

Emergency Rules

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Bulletin 1706C Regulations for Implementation of the Children with Exceptionalities Act (LAC 28:XLIII.1330, 1431, 1441, 1449 and 2001))

The Board of Elementary and Secondary Education is exercising emergency provisions to the Administrative Procedure Act [R.S. 49:953(B)] to re-promulgate and amend rules of the Regulations for Implementation of the Children with Exceptionalities Act, Subpart B, Gifted/Talented Students.

The Emergency Rule is necessary to allow the Louisiana Department of Education, Division of Special Populations to effectively administer the gifted/talented programs. A delay in promulgating these rules would have an adverse effect in providing educational services to gifted/talented children in order to establish free appropriate public education to these students.

This Declaration of Emergency is effective August 20, 2000, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act.

Title 28

EDUCATION

Part XLIII. Bulletin 1706C Regulations for Implementation of the Children with Exceptionalities Act

Subpart B. Regulations for Gifted/Talented Students

Chapter 13. Responsibilities and Activities of the Division of Special Populations

§1330. State Policies and Procedures: Notice and Participation

A. In the preparation of the policies and procedures required by state statute, the division shall ensure that prescribed activities are preformed.

1. The division shall submit proposed revisions of policies and procedures to the State Board of Elementary and Secondary Education for advertisement, and as appropriate, Notice of Intent in the *Louisiana Register*.

2. The division shall publish in newspapers of general circulation throughout the state, other media, or both, the timetable for final approval, the procedures for submitting written comments, and a list of the dates, times, and places of public meetings to be held; the proposed policies and procedures shall be available for comment at least forty-five calendar days following the date of notice.

3. The division shall distribute to interested parties and shall post the policies and procedures on the department's official internet website for public comment for a period of 45 days.

4. The division shall hold a series of open public meetings in which parents and other interested persons

throughout the state are afforded a reasonable opportunity to comment on the proposed policies and procedures.

5. The division shall review and consider all public comments that might warrant modification of the policies and procedures.

6. The division shall attach a summary of the comments made during the public meetings or received by the state board to the proposed final policies or procedures submitted to the state board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 26:0000, amended LR 26:

Chapter 14. Responsibilities of City and Parish Schools Boards, Special School Districts, and State Special Schools

§1431. Students in Educational Programs Operated by the LEA

A.1. - 4. ...

5. The initial or most recent individual evaluation has expired.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 26:0000, amended LR 26:

§1441 IEP Team Participation

A. - A.6. ...

7. If appropriate the student.

a. The LEA shall invite a G/T student of any age to attend his/her IEP meeting.

b. Beginning at least one year before a student reaches the age of majority under state law, the student's IEP shall include a statement that the student has been informed of his or her rights under these regulations, if any, that will transfer to the student on his or her reaching the age of majority, consistent with §1518.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 26:0000, amended LR 26:

§1449. IEP Declassification Placement

A. ...

1. Place the student in regular education if the student is eligible for regular education;

2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 26:0000, LR 26:

Chapter 20. State Program Rules for Special Education
§2001. Pupil/Teacher, and Pupil Appraisal Ratios for Public Education

Setting	Preschool	Elementary	Secondary

Combination Resource/Self-contained		22	22

B. - B.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 26:0000, amended LR 26:

Interested persons may submit written comments until 4:30 p.m., October 9, 2000, to Nina A. Ford, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
 Executive Director

0008#061

DECLARATION OF EMERGENCY

**Student Financial Assistance Commission
 Office of Student Financial Assistance**

Tuition Opportunity Program for Students
 (TOPS) Core Curriculum and TOPS TECH
 (LAC 28:IV.301, 703 and 803)

The Louisiana Student Financial Assistance Commission (LASFAC) is exercising the emergency provisions of the Administrative Procedure Act [R.S. 49:953(B)] to amend rules of the Tuition Opportunity Program for Students (TOPS) (R.S. 17:3042.1 and R.S. 17:3048.1).

The Emergency Rules are necessary to implement changes to the TOPS rules to allow the Office of Student Financial Assistance and state educational institutions to effectively administer these programs. A delay in promulgating rules would have an adverse impact on the financial welfare of the eligible students and the financial condition of their families. The commission has, therefore, determined that these Emergency Rules are necessary in order to prevent imminent financial peril to the welfare of the affected students.

This Declaration of Emergency is effective August 20, 2000, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act.

**Title 28
 EDUCATION**

**Part IV. Student Financial Assistance Higher
 Education Scholarship and Grant Programs**

Chapter 3. Definitions

§301. Definitions

First-Time Freshman Ca student who is awarded TOPS Opportunity, Performance, or Honors and enrolls for the first time as a full-time freshman in an academic program in a postsecondary school subsequent to high school graduation, and continues to be enrolled full-time on the fourteenth class

day (ninth class day for Louisiana Tech) or enrolls for the first time, full-time in a Louisiana public community or technical college that offers a vocational or technical education certificate or diploma program or a non-academic undergraduate degree to pursue a skill, occupational training, or technical training subsequent to high school graduation. A student who is awarded TOPS Opportunity, Performance, or Honors and begins in an academic program in a postsecondary college or university in a summer session will be considered a *First-Time Freshman* for the immediately succeeding fall term. A student who is awarded TOPS Opportunity, Performance, or Honors and begins in a non-academic program in a postsecondary school in a summer term will be considered a *First-Time Freshman* at the time of such enrollment. The fact that a student enrolls in a postsecondary school prior to graduation from high school and/or enrolls less than full time in a postsecondary school prior to the required date for full time enrollment shall not preclude the student from being a *First-Time Freshman*.

First-Time Student Ca student who is awarded TOPS-TECH and enrolls for the first time, full-time in a Louisiana public community or technical college that offers a vocational or technical education certificate or diploma program or a non-academic undergraduate degree to pursue a skill, occupational training, or technical training subsequent to high school graduation, and continues to be enrolled full-time. The fact that a student who is awarded TOPS-TECH enrolls in an academic program at a postsecondary school prior or subsequent to graduation from high school, but prior to the required date for full time enrollment in a Louisiana public community or technical college that offers a vocational or technical education certificate or diploma program or a non-academic undergraduate degree, shall not preclude the student from being a *First-Time Student*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:632 (April 1998), amended LR 24:1898 (October 1998), LR 24:2237 (December 1998), LR 25:256 (February 1999), LR 25:654 (April 1999), LR 25:1458, 1460 (August 1999), LR 25:1794 (October 1999), LR 26:65 (January 2000), LR 26:688 (April 2000), LR 26:1262 (June 2000), LR 26:

Chapter 7. Tuition Opportunity Program for Students (TOPS) Opportunity; Performance and Honors Awards

§703. Establishing Eligibility

A. - A.4.g. ...

5.a. graduate from a BESE-approved, provisionally-approved, or probationary-approved public or nonpublic Louisiana high school or eligible non-Louisiana high school as defined in §1703.A.3; and

i. at the time of high school graduation, an applicant must have successfully completed 16.5 units of high school course work constituting a core curriculum as follows:

Units	Course
1	English I
1	English II

1	English III
1	English IV
1	Algebra I (one unit) or Applied Algebra IA and IB (two units)
1	Algebra II
1	Geometry, Trigonometry, Calculus or comparable Advanced Mathematics
1	Biology
1	Chemistry
1	Earth Science, Environmental Science, Physical Science, Biology II, Chemistry II, Physics, Physics II, or Physics for Technology
1	American History
1	World History, Western Civilization or World Geography
1	Civics and Free Enterprise (one unit combined) or Civics (one unit, nonpublic)
1	Fine Arts Survey; (or substitute two units performance courses in music, dance, or theater; or two units of studio art or visual art; or one elective from among the other subjects listed in this core curriculum)
2	In a single Foreign Language (one unit or credit for three or more hours of college foreign language for students graduating from high school during the 1996-97 and 1997-98 school years).
2	Computer Science, Computer Literacy or Business Computer Applications (or substitute at least one-half unit of an elective course related to computers that is approved by the Board of Elementary and Secondary Education (BESE); or substitute at least one-half unit of an elective from among the other subjects listed in this core curriculum); BESE has approved the following courses as computer related for purposes of satisfying the 2 unit computer science requirement for all schools (courses approved by BESE for individual schools are not included): Computer/Technology Applications (1 credit) Computer Architecture (1 credit) Computer/Technology Literacy (2 credit) Computer Science I (1 credit) Computer Science II (1 credit) Computer Systems and Networking I (1 credit) Computer Systems and Networking II (1 credit) Desktop Publishing (2 credit) Digital Graphics and Animation (2 credit) Multimedia Productions (1 credit) Web Mastering (2 credit) Independent Study in Technology applications (1 credit)

ii. for purposes of satisfying the requirements of §703.A.5.a.i, above, the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses:

Core Curriculum Course	Equivalent (Substitute) Course
Physical Science	General Science
Algebra I	Algebra I, Parts 1 and 2
Applied Algebra IA and IB	Applied Mathematics I and II
Algebra I, Algebra II and Geometry	Integrated Mathematics I, II and III
Geometry, Trigonometry, Calculus, or Comparable Advanced Mathematics	Pre-Calculus, Algebra III, Probability and Statistics, Discrete Mathematics, Applied Mathematics III*
Chemistry	Chemistry Com
Fine Arts Survey	Speech Debate (2 units)
Western Civilization	European History

*Applied Mathematics III was formerly referred to as Applied Geometry

iii. for purposes of satisfying the requirements of §703.A.5.a.i, above, in addition to the courses identified in §703.A.5.a.ii the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses for students of the Louisiana School for Math, Science and the Arts:

Core Curriculum Course	Equivalent (Substitute) Course
English III	EN 210 Composition/Major Themes in Literature (1 unit)
English IV	any two of the following 2 unit courses: EN 311 Readings in Literature (at least one 311 course is a requirement) EN 311A American Literature EN 311B British Literature EN 302 Studies in the English Language EN 304 Topics in American and British Literature EN 312 Studies in Poetry EN 314 Readings in World Literature EN 322 Studies in Fiction EN 332 Introduction to Film Studies EN 342 Studies in Modern Drama EN 401 Creative Writing EN 402 Expository Writing EN 412 Studies in a Major Author CS Shakespeare CF Faulkner EN 422 Studies in a Major Author CF Faulkner IS 314 Dramatic Text and Performance IS 315 Literature and Science IS 317 Evolution and Literature IS 318 Sacred Literature IS 411 English Renaissance
Algebra I (one unit)	Any combination of advanced math courses which equal one unit of course credit that are certified by the school to be equivalent of Algebra I
Algebra II (one unit)	Any combination of advanced math courses which equal one unit of course credit that are certified by the school to be equivalent of Algebra II: MA 120 College Algebra (1 unit), or MA 121 Accelerated College Algebra (2 unit) and 2 unit of MA 203 Trigonometry
Physics	PH 110L Conceptual Physics (1 unit), or PH 210L General Physics (1 unit), or PH 250L Advanced Placement Physics (1 unit), or PH 310L Physics with Calculus
Biology II	BI 210L Advanced Placement Biology (1 unit), or BI 231L Microbiology (2 unit), and BI 241 Molecular and Cellular Biology (2 unit)
Civics (2 unit) and Free Enterprise (2 unit)	AH 243 American Government and Politics (2 unit), and SS 113 Economics (2 unit)
Western Civilization	EH 121 Ancient and Medieval History (2 unit) and EH 122 Modern History (2 unit)

or

A.5.b. - G.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:632 (April 1998), amended LR 24:1902 (October 1998), LR 25:2237 (December 1998), LR 25:257 (February 1999), LR 25:655 (April 1999), LR 25:1794 (October 1999), LR 26:64, 67 (January 2000), LR 26:689 (April 2000), LR 26:1262 (June 2000), LR 26:

Chapter 8. TOPS-TECH Award

§803. Establishing Eligibility

A. - A.3. ...

4. initially apply and enroll in a technical program as a first-time student, as defined in §301, in a public community or Louisiana Technical College, unless granted an exception for cause by LASFAC, not later than the term or semester excluding the summer term, immediately following the first anniversary of the date that the student graduated from high school or, if the student joins the United States Armed Forces within one year after graduating from high school, has enrolled in such eligible institution as a first-time student not later than the term or semester, excluding the summer term, immediately following the fifth anniversary of the date that the student graduated from high school or within one year from the date of discharge, whichever is earlier; and

A.5. - 11. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:1898 (October 1998), amended LR 24:2237 (December 1998), LR 25:1795 (October 1999), LR 26:67 (January 2000), LR 26:

Mark S. Riley
Assistant Executive Director

0007#003

DECLARATION OF EMERGENCY

**Student Financial Assistance Commission
Office of Student Financial Assistance**

Tuition Payment Program for Medical School Students
(LAC 28:IV. 2303, 2307 and 2309)

The Louisiana Student Financial Assistance Commission (LASFAC) is exercising the emergency provisions of the Administrative Procedure Act [R.S. 49:953(B)] to implement rules for the Tuition Payment Program for Medical School Students (R.S. 17:3041.10-3041.15).

The Emergency Rules are necessary to allow the Louisiana Office of Student Financial Assistance and state educational institutions to administer this program. A delay in promulgating rules would have an adverse impact on the financial welfare of the eligible students and the financial condition of their families. The commission has, therefore, determined that these Emergency Rules are necessary in order to prevent imminent financial peril to the welfare of the affected students.

This Declaration of Emergency is effective August 20, 2000, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act.

Title 28

EDUCATION

**Part IV. Student Financial AssistanceC Higher
Education Scholarship and Grant Programs**

**Chapter 23. Tuition Payment Program for Medical
School Students**

§2303. Establishing Eligibility

A. - A.3. ...

4. be enrolled in the third year of study or later at one of the LSU medical schools as a full-time student in a course of study leading to a doctorate degree in medicine with the intent to enter a residency program leading to a specialization in a primary care field or has earned such a degree prior to commencement of residency. A primary care field shall include the following fields of medicine: family medicine, general internal medicine, general pediatrics, obstetrics/gynecology or a medical/pediatrics practice;

A.5. - 9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3041.10-3041.15.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 25:1461 (August 1999), LR 25:2177 (November 1999), amended LR 26:

§2307. Award Amount

A. ...

B. The loan disbursement will be in two increments during each academic year, unless disbursed subsequent to entering the third year of medical study, in which case any prior disbursements due may be included in the initial disbursement based upon requests for disbursements submitted by the LSU medical schools which are consistent in timing with the normal payment of tuition by medical school students.

C. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3041.10-3041.15.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 25:1461 (August 1999), amended LR 26:

§2309. Maintaining Eligibility

A. - A.1. ...

2. be considered in good standing by the LSU Medical Center and continue to make satisfactory progress towards a medical degree in a primary care field or have completed studies in good standing; and

A.3. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3041.10-3041.15.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 25:1462 (August 1999), amended LR 26:

Mark S. Riley
Assistant Executive Director

0007#002

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing

Inpatient Psychiatric Services
Reimbursement Methodology

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following Emergency Rule in accordance with the Administrative Procedure Act, R. S. 49:950 et seq. and shall be in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted a rule which established the prospective reimbursement methodology for inpatient psychiatric hospital services provided in either a free-standing psychiatric hospital or distinct part psychiatric unit of an acute care general hospital (*Louisiana Register*, Volume 19, Number 6). This rule was subsequently amended by a rule adopted to discontinue the practice of automatically applying an inflation adjustment to the reimbursement rates for inpatient psychiatric services in those years when the rates are not rebased (*Louisiana Register*, Volume 25, Number 5). As a result of a budgetary shortfall, the Bureau adopted a rule to reduce the reimbursements rates for inpatient psychiatric services by seven percent (*Louisiana Register*, Volume 26, Number 2).

As a result of the allocation of additional funds by the Legislature during the 2000 Second Special Session, the Bureau has now determined it is necessary to restore the seven percent reduction that was previously made to Medicaid prospective per diem rates for inpatient psychiatric services. It is estimated that implementation of this emergency rule will increase expenditures for the inpatient psychiatric services by approximately \$1,542,836 for state fiscal year 2000-2001.

Emergency Rule

Effective for dates of service July 1, 2000 and after, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing restores the seven percent reduction to reimbursement for inpatient psychiatric services.

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is the person responsible for responding to all inquiries regarding this emergency rule. A copy of this emergency rule is available at the parish Medicaid office for review by interested parties.

David W. Hood
Secretary

0008#074

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing

Long Term Hospital Reimbursement Methodology

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following Emergency Rule in accordance with the Administrative Procedure Act, R. S. 49:950 et seq. and shall be in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted a rule in June 20, 1994 which established the reimbursement methodology for inpatient hospital services, including long-term acute hospitals under the specialty hospital peer groups (*Louisiana Register*, Volume 20, Number 6) and subsequently adopted a rule which amended the peer group rate payment to the lowest blended per diem rate for each specialty hospital category without otherwise changing the methodology (*Louisiana Register*, Volume 22, Number 1). The reimbursement methodology for psychiatric treatment was later disjoined from the methodology for other types of services in long-term acute hospitals in order to reimburse these services at the same prospective per diem rate established for psychiatric treatment facilities (*Louisiana Register*, Volume 23, Number 2). The June 20, 1994 rule was subsequently amended to restructure the prospective reimbursement methodology for inpatient services provided in long-term acute hospitals (*Louisiana Register*, Volume 23, Number 12). As a result of a budgetary shortfall, the Bureau adopted a rule to reduce the prospective per diem rates for long term hospitals by seven percent (*Louisiana Register*, Volume 26, Number 2).

As a result of the allocation of additional funds by the Legislature during the 2000 Second Special Session, the Bureau has now determined it is necessary to restore the seven percent reduction that was previously made to the Medicaid prospective per diem rates for inpatient services provided in long term acute hospitals. It is estimated that implementation of this Emergency Rule will increase the expenditures to long term hospitals by approximately \$657,122 for the state fiscal year 2000-2001.

Emergency Rule

Effective for dates of service July 1, 2000 and after, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing restores the seven percent reduction to reimbursement for long term hospitals.

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is the person responsible for responding to

all inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available at the parish Medicaid office for review by interested parties.

David W. Hood
Secretary

0008#075

DECLARATION OF EMERGENCY

**Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing**

Outpatient Hospital Laboratory Services

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following Emergency Rule in accordance with the Administrative Procedure Act, R. S. 49:950 et seq. and shall be in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted a Rule in April of 1997 that established a uniform reimbursement methodology for all laboratory services subject to the Medicare Fee Schedule regardless of the setting in which the services are performed, outpatient hospital or a non-hospital setting. Outpatient hospital laboratory services are reimbursed at the same reimbursement rate as laboratory services performed in a non-hospital setting (*Louisiana Register*, Volume 23, Number 4). As a result of a budgetary shortfall, the Bureau adopted a Rule to reduce the reimbursement rates for outpatient hospital laboratory services by seven percent (*Louisiana Register*, Volume 26, Number 2).

As a result of the allocation of additional funds by the Legislature during the 2000 Second Special Session, the bureau has now determined it is necessary to restore the seven percent reduction that was previously made to the reimbursement rates for outpatient hospital laboratory services. It is estimated that implementation of this emergency rule will increase expenditures for outpatient hospital laboratory services by approximately \$533,462 for state fiscal year 2000-2001.

Emergency Rule

Effective for dates of service July 1, 2000 and after, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing restores the seven percent reduction to reimbursement for outpatient hospital laboratory services.

Interested persons may submit written comments to Ben Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is the person responsible for responding to all inquiries regarding this emergency rule. A copy of this emergency rule is available at the parish Medicaid office for review by interested parties.

David W. Hood
Secretary

0008#080

DECLARATION OF EMERGENCY

**Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing**

Outpatient Hospital Rehabilitation Services

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following Emergency Rule in accordance with the Administrative Procedure Act, R. S. 49:950 et seq. and shall be in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted a Rule in June of 1997 which established a uniform reimbursement methodology for all rehabilitation services regardless of the setting in which the services are performed, outpatient hospital or a free-standing rehabilitation center (*Louisiana Register*, Volume 23, Number 6). Rehabilitation services include physical, occupational, speech, hearing, and language therapies. As a result of a budgetary shortfall, the Bureau adopted a rule to reduce the reimbursement rates for outpatient hospital rehabilitation services by seven percent (*Louisiana Register*, Volume 26, Number 2).

As a result of the allocation of additional funds by the Legislature during the 2000 Second Special Session, the bureau has now determined it is necessary to restore the seven percent reduction that was previously made to the reimbursement rates for outpatient hospital rehabilitation services. It is estimated that implementation of this emergency rule will increase expenditures for outpatient hospital rehabilitation services by approximately \$140,508 for state fiscal year 2000-2001.

Emergency Rule

Effective for dates of service July 1, 2000 and after, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing restores the seven percent reduction to reimbursement for outpatient hospital rehabilitation services. Outpatient hospital rehabilitation services include physical, occupational, speech, hearing, and language therapies.

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is the person responsible for responding to all inquiries regarding this emergency rule. A copy of this emergency rule is available at the parish Medicaid office for review by interested parties.

David W. Hood
Secretary

0008#078

DECLARATION OF EMERGENCY

**Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing**

Private Hospital Inpatient Services

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following Emergency Rule in accordance with the Administrative Procedure Act, R. S. 49:950 et seq. and shall be in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted a rule in June of 1994 which established the prospective reimbursement methodology for inpatient services provided in private (non-state) acute care general hospitals (*Louisiana Register*, Volume 20, Number 6). The reimbursement methodology was subsequently amended in a rule adopted in January of 1996 which established a weighted average per diem for each hospital peer group (*Louisiana Register*, Volume 22, Number 1). This Rule was later amended by a rule adopted in May of 1999 which discontinued the practice of automatically applying an inflation adjustment to the reimbursement rates in those years when the rates are not rebased (*Louisiana Register*, Volume 25, Number 5). As a result of a budgetary shortfall, the bureau adopted a rule to reduce the prospective per diem rates for private hospitals by seven percent (*Louisiana Register*, Volume 26, Number 2).

As a result of the allocation of additional funds by the Legislature during the 2000 Second Special Session, the bureau has now determined it is necessary to restore the seven percent reduction that was previously made to the Medicaid prospective per diem rates for private (non-state) acute hospital inpatient services. It is estimated that implementation of this emergency rule will increase expenditures for private hospital inpatient services by approximately \$20,661,567 for state fiscal year 2000-2001.

Emergency Rule

Effective for dates of service July 1, 2000 and after, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing restores the seven percent reduction to reimbursement for private (non-state) hospital inpatient services.

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is the person responsible for responding to all inquiries regarding this emergency rule. A copy of this emergency rule is available at the parish Medicaid office for review by interested parties.

David W. Hood
Secretary

0008#079

DECLARATION OF EMERGENCY

**Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing**

Private Intermediate Care Facilities for the Mentally Retarded Reimbursement Methodology

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following emergency rule in accordance with the Administrative Procedure Act, R. S. 49:950 et seq. and shall be in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted a rule on October 20, 1989 which established the reimbursement methodology for private intermediate care facilities for the mentally retarded (*Louisiana Register*, Volume 15, Number 10). This rule was subsequently amended by a rule adopted to discontinue the practice of automatically applying an inflation adjustment to the reimbursement rates in those years when the rates are not rebased (*Louisiana Register*, Volume 25, Number 6). As a result of a budgetary shortfall, the Bureau adopted a rule to reduce the prospective per diem rates for private intermediate care facilities for the mentally retarded by seven percent (*Louisiana Register*, Volume 26, Number 2).

As a result of the allocation of additional funds by the Legislature during the 2000 Second Special Session, the Bureau has now determined it is necessary to restore the seven percent reduction that was previously made to the Medicaid prospective per diem rates for private intermediate care facilities for the mentally retarded (ICF/MR). It is estimated that implementation of this emergency rule will increase expenditures to private intermediate care facilities for the mentally retarded by approximately \$9,253,827 for state fiscal year 2000-2001.

Emergency Rule

Effective for dates of service July 1, 2000 and after, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing restores the seven percent reduction to reimbursement for private intermediate care facilities for the mentally retarded.

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is the person responsible for responding to all inquiries regarding this emergency rule. A copy of this emergency rule is available at the parish Medicaid office for review by interested parties.

David W. Hood
Secretary

0008#076

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing

Private Nursing Facilities Reimbursement Methodology

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following Emergency Rule in accordance with the Administrative Procedure Act, R. S. 49:950 et seq. and shall be in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted a rule on June 20, 1984 which established the reimbursement methodology for private nursing facilities (*Louisiana Register*, Volume 10, Number 6). This Rule was subsequently amended by a rule adopted to discontinue the practice of automatically applying an inflation adjustment to the reimbursement rates in those years when the rates are not rebased (*Louisiana Register*, Volume 25, Number 6). As a result of a budgetary shortfall, the bureau adopted a rule to reduce the prospective per diem rates for private nursing facilities by seven percent (*Louisiana Register*, Volume 26, Number 2).

As a result of the allocation of additional funds by the Legislature during the 2000 Second Special Session, the Bureau has now determined it is necessary to restore the seven percent reduction that was made to the Medicaid prospective per diem rates for private nursing facilities. It is estimated that implementation of this emergency rule will increase expenditures to the private nursing facilities by approximately \$41,067,024 for state fiscal year 2000-2001.

Emergency Rule

Effective for dates of service July 1, 2000 and after, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing restores the seven percent reduction to reimbursement for private nursing facilities.

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is the person responsible for responding to all inquiries regarding this emergency rule. A copy of this emergency rule is available at the parish Medicaid office for review by interested parties.

David W. Hood
Secretary

0008#077

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing

Targeted Case Management Services
Nurse Home Visits for First Time Mothers

Editor's Note: The effective date of this Emergency Rule is April 21, 2000.

The Department of Health and Hospitals, Bureau of Health Services Financing adopts the following Emergency Rule under the Administrative Procedure Act, R.S. 49:950 et seq., and it shall be in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing adopted a rule in July of 1999 restructuring targeted case management services under the Medicaid Program in order to enhance the quality of services and assure statewide access to services (*Louisiana Register*, Vol. 25, No.7). The Department now proposes to amend the July 1999 rule to extend the provision of case management services to a new targeted population of Medicaid recipients. The new targeted population shall be composed of first time mothers who reside in the Department of Health and Hospitals (DHH) designated regions of Thibodaux (3), Lafayette (4), Lake Charles (5), and Monroe (8). DHH Administrative Region 3 consists of Assumption, LaFourche, St Charles, St. James, St. John, St. Mary, and Terrebonne Parishes. DHH administrative Region 4 consists of Acadia, Evangeline, Iberia, Lafayette, St. Landry, St. Martin, and Vermillion Parishes. DHH administrative Region 8 consists of Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Quachita, Richland, Tensas, Union, and West Carroll Parishes. In addition, the staffing qualifications contained in the July 1999 rule are being amended to include specific requirements for case management agencies serving the new targeted population. The standards for participation are also being amended to include a new provider enrollment requirement applicable to all new case management agencies.

This action is necessary to protect the health and welfare of the Medicaid recipients in the targeted population group by providing access to case management services that encourage early prenatal care and reduces infant mortality. This Emergency Rule is being adopted to continue the provisions of the April 21, 2000 rule in force.

Emergency Rule

Effective for dates of services on or after August 20, 2000, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the

July 1999 rule governing case management services to include a new targeted population of Medicaid recipients. The new targeted population shall be first time mothers who reside in the Department of Health and Hospitals (DHH) designated administrative regions of Thibodaux (3), Lafayette (4), Lake Charles (5), and Monroe (8). Providers of Nurse Home Visits for First Time Mothers case management must provide home visit services for eligible recipients in all parishes of the Thibodaux, Lafayette, Lake Charles, and Monroe regions.

I. Eligibility Criteria

A Medicaid recipient must not be beyond the 28th week of pregnancy and must attest she meets one of the following definitions of a first-time mother in order to receive Nurse Home Visits of case management services:

- A. is expecting her first live birth, has never parented a child and plans on parenting this child; or
- B. is expecting her first live birth, has never parented a child and is contemplating placing the child for adoption; or
- C. has been pregnant, but has not delivered a child because of an abortion or miscarriage; or
- D. is expecting her first live birth, but has parented stepchildren or younger siblings; or
- E. had previously delivered a child, but her parental rights were legally terminated within the first six months of that child's life; or
- F. has delivered a child, but the child died within the first six months of life.

A physician's statement, medical records, legal documents, or birth and death certificates will be required as verification of first-time mother status.

After the birth of the child, the focus of Nurse Home Visit for First-Time Mothers case management is transferred from the mother to the child and services may continue until the child's second birthday. However, recipients may not receive more than one type of Medicaid funded case management at a time. A complete reassessment and a update of the comprehensive plan of care must be completed to incorporate the needs of the child within six weeks of the delivery and 30 days prior to the child's first birthday. If during the reassessment it is determined that the child qualifies for Childnet and Infants and Toddler's case management, the Nurse Home Visit case manager shall transfer the child to the Infant and Toddler Program.

II. Staffing Qualifications

Case managers and supervisors providing services to this targeted population must meet the following educational qualifications: possession of a license or temporary permit to practice professional nursing in the state of Louisiana, certification of training in the David Olds Prenatal and Early Childhood Nurses Home Visit Model and the supervisor must have one year of professional nursing experience. A master's degree in nursing or public health may be substituted for the required one year of professional nursing experience for the supervisor.

III. Standards for Participation

All new providers interested in enrolling to provide Medicaid case management services must submit a written request to the Division of Home and Community Based Waiver Services (DHCBS) identifying the case management population and the region they wish to serve. A new provider must attend a Provider Enrollment Orientation

prior to obtaining a provider enrollment packet. The bureau will offer orientation sessions at least twice per year. Enrollment packets will only be accepted for service delivery in those DHH regions that currently have open enrollment for case management agencies interested in serving certain targeted populations.

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, Louisiana 70821-9030. He is the person responsible for responding to all inquiries regarding this emergency rule. A copy of this emergency rule is available for review by interested parties at parish Medicaid offices.

David W. Hood
Secretary

0005#043

DECLARATION OF EMERGENCY

**Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing**

Targeted Case Management Services and
Targeted EPSDT Case Management

The Department of Health and Hospitals, Bureau of Health Services Financing adopts the following Emergency Rule under the Administrative Procedure Act, R.S. 49:950 et seq., and it shall be in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing adopted a rule in July of 1999 restructuring targeted case management services under the Medicaid Program in order to enhance the quality of services and assure statewide access to services (*Louisiana Register*, Vol. 25, No. 7). In accordance with a settlement agreement, the department now proposes to extend the provision of case management services to a new targeted group of Medicaid eligibles. The new targeted population shall be composed of Early, Periodic Screening, Diagnosis and Treatment (EPSDT) recipients who are on the Mental Retardation/Developmental Disability (MR/DD) Waiver waiting list and meet the specified eligibility criteria. In addition, the department proposes to amend the staff qualifications contained in the July 1999 rule to establish a new staff position for case management agencies entitled case manager trainee.

This Emergency Rule is being adopted to continue the provisions of the April 7, 2000 rule in force.

Emergency Rule

Effective August 6, 2000, the Department of Health and Hospitals, Bureau of Health Services Financing extends the provision of case management services to a new targeted group of Medicaid eligibles. This new targeted population shall be composed of Early Periodic Screening Diagnostic Treatment (EPSDT) recipients who are between the ages of 0 and 21 years old, on the MR/DD Waiver waiting list and meet the specified eligibility criteria. The point of entry for

targeted EPSDT case management services shall be the Office of Citizens with Developmental Disabilities (OCDD) regional offices. However, for those recipients under three years of age, case management services will continue to be provided through Childnet. This new targeted population shall be served by agencies who have accepted the department's amendment to their existing contract. In addition, the staffing qualifications contained in the July 1999 rule are being amended to establish a new staff position for case management agencies entitled case manager trainee.

I. Eligibility

A. In order to be eligible to receive case management services, the EPSDT recipient must be in the above-referenced age range and meet one of the following criteria:

1. placement on the MR/DD waiver waiting list on or after October 20, 1997 and have passed the OCDD Diagnosis and Evaluation (D&E) process by the later of October 20, 1997, or the date they were placed on the MR/DD waiver waiting list; or

2. placement on the MR/DD waiver waiting list on or after October 20, 1997, but did not have a D&E by the later of October 20, 1997, or the date they were placed on the MR/DD waiver waiting list. Those recipients in this group who have either passed or will ultimately pass the D&E process are eligible for these targeted case management services. Those recipients who either do not pass or are undergoing the D&E process may still receive case management services if they meet the definition of a person with special needs.

Special needs are defined as a documented, established medical condition, as determined by a licensed physician, that has a high probability of resulting in a developmental delay or that gives rise to a need for multiple medical, social, educational and other services. In the case of a hearing impairment, the determination of special needs must be made by a licensed audiologist or physician.

B. Documentation that substantiates that the EPSDT recipient meets the definition of special needs for case management services includes, but is not limited to:

1. receipt of special education services through the state or local education agency; or

2. receipt of regular services from one or more physicians; or

3. receipt of an application for financial assistance such as SSI because of a medical condition, or the unemployment of the parent due to the need to provide specialized care for the child; or

4. a report by the recipient's physician of multiple health or family issues that impact the recipient's ongoing care; or

a. a determination of developmental delay based upon the Parents' Evaluation of Pediatric Status, the Brignance Screens, the Child Development Inventories, Denver Developmental Assessment, or any other nationally recognized diagnostic tool.

II. Case Management Trainee

The case management trainee position may be utilized to provide services to the following target populations: Infants and Toddlers, HIV, MR/DD Waiver, Elderly and Disabled Adult Waiver and Targeted EPSDT. The case management trainee must meet the following educational qualifications: a bachelor's degree in social work, psychology, education, rehabilitation counseling, or a human-service-related field

from an accredited college or university. The case management agency must obtain prior approval from the bureau before a case management trainee can be hired. The maximum allowable caseload for a case manager trainee is 20 recipients.

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, Louisiana 70821-9030. He is responsible for responding to all inquiries regarding this emergency rule. A copy of this emergency rule is available for review by interested parties at parish Medicaid offices.

David W. Hood
Secretary

0008#081

DECLARATION OF EMERGENCY

**Department of Social Services
Office of Family Support**

**Family Independence Temporary Assistance (FITAP)
ProgramCIncreases in Flat Grant Amounts**

The Department of Social Services, Office of Family Support, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to adopt the following change in the Family Independence Temporary Assistance Program (FITAP). This rule shall remain in effect for a period of 120 days.

Whereas the cash assistance payment amount in Louisiana has not been increased since August 1981, despite continual increases in the cost of living, the agency has included a grant increase in its fiscal year 2000/2001 budget which was approved by Special Session of the Louisiana Legislature. Therefore, in an effort to improve the financial situation of FITAP recipients, the program will increase the FITAP grant amount for all assistance units by the amount of \$50 per month beginning July 2000. The funding source for this increase is the federal Temporary Assistance for Needy Families (TANF) Block Grant to Louisiana.

Title 67

SOCIAL SERVICES

Part III. Office of Family Support

Subpart 2. Family Independence Temporary Assistance Program (FITAP)

Chapter 12. Application, Eligibility, and Furnishing Assistance

Subchapter B. Conditions of Eligibility

§1229. Income

- A. - C. ...
- D. Flat Grant Amounts

Number of Persons	Flat Grant Amount
1	\$122
2	188
3	240
4	284
5	327
6	366
7	402
8	441
9	477

10	512
11	551
12	590
13	630
14	670
15	712
16	757
17	791
18	839
18+	See note 1

Note 1: To determine the amount for households exceeding 18 persons, add the flat grant amount for the number in excess of 18 to the flat grant amount for 18 persons and subtract \$50.

E. - G. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B., R. S. 46:231.2, R.S. 36:474.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2449 (December 1999), amended LR 26:

J. Renea Austin-Duffin
Secretary

0007#009

DECLARATION OF EMERGENCY

**Department of Social Services
Office of Family Support**

Kinship Care Subsidy Program Grant Increase

The Department of Social Services, Office of Family Support, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to adopt the following change in the Kinship Care Subsidy Program (KCSP). This Rule shall remain in effect for a period of 120 days.

In an effort to improve the financial situation of KCSP recipients, the program will increase the KCSP grant amount for eligible children by the amount of \$50 per month beginning July, 2000. The funding source for this increase is the federal Temporary Assistance for Needy Families (TANF) Block Grant to Louisiana. The agency has included a grant increase in its fiscal year 2000/2001 budget which was approved by the Louisiana Legislature.

Title 67

SOCIAL SERVICES

Part III. Office of Family Support

Subpart 13. Kinship Care Subsidy Program (KCSP)

Chapter 53. Application, Eligibility, and Furnishing Assistance

Subchapter B. Conditions of Eligibility

§5329. Income

A. - B. ...

C. Income After Pretest

1. The child is determined eligible for KCSP if the child's countable income is less than \$222. If the child's countable income is \$222 or more the child is ineligible.

D. Payment Amount

1. Payment amount is \$222 a month for each eligible child.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B, R. S. 46:237.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:353 (February 2000), amended LR 26:

J. Renea Austin-Duffin
Secretary

0008#013

DECLARATION OF EMERGENCY

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

2000 Fall Shrimp Season

In accordance with the emergency provisions of R.S. 49:953(B) and R.S. 49:967 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all inside waters, the Wildlife and Fisheries Commission does hereby set the 2000 fall inshore shrimp season to open as follows.

Zone 1C that portion of Louisiana's inshore waters from the Mississippi State line westward to the eastern shore of South Pass of the Mississippi River, and

Zone 2C that portion of Louisiana's inshore waters from the eastern shore of South Pass of the Mississippi River westward to the western shore of Vermilion Bay and Southwest Pass at Marsh Island, and

Zone 3C that portion of Louisiana's inshore waters from the western shore of Vermilion Bay and Southwest Pass at Marsh Island westward to the Texas state line, all to open at official sunrise August 21, 2000, except for Breton and Chandeleur Sound, as described in R.S. 56:495.1 A.(2), which shall open at official sunrise on August 7, 2000.

The commission also hereby sets the closing dates for the 2000 fall inshore shrimp season in Zone 2 and Zone 3 at official sunset December 20, 2000, and Zone 1 at official sunset December 31, 2000 except in Breton and Chandeleur Sounds in Zone 1, as described in R.S. 56:495.1 A.(2), which shall remain open until 6 a.m., March 31, 2001. The commission also grants authority to the secretary of the Department of Wildlife and Fisheries to change the opening or closing dates if biological and technical data indicate the need to do so or if enforcement problems develop.

Thomas M. Gattle, Jr.
Chairman

0008#057

DECLARATION OF EMERGENCY

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

2000-2001 Migratory Bird Hunting Season

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, and under authority of R.S. 56:115, the secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby adopts the following Emergency Rule.

The hunting seasons for early migratory birds during the 2000-2001 hunting season shall be as follows:

**Migratory Birds Other Than Waterfowl
2000-2001 Hunting Seasons**

- Dove:** Split Season, Statewide, 60 days
September 2 - September 10
October 14 - November 10
December 16 - January 7
Daily bag limit 15, Possession Limit 30
- Teal:** September 15 - September 30
Daily bag limit 4, Possession limit 8, Blue-winged, Green-winged and Cinnamon teal only. Federal and State waterfowl stamps required.
- Rails:** Split Season
September 15 - September 30
Remainder of season to be set at a later date.
- King And Clapper:** Daily bag limit 15 in the aggregate, Possession 30.
- Sora And Virginia:** Daily bag and possession 25 in the aggregate.
- Gallinules:** Split Season
September 15 - September 30
Remainder of season to be set at a later date.
Daily bag limit 15, Possession limit 30
- Woodcock:** December 18 - January 31
Daily bag limit 3, Possession 6

Shooting Hours:

Teal, Rail, Woodcock and Gallinule: One-half hour before sunrise to sunset.
Dove: One-half hour before sunrise to sunset except on September 2-3, October 14-15, and December 16-17 when shooting hours will be 12 noon to sunset.

A Declaration of Emergency is necessary because the U.S. Fish and Wildlife Service establishes the framework for all migratory species. In order for Louisiana to provide hunting opportunities to the 200,000 sportsmen, selection of season dates, bag limits, and shooting hours must be established and presented to the U.S. Fish and Wildlife Service immediately.

The aforementioned season dates, bag limits and shooting hours will become effective on September 1, 2000, and extend through sunset on February 28, 2001.

Thomas M. Gattle, Jr.
Chairman

0008#059

DECLARATION OF EMERGENCY

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

2000-2001 Oyster Season

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and 967, and under the authority of R.S. 56:433 and R.S. 56:435.1 notice is hereby given that the secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby declares:

1. the Louisiana public oyster seed grounds not currently under lease and oyster seed reservations except the Sister Lake and Bay Junop oyster seed reservations will open one-half hour before sunrise on September 6, 2000, and will

close one-half hour after sunset on September 17; to reopen one-half hour before sunrise on October 1, 2000, and remain open for the remainder of the season;

2. Bay Junop oyster seed reservation will open one-half hour before sunrise on September 6, 2000, and will remain open until one-half hour after sunset on May 15, 2001;

3. the Sister Lake oyster seed reservation will remain closed for the 2000/2001 oyster season;

4. the sacking only area of the public grounds is generally Lake Fortuna and Lake Machias to a line from Mozambique Pt. to Pt. Gardner to Grace Pt. at the Mississippi River Gulf Outlet, and will open and close the same as all the public grounds east of the Mississippi River;

5. the secretary of the Department of Wildlife and Fisheries is authorized to take emergency action is necessary to close areas if oyster mortalities are occurring or to delay the season or close areas where significant spat catch has occurred with good probability of survival, or where it is found that there are excessive amounts of shell in seed oyster loads;

6. the secretary is authorized to take emergency action to reopen areas previously closed if the threat to the resource has ended;

7. the season for Calcasieu Lake tonging area will open one-half hour before sunrise on October 15, 2000, and Sabine Lake tonging area will open one-half hour before sunrise on November 15, 2000, and they will remain open until one-half hour after sunset on April 30, 2001. However, these conservation actions will not supercede public health closures;

8. notice of any opening, delaying or closing of a season will be made by public notice at least 72 hours prior to such action.

Thomas M. Gattle, Jr.
Secretary

0008#058

DECLARATION OF EMERGENCY

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

**2000 Spring Inshore Shrimp Season Closure
Remainder of Zone 1**

In accordance with the emergency provisions of R.S. 49:953(B) and R.S. 49:967 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons, R.S. 56:497, which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all inside waters and a resolution adopted by the Wildlife and Fisheries Commission on May 4, 2000, which authorized the secretary of the Department of Wildlife and Fisheries to close the 2000 spring inshore shrimp season in any area or zone when biological and technical data indicates the need to do so, the secretary hereby declares:

The 2000 spring inshore shrimp season in that part of Zone 1 which is north and east of the Mississippi River Gulf Outlet (MRG0), and north of the Intracoastal Waterway from its juncture with the MRGO to its juncture with the

Industrial Canal, will close on Tuesday, July 25, 2000 at 6:00 a.m. This closure includes Lakes Pontchartrain and Borgne, Breton and Chandeleur Sounds as described in the Menhaden Rule (LAC 76:VII.307.D).

With this closure, all inshore waters from the Louisiana-Mississippi state line west to the Louisiana-Texas state line, are closed to the harvest of shrimp.

State territorial waters south of the inside/outside shrimp line, as described in R.S. 56:495, will remain open for shrimping.

The number of small white shrimp in these areas has increased substantially in the last week. The region is being closed to protect these immigrating shrimp.

James H. Jenkins, Jr.
Secretary

0007#008

DECLARATION OF EMERGENCY

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

2000 Spring Inshore Shrimp Season Closure CZone 1

In accordance with the emergency provisions of R.S. 49:953(B) and R.S. 49:967 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons, R.S. 56:497, which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all inside waters and a resolution adopted by the

Wildlife and Fisheries Commission on May 4, 2000, which authorized the secretary of the Department of Wildlife and Fisheries to close the 2000 spring inshore shrimp season in any area or zone when biological and technical data indicates the need to do so, the secretary hereby declares:

The 2000 spring inshore shrimp season in that part of Zone 1 which is south and west of the Mississippi River Gulf Outlet (MRGO), and south of the Intracoastal Waterway from its juncture with the MRGO to its juncture with the Industrial Canal, will close on Monday, July 17, 2000, at 6 a.m. The remainder of Zone 1, including the waters of the MRGO, Breton Sound and Chandeleur Sounds as described in the Menhaden Rule (LAC 76:VII.307.D), Lakes Pontchartrain and Borgne, and all waters east and north of the MRGO will remain open to shrimping until further notice.

Zone 1 is that portion of Louisiana's inshore waters from the Mississippi state line to the eastern shore of the South Pass of the Mississippi River.

State territorial waters south of the inside/outside shrimp line as described in R.S. 56:495 will remain open for shrimping.

The number of small white shrimp in these areas has increased substantially in the last week. The region is being closed to protect these immigrating shrimp.

James H. Jenkins, Jr.
Secretary

0007#001