

Virginia Legislative Record

VOLUME 16, ISSUE 2

JULY 2006

HJR 144: Telework Opportunities for State and Private Sector Employees

July 12, 2006

The joint subcommittee created by House Joint Resolution 144 to study telework opportunities for public and private sector employees held its first meeting on July 12, 2006, in Richmond. Delegate Timothy D. Hugo, the patron of HJR 144, was elected chairman and Senator Jeannemarie Devolites Davis was elected vice-chairman.

Overview

Delegate Hugo indicated that there are three key drivers in establishing a telework policy in the Commonwealth. The first driver, congestion mitigation, is particularly relevant to regions such as Northern Virginia. The second two drivers—cost savings and preparing for continuity of government operations in the event of a disaster—are of interest and importance statewide.

Senator Devolites Davis talked about her interest in continuity of government issues that relate to teleworking, such as the need to have a sound policy in place in the event of a possible pandemic or homeland security event. Other issues the joint subcommittee will explore include:

- Mandating implementation of telework policies by the administration.
- Enforcing telework policy compliance by state agencies.
- Reviewing telework opportunities in the private sector.

Study Objectives

Current law and policies in the Commonwealth require that all agencies establish a telework policy and report annually to the Secretary of Administration as to participation in the program. There is little enforcement available to ensure that all agencies comply with this reporting and some agencies simply declare that all of its employees are ineligible for telecommuting. Based on the most recent reported data from 2005, only about 770 out of more than 70,000 state employees telework. Study objectives aim to:

- Identify state agencies that have operations which are conducive to telework or alternative work schedules.
- Recommend incentives to increase telework opportunities.
- Examine the impact of increased telework opportunities on continuity of government.
- Review the appropriateness of establishing a pilot telework program in one or more state agencies.
- Develop criteria for measuring the productivity of employees who telework.

Speakers

**Charlene T. Robey, Commuter Services,
Department of Rail and Public Transportation**

Charlene Robey of the Department of Rail and Public Transportation (DRPT)

Inside this issue:

Study Committees

Telework Opportunities for Employees	1
--------------------------------------	---

Commissions and Councils

Disability Commission	3
-----------------------	---

Joint Commission on Technology and Science	4
--	---

Regulatory Alert	5
------------------	---

For more information,

Visit study websites.

DLS Staff members maintain a comprehensive website on each study that contains a complete summary of each meeting and links to additional study information, handouts, and resources.

Based on the most recent reported data from 2005, only about 770 out of more than 70,000 state employees telework.

provided an overview of the agency's involvement in promoting telework opportunities in the Commonwealth. DRPT has been involved in telework since the early 1990s, as part of its efforts to reduce the number of vehicles on the road in Virginia. Most recently, DRPT has been administering a program that provides financial incentives to private companies in the Northern Virginia region to create or expand telework programs. DRPT is now looking at ways to develop a non-incentive based program to implement in the rest of the state, as well as developing telework learning modules for online distribution.

Work Plan

Chairman Hugo asked that members suggest ideas for a study work plan. Possible future agenda items include reporting on:

- Agencies that have identified qualified employees eligible for telework.
- Agencies that have declared their employees ineligible for telework to gain an understanding as to why.

- How productivity is best measured for employees who telework.
- Minimum technology requirements for teleworking.
- Fairfax County's telework program, which includes 20% of the county workforce.

Next Meeting

The next meeting date was not determined and will be posted on the study website as soon as available. Handouts and other information from the meeting may also be accessed on the website.

HJR 144

Joint Subcommittee on Telework Opportunities for State and Private Sector Employees

Delegate Timothy D. Hugo, Chair

Lisa Wallmeyer, Patrick Cushing, and
Amigo Wade, DLS Staff

(804) 786-3591

[study website](#)

<http://dls.state.va.us/telework.htm>

Scheduled Study and Commission Meetings for July - Aug

<i>Study or Commission Name</i>	<i>Meeting Information</i>	<i>DLS Staff</i>
Commonwealth's Program for Prisoner Reentry to Society, SJR 126	10:00 a.m., Thursday, July 27, 2006 General Assembly Bldg, Senate Room B	Ellen Weston Brenda Edwards
Science, Math, and Technology Education, HJR 25	10:00 a.m., Tuesday, August 1, 2006 General Assembly Bldg, House Room C	Patrick Cushing Nikki Seeds
Senate Education & Health Special Subcommittee, SB 18 and SB 309	10:00 a.m., Thursday, August 3, 2006 General Assembly Bldg, Senate Room A	Jessica Eades Ellen Weston
Virginia Housing Commission (VHC) Work Groups	Thursday, August 3, 2006 10:00 a.m., Building Codes & Accessibility 1:00 p.m., Housing Affordability & Real Estate Law Thursday, August 10, 2006 10:00 a.m., Mortgage All held in the General Assembly Bldg, 3rd Floor East	Elizabeth Palen Amigo Wade
Joint Commission on Administrative Rules (JCAR)	10:00 a.m., Wednesday, August 9, 2006	Elizabeth Palen
Open Space and Farmland Preservation, SJR 94	1:30 p.m., Wednesday, August 23, 2006 General Assembly Bldg, House Room C	Mark Vucci David Rosenberg Kevin Stokes
<i>Meetings may be added at anytime, so please check individual study and commission websites for updates.</i>		

COMMISSIONS and COUNCILS

Legislative Commissions and Advisory Councils are also staffed or monitored by Division of Legislative Services and some, such as the Disability Commission and JCOTS featured in this issue, have independent, comprehensive websites that contain a wealth of information regarding research, proposed legislation, and ongoing activities and scheduled workshops. Be sure to visit each respective Commission and Council website for more detailed information.

Virginia Disability Commission

July 13, 2006

The Virginia Disability Commission (the Commission) was established in 1990 to identify and recommend legislative priorities and policies for adoption or examination by the General Assembly in order to provide ongoing support in developing and reviewing services and funding related to Virginians with disabilities.

The Virginia Disability Commission met on July 13, 2006, in Richmond. Delegate Michèle B. McQuigg was elected chair and Senator Yvonne B. Miller was elected vice chair. A complete listing of the members may be accessed on the Commission's website

Pat Davis, Commission staff, reported on 2006 legislation affecting people with physical and sensory disabilities. Susan Massart, House Appropriations Committee staff, reported on provisions of the 2006-2008 biennial budget that affect disability services.

Notable items that were supported by the Commission and included in the budget were \$2.3 million for brain injury services and \$0.6 million for a buy-in program as part of the Medicaid state plan. In addition, \$1.7 million was included in the budget to add 65 Medicaid waiver slots for people with developmental disabilities and \$2.6 million was included to increase the personal maintenance allowance for recipients of all Medicaid waivers.

Speakers

Commissioner Jim Rothrock of the Department of Rehabilitative Services, Commissioner Joe Bowman of the Department for the Blind and Vision Impaired, and Policy and Planning Manager Leslie Prince of the Department for the Deaf and Hard-of-Hearing presented overviews of their agency services for people with physical and sensory disabilities.

Heidi Lawyer, Executive Director of the Virginia Board for People with Disabilities (VBPD), provided the

Commission with a review of the Biennial Assessment of Disability Services in Virginia, published in April 2006. In the Assessment, the VBPD analyzes services currently available, identifies critical issues, and makes recommendations for improvements.

Harrison Rue, Director of the Thomas Jefferson Planning District Commission, reported on the Transportation and Housing Alliance, which has developed a planning assessment tool to help identify the housing and transportation needs of people with disabilities.

Work Group Report

Bill Fuller of the Virginia Housing and Development Authority presented a report of the Commission's housing work group, which focused on efforts to establish a coalition of supporters for a visitability certification program in Virginia. "Visitability" refers to specific housing features that make it easier for people with mobility impairment to live and visit homes.

Work Plan & Next Meeting

The Commission discussed its work plan for the upcoming year.

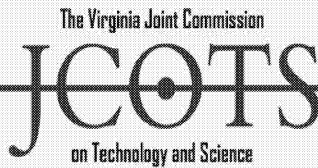
The next meeting date will be posted on the General Assembly and the Commission websites when it becomes available. More detailed information about the meeting, including copies of the presentations, may be accessed on the Commission website.

Virginia Disability Commission

Delegate Michèle B. McQuigg , Chair
Senator Yvonne B. Miller , Vice Chair

Pat Davis, DLS Staff
(804) 786-3591

<http://dls.state.va.us/disability.htm>



The Joint Commission on Technology and Science (JCOTS) created several **advisory committees** at its organizational meeting in May 2006. The Traffic Safety and Technology Advisory Committee, the Social Security Number Advisory Committee, and the Real ID Act Advisory Committee held their first meetings in June. A complete listing of the JCOTS Advisory Committees and an in-depth summary of each meeting is available on the JCOTS website.

Overview

The various advisory committees were created to study bills referred to JCOTS for study by the 2006 General Assembly, as well as to study and discuss current issues in technology and science policy identified by JCOTS members. Each advisory committee will be chaired by a JCOTS member, and will consist of representatives from the private and government sectors appointed by Delegate Joe T. May, chairman of JCOTS. The goal of the advisory committees is to assemble relevant viewpoints and expertise to thoroughly address the issues. Each advisory committee will then report to JCOTS at the end of interim with various recommendations for consideration.

Traffic Safety and Technology Advisory Committee

The advisory committee, chaired by Senator John C. Watkins, held its first meeting on July 6. The group reviewed and discussed the ways that new technologies might be used to positively impact traffic management and congestion, as well as improve traffic safety. While technology is not the single answer to the transportation issues currently facing the Commonwealth, the group agreed that the utilization of technology might likely be a piece of a larger solution. Some of the ideas discussed included the use of open-road tolling, and the 5.9 gigahertz intelligent transportation technology. The advisory committee will hold its next meeting on September 19, 2006, in Charlottesville at the Insurance Institute for Highway Safety Vehicle Research Center.

Social Security Number Advisory Committee

The advisory committee, chaired by Delegate Joe T. May, was assembled to review HB 1510 (Patron-Delegate Plum). The bill would place additional restrictions on the use of social security numbers by private entities and individuals by amending the Personal Information Privacy Act. The growing threat of identity theft, coupled with the increasing amount of information stored and transmitted in electronic format, underlies both the bill and the discussions of the advisory committee. The group will use future meetings to continue to discuss HB 1510, as well as to examine the availability of social security numbers on public records and the dissemination of personal information on court documents.

Real ID Advisory Committee

The advisory committee, chaired by Delegate Kenneth C. Alexander, was assembled to review the technology implications of compliance with the federal Real ID Act. The Real ID Act, designed to provide more secure verification of state-issued driver's licenses, would require states to keep a database of digitally imaged source documents provided by driver's license applicants (such as a birth certificate), as well as to make their database available to all other states. The group raised several concerns about the implementation of the act, such as interoperability and data security. The group also began discussion of the possibility of the inclusion of a biometric element on driver's licenses.

Future Meetings

Additional meetings for these and other advisory committees will be scheduled throughout the 2006 Interim. Information can be found on the newly redesigned JCOTS website. The new website is designed to be more informative and user friendly, and to provide features such as a message board to receive public comment and feedback about topics of study.

The Virginia Joint Commission on Technology and Science

Delegate Joe T. May, Chair
Senator John Watkins, Vice Chair

910 Capitol Street, 2nd Floor
Richmond, Virginia 23219

Lisa Wallmeyer, Esquire, Executive Director
Patrick Cushing, Attorney

(804) 786-3591

<http://jcots.state.va.us>

REGULATORY ALERT

A CONVENIENT GUIDE TO REGULATORY ACTIVITY IN THE COMMONWEALTH

The Regulatory Alert is intended to assist General Assembly members as they keep up with the myriad regulations being proposed by agencies in the Commonwealth. The goal of this project is to provide a timely, simple, and accurate summary of the rules that are being proposed by agencies, boards, and commissions. Highlighting regulations when they are published as "proposed regulations" gives General Assembly members notice that the critical public participation phase of the rulemaking process is well underway. It is during the public participation process that the questions of an Assembly member or constituent may be most effectively communicated to the agency and examined by the individuals crafting the regulatory proposal.

The Regulatory Alert is not intended to be a substitute for the comprehensive information on agency rulemaking activity that is currently published biweekly in the *Virginia Register of Regulations* or the notification services offered by the Regulatory Town Hall website maintained by the Department of Planning and Budget. It is hoped that the Legislative Record will assist all members as they monitor the development, modification, and repeal of administrative rules in the Commonwealth.

Access the *Virginia Register of Regulations* online at <http://legis.state.va.us/codecomm/register/regindex.htm> or contact epalen@leg.state.va.us or the Code Commission staff at (804) 786-3591 for further information.

TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

12 VAC 30-50. Amount, Duration, and Scope of Medical and Remedial Care Services (amending 12 VAC 30-50-490).

12 VAC 30-120. Waivered Services (amending 12 VAC 30-120-700 through 12 VAC 30-120-750, 12 VAC 30-120-752, 12 VAC 30-120-753, 12 VAC 30-120-754, 12 VAC 30-120-756, 12 VAC 30-120-758, 12 VAC 30-120-760, 12 VAC 30-120-762, 12 VAC 30-120-764, 12 VAC 30-120-766, 12 VAC 30-120-770, 12 VAC 30-120-772, 12 VAC 30-120-774, 12 VAC 30-120-776; repealing 12 VAC 30-120-768, 12 VAC 30-120-780, 12 VAC 30-120-790).

Written public comment may be submitted to the Department of Medical Assistance Services until September 22, 2006.

The proposed amendments (i) allow recipients to receive both day support and supported employment services at the same time; (ii) no longer require that the primary unpaid caregiver live in the home of the recipient for respite care reimbursement purposes; (iii) no longer require that consumer-directed employees receive annual CPR training and flu shots; (iv) modify the rules by which the new waiver slots are allocated; (v) require that

personal care, respite care, and companion service aides be able to read and write in English to the extent necessary to accomplish the tasks associated; (vi) no longer require that service facilitators under consumer-directed model have consultation with a registered nurse; (vii) prohibit Personal Emergency Response System (PERS) providers from direct marketing to recipients; and (viii) clarify a number of requirements.

For additional information contact Teja Stokes, Department of Medical Assistance Services, Richmond, VA, (804) 786-0427, FAX (804) 786-1680, or e-mail teja.stokes@dmass.virginia.gov.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

12 VAC 30-90. Methods and Standards for Establishing Payment Rates for Long-Term Care (amending 12 VAC 30-90-264).

Written public comment may be submitted to the Department of Medical Assistance Services until September 22, 2006.

Under existing regulations, DMAS reimburses reasonable costs without limit for covered nursing facility specialized care ancillary services, except kinetic therapy devices. In response to both the escalating costs and the need for greater consistency in charges

submitted for these services, the proposed amendments place a ceiling on ancillary services reimbursement to no more than 150% of average specialized care ancillary costs. The ceiling will be adjusted annually for inflation.

For more information contact Diane Hankins, Department of Medical Assistance Services, Richmond, VA, (804) 786-5379, FAX (804) 786-1680, or e-mail diane.hankins@dmas.virginia.gov.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

12 VAC 30-120. Waivered Services (adding 12 VAC 30-120-1500 through 12 VAC 30-120-1550).

Written public comment may be submitted to the Department of Medical Assistance Services until September 22, 2006.

The proposed regulatory action establishes a new program, the Day Support Waiver for Individuals with Mental Retardation (Day Support Waiver) to provide day support and prevocational services for individuals who are waiting to receive services under the Mental Retardation Waiver (MR Waiver). The proposed regulatory action contains definitions of MR Day Support Waiver terms; contains general coverage and requirements; outlines individual eligibility requirements; defines general requirements for home and community-based participating providers; defines participation standards for home and community-based waiver services participating providers; and further defines the covered services and outlines requirements for providers of these services.

For additional information contact Teja Stokes, Department of Medical Assistance Services, Richmond, VA, (804) 786-0427, FAX (804) 786-1680, or e-mail teja.stokes@dmas.virginia.gov.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF MEDICINE

18 VAC 85-20. Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry, and Chiropractic (amending 18 VAC 85-20-290).

A public hearing will be held August 11, 2006, at 8:15 a.m., Department of Health Professions, Richmond, VA. Written public comments may be submitted to the Department of Health Professions until September 22, 2006.

The proposed amendments clarify ambiguous provisions and specify more clearly the timing of a malpractice report, the reported data the board may release, and the definition of a malpractice paid claim.

For additional information contact William L. Harp, M.D., Department of Health Professions, Richmond, VA, (804) 662-9908, FAX (804) 662-9943, or e-mail william.harp@dhp.virginia.gov.

BOARD OF MEDICINE

18 VAC 85-130. Regulations Governing the Practice of Licensed Midwives (adding 18 VAC 85-130-10 through 18 VAC 85-130-170).

A public hearing will be held August 11, 2006, at 8:15 a.m., Department of Health Professions, Richmond, VA. Written public comments may be submitted to the Department of Health Professions until September 22, 2006.

The proposed regulation establishes the qualifications for the licensure of midwives, the requirements for disclosure to a client seeking midwifery care, and the standards for ethical practice, which are taken from the standards of the North American Registry of Midwives and the standards set for all professions licensed by the board.

For additional information contact William L. Harp, M.D., Department of Health Professions, Richmond, VA, (804) 662-9908, FAX (804) 662-9943, or e-mail william.harp@dhp.virginia.gov.

**BOARD OF LONG-TERM CARE
ADMINISTRATORS**

**18 VAC 95-30. Regulations Governing the
Practice of Assisted Living Facility Administra-
tors (adding 18 VAC 95-30-10 through 18 VAC 95-
30-210).**

A public hearing will be held September 12, 2006, at 9 a.m., Department of Health Professions, Richmond, VA. Written public comments may be submitted to the Department of Health Professions until September 22, 2006.

The proposed regulations for the licensure of assisted living facility administrators include requirements for initial licensure to include a minimum of 30 hours of college-level courses, training in assisted living care, and passage of both a national credentialing examination and a state jurisprudence examination. Persons who have been serving as an administrator of an assisted living facility for two of the three years immediately preceding the effective date of these regulations will be able to apply for licensure with documentation of their service and passage of the state jurisprudence examination. The regulations include provisions for licensure by endorsement of persons who have held a license, certification or registration in another state and set out requirements for an administrator-in-training program, including registration of persons who serve as preceptors, the number of training hours required, the program content, and approved facilities for training.

For further information contact Sandra Reen, Department of Health Professions, Alcoa Bldg., Richmond, VA, (804) 662-7457, FAX (804) 662-9943, or e-mail sandra.reen@dhp.virginia.gov.

**TITLE 20. PUBLIC UTILITIES
AND TELECOMMUNICATIONS**

STATE CORPORATION COMMISSION

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

**20 VAC 5-315. Regulations Governing Net Energy
Metering (amending 20 VAC 5-315-10 and 20 VAC
5-315-20).**

A public hearing will be held if requested. Written comment on the proposed amendments as well as requests for a hearing may be filed with the State Corporation Commission on or before August 21, 2006.

The proposed amendments revise and expand the definition of "eligible customer-generator" to conform the regulation with § 56-594 of the Code of Virginia as amended by Chapter 470 of the 2006 Acts of Assembly. The amendment of the definition of "eligible customer-generator" provides that it include not only a customer who owns and operates an electrical generating facility, but also one who contracts with other persons to own, operate, or both, the electrical generating facility. The proposed amendments also (i) expand the types of permissible fuels for the electrical generating facility to include energy from waste, wave motion, tides, and geothermal power and (ii) provide that the generator be located on the customer's premises and be connected to the customer's wiring on the customer's side of its interconnection with the distributor.

For additional information contact Kara Hart, State Corporation Commission, Richmond, VA, (804) 371-9671, FAX (804) 371-9240, or e-mail kara.hart@scc.virginia.gov.

For multiple copies of the
Virginia Legislative Record
or other DLS publications, please contact
the House or the Senate Clerks' Office.

Division of Legislative Services

910 Capitol Street, 2nd Floor
Richmond, Virginia 23219
(804) 786-3591

E. M. Miller, Jr., Director
R.J. Austin, Manager, Special Projects
Lynda Waddill, Editor

© 2006 Division of Legislative Services
Published in Richmond, Virginia
by the Division of Legislative Services,
an agency of the General Assembly of Virginia.
The Legislative Record is available online at-

<http://dls.state.va.us/pubs/legisrec/2006/welcome.htm>