Register Date: 8/13/12 - Effective Date: Sep 27, 2012 ]
9 vac 5 - 40	Department of Environmental Quality	Existing Stationary Sources	[ Town Hall ID 3604 - Fast-Track - Sep 27, 2012 - Register Date: 8/13/12 - Effective Date: Sep 27, 2012 ] [ Town Hall ID 3663 - Fast-Track - Sep 27, 2012 - Register Date: 8/13/12 - Effective Date: Sep 27, 2012 ]
9 vac 5 - 50	Department of Environmental Quality	New and Modified Stationary Sources	[ Town Hall ID 4020 - Final - Aug 28, 2013 - Register Date: 7/29/13 - Effective Date: Aug 28, 2013 ]
9 vac 5 - 85	Department of Environmental Quality	Permits for Stationary Sources of Pollutants Subject to Regulation	[ Town Hall ID 3853 - Fast-Track - Approved by Governor ]
9 vac 5 - 140	Department of Environmental Quality	Regulation for Emissions Trading	[ Town Hall ID 3605 - Fast-Track - Sep 27, 2012 - Register Date: 8/13/12 - Effective Date: Sep 27, 2012 ]

VAC Citation	Agency	Title of Regulation	Regulatory Action(s)
9 vac 5 - 150	Department of Environmental Quality	[REPEALED] Regulation for Transportation Conformity	[ Town Hall ID 3554 - Fast-Track - Jun 07, 2012 - Register Date: 4/23/12 - Effective Date: Jun 07, 2012 ]
9 vac 5 - 200	Department of Environmental Quality	[REPEALED] Regulation for National Low Emission Vehicle Program	[ Town Hall ID 3606 - Fast-Track - Jun 07, 2012 - Register Date: 4/23/12 - Effective Date: Jun 07, 2012 ]
9 vac 5 - 221	Department of Environmental Quality	[REPEALED] Variance for Rocket Motor Test Operations at Atlantic Research Corporation Gainesville Facility	[ Town Hall ID 3608 - Final - May 23, 2012 - Register Date: 4/23/12 - Effective Date: May 23, 2012 ]
9 vac 5 - 240	Department of Environmental Quality	[REPEALED] Variance for Open Burning	[ Town Hall ID 3556 - Final - May 23, 2012 - Register Date: 4/23/12 - Effective Date: May 23, 2012 ]
9 vac 5 - 500	Department of Environmental Quality	[REPEALED] Exclusionary General Permit for Federal Operating Permit Program	[ Town Hall ID 3555 - Fast-Track - Jun 07, 2012 - Register Date: 4/23/12 - Effective Date: Jun 07, 2012 ]
9 vac 10 - 11	Department of Conservation and Recreation	[REPEALED] Public Participation Guidelines	[ Town Hall ID 3814 - Final - Nov 21, 2012 - Register Date: 10/22/12 - Effective Date: Nov 21, 2012 ]
9 vac 20 - 60	Department of Environmental Quality	Hazardous Waste Regulations	[ Town Hall ID 3879 - Fast-Track - Jul 04, 2013 - Register Date: 5/20/13 - Effective Date: Jul 04, 2013 ]
9 vac 20 - 70	Department of Environmental Quality	Financial Assurance Regulations for Solid Waste Facilities	[ Town Hall ID 3876 - Fast-Track - Aug 01, 2013 - Register Date: 6/17/13 - Effective Date: Aug 01, 2013 ]
9 vac 20 - 90	Department of Environmental Quality	Solid Waste Management Facility Permit Fees	[ Town Hall ID 3878 - Fast-Track - Aug 01, 2013 - Register Date: 6/17/13 - Effective Date: Aug 01, 2013 ]
9 vac 20 - 120	Department of Environmental Quality	Regulated Medical Waste Management Regulations	[ Town Hall ID 3877 - Fast-Track - Jul 04, 2013 - Register Date: 5/20/13 - Effective Date: Jul 04, 2013 ]
9 vac 25 - 240	Department of Environmental Quality	Procedural Rule No 3 - Certification Pursuant to 33 USC §1341 (	[ Town Hall ID 3857 - Fast-Track - Jul 04, 2013 - Register Date: 5/20/13 - Effective Date: Jul 04, 2013 ]
9 vac 25 - 250	Department of Environmental Quality	[REPEALED] Procedural Rule No. 4 - Proxy Voting By Board Members	[ Town Hall ID 3855 - Final - Jan 30, 2013 - Register Date: 12/31/12 - Effective Date: Jan 30, 2013 ]
9 vac 25 - 590	Department of Environmental Quality	Petroleum Underground Storage Tank Financial Responsibility Requirements	[ Town Hall ID 3921 - Fast-Track - Oct 10, 2013 - Register Date: 8/26/13 - Effective Date: Oct 10, 2013 ]

<b>VAC Citation</b>	<b>Agency</b>	<b>Title of Regulation</b>	<b>Regulatory Action(s)</b>
9 vac 25 - 600	Department of Environmental Quality	Eastern Virginia Ground Water Management Area	[ Town Hall ID 4007 - Fast-Track - Oct 10, 2013 - Register Date: 8/26/13 - Effective Date: Oct 10, 2013 ]
9 vac 25 - 620	Department of Environmental Quality	Order Declaring the Eastern Shore of Virginia - Accomack and Northampton Counties - as a Critical Ground Water Area	[ Town Hall ID 4007 - Fast-Track - Oct 10, 2013 - Register Date: 8/26/13 - Effective Date: Oct 10, 2013 ]
9 vac 25 - 640	Department of Environmental Quality	Aboveground Storage Tank and Pipeline Facility Financial Responsibility Requirements	[ Town Hall ID 3922 - Fast-Track - Oct 10, 2013 - Register Date: 8/26/13 - Effective Date: Oct 10, 2013 ]
11 vac 10 - 20	Virginia Racing Commission	Regulations Pertaining to Horse Racing With Pari-Mutuel Wagering	[ Town Hall ID 3889 - Final - Mar 01, 2013 - Register Date: 2/25/13 - Effective Date: Mar 01, 2013 ]
11 vac 10 - 45	Virginia Racing Commission	Advance Deposit Account Wagering	[ Town Hall ID 3890 - Final - Mar 01, 2013 - Register Date: 2/25/13 - Effective Date: Mar 01, 2013 ]
11 vac 10 - 180	Virginia Racing Commission	Medication	[ Town Hall ID 3891 - Final - Mar 01, 2013 - Register Date: 2/25/13 - Effective Date: Mar 01, 2013 ]
12 vac 5 - 20	Department of Health	Regulations for the Conduct of Human Research	[ Town Hall ID 3768 - Proposed - Register Date: 1/13/14 ]
12 vac 5 - 31	Department of Health	Virginia Emergency Medical Services Regulations	[ Town Hall ID 4050 - Fast-Track - Mar 01, 2014 - Register Date: 1/13/14 - Effective Date: Mar 01, 2014 ]
12 vac 5 - 80	Department of Health	Virginia Hearing Impairment Identification and Monitoring System	[ Town Hall ID 2634 - Final - Dec 06, 2013 - Register Date: 11/4/13 - Effective Date: Dec 06, 2013 ]
12 vac 5 - 165	Department of Health	Regulations for the Repacking of Crabmeat	[ Town Hall ID 3425 - Proposed - Register Date: 12/16/13 ]
12 vac 5 - 170	Department of Health	Prohibiting the Taking of Fish for Human Consumption From the North Fork of the Holston River	[ Town Hall ID 4080 - Final - Nov 22, 2013 - Register Date: 10/21/13 - Effective Date: Nov 22, 2013 ]
12 vac 5 - 217	Department of Health	Regulations of the Patient Level Data System	[ Town Hall ID 4075 - Fast-Track - AT Attorney General's Office ]
12 vac 5 - 218	Department of Health	Rules and Regulations Governing Outpatient Data Reporting	[ Town Hall ID 4076 - Fast-Track - AT Attorney General's Office ]

<b>VAC Citation</b>	<b>Agency</b>	<b>Title of Regulation</b>	<b>Regulatory Action(s)</b>
12 vac 5 - 475	Department of Health	Regulations Implementing the Virginia Organ and Tissue Donor Registry	[ Town Hall ID 2631 - Proposed - Register Date: 12/16/13 ]
12 vac 5 - 615	Department of Health	Regulations for authorized onsite soil evaluators	[ Town Hall ID 3981 - Fast-Track - Sep 30, 2013 - Register Date: 8/12/13 - Effective Date: Sep 30, 2013 ]
12 vac 20 - 10	Department of Health	Guidelines for Public Participation in Developing Regulations	[ Town Hall ID 4009 - Fast-Track - Feb 17, 2014 - Register Date: 12/30/13 - Effective Date: Feb 17, 2014 ]
12 vac 20 - 20	Department of Health	Regulations for Designating Health Planning Regions	[ Town Hall ID 4011 - Fast-Track - Feb 17, 2014 - Register Date: 12/30/13 - Effective Date: Feb 17, 2014 ]
12 vac 20 - 30	Department of Health	Regulations Governing the Regional Health Planning Boards	[ Town Hall ID 4012 - Fast-Track - Feb 17, 2014 - Register Date: 12/30/13 - Effective Date: Feb 17, 2014 ]
12 vac 20 - 40	Department of Health	Regulations for Designating Regional Health Planning Agencies	[ Town Hall ID 4013 - Fast-Track - Feb 17, 2014 - Register Date: 12/30/13 - Effective Date: Feb 17, 2014 ]
12 vac 20 - 50	Department of Health	Administration of State Funding for Regional Health Planning	[ Town Hall ID 4014 - Fast-Track - Feb 17, 2014 - Register Date: 12/30/13 - Effective Date: Feb 17, 2014 ]
12 vac 30 - 60	Department of Medical Assistance Services	Standards Established and Methods Used to Assure High Quality Care	[ Town Hall ID 3769 - Fast-Track - At Secretary's Office ]
12 vac 30 - 100	Department of Medical Assistance Services	State Programs	[ Town Hall ID 3893 - Fast-Track - Sep 26, 2013 - Register Date: 8/12/13 - Effective Date: Sep 26, 2013 ] [ Town Hall ID 4079 - Final - At Agency ]
12 vac 30 - 120	Department of Medical Assistance Services	Waivered Services	[ Town Hall ID 2013 - Final - At Secretary's Office ] [ Town Hall ID 3716 - Fast-Track - Jun 20, 2013 - Register Date: 5/6/13 - Effective Date: Jun 20, 2013 ] [ Town Hall ID 3769 - Fast-Track - At Secretary's Office ] [ Town Hall ID 3789 - Fast-Track - Sep 26, 2013 - Register Date: 8/12/13 - Effective Date: Sep 26, 2013 ] [ Town Hall ID 4079 - Final - At Agency ]
12 vac 30 - 135	Department of Medical Assistance Services	Demonstration Waivers	[ Town Hall ID 4079 - Final - At Agency ]

<b>VAC Citation</b>	<b>Agency</b>	<b>Title of Regulation</b>	<b>Regulatory Action(s)</b>
12 vac 30 - 141	Department of Medical Assistance Services	Family Access to Medical Insurance Security (FAMIS)Plan	[ Town Hall ID 3769 - Fast-Track - At Secretary's Office ]
12 vac 35 - 115	Department of Behavioral Health and Developmental Services	Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation and Substance Abuse Services	[ Town Hall ID 3824 - Proposed - At Agency ]
13 vac 5 - 100	Department of Housing and Community Development	Virginia Energy Assistance Program Weatherization Component	[ Town Hall ID 3842 - Final - Jan 01, 2013 - Register Date: 12/31/12 - Effective Date: Jan 01, 2013 ]
13 vac 5 - 120	Department of Housing and Community Development	[REPEALED] Local Housing Rehabilitation Program: Program Guidelines	[ Town Hall ID 3843 - Final - Jan 01, 2013 - Register Date: 12/31/12 - Effective Date: Jan 01, 2013 ]
13 vac 5 - 130	Department of Housing and Community Development	[REPEALED] Multifamily Loan Program	[ Town Hall ID 3844 - Final - Jan 01, 2013 - Register Date: 12/31/12 - Effective Date: Jan 01, 2013 ]
13 vac 5 - 140	Department of Housing and Community Development	[REPEALED] Congregate Housing Program Guidelines	[ Town Hall ID 3845 - Final - Jan 01, 2013 - Register Date: 12/31/12 - Effective Date: Jan 01, 2013 ]
13 vac 5 - 150	Department of Housing and Community Development	[REPEALED] Share-Expansion Grant/Loan Program	[ Town Hall ID 3847 - Final - Jan 01, 2013 - Register Date: 12/31/12 - Effective Date: Jan 01, 2013 ]
13 vac 5 - 160	Department of Housing and Community Development	[REPEALED] Homeownership Assistance Program	[ Town Hall ID 3848 - Final - Jan 01, 2013 - Register Date: 12/31/12 - Effective Date: Jan 01, 2013 ]
13 vac 5 - 170	Department of Housing and Community Development	[REPEALED] Procedures for Allocation of Low-Income Housing Tax Credits	[ Town Hall ID 3849 - Final - Jan 01, 2013 - Register Date: 12/31/12 - Effective Date: Jan 01, 2013 ]
13 vac 5 - 180	Department of Housing and Community Development	[REPEALED] Migrant Housing Programs	[ Town Hall ID 3850 - Final - Jan 01, 2013 - Register Date: 12/31/12 - Effective Date: Jan 01, 2013 ]
16 vac 25 - 20	Department of Labor and Industry	Regulation Concerning Licensed Asbestos Contractor Notification, Asbestos Project Permits, and Permit Fees	[ Town Hall ID 3935 - Fast-Track - Aug 15, 2013 - Register Date: 7/1/13 - Effective Date: Aug 15, 2013 ]
16 vac 25 - 40	Department of Labor and Industry	Standard for Boiler and Pressure Vessel Operator Certification	[ Town Hall ID 3936 - Fast-Track - Aug 15, 2013 - Register Date: 7/1/13 - Effective Date: Aug 15, 2013 ]
17 vac 15 - 60	Library of Virginia	Standards for Plats	[ Town Hall ID 3967 - Proposed - AT Attorney General's Office ]

<b>VAC Citation</b>	<b>Agency</b>	<b>Title of Regulation</b>	<b>Regulatory Action(s)</b>
17 vac 15 - 61	Library of Virginia	Standards for Recorded Permanent Instruments	[ Town Hall ID 3967 - Proposed - AT Attorney General's Office ]
17 vac 15 - 70	Library of Virginia	Standards for Recorded Instruments	[ Town Hall ID 3967 - Proposed - AT Attorney General's Office ]
17 vac 15 - 80	Library of Virginia	Standards for Paper for Permanent Circuit Court Records	[ Town Hall ID 3967 - Proposed - AT Attorney General's Office ]
18 vac 15 - 20	Department of Professional and Occupational Regulation	Virginia Asbestos Licensing Regulations	[ Town Hall ID 3905 - Proposed - Approved by Governor ]
18 vac 15 - 30	Department of Professional and Occupational Regulation	Virginia Lead-Based Paint Activities Regulations	[ Town Hall ID 3906 - Proposed - Approved by Governor ]
18 vac 15 - 40	Department of Professional and Occupational Regulation	Certified Home Inspector Regulations	[ Town Hall ID 3552 - Proposed - Approved by Governor ] [ Town Hall ID 3907 - Proposed - Approved by Governor ]
18 vac 30 - 20	Department of Health Professions	Regulations of the Board of Audiology and Speech-Language Pathology	[ Town Hall ID 3446 - Proposed - At Secretary's Office ]
18 vac 30 - 21	Department of Health Professions	Regulations Governing the Practice of Audiology and Speech-Language Pathology	[ Town Hall ID 3446 - Proposed - At Secretary's Office ]
18 vac 50 - 22	Department of Professional and Occupational Regulation	Board for Contractors Regulations	[ Town Hall ID 3860 - Proposed - Register Date: 8/26/13 ]
18 vac 50 - 30	Department of Professional and Occupational Regulation	Individual License and Certification Regulations	[ Town Hall ID 3861 - Proposed - Register Date: 8/26/13 ]
18 vac 60 - 20	Department of Health Professions	Regulations Governing Dental Practice	[ Town Hall ID 3919 - Fast-Track - Sep 26, 2013 - Register Date: 8/12/13 - Effective Date: Sep 26, 2013 ]
18 vac 65 - 20	Department of Health Professions	Regulations of the Board of Funeral Directors and Embalmers	[ Town Hall ID 3971 - Fast-Track - Sep 26, 2013 - Register Date: 8/12/13 - Effective Date: Sep 26, 2013 ]
18 vac 65 - 30	Department of Health Professions	Regulations for Preneed Funeral Planning	[ Town Hall ID 3972 - Fast-Track - Sep 26, 2013 - Register Date: 8/12/13 - Effective Date: Sep 26, 2013 ]
18 vac 65 - 40	Department of Health Professions	Regulations for the Funeral Service Intern Program	[ Town Hall ID 3973 - Fast-Track - Sep 26, 2013 - Register Date: 8/12/13 - Effective Date: Sep 26, 2013 ]

<b>VAC Citation</b>	<b>Agency</b>	<b>Title of Regulation</b>	<b>Regulatory Action(s)</b>
18 vac 85 - 20	Department of Health Professions	Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, and Chiropractic	[ Town Hall ID 4010 - Final - Sep 25, 2013 - Register Date: 8/26/13 - Effective Date: Sep 25, 2013 ]
18 vac 85 - 40	Department of Health Professions	Regulations Governing the Practice of Respiratory Care Practitioners	[ Town Hall ID 3913 - Fast-Track - Sep 26, 2013 - Register Date: 8/12/13 - Effective Date: Sep 26, 2013 ] [ Town Hall ID 4010 - Final - Sep 25, 2013 - Register Date: 8/26/13 - Effective Date: Sep 25, 2013 ]
18 vac 85 - 50	Department of Health Professions	Regulations Governing the Practice of Physician Assistants	[ Town Hall ID 3385 - Final - Jul 03, 2013 - Register Date: 6/3/13 - Effective Date: Jul 03, 2013 ] [ Town Hall ID 3914 - Fast-Track - Sep 26, 2013 - Register Date: 8/12/13 - Effective Date: Sep 26, 2013 ] [ Town Hall ID 4010 - Final - Sep 25, 2013 - Register Date: 8/26/13 - Effective Date: Sep 25, 2013 ]
18 vac 85 - 80	Department of Health Professions	Regulations for Licensure of Occupational Therapists	[ Town Hall ID 4010 - Final - Sep 25, 2013 - Register Date: 8/26/13 - Effective Date: Sep 25, 2013 ]
18 vac 85 - 101	Department of Health Professions	Regulations Governing the Licensure of Radiologic Technologists and Radiologic Technologists-Limited	[ Town Hall ID 3915 - Fast-Track - Sep 26, 2013 - Register Date: 8/12/13 - Effective Date: Sep 26, 2013 ] [ Town Hall ID 4010 - Final - Sep 25, 2013 - Register Date: 8/26/13 - Effective Date: Sep 25, 2013 ]
18 vac 85 - 110	Department of Health Professions	Regulations Governing the Practice of Licensed Acupuncturists	[ Town Hall ID 3916 - Fast-Track - Sep 26, 2013 - Register Date: 8/12/13 - Effective Date: Sep 26, 2013 ] [ Town Hall ID 4010 - Final - Sep 25, 2013 - Register Date: 8/26/13 - Effective Date: Sep 25, 2013 ]
18 vac 85 - 120	Department of Health Professions	Regulations Governing the Licensure of Athletic Trainers	[ Town Hall ID 3917 - Fast-Track - Sep 26, 2013 - Register Date: 8/12/13 - Effective Date: Sep 26, 2013 ] [ Town Hall ID 4010 - Final - Sep 25, 2013 - Register Date: 8/26/13 - Effective Date: Sep 25, 2013 ]
18 vac 85 - 130	Department of Health Professions	Regulations Governing the Practice of Licensed Midwives	[ Town Hall ID 4010 - Final - Sep 25, 2013 - Register Date: 8/26/13 - Effective Date: Sep 25, 2013 ]

<b>VAC Citation</b>	<b>Agency</b>	<b>Title of Regulation</b>	<b>Regulatory Action(s)</b>
18 vac 90 - 15	Department of Health Professions	Regulations Governing Delegation to an Agency Subordinate	[ Town Hall ID 3894 - Fast-Track - Aug 02, 2013 - Register Date: 6/17/13 - Effective Date: Aug 02, 2013 ]
18 vac 90 - 20	Department of Health Professions	Regulations of the Board of Nursing	[ Town Hall ID 3888 - Fast-Track - Aug 02, 2013 - Register Date: 6/17/13 - Effective Date: Aug 02, 2013 ] [ Town Hall ID 3991 - Fast-Track - Feb 27, 2014 - Register Date: 1/13/14 - Effective Date: Feb 27, 2014 ]
18 vac 90 - 25	Department of Health Professions	Regulations Governing Certified Nurse Aides	[ Town Hall ID 3994 - Fast-Track - Feb 27, 2014 - Register Date: 1/13/14 - Effective Date: Feb 27, 2014 ]
18 vac 90 - 26	Department of Health Professions	Regulations for Nurse Aide Education Programs	[ Town Hall ID 3994 - Fast-Track - Feb 27, 2014 - Register Date: 1/13/14 - Effective Date: Feb 27, 2014 ]
18 vac 90 - 50	Department of Health Professions	Regulations Governing the Certification of Massage Therapists	[ Town Hall ID 3895 - Fast-Track - Aug 15, 2013 - Register Date: 7/1/13 - Effective Date: Aug 15, 2013 ]
18 vac 90 - 60	Department of Health Professions	Regulations Governing the Registration of Medication Aides	[ Town Hall ID 3896 - Fast-Track - Aug 15, 2013 - Register Date: 7/1/13 - Effective Date: Aug 15, 2013 ]
18 vac 95 - 20	Department of Health Professions	Regulations Governing the Practice of Nursing Home Administrators	[ Town Hall ID 3751 - Fast-Track - Jul 18, 2013 - Register Date: 6/3/13 - Effective Date: Jul 18, 2013 ]
18 vac 95 - 30	Department of Health Professions	Regulations Governing the Practice of Assisted Living Facility Administrators	[ Town Hall ID 4097 - Fast-Track - At Secretary's Office ]
18 vac 105 - 20	Department of Health Professions	Regulations of the Virginia Board of Optometry	[ Town Hall ID 3912 - Fast-Track - At Secretary's Office ]
18 vac 110 - 20	Department of Health Professions	Virginia Board of Pharmacy Regulations	[ Town Hall ID 3451 - Final - Feb 12, 2014 - Register Date: 1/13/14 - Effective Date: Feb 12, 2014 ] [ Town Hall ID 3578 - Final - Feb 12, 2014 - Register Date: 1/13/14 - Effective Date: Feb 12, 2014 ] [ Town Hall ID 3624 - Fast-Track - Aug 02, 2013 - Register Date: 6/17/13 - Effective Date: Aug 02, 2013 ] [ Town Hall ID 3941 - Fast-Track - Sep 26, 2013 - Register Date: 8/12/13 - Effective Date: Sep 26, 2013 ]

<b>VAC Citation</b>	<b>Agency</b>	<b>Title of Regulation</b>	<b>Regulatory Action(s)</b>
18 vac 110 - 30	Department of Health Professions	Regulations for Practitioners of the Healing Arts to Sell Controlled Substances	[ Town Hall ID 3871 - Fast-Track - Aug 02, 2013 - Register Date: 6/17/13 - Effective Date: Aug 02, 2013 ]
18 vac 110 - 50	Department of Health Professions	Regulations Governing Wholesale Distributors, Manufacturers and Warehousemen	[ Town Hall ID 3873 - Fast-Track - Aug 02, 2013 - Register Date: 6/17/13 - Effective Date: Aug 02, 2013 ]
18 vac 112 - 20	Department of Health Professions	Regulations Governing the Practice of Physical Therapy	[ Town Hall ID 3021 - Final - Jul 17, 2013 - Register Date: 6/17/13 - Effective Date: Jul 17, 2013 ] [ Town Hall ID 3899 - Fast-Track - Sep 26, 2013 - Register Date: 8/12/13 - Effective Date: Sep 26, 2013 ] [ Town Hall ID 4065 - Fast-Track - Feb 27, 2014 - Register Date: 1/13/14 - Effective Date: Feb 27, 2014 ]
18 vac 115 - 20	Department of Health Professions	Regulations Governing the Practice of Professional Counseling	[ Town Hall ID 3929 - Fast-Track - At Secretary's Office ]
18 vac 120 - 40	Department of Professional and Occupational Regulation	Professional Boxing and Wrestling Event Regulations	[ Town Hall ID 3909 - - At Agency ]
18 vac 125 - 15	Department of Health Professions	Regulations Governing Delegation to an Agency Subordinate	[ Town Hall ID 3976 - Fast-Track - Feb 27, 2014 - Register Date: 1/13/14 - Effective Date: Feb 27, 2014 ]
18 vac 125 - 20	Department of Health Professions	Regulations Governing the Practice of Psychology	[ Town Hall ID 3989 - Fast-Track - Sep 26, 2013 - Register Date: 8/12/13 - Effective Date: Sep 26, 2013 ]
18 vac 140 - 20	Department of Health Professions	Regulations Governing the Practice of Social Work	[ Town Hall ID 3898 - Fast-Track - Sep 26, 2013 - Register Date: 8/12/13 - Effective Date: Sep 26, 2013 ]
18 vac 150 - 20	Department of Health Professions	Regulations Governing the Practice of Veterinary Medicine	[ Town Hall ID 3900 - Fast-Track - Sep 26, 2013 - Register Date: 8/12/13 - Effective Date: Sep 26, 2013 ]
18 vac 160 - 20	Department of Professional and Occupational Regulation	Board for Waterworks and Wastewater Works Operators Regulations	[ Town Hall ID 3886 - Proposed - Approved by Governor ]
22 vac 15 - 11	Department of Social Services	[REPEALED] Public Participation Guidelines	[ Town Hall ID 3744 - Fast-Track - Jul 05, 2013 - Register Date: 5/20/13 - Effective Date: Jul 05, 2013 ]
22 vac 15 - 51	Department of Social Services	Background Checks for Licensed Child Day Centers	[ Town Hall ID - ] 6786-Fast-Track-At Agency

<b>VAC Citation</b>	<b>Agency</b>	<b>Title of Regulation</b>	<b>Regulatory Action(s)</b>
22 vac 30 - 20	Department for Aging and Rehabilitative Services	Provision of Vocational Rehabilitation Services	[ Town Hall ID 3901 - Proposed - AT Attorney General's Office ]
22 vac 40 - 191	Department of Social Services	Background Checks for Child Welfare Agencies	[ Town Hall ID 3754 - Fast-Track - Dec 01, 2013 - Register Date: 10/7/13 - Effective Date: Dec 01, 2013 ]
22 vac 40 - 700	Department of Social Services	Child Protective Services Central Registry Information	[ Town Hall ID 3902 - Proposed - DPB Review in progress ]
22 vac 40 - 705	Department of Social Services	Child Protective Services	[ Town Hall ID 3902 - Proposed - DPB Review in progress ]
22 vac 40 - 720	Department of Social Services	Child Protective Services Release of Information to Family Advocacy Representatives of the United States Armed Forces	[ Town Hall ID 3902 - Proposed - DPB Review in progress ]
22 vac 40 - 880	Department of Social Services	Child Support Enforcement Program	[ Town Hall ID 3497 - Final - At Secretary's Office ]
22 vac 45 - 20	Department for the Blind and Vision Impaired	Regulations to Govern the Operation of Vending Facilities in Public Buildings and Other Property	Agency states that this action will be filed soon.
22 vac 45 - 50	Department for the Blind and Vision Impaired	Regulation Governing Provisions of Services in Vocational Rehabilitation	[ Town Hall ID 3887 - Proposed - AT Attorney General's Office ]
22 vac 45 - 51	Department for the Blind and Vision Impaired	Regulations Governing Provisions of Services in Vocational Rehabilitation [Under Development]	[ Town Hall ID 3887 - Proposed - AT Attorney General's Office ]
23 vac 10 - 240	Department of Taxation	Motor Vehicle Fuel Sales Tax Regulations	[ Town Hall ID 3846 - Final - Jul 17, 2013 - Register Date: 6/17/13 - Effective Date: Jul 17, 2013 ]
24 vac 20 - 50	Department of Motor Vehicles	[REPEALED]Rules and Regulations for Motorcycle Rider Safety Training Center Program	[ Town Hall ID 3946 - Fast-Track - Oct 11, 2013 - Register Date: 8/26/13 - Effective Date: Oct 11, 2013 ]
24 vac 20 - 60	Department of Motor Vehicles	[REPEALED]Virginia Commercial Driver's License Regulations	[ Town Hall ID 4036 - Final - Aug 29, 2013 - Register Date: 7/29/13 - Effective Date: Aug 29, 2013 ]
24 vac 20 - 90	Department of Motor Vehicles	[REPEALED] Evidence Required to Permit Registration or Reregistration of Vehicles for Which Proof of Tax Payment and of State Corporation Commission Registration Is Required	[ Town Hall ID 3947 - Fast-Track - Sep 27, 2013 - Register Date: 7/29/13 - Effective Date: Sep 27, 2013 ]

<b>VAC Citation</b>	<b>Agency</b>	<b>Title of Regulation</b>	<b>Regulatory Action(s)</b>
24 vac 20 - 100	Department of Motor Vehicles	Virginia Motor Vehicle Rental Tax Rules and Regulations	Action to be filed as soon as pending cases at DMV are resolved.
24 vac 22 - 30	Motor Vehicle Dealer Board	Motor Vehicle Dealer Advertising Practices and Enforcement Regulations	[ Town Hall ID 3863 - Proposed - Approved by Governor ]
24 vac 30 - 45	Department of Transportation	Appraisal Fee Regulations	Agency states that this action will be filed soon.
24 vac 30 - 72	Department of Transportation	Access Management Regulations: Principal Arterials (Repealed)	[ Town Hall ID 3762 - Fast-Track - Dec 05, 2013 - Register Date: 10/21/13 - Effective Date: Dec 05, 2013 ]
24 vac 30 - 73	Department of Transportation	Access Management Regulations	[ Town Hall ID 3762 - Fast-Track - Dec 05, 2013 - Register Date: 10/21/13 - Effective Date: Dec 05, 2013 ]
24 vac 30 - 170	Department of Transportation	Rules and Regulations Governing the Use, Operation and Maintenance of State-Owned Fleet Vehicles	[ Town Hall ID 3979 - Final - At Agency ]
24 vac 30 - 190	Department of Transportation	Rules and Regulations Governing the Purchase or Lease of Motor Vehicles With Public Funds	[ Town Hall ID 3979 - Final - At Agency ]
24 vac 30 - 290	Department of Transportation	Guide for Additions, Abandonments and Discontinuances	Agency states that this action will be filed soon.
24 vac 30 - 301	Department of Transportation	Recreational Access Fund Policy	[ Town Hall ID 3980 - Final - At Agency ]
24 vac 30 - 530	Department of Transportation	Roadway and Structure Lighting	Agency states that this action will be filed soon.
24 vac 30 - 610	Department of Transportation	List of Differentiated Speed Limits	Agency states that this action will be filed soon.



## **RRI CONTRIBUTING AGENCY STAFF**

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