

BOARD FOR BRANCH PILOTS

**Thursday, December 11, 2025 – 10:30 a.m.
Virginia Port Authority-Norfolk, VA**

**Department of Professional and Occupational Regulation
9960 Mayland Drive
Richmond, Virginia 23233**

Mission: Our mission is to protect the health, safety and welfare of the public by licensing qualified individuals and businesses enforcing standards of professional conduct for professions and occupations as designated by statute.

I. CALL TO ORDER

- a. Emergency Evacuation Procedures
- b. Determination of Quorum

II. APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

- a. Branch Pilots Board Meeting, September 11, 2025

IV. WELCOME AND INTRODUCTIONS

V. PUBLIC COMMENT PERIOD *FIVE MINUTE PUBLIC COMMENT, PER PERSON*

VI. NOTIFICATION LETTER

- a. Captain Neinstedt- MV GRETKE OLDENDORFF

VII. EDUCATION

- a. Exam Administrator's Update

VIII. NEW BUSINESS

- a. Consideration of Renewal of Licenses- December 8 & 9, 2025
- b. Review and Renewal of Virginia Pilot Association's Apprenticeship Training Program
- c. Review of Regulations Pursuant to §54.1-100 of the Code of Virginia
- d. Limited Branch Pilot Capt. Morse Recognition from the United States Coast Guard
- e. Regulatory Update
 - i. Fee Adjustment Revision
 - ii. General Regulatory Review Update
 - 1. Final Regulations Effective December 17, 2025
 - iii. Guidance Document

IX. OTHER BUSINESS

- a. Financial Disclosure Statement

X. COMPLETE CONFLICT OF INTEREST FORM AND TRAVEL VOUCHER

XI. ADJOURNMENT

NEXT MEETING SCHEDULED FOR **THURSDAY, MARCH 12, 2026**

- ❖ Agenda materials made available to the public do not include disciplinary case files or application files pursuant to §54.1-108 of the Code of Virginia.
- ❖ Five-minute public comment, per person, with the exception of any open disciplinary or application file.
- ❖ Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-2785 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department fully complies with the Americans with Disabilities Act.

BOARD FOR BRANCH PILOTS MEETING MINUTES

The Virginia Board for Branch Pilots met on September 11, 2025, at the Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia, with the following members present:

Aaron Anseeuw
Captain E. Waightstill Avery
Captain J.W. Whiting Chisman, III
Michael W. Coleman
Captain January N. Collins
Patrick B. McDermott
Christine Piersall
Captain Clarence M. Young

Staff present for all, or part of the meeting were:

Jeb Wilkinson, Director
Kate R. Nosbisch, Executive Director
Ecila Williams, Licensing Operations Administrator
Jhustyna McBride-Dunn, Regulatory Operations Administrator
Davon Jones, Administrative Coordinator

I. Vincent Behm, Jr, Citizen Member, Steve Kirschner, LRPD Director, Enid Candaleria-Vega, BPOR Liaison, Elizabeth Peay, Assistant Attorney General with the Office of the Attorney General, were not present at the meeting with regrets.

Members of the Audience included:

John Hanna III, Association of Virginia Docking Pilots
Beth Hanna
McKay Borden
Benton Borden
Captain Richard Lyons
Captain Mark Anderson
Captain John Hanna IV
Beth Anderson
Mark Anderson
Mark Coberly, Manager, Maritime Law Department, Representative from Wood Rogers Vandeventer Black PLC.

Finding a quorum of the Board present, Mr. Coleman, President, called the meeting to order at 10:30 a.m. The President then requested a moment of silence in remembrance of the victims of the September 11, 2001, terrorist attacks.

Call to Order

Ms. Nosbisch advised the Board of the emergency evacuation procedures.

**Emergency
Evacuation
Procedures**

Ms. Piersall moved to approve the agenda. Mr. McDermott seconded the motion which was unanimously approved by Messrs. and Captains: Anseeuw, Avery, Chisman, Coleman, Collins, McDermott, Piersall and Young.

**Approval of
Agenda**

Captain Avery moved to approve the minutes from the May 20, 2025, Board meeting and May 20, 2025, Public Hearing. Captain Young seconded the motion which was unanimously approved by Messrs. and Captains: Anseeuw, Avery, Chisman, Coleman, Collins, McDermott, Piersall and Young.

**Approval of
Minutes**

Ms. Nosbisch introduced Mr. Davon Jones as the new Administrative Coordinator. Ms. Nosbisch introduced guests in the audience.

**Welcome/
Introductions**

There was no public comment.

**Public
Comment
Period**

The Board reviewed a letter from Captain Capps, regarding an incident on July 17, 2025, involving the MV CAPE SUAREZ POINT

**Notification
Letter- Captain
Capps – MV
CAPE
SUAREZ
POINT**

Captain Capps was ordered to shift the MV CAPE SUAREZ POINT (IMO #9668984) at 0900 on July 17, 2025, from the south side of Pier N at Fairwinds Landing to Portsmouth Marine Terminal. The MV CAPE SUAREZ POINT is an MSC Ready Reserve Vessel with a length overall of 787 feet and 6 inches and a beam of 123 feet. The weather conditions were fair with 15 to 20 knots of wind from the south-southwest, and the current was flooding at about 0.5 knots.

Captain Capps arrived at the ship at about 0830 and noticed that the tug CHRISTINE MCALLISTER was moored on the bulkhead astern of the ship. Upon boarding, Captain Capps conducted a Master-Pilot Exchange during which he was informed that, other than the stern thruster, all navigational equipment was operational and that the deep draft was 27 feet and 9 inches. Captain Capps discussed the maneuver, expected currents, traffic, and wind conditions with the Captain and the Docking Master. The Docking Master, who is affiliated with McAllister Towing, contacted the CHRISTINE MCALLISTER and informed them of the intention to depart from the south side of Pier N. The CHRISTINE MCALLISTER stated they would be staying in their current position. The Docking Master then contacted the McAllister

Towing operations department and asked them to inform the CHRISTINE MCALLISTER of the tug of their intentions.

The tugboats AJ MCALLISTER and JANE MCALLISTER were made fast on the port bow and the port quarter, respectively. The Docking Master then ordered both tugs to push ahead easy and for the Captain to begin letting go lines. The Docking Master made a security call on VHF-FM channel 13 stating that the ship was letting go lines and would be departing from the south side of Pier N and docking at Portsmouth Marine Terminal.

Notification
Letter- Captain
Capps – MV
CAPE
SUAREZ
POINT Cont.

At 0926, the ship undocked from the berth under the con of the Docking Master. Captain Capps remained on the bridge wing to observe the maneuver, manage traffic, and assist as needed. Both tugs were ordered to back easy, and once the ship was a safe distance from the pier, minimum ahead was ordered on the main engine and both tugs were ordered to stop. The ship slowly developed headway and dead slow ahead was ordered on the main engine. The ship continued to slowly depart the slip until the starboard quarter was clear to swing free of the pier. Once clear, the Docking Master initiated a turn to port using the ship's rudder, bow thruster, and both assist tugs. The ship continued to turn to port until safely in the channel. The transit continued without incident and the ship docked safely at Portsmouth Marine Terminal at 1004.

After docking, Captain Capps departed the ship via launch boat and was taken to his vehicle at Fairwinds Landing. Once back at the pier, he was informed by the Terminal Manager that the CHRISTINE MCALLISTER pulled down two of the dolphins from the bulkhead where they were moored. Captain Capps arrived at Lynnhaven at about 1100 and immediately reported for a Virginia state drug test and a breath alcohol test, both of which came back negative.

The File Review Committee made a recommendation that the letter be filed, and the Board take no action, as there appears to be no violation of the Board's regulations or statutes. The Board moved to accept the recommendation, and it was approved by Messrs. and Captains Anseuw, Avery, Chisman, Coleman, Collins, McDermott, Piersall, and Young.

Captain Avery provided the Board with a report of examinations conducted by the Exam Administrators on September 10, 2025. The following committee members were present, Captains: Avery, Chisman, Collins, and Young.

Exam
Administrator's
Report

The following report was made:

Mark S. Anderson, Jr., answered oral questions related to the initial license. The subjects included courses and distances from CH Buoy to the James River Bridge and to Town Point, local traffic, safe anchoring positions in Lynnhaven, Sewell's Point and Newport News, anchoring techniques, bridge clearances, , transiting Little Creek, docking and undocking situations with, and without towboats, pilot/dockmaster relationship, the master/pilot exchange of information, use of the auxiliary channel, bank cushion and suction, meeting and overtaking situations, propulsion and steering systems, safe vessel speed, under keel clearance, reduced visibility, proper usage of personal and ship's navigation equipment, emergency ship handling, vessel and terminal security, state and federal regulations, the duties of a Limited Branch Pilot, personal conduct, fatigue, prescription drugs, chemical testing, the role of the MRO (medical review officer) and reportable incidents.

Mark S. Anderson, Jr. successfully completed the oral examination with the Board for Branch Pilots Examining committee. After considering the results of the examination, Captain Avery moved Mark S. Anderson, Jr. for an Alpha License (25,000 gross tons and 28 feet maximum draft). Mr. Anseeuw seconded the motion which was unanimously approved by Messrs. and Captains: Anseeuw, Avery, Chisman, Coleman, Collins, McDermott and Young.

John A Hanna, IV answered oral questions related to the initial license. The subjects included courses and distances from CH Buoy to the James River Bridge and to Town Point, local traffic, safe anchoring positions in Lynnhaven, Sewell's Point and Newport News, anchoring techniques, bridge clearances, transiting Little Creek, docking and undocking situations with, and without towboats, pilot/dockmaster relationship, the master/pilot exchange of information, use of the auxiliary channel, bank cushion and suction, meeting and overtaking situations, propulsion and steering systems, safe vessel speed, under keel clearance, reduced visibility, proper usage of personal and ship's navigation equipment, emergency ship handling, vessel and terminal security, state and federal regulations, the duties of a Limited Branch Pilot, personal conduct, fatigue, prescription drugs, chemical testing, the role of the MRO (medical review officer) and reportable incidents.

John A Hanna, IV successfully completed the oral examination with the Board for Branch Pilots Examining committee. After considering the results of the examination, Captain Avery moved John A Hanna, IV for an Alpha License (25,000 gross tons and 28 feet maximum draft). Mr. McDermott seconded the motion which was unanimously approved by Messrs. and Captains: Anseeuw, Avery, Chisman, Coleman, Collins, McDermott and Young.

Austin C. Capps answered oral questions related to the raise in grade. The subjects included safe anchoring positions in Lynnhaven, Cape Charles and Sewell's Point, anchoring deep draft vessels, transfers from Newport News to Norfolk, vessel squat and adequate under-keel clearance, engine power limiters, usage of the deep-water route in the southeast sea lanes, limitations of bow thrusters and adequate tugboat assistance, hazards of marine construction and dredging, traffic management and safe vessel speed.

Austin C. Capps successfully completed the oral examination with the Board for Branch Pilots Examining committee. After considering the results of the examination, Captain Avery moved Austin C. Capps for a raise in grade from a Foxtrot classification (65,000 gross tons and 42 feet maximum draft) to a Golf classification (75,000 gross tons and 44 feet maximum draft). Mr. Anseeuw seconded the motion which was unanimously approved by Messrs. and Captains: Anseeuw, Avery, Chisman, Coleman, Collins, McDermott and Young.

Exam
Administrator's
Report Cont.

Mathew C. Morse answered oral questions related to the raise in grade. The subjects included safe anchoring positions in Lynnhaven, Cape Charles and Sewell's Point, anchoring deep draft vessels, transfers from Newport News to Norfolk, vessel squat and adequate under-keel clearance, engine power limiters, usage of the deep-water route in the southeast sea lanes, limitations of bow thrusters and adequate tugboat assistance, hazards of marine construction and dredging, traffic management and safe vessel speed.

Mathew C. Morse successfully completed the oral examination with the Board for Branch Pilots Examining committee. After considering the results of the examination, Captain Avery moved Mathew C. Morse for a raise in grade from a Foxtrot classification (65,000 gross tons and 42 feet maximum draft) to a Golf classification (75,000 gross tons and 44 feet maximum draft). Captain Collins seconded the motion which was unanimously approved by Messrs. and Captains: Anseeuw, Avery, Chisman, Coleman, Collins, McDermott and Young.

Captain Avery also provided the Board with a report of examinations conducted by the Exam Administrators on September 11, 2025. The following committee members were present, Captains: Avery, Chisman, Collins, and Young. Staff: Director Wilkinson and Ms. Nosbisch.

The following report was made:

Timothy Delaney Oksman answered oral questions related to the extension of route. The subjects included courses and distances from CY buoy to Cheatham Annex, safe anchoring positions in the York River, channel dimension, local traffic, high water transit times, under keel clearance, George P. Coleman Bridge restrictions and characteristics, pipeline, cable and restricted areas, York River range lights, Yorktown monument head bearing, Explosives Handling Berth, aids to navigation and safe vessel speed. Maryland ULCV and LNG traffic, Quarantine anchorage, docking at Cheatham Annex without tugs, setting up PPUs on Navy ships, and making the turn inbound off Cape Henry.

Timothy Delaney Oksman successfully completed the oral examination with the Board for Branch Pilots Examining committee. After considering the results of the examination, Captain Avery moved Timothy Delaney Oksman for an extension of route from the entrance of York River to Cheatham Annex upon the York River. Mr. Anseeuw seconded the motion which was unanimously approved by Messrs. and Captains: Anseeuw, Avery, Chisman, Coleman, Collins, McDermott and Young.

Exam
Administrator's
Report Cont.

Richard Austin Lyons answered oral questions related to the extension of route. The subjects included courses and distances from CY buoy to Cheatham Annex, safe anchoring positions in the York River, channel dimension, local traffic, high water transit times, under keel clearance, George P. Coleman Bridge restrictions and characteristics, pipeline, cable and restricted areas, York River range lights, Yorktown monument head bearing, Explosives Handling Berth, aids to navigation and safe vessel speed. Maryland ULCV and LNG traffic, Quarantine anchorage, docking at Cheatham Annex without tugs, setting up PPUs on Navy ships, and making the turn inbound off Cape Henry.

Richard Austin Lyons successfully completed the oral examination with the Board for Branch Pilots Examining committee. After considering the results of the examination, Captain Avery moved Richard Austin Lyons for an extension of route from the entrance of York River to Cheatham Annex upon the York River. Ms. Piersall seconded the motion which was unanimously approved by Messrs. and Captains: Anseeuw, Avery, Chisman, Coleman, Collins, McDermott and Young.

Ms. McBride-Dunn informed the board that the Board for Branch Pilots Regulations are in the proposed stage, published April 7, 2025, with the comment period ending June 6 and no comments received. A public hearing on May 20 also drew no comment. It was noted that the revisions required by SB 826, replacing “moral turpitude” with “fraudulent or dishonest acts” to ensure clarity and compliance with state law. Captain Chisman made a motion to adopt the final changes to the regulations, authorize DPOR staff to file the final stage for further executive review, and allow DPOR staff to make any necessary technical or stylistic corrections. Ms. Piersall seconded the motion, which was unanimously approved by Messrs. and Captains Anseeuw, Avery, Chisman, Coleman, Collins, McDermott, Piersall, and Young.

**Regulatory
Update**

Mr. Coleman congratulated the licensees and emphasized that they should always be mindful of the significant responsibility they were assuming as licensed pilots to both the Commonwealth and the Nation.

Director Wilkinson informed the Board that DPOR operates as a non-general-fund agency and is required under §54.1-201 of the Code of Virginia to ensure each regulatory board is financially self-sustaining. It was advised that initiation of a Notice of Intended Regulatory Action (NOIRA) to amend regulatory fees was necessary to cover existing and projected expenditures. Captain Chisman made a motion to authorize DPOR Staff to file the NOIR for the fee adjustment action. Captain Avery seconded the motion, which was unanimously approved by Messrs. and Captains Anseeuw, Avery, Chisman, Coleman, Collins, McDermott, Piersall, and Young. President Coleman requested further clarification of the statistics at the next board meeting.

Ms. McBride-Dunn presented the revised SB 826 Application Review Matrix, noting staff will handle criminal conviction fact findings while the Board retains authority over experience and technical reviews. Anseeuw made a motion to approve the Board for Branch Pilots Application Review Matrix as a guidance document, as amended. Captain Young seconded the motion, which was unanimously approved by Messrs. and Captains Anseeuw, Avery, Chisman, Coleman, Collins, McDermott, Piersall, and Young.

Captain Chisman presented a proposal for the practical examination required under forthcoming regulations for licensing from Wolf Trap to Smith Point. It was recommended to have an open-book chart exercise using NOAA Legacy Chart 12225, together with a local-knowledge oral examination conducted by the Examining Committee. The proposal addresses rare but important circumstances when vessels anchor in Virginia waters near Smith Point. Ms. Piersall moved to approve the proposed practical examination criteria for Smith Point licensing as presented. Mr. McDermott seconded the motion, which was unanimously approved by Messrs. and Captains Anseeuw, Avery,

**Proposed
Practical
Exams for
Smith Point
Licensing**

Chisman, Coleman, Collins, McDermott, Piersall, and Young.

President Coleman informed the Board of the meeting dates for 2026.

**2026 Meeting
Dates**

- i. Thursday, March 12, 2026
- ii. Thursday, June 11, 2026
- iii. Thursday, September 10, 2026
- iv. Thursday, December 10, 2026

Captain Young moved to approve the 2026 Meeting Dates. Mr. Anseeuw seconded the motion, which was unanimously approved by Messrs. and Captains Anseeuw, Avery, Chisman, Coleman, Collins, McDermott, Piersall, and Young.

President Coleman advised that, in consideration of budget constraints, the Board defer attendance to the Virginia Maritime Association 2025 Symposium for this cycle.

**Virginia
Maritime
Association
2025
Symposium**

Captain Chisman informed the Board that the Apprenticeship Program, originally accredited by the USCG in 1987, was successfully renewed by the U.S. Coast Guard for five years. During the renewal process, inconsistencies were identified where “MAMA” (Mid-Atlantic Maritime Academy) had not been updated to “U.S. Coast Guard-approved courses” in certain objectives. Captain Chisholm presented the revised objectives reflecting this change. Mr. McDermott made a motion to approve the amendments to the apprentice learning objectives. Captain Collins seconded the motion, which was unanimously approved by Messrs. and Captains: Anseeuw, Avery, Chisman, Coleman, Collins, McDermott, Piersall, and Young.

**Apprenticeship
Program –
Amend
Apprentice
Learning
Objectives**

Captain Chisman informed the Board that branch pilots have scheduled Continuing Education for 2026, to be held in Virginia Beach as a two-day seminar. Day One will cover a Pilot Incident Management course and a leadership seminar. Day Two will address hydrodynamics for pilots, ship technology topics including the use of AI in navigation and dynamic positioning systems, and emerging issues such as carbon intensity indexes and ship power limiters. Mr. McDermott made a motion to approve the 2026 Continuing Education program. Ms. Piersall seconded the motion, which was unanimously approved by Messrs. and Captains Anseeuw, Avery, Chisman, Coleman, Collins, McDermott, Piersall, and Young.

**2026 Branch
Pilot
Continuing
Education**

Conflict of Interest forms and travel vouchers were completed by all members present.

**Conflict of
Interest Forms
and Travel
Vouchers**

The meeting adjourned at 11:37 a.m.

Adjourn

Michael Coleman, President

James B. “Jeb” Wilkinson, Secretary

VIRGINIA PILOT ASSOCIATION

Learning Resource Modification

2025

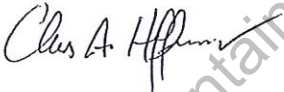
1) **Change** Learning Objective 7.18 "Complete sounding trip"

The Apprentice Committee feels that a one-time sounding trip traditionally undertaken at the end of the second year of the apprenticeship is not as practical and useful in the modern era as it once was. Instead of simply removing this objective, the Committee feels that replacing it with an in depth look into the online US Army Corps of Engineers soundings is a more effective learning tool. As they transition to Limited Branch Pilot, we hope this will instill a practice of routinely examining new hydrographic surveys which will better serve them throughout the rest of their career. See below the proposed change.

LEARNING OBJECTIVES	LEARNING RESOURCES AND STRATEGIES	TARGET DATE FOR COMPLETION	EVIDENCE OF ACCOMPLISHMENT OF OBJECTIVES	CRITERIA AND MEANS VALIDATING EVIDENCE
7.18 Reivew of USACE Hydrographic Surveys	USACE Hydrographic survey Website	2 years	Discussion with Pilot	Validation by Apprentice Committee

Thank you for your consideration.

Respectfully yours,



Chase Huffman

Apprentice Committee

On October 8th, 2025, the Port of Virginia had an incident that serves as a strong reminder of the value pilots bring to the safety and resilience of our waterways. The heavy-lift vessel DONG BANG GIANT 2, carrying container cranes more than 200 feet tall, was attempting to reset its anchor in strong winds and current when one of its anchor attachments parted, and the anchor was lost. When the Virginia Pilot Tower received the call over VHF, Captain Matthew “Max” Morse was nearby and was immediately sent to board the vessel as pilot.

Once aboard, Capt. Morse quickly realized the situation was more complicated than a typical anchor issue. With only one remaining anchor, limited engine power, and high windage from the cranes, attempting to set the second anchor risked losing it as well. A scenario that could have sent the ship drifting toward shoal water, the Chesapeake Bay Bridge Tunnel, or into ship traffic. He kept the option as a last resort, focusing instead on maintaining control of the vessel and keeping it clear of danger.

While coordinating in real time with the Virginia Pilot Association’s Operations, Capt. Morse arranged for tug assistance that was at best two hours away and worked out a plan to move the vessel to Newport News Marine Terminal, Pier C. Until the tugs arrived, he relied on his ship-handling skills and judgment to keep the vessel safe. For nearly nine miles, he maneuvered the ship laterally through confined waters, with winds pushing it sideways at 4 knots. From the southwest corner of R Anchorage in Cape Charles through the Tail of the Horseshoe, he kept the vessel clear of the main channel and out of harm’s way.

His calm approach and steady decision-making prevented what could have easily become a major incident, the kind of scenario we usually talk through only during table-top exercises. Thanks to his actions, the vessel reached a safe berth without grounding, collision, or damage to the port, its partners, or the environment.

In recognition of his actions that day, the U.S.C.G. Sector Virginia Capt of the Port presented Capt Morse with a Certificate of Appreciation for his professionalism, leadership, and contributions to maritime safety.

This incident stands as a good example of the skill and judgment pilots bring to the table every day, and a reminder of the critical role they play in maintaining the resilience of our ports.



18VAC45-20-10 Initial licensing

A. Any person wishing to obtain a license as a limited branch pilot shall meet the following qualifications:

1. Satisfactorily complete a two-year apprenticeship in a program approved by the board.
2. Satisfactorily complete a comprehensive examination that shall be approved by the board and administered by the examining committee of the board. The examination shall be in two parts:
 - a. Written, and
 - b. Practical oral examination.
3. Comply with the board's regulations and Chapter 9 (§ 54.1-900 et seq.) of Title 54.1 of the Code of Virginia.
4. Furnish to the board evidence of a satisfactory physical examination conducted within the immediately preceding 60 days. This examination shall include the chemical tests referred to in 18VAC45-20-5.
5. Notify the board of any chronic or acute physical or mental condition; and
6. Pay a non-refundable licensing fee of \$60 [to the Treasurer of Virginia].

B. Any limited branch pilot wishing to obtain a full branch pilot license shall meet the following qualifications:

1. Satisfactorily complete a five-year apprenticeship in a program approved by the board;
2. Hold a limited branch pilot license in good standing;
3. Pass a practical examination approved by the board and administered by the board's examining committee;
4. Possess a valid unlimited Federal Inland Masters credential with First Class Pilot endorsement issued by the U.S. Coast Guard, which shall include radar observer endorsement, for waters of the Commonwealth. A copy of this credential shall be submitted to the board;
5. Qualify in accordance with § 54.1-905 of the Code of Virginia; and
6. Pay a [nonrefundable] licensing fee of \$60 [to the Treasurer of Virginia].

18VAC45-20-20 License renewal

A. Each branch pilot seeking license renewal shall complete a renewal application, comply with the provisions of this section, and appear before the board or the board's license renewal committee, which shall determine if the branch pilot possesses the qualifications to be renewed.

B. Any limited branch pilot seeking license renewal shall meet the following standards:

1. Furnish to the board evidence of a satisfactory physical examination conducted within the immediately preceding 60 days. If the branch pilot has not been subject to random chemical testing during the preceding 24 months, then this examination shall include the chemical tests referred to in 18VAC45-20-50;
2. Furnish to the board evidence that the branch pilot has transited the waters embraced by the branch pilot's license during the preceding 12 months;
3. After three years of licensure as a limited branch pilot, possess a valid First Class Pilot endorsement, with radar observer endorsement, issued by the U.S. Coast Guard for waters of the Commonwealth; and
4. Pay a [nonrefundable] license renewal fee of \$60 [to the Treasurer of Virginia].

C. Any full branch pilot seeking license renewal shall meet the following standards:

1. Possess a valid unlimited Federal Inland Masters credential with First Class Pilot endorsement, with radar observer endorsement, issued by the U.S. Coast Guard for waters of the Commonwealth;
2. Furnish to the board evidence of a satisfactory physical examination conducted within the immediately preceding 60 days. If the branch pilot has not been subject to random chemical testing during the preceding 24 months, then this examination shall include the chemical tests referred to in 18VAC45-20-50;
3. Furnish to the board evidence that the branch pilot has transited the waters embraced by the branch pilot's license during the preceding 12 months, and that the branch pilot has piloted 12 or more ships during that time, at least six trips as a pilot within the first six months of the calendar year and six trips as a pilot within the last six months of the calendar year. Upon the showing of good cause, the board may waive the requirements of this subdivision when, in its judgment, the pilot is otherwise qualified;
4. Qualify in accordance with § 54.1-906 of the Code of Virginia; and
5. Pay a [nonrefundable] license renewal fee of \$60 [to the Treasurer of Virginia].

18VAC45-20-30 Change of license

In order to extend a license, an applicant shall satisfactorily complete 12 or more round trips with a currently licensed pilot of the branch for which the applicant seeks licensure, receive a First Class Pilot endorsement issued by the U.S. Coast Guard, if applicable, for that additional area, and pass a practical examination approved by the board and administered by the board's examination committee.

Branch pilots who have a full branch license from Sea to Wolf Trap qualify to sit for a practical examination approved by the board and administered by the board's examination committee for the waters of Chesapeake Bay from Wolf Trap to Smith Point. Upon successful completion of the examination, the branch pilot obtains a full branch license from Wolf Trap to Smith Point and no additional Federal First-Class Pilot endorsement is required.

18VAC45-20-40 Grounds for denial of licensure, denial of renewal, or discipline

The board shall have the authority to deny initial licensure, deny an extension of license, or deny renewal as well as to discipline existing licensees, whether limited or not, for the following reasons:

1. Having been convicted or found guilty, regardless of adjudication, in any jurisdiction of the United States of any felony or a misdemeanor involving [fraudulent or dishonest acts] or any alcohol-related or drug-related offense, there being no appeal pending therefrom or the time for appeal having elapsed.

Any plea of nolo contendere shall be considered a conviction for the purposes of this subdivision. The record of a conviction certified or authenticated in such form as to be admissible in evidence of the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction.

2. Failing to inform the board in writing within seven calendar days of pleading guilty or nolo contendere or being convicted or found guilty of any felony or of a misdemeanor involving [fraudulent or dishonest acts] or any alcohol-related or drug-related offense.

3. Failing to report to the board in writing any reports of the National Transportation Safety Board involving the licensee or the results of any disciplinary action taken by the U.S. Coast Guard against the licensee within seven calendar days of that report or action.

4. Refusing or in any other way failing to carry out an order from the pilot officers for reasons other than the public health, safety, or welfare.

5. Negligence or misconduct in the performance of duties.

6. Violating or cooperating with others in violating any provision of Chapter 9 (§ 54.1-900 et seq.) of Title 54.1 of the Code of Virginia or any regulation of the board.

7. Failing to immediately file with the president or vice president of the board, with a copy to the board administrator, a complete written account of any violation of the statutes of Virginia or of the United States relating to pilotage or failing to report in

writing to the president or vice president of the board, with a copy to the board administrator, an account of all collisions, groundings, or other maritime mishaps of any description that may occur during the discharge of the pilot's duties. This report shall be received no later than seven days after such an incident.

8. Failing to report to the board any physical or mental condition that may affect the licensee's ability to perform the duties of a pilot. Such reports shall be provided within seven calendar days of the onset of the condition.

9. Refusing to comply with the board's requirement for a chemical test. Such test is required :

a. Immediately and no later than 12 hours after involvement in a collision, grounding, or other incident resulting in personal injury, death, environmental hazard, or property damage in excess of \$100,000;

b. In any instance in which the board has reasonable cause to believe there is evidence of impaired performance and a test is necessary to protect the public health, safety, or welfare; or

c. Under the provisions of 18VAC45-20-50.

Refusing to comply with this requirement of subdivisions 9 a or 9 b of this section may result in summary suspension of the pilot's license in accordance with § 54.1-902 of the Code of Virginia.

10. Failing to send proof of any test required by subdivision 9 of this section to the president or vice president of the board, with a copy to the board administrator, within 48 hours of the administration of the test.

11. Reasonable cause by the board to believe there is a threat to the public health, safety, or welfare based on evidence of impaired performance or substance abuse or a positive chemical test. Such a finding may result in summary suspension of the pilot's license in accordance with § 54.1-902 of the Code of Virginia.

12. Performing or attempting to perform any of the duties of the licensee's office or job while:

a. Under the influence of illegal drugs; or

b. Under the influence of alcohol, marijuana, or any medication (controlled substance or otherwise) to the extent that the licensee was unfit for the performance of the duties or the licensee's office or job.

13. Failing to comply with any of the provisions of 18VAC45-20-50.

18VAC45-20-50 Random chemical testing

A. All Virginia licensed branch pilots shall be subject to the random chemical testing as set forth in this chapter. Random chemical testing shall be conducted at an annual selection rate of not less than 30% and not more than 100% of total licensees. Licensees shall be responsible for all costs associated with random chemical testing. The chemical test shall be a comprehensive drug screen acceptable to the board that includes testing for controlled substances in Schedules I through V of Chapter 34 (§ 54.1-3400 et seq.) of Title 54.1 of the Code of Virginia.

Only licensees on duty may be selected for random testing. A licensee selected for random chemical testing shall report for testing within two hours of notification. Failure to take a random chemical test is considered refusal to take the test.

B. Duties of licensee.

1. All licensees of the board shall enroll and participate in a random chemical testing program that meets the criteria of this chapter.
2. An on-duty licensee selected for random chemical testing shall report for testing within two hours of notification that the licensee has been selected.
3. Licensees who receive a prescription for any medication from any health care provider shall have the following duties:
 - a. Give the health care provider a copy of the licensee's job description as a Virginia pilot;
 - b. Give the health care provider a complete list of medications used within the 30 days preceding the current visit;
 - c. Obtain a written statement from the health care provider stating if the new prescription is for a controlled substance (Schedules II through V of the Drug Control Act (§ 54.1-3400 of the Code of Virginia)) and obtain a written statement from the health care provider as to the licensee's fitness to safely perform the duties found in the job description; and
 - d. If prescribed any medication containing a Schedules II through V controlled substance that is to be used within 12 hours of being on duty, make certain the MRO received by hand delivery, email, or telefax each prescription written by any health care provider at the time such prescription is written along with a complete list of medications used by the licensee within the preceding 30 days.

C. The licensee shall ensure that the MRO shall:

1. Be completely familiar with all duties of a Virginia pilot.
2. Receive, evaluate, and maintain records of all medications given to the MRO by or on behalf of each Virginia pilot.
3. Receive, evaluate, and maintain a record of each random chemical test taken by a Virginia pilot.

4. Any time the MRO finds the presence of a drug, alcohol, or marijuana that may impair the safe discharge of any duty of a Virginia pilot such that the licensee is unfit to perform those duties, report the MRO's written findings to the licensee and president or vice president of the board and to the board's administrator.

5. Report in writing to the licensee, president or vice-president of the board, and the board's administrator of any delay or refusal by a licensee in reporting to testing or being tested.

6. To the extent consistent with state and federal law, protect the confidentiality of all licensee records.

7. Judge fitness to safely perform duties in the context of the licensee's prescription medications and the licensee's available medical history. Any time the MRO finds evidence that the Virginia pilot may be impaired in the safe discharge of any of the pilot's duties such that the pilot may be unfit to perform those duties, the MRO's written finding shall be reported to the licensee and president or vice president of the board and to the board's administrator.