

# Rules

## RULE

### Department of Agriculture and Forestry Office of Agriculture and Environmental Sciences Advisory Commission on Pesticides

#### Fixed Wing Aircraft; Standards for Commercial Aerial Pesticide Applications (LAC 7:XXIII.145)

In accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, Advisory Commission on Pesticides, amends regulations regarding the aerial application of an ultra low volume insecticide to be applied to cotton fields infested with boll weevils.

The aerial application of the insecticide is in accordance with the current concentration regulations have not been sufficient to control or eradicate the boll weevil. Failure to allow the concentrations in ultra low volume (ULV) Malathion applications will allow the boll weevil the opportunity to destroy the cotton bolls during the early growing season, effectively destroying the cotton crop. The destruction of the cotton crop or a substantial portion of the cotton crop will cause irreparable harm to the economy of Northern Louisiana and to Louisiana Agricultural producers.

These rules comply with and are enabled by R.S. 3:3203 and R.S. 3:3242.

## Title 7

### AGRICULTURE AND ANIMALS

#### Part XXIII. Advisory Commission on Pesticides

##### Chapter 1. Advisory Commission on Pesticides

##### Subchapter I. Regulations Governing Application of Pesticides

#### §145. Fixed Wing Aircraft; Standards for Commercial Aerial Pesticide Applications

A. - A.4. ...

5. Unless further restricted by other regulations or labeling, the chemicals listed in §143.K above shall be applied in a minimum of five gallons of total spray mix per acre. With the following exceptions:

a. insecticides applied in the Boll Weevil Eradication Program, which shall be applied in accordance with their labels, all other agriculture pesticides, unless further restricted by other regulations or labeling, shall be applied in a minimum of one gallon of total spray mix per acre:

b. Malathion insecticide applied with the following conditions to control boll weevil in cotton.

i. The commissioner hereby declares that prior to making any aerial application of ULV Malathion to cotton, the aerial owner/operator must first register such intent by notifying the Division of Pesticides and Environmental Programs (DPEP) in writing. Upon notification, LDAF shall inspect the aircraft prior to any ULV applications.

ii. Spray shall be applied, handled, and stored in accordance with all conditions specified by state or federal

regulations, including the strict observance of any buffer zones that may be implied.

iii. Aerial applicators shall strictly comply with any and all restrictions or mitigative factors, in regard to sensitive areas, including occupied buildings (churches, schools, hospitals, and homes), lakes, reservoirs, farm ponds, parks, and recreation areas that may be identified by commissioner, and such restriction and mitigation are to be strictly complied with and observed by said aerial applicators.

iv. Aerial applicators will adjust flight patterns, to the degree possible, to avoid or minimize flying over sensitive areas. This restriction does not apply to overflight between take-off and the commencement of spray operations, or overflight between termination of spray operations and landing.

v. Aerial applicators shall be alert to all conditions that could cause spray deposit outside field boundaries and use their good faith efforts, including adjustment or termination of operations, to avoid spray deposit outside field boundaries.

vi. There shall be no aerial spraying when wind velocity exceeds 10 miles per hour.

vii. Aerial applicators will terminate application if rainfall is imminent.

viii. Insecticide spray will not be applied in fields where people or animals are present. It is the applicator's responsibility to determine if people are present prior to initiating treatment.

ix. Spraying will not be conducted in fields where other aircraft are working.

x. All mixing, loading, and unloading will be in an area where an accidental spill can be contained and will not contaminate a stream or other body of water.

xi. All aerial applications of insecticide shall be at an altitude not to exceed five feet above the cotton canopy. However, in fields that are not near sensitive areas, if infield obstructions make the five-foot aerial application height not feasible, then the aerial height may be extended to such height above the cotton canopy as is necessary to clear the obstruction safely.

xii. The aircraft tank and dispersal system must be completely drained and cleaned before loading. All hoses shall be in good condition and shall be of a chemical resistant type.

xiii. Insecticide tank(s) shall be leak-proof and spray booms of corrosion resistant materials, such as stainless steel, aluminum, or fiberglass. Sealants will be tested before use.

xiv. The tank(s) in each aircraft shall be installed so the tank(s) will empty in flight. Sight gauges or other means shall be provided to determine the quantity contained in each tank before reloading.

xv. A drain valve shall be provided at the lowest point of the spray system to facilitate the complete draining of the tanks and system while the aircraft is parked so any unused insecticide can be recovered.

xvi. A pump that will provide the required flow rate at not less than 40 pounds per square inch (psi) during spraying operation to assure uniform flow and proper functioning of the nozzles. Gear, centrifugal or other rotary types, will be acceptable on aircraft with a working speed above 150 miles per hour.

xvii. ULV spraying systems with a pumping capacity that exceeds the discharge calibration rate shall have the bypass flow return to the tank bottom in a manner that prevents aeration and/or foaming of the spray formulation. Pumps utilizing hydraulic drive or other variable speed drives are not required to have this bypass, provided the pump speed is set to provide only the required pressure and the system three-way valve is used for on/off control at full throw position. Any bypass normally used to circulate materials other than the ULV will be closed for ULV spraying.

xviii. Spray booms will be equipped with the quantity and type of spray nozzles specified by the Boll Weevil Eradication Program. The outermost nozzles (left and right sides) shall be equal distance from the aircraft centerline and the distance between the two must not exceed three-fourths of the overall wing span measurement. For helicopters, the outermost nozzles must not exceed three-fourths of the rotorspan. For both fixed wing and helicopters, the program will accept the outermost nozzles between 60 percent and 75 percent of the wingspan/rotorspan. Longer spray booms are acceptable provided modifications are made to prevent the entrapment of air in the portion beyond the outermost nozzle. Fixed wing aircraft not equipped with a drop type spray boom may require drop nozzles in the center section that will position the spray tips into smoother air to deliver the desired droplet size and prevent spray from contacting the tail wheel assembly and horizontal stabilizer. Most helicopters will be required to position the center nozzles behind the fuselage and dropped into smooth air in order to achieve the desired droplet size.

xix. Nozzles, diaphragms, gaskets, etc. will be inspected regularly and replaced when there is evidence of wear, swelling, or other distortion in order to assure optimum pesticide flow and droplet size. Increasing pressure to compensate for restricted flow is unacceptable. A positive on/off system that will prevent dribble from the nozzles.

xx. A positive emergency shut-off valve between the tank and the pump, as close to the tank as possible. This valve shall be controllable from the cockpit and supplemented by check valves and flight crew training which will minimize inadvertent loss of insecticide due to broken lines or other spray system malfunction.

xxi. Bleed lines in any point that may trap air on the pressure side of the spraying system.

xxii. An operational pressure gauge with a minimum operating range of 0 to 60 psi and a maximum of 0 to 100 psi visible to the pilot for monitoring boom pressure.

xxiii. A 50-mesh in-line screen between the pump and the boom and nozzle screens as specified by the nozzle manufacturer.

xxiv. Aircraft equipped so nozzle direction can be changed from 45 degrees down and back to straight back when it is necessary to change droplet size.

xxv. All nozzles not in use must be removed and the openings plugged.

xxvi. Nozzle tips for all insecticides shall be made of stainless steel.

xxvii. Aircraft shall have an operational Differentially Corrected Global Positioning System (DGPS) and flight data logging software that will log and display the date and time of the entire flight from take-off to landing and differentiate between spray-on and spray-off.

xxviii. Aircraft shall have a DGPS with software designed for parallel offset in increments equal to the assigned swath width of the application aircraft. Differential correction may be provided by fixed towers, portable stations, satellite, Coast Guard, or other acceptable methods. However, the differential signal must cover the entire project area. In fringe areas from the generated signal, an approved repeater may be used. The system shall be sufficiently sensitive to provide immediate deviation indications and sufficiently accurate to keep the aircraft on the desired flight path with an error no greater than 3 feet. Systems that do not provide course deviation updates at one second intervals or less will not be accepted.

xxix. A course deviation indicator (CDI) or a course deviation light bar (also CDI) must be installed on the aircraft and in a location that will allow the pilot to view the indicator with direct or peripheral vision without looking down. The CDI must be capable of pilot selected adjustments for course deviation indication with the first indication at 3 feet or less.

xxx. The DGPS must display to the pilot a warning when differential correction is lost, the current swath number, and cross-track error. The swath advance may be set manually or automatically. If automatic is selected, the pilot must be able to override the advance mode to allow respraying of single or multiple swaths.

xxxi. The DGPS must be equipped with a software for flight data logging that has a system memory capable of storing a minimum of three hours of continuous flight log data with the logging rate set at one second intervals. The DGPS shall automatically select and log spray on/off at one second intervals while ferry and turnaround time can be two second intervals. The full logging record will include position, time, date, altitude, speed in m.p.h., cross-track error, spray on/off, aircraft number, pilot, job name or number, and differential correction status. The flight data log software shall be compatible with DOS compatible PC computers, dot matrix, laser, or ink jet printers and plotters. The system must compensate for the lag in logging spray on/off. The system will display spray on/off at the field boundary without a sawtooth effect. Must be capable to end log files, rename, and start a new log in flight.

xxxii. The software must generate the map of the entire flight within a reasonable time. Systems that require five minutes or more to generate the map for a three hour flight on a PC (minimum a 386 microprocessor with 4 MB of memory) will not be accepted. When viewed on the monitor or the printed hard copy, the flight path will clearly differentiate between spray on and off. The software must be capable of replaying the entire flight in slow motion and stop and restart the replay at any point during the flight. Must be able to zoom to any portion of the flight for viewing in greater detail and print the entire flight or the zoomed-in portion. Must have a measure feature that will measure distance in feet between swaths or any portion of the screen.

Must be able to determine the exact latitude/longitude at any point on the monitor.

xxxiii. Flight information software provided by the applicator must have the capability to interface with MapInfo (version 3.0 or 4.0). The interface process must be "user friendly," as personnel will be responsible to operate the system in order to access the information.

xxxiv. Application of ULV Malathion shall be at an application rate of 12 oz. per acre with no dilutions or tank mixes.

xxxv. Applications of ULV Malathion shall not be made prior to May 20.

xxxvi. Applications of ULV Malathion shall be restricted to seven-day intervals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:953 (September 1992), amended LR 21:927 (September 1995), LR 26:1964 (September 2000).

Bob Odom  
Commissioner

0009#100

**RULE**

**Department of Agriculture and Forestry  
Office of Agriculture and Environmental Sciences  
Advisory Commission on Pesticides**

**Pesticide Restrictions (LAC 7:XXIII.143)**

In accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, Advisory Commission on Pesticides, amends regulations regarding applications of certain pesticides in certain parishes.

The Department of Agriculture and Forestry, Advisory Commission amends these rules and regulations for the purpose of adding Wards 1, 3, 4 and 10 of Point Coupee so that certain pesticides shall not be applied by commercial applicators between March 15 and September 15.

These rules comply with and are enabled by R.S. 3:3203 and R.S. 3:3223.

**Title 7**

**AGRICULTURE AND ANIMALS**

**Part XXIII. Advisory Commission on Pesticides**

**Chapter 1. Advisory Commission on Pesticides**

**Subchapter I. Regulations Governing Application of Pesticides**

**§143. Restriction on Application of Certain Pesticides**

A. - B.15. ...

C. The pesticides listed in §143.B shall not be applied by commercial applicators between March 15 and September 15 in the following parishes:

- |                        |                    |
|------------------------|--------------------|
| 1. Avoyelles           | 14. Madison        |
| 2. Bossier             | 15. Morehouse      |
| 3. Caddo               | 16. Natchitoches   |
| 4. Caldwell            | 17. Ouachita       |
| 5. Catahoula           | 18. Pointe Coupee, |
| Ward 1, 2, 3, 4 and 10 |                    |
| 6. Claiborne, Ward 4   | 19. Rapides        |
| 7. Concordia           | 20. Red River      |

- |                               |                       |
|-------------------------------|-----------------------|
| 8. DeSoto, Ward 7             | 21. Richland          |
| 9. East Carroll               | 22. St. Landry, Wards |
| 1, 4, 5 and 6                 |                       |
| 10. Evangeline, Wards 1, 3, 5 | 23. Tensas            |
| 11. Franklin                  | 24. Union             |
| 12. Grant                     | 25. West Carroll      |
| 13. LaSalle                   | 26. Winn, Ward 7      |

D. - M.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203, R.S. 3:3242 and R.S. 3:3249.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Advisory Commission on Pesticides, LR 9:169 (April 1983), amended LR 10:193 (March 1984), LR 11:219 (March 1985), LR 11:942 (October 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:953 (September 1992), amended LR 19:791 (September 1993), LR 21:668 (July 1993), LR 21:668 (July 1995), LR 24:281 (February 1998), LR 24:2076 (November 1998), LR 26:1966 (September 2000).

Bob Odom  
Commissioner

0009#101

**RULE**

**Department of Economic Development  
Board of Certified Public Accountants**

Certified Public Accountants  
(LAC 46:XIX.Chapters 1-21)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq. and of R.S. 37:74, the Board of Certified Public Accountants of Louisiana amends LAC 46:XIX. The action adopts, amends and repeals rules in response to changes in the Louisiana Accountancy Act, Act No. 473 of 1999, enacted on June 18, 1999. The action was necessary because many of the current rules became outdated or inapplicable based on changes in the state's accountancy law. The revised rules are the result of extensive review and study by the board's rules committee. In addition, aside from the significant changes in the law affecting the regulation of CPAs and CPA firms, the Louisiana Accountancy Act made changes in where certain provisions appeared in R.S. 37:71-95. Therefore, changes have been made in the location or order of existing rules along with renaming, renumbering, and reordering the rule chapters and sections. No preamble has been prepared with respect to the revised rules which appear below.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part XIX. Certified Public Accountants**

**Chapter 1. Definitions**

**§101. Definition of terms used in the Rules**

A. The definitions included in the act are used herein with the following additions which apply to LAC 46:XIX, unless otherwise indicated in following chapters.

**Act** the Louisiana Accountancy Act, Act No. 473 of the 1999 Regular Session of the Louisiana Legislature, or as it may hereafter be amended.

**CPA Examination** the examination which constitutes part of the requirement for a certificate as a Certified Public Accountant (CPA).

### *Practice in Louisiana*C

a. performing or offering to perform professional services as a CPA or CPA firm for a Louisiana based client; or

b. maintaining an office in the state to provide professional services arising out of or related to the specialized knowledge or skills associated with CPAs; or

c. providing any professional service that is restricted to licensees by the act, regardless of whether the service provider physically enters the state. "Louisiana based client" refers to an individual who is domiciled or resides in Louisiana, and with respect to corporations, partnerships, LLCs, LLPs, or other organizations, such term includes those entities with a substantial business presence in Louisiana, including without limitation, those having executive offices, major divisions, or a principal place of business located in Louisiana.

B. Masculine terms shall include the feminine and, when the context requires, shall include firms.

C. Where the context requires, singular shall include the plural or plural shall include the singular.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, amended LR 6:1 (January 1980), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 23:1112 (September 1997), LR 26:1966 (September 2000).

### **Chapter 3. State Board of Certified Public Accountants of Louisiana**

#### **§301. Officers**

A. The officers shall be chairman, secretary, and treasurer. The duties of the respective officers shall be the usual duties assigned to the respective office. The newly elected officers shall assume the duties of their respective offices on the first day of the month following the election of the officers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Certified Public Accountants, LR 4:358 (October 1978), amended LR 6:2 (January 1980), LR 12:88 (February 1986), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 23:1113 (September 1997), LR 26:1967 (September 2000).

#### **§303. Fiscal Year**

A. The fiscal year of the board shall end on June 30 of each year. The annual meeting shall be held as soon as practical after the close of the fiscal year, at which meeting the board shall elect its officers who shall serve until the next annual meeting or until their successors assume their duties.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Certified Public Accountants, LR 4:358 (October 1978), amended LR 6:2 (January 1980), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 23:1113 (September 1997), LR 26:1967 (September 2000).

#### **§305. Duties of the Secretary**

A. The duties of the secretary include, but are not limited to the following.

1. It shall be the duty of the secretary to determine when the prerequisites and procedures required by the act and by the board for taking the CPA examination have been satisfactorily completed by an applicant.

2. The secretary shall determine when, in his opinion, the prerequisites and procedures required by the act and by the board shall have been satisfactorily completed in respect to issuance of certificates and/or firm permits and he shall submit at each meeting of the board, for its approval or disapproval, current tabulations thereof, listing the names of the persons concerned.

3. The secretary shall list in the minutes of the board all persons approved for the issuance of certificates and/or firm permits and all persons whose certificates and/or firm permits are revoked, suspended, expired, or reinstated.

4. It shall be the responsibility of the secretary to see that official registers of all persons who have received certificates or firm permits from the board are maintained.

5. It shall be the responsibility of the secretary that annual listings of all certified public accountants, registrants in inactive status, and CPA firms are maintained.

6. The secretary may delegate duties related to his areas of responsibility to the executive director and/or other board personnel as may be appropriate in the circumstances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Certified Public Accountants, LR 4:358 (October 1978), amended LR 6:2 (January 1980), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 23:1113 (September 1997), LR 26:1967 (September 2000).

#### **§307. Duties of the Treasurer**

A. The duties of the treasurer include, but are not limited to:

1. responsibility for the maintenance of the accounts of the board and the preparation of a financial report once a year, as of June 30; and

2. submittal of an annual budget to the board for its approval.

3. The treasurer may delegate duties related to his areas of responsibility to the executive director and/or other board personnel as may be appropriate in the circumstances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Certified Public Accountants, LR 4:358 (October 1978), amended LR 6:2 (January 1980), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 23:1113 (September 1997), LR 26:1967 (September 2000).

#### **§309. Meetings**

A. Any public meeting may be called by the chairman or by joint call of at least two of its members, to be held at the principal office of the board, or at such other place as may be fixed by the board. Regularly scheduled board meetings are usually held on the last working days of January, April, July and October.

B. Meetings of the board shall be conducted in accordance with *Robert's Rules of Order* insofar as such rules are compatible with the laws of the state governing the board or its own resolutions as to its conduct. The chairman or presiding officer shall be entitled to vote on every issue for which a vote is called.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Certified Public Accountants, LR 4:358 (October 1978), amended LR 6:2 (January 1980), LR 9:207 (April 1983), and LR 12:88 (February 1986), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 17:1067 (November 1991), LR 23:1113 (September 1997), LR 26:1967 (September 2000).

**§311. Monthly Compensation**

A. The officers of the board shall receive compensation of \$150 per month and other members shall receive \$100 per month. This compensation shall be for time expended by such members in conducting and/or monitoring examinations, attending board meetings and hearings, issuing of certificates and firm permits, conducting investigations, and discharging other duties and powers of the board.

B. A new appointee to the board shall be seated at the first board meeting he attends following his qualification as required by R.S. 37:74. A new appointee's compensation shall commence the month he is seated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Certified Public Accountants, LR 6:6 (January 1980), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 23:1119 (September 1997), LR 26:1968 (September 2000).

**§313. Paid Out of Treasury**

A. The compensation of board members and all other necessary expense incurred by the board in carrying out its duties as well as expense for operating the office of the board, conducting investigations (including the hiring of investigators and counsel), examinations and the issuance of firm permits and certificates shall be paid out of the treasury of the board.

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:71 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Certified Public Accountants, LR 6:6 (January 1980), LR 26:1968 (September 2000).

**§315. Duties of the Executive Director**

A. The executive director shall manage the day-to-day affairs of the board's office, supervise the personnel of the board and perform such other duties as may be assigned from time to time by the board. The board may delegate appointing authority to the executive director with respect to agency staff positions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Certified Public Accountants, LR 26:1968 (September 2000).

**§317. Substance Abuse and Drug-Free Workplace Policy**

A. The board has adopted a written Substance Abuse and Drug-Free Workplace Policy applicable to employees, appointees, prospective employees and prospective appointees requiring testing for illegal drugs and unauthorized substances in accordance with R.S. 49:1001, et seq. and Executive Order 98-38.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Certified Public Accountants, LR 26:1968 (September 2000).

**§319. Assessment of Application, Annual and Other Fees**

A. Examination, certification, firm permit application, renewal, and other fees shall be assessed by the board in amounts not to exceed the following:

Application fees:

CPA examination fee	\$ 250
Service charge for refund of examination fee	\$ 50
Original or reciprocal certification application	\$ 100
Reinstatement of certificate application	\$ 100
Firm permit application	\$ 100

Annual fees:

Renewal of certificate	\$ 100
Registration CPA inactive status	\$ 60
Renewal of firm permit per owner (unlicensed in LA) not to exceed	\$5,000
Notice of substantial equivalency	\$ 100

Other fees in amounts not to exceed:

Temporary (provisional) licenses	\$ 100
Replacement of a CPA certificate	\$ 50*
Transfer of grades transfer fee	\$ 25
Written verifications	\$ 25

Delinquent and other fees are cited in the act and applicable rules

B. \*A replacement certificate shall be issued at the holder's request upon payment of fee and compliance with the following requirements:

1. in the event of a certificate which has been lost, the loss must be advertised in an appropriate newspaper for at least five times in 30 days and the request for replacement must be accompanied by a sworn statement that the certificate is lost and that the loss has been advertised in accordance with this rule;

2. in the event of a certificate which has been mutilated, the mutilated certificate must be returned to the board and if it is mutilated beyond the point of being able to be identified, the request must also be accompanied by a sworn statement that the return document is, in fact, the certificate;

3. if the request for replacement is to have a change in the name in which the certificate is issued, the original certificate must be returned to the board and the request must be accompanied by the appropriate documentation of the name change.

C. Returned Check. A fee not to exceed \$25 will be assessed against each person who pays any obligation to the board with a returned check. Failure to pay the assessed fee within the notified period of time shall cause the application to be returned.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, Promulgated and amended LR 6:8 (January 1980), amended LR 9:209 (April 1983), LR 11:758 (August 1985), LR 13:13 (January 1987), and LR 15:619 (August 1989), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 17:1070 (November 1991), LR 23:1124 (September 1997), LR 26:1968 (September 2000).

**Chapter 5. Qualifications; Education and Examination**

**§501. Definition**

*Accredited University or College*Ca university or college accredited by any one of the six regional accreditation associations: the Southern Association of Colleges and Schools; Middle States Association of Colleges and Schools; New England Association of Schools and Colleges; North Central Association of Colleges and Secondary Schools; Northwest Association of Schools and Colleges; and Western Association of Schools and Colleges.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Certified Public Accountants, LR 23:1119 (September 1997), LR 26:1969 (September 2000).

**§503. Educational Requirements**

A. To be eligible for examination and certification by and under auspices of the board, after December 31, 1996, an applicant shall possess a baccalaureate or higher degree, duly conferred by an accredited university or college recognized and approved by the board, and shall have, in the course of attaining such degree, or in addition thereto, received credit for not less than 150 hours of postsecondary, graduate, or postgraduate education at and by an accredited college or university approved by the board. The applicant shall present evidence which shall consist of one or more official transcripts certifying that the applicant has attained the foregoing degree and educational hours, and said transcripts shall evidence award of credit for satisfactory completion of the following courses and credit hours, according to whether such courses and credits are taken as an undergraduate course and semester hour or a graduate course and semester hour.

	Undergraduate Semester <u>Hours</u>	Graduate Semester <u>Hours</u>
Accounting Courses:		
Intermediate	6	3
Cost	3	3
Income tax	3	3
Auditing	3	3
Accounting Electives:	9	9
3 semester hours from one of the following:		
Advanced Financial Accounting,		
Not-for-profit Accounting/Auditing,		
Theory		
6 semester hours in accounting above		
the basic and beyond the elementary level		
Total Accounting Courses	24	21
	Undergraduate Semester <u>Hours</u>	Graduate Semester <u>Hours</u>
Business Courses		
(other than Accounting Courses):	24	24
Including at least 3 semester hours in		
Commercial Law, as it affects		
accountancy for CPA examination candidates		
Total Business Courses	24	24

1. The board will accept for business course credit semester hours earned in courses offered through the institution's college of business and reported on official transcripts in the following areas:

- a. commercial law;
- b. economics;
- c. management;
- d. marketing;
- e. business communications;
- f. statistics;
- g. finance;
- h. information systems;
- i. mathematics (as it pertains to business);
- j. technical writing (covering subjects as opinions, tax planning reports, and management advisory service reports and management letters);

k. computer science;

l. CPA examination review courses if the curriculum is developed and taught in a classroom environment by a faculty member under contract at the accredited college or university which is offering the course for credit.

2. Up to six semester hours in industry-specific business courses may be used to satisfy the business courses requirement described in §503.A.1.

3. Up to six semester hours for internship may be applied to the 150-hour requirement, but may not be used to meet the accounting or business courses requirement.

4. Standard conversion (four quarter hours equals three semester hours) will be applied whenever a school is not on the semester basis.

5. Remedial courses may be applied to the 150-hour requirement, but may not be used to satisfy the accounting or business courses requirement.

6. Credit hours for repeated courses for which credit has been previously earned may not be applied to the 150-hour requirement.

B. An applicant who has taken an examination approved by the board prior to December 31, 1996 shall not be required to receive credit for 150 hours in accordance with §503.A until his eligibility expires in accordance with this Subsection. Such applicants remain eligible to take any examination administered by the board prior to December 31, 1999, and shall thereafter be eligible, subject to applicable rules and regulations of the board, if conditioned on examination prior to December 31, 1999 to take sections of the examination in order to pass all sections of the examination. Candidates who have earned conditional credit(s) which expire after December 31, 1999 shall remain eligible until the expiration of the conditional credit(s). After expiration of their conditional credit(s) they shall be required to show completion of 150 semester hours before reapplying to take any other CPA examination in Louisiana.

C. In the event that the applicant's degree does not reflect the credit hours in the courses prescribed by §503.A, the board may, on good cause shown by the applicant, allow the substitution of other courses that, in the board's judgment, are substantially equivalent to any of such prescribed courses or to the credit hours prescribed therein. Documentation of good cause for any such requested substitution shall be submitted by the applicant to the board upon affidavit sworn to and subscribed by the applicant and

an officer of the university, college or other educational institution where the course to be substituted was taken. Such affidavit shall set forth a course description of the course sought to be substituted and a comparison of the content of such course to that of the course for which substitution is requested.

D. If the applicant's degree does not reflect the credit hours in the courses prescribed by §503.A, an applicant may become eligible for examination and certification by and under the auspices of the board by having otherwise taken and completed the courses required by this rule and received credit for satisfactory completion thereof awarded by an accredited university, college, vocational or extension school recognized and approved by the board.

E. With respect to courses required for the degree, other than those specified by §503.A, the board does recognize credit received for courses granted on the basis of advanced placement examinations (such as CLEP, ACT or similar examinations). Except for correspondence courses at an accredited university approved by the board, the accounting and business course credits specifically listed in §503.A shall have been awarded pursuant to satisfactory completion of a course requiring personal attendance at classes in such course.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated LR 6:6 (January 1980), amended LR 11:757 (August 1985), LR 13:13 (January 1987), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 15:616 (August 1989), LR 17:1070 (November 1991), LR 23:1120 (September 1997), LR 26:1969 (September 2000).

### **§505. Examination**

A. The examination shall consist of:

1. the Uniform Certified Public Accountant Examination prepared and graded by the American Institute of Certified Public Accountants; or

2. if applicable, the International Uniform CPA Qualification Examination (IQEX) prepared and graded by the American Institute of Certified Public Accountants.

B. Qualifications

1. Application. The board shall examine candidates for examination as a CPA.

a. Examinations are ordinarily held in May and November of each year. Candidates for these examinations shall file complete application forms. A complete application is one that is properly filled out, including payment of the required examination fee and, if an initial application, accompanied by all required official transcripts.

b. Applications for the May examination are due in the office of the board's agent no later than 5 p.m., March 1. Applications for the November examination are due in the office of the board's agent no later than 5 p.m., September 1. If the last day for filing falls on a Saturday, Sunday or state of Louisiana holiday, the due date will be extended to include the next state of Louisiana working day.

c. First time or transfer-of-grades candidates who have not taken their accounting courses in Louisiana must include a copy of the course description(s) of all accounting courses not clearly identified by titles listed in §503.A.

### **2. Residency Requirements**

a. In addition to the requirements set forth in §503, an applicant for an initial examination must meet the following residency requirement:

i. reside in the state for a period of 120 consecutive days within the one-year period prior to the date of the candidate's initial examination; or

ii. during the period of a temporary residency outside of Louisiana, the applicant has maintained a permanent legal residence in Louisiana, to which he intends to return.

3. Fee Refund. If, after filing his application, a candidate is unable to sit for the CPA examination, he must so notify the agent of the board not later than seven working days prior to the first day of the examination; otherwise, the fee shall be forfeited. A service charge will be assessed on all refunds of examination fees.

C. Special Procedures. All examinations must be completed in the time allotted by the board. To comply with the requirements of the American with Disabilities Act (ADA) the board may authorize modification to the time allotted.

D. Board Responsibilities

1. Grade Decision. The board shall not be required to furnish the reason for any grades which it shall grant or for any decision which it may reach with respect to the examination process.

2. Lost Examinations. In the event that examinations are lost, any claim candidates may have against the State Board of Certified Public Accountants of Louisiana, its agents and employees will be limited to the examination fee paid.

E. Grades

1. Applicants shall each be given an identifying ID number and only this ID number shall be used on examination papers for identification purposes.

2. A candidate must sit for all the sections for which he is scheduled in order to receive his grades and to be able to sit for the next examination.

3. In order to pass the examination a candidate must receive a grade of at least 75 in each section.

4. The following rule shall apply for conditional credit:

a. if a grade of 50 or more is made in each section, a candidate who passes at least two sections at a single examination shall receive credit for the sections passed, conditioned upon his passing the remaining section or sections as set forth in §505.E.4.b;

b. a candidate who has received credit for passing at least two sections of the examination, as set forth in §505.E.4.a, shall be required to remove the condition in any of the next six consecutive examinations but shall receive no credit for passing a section or sections at any examination in which he makes a grade of less than 50 in any other section.

5. Grades below 40. Any candidate who makes a grade below 40 (39 or lower) in any section will not be allowed to take the next consecutive examination. This rule does not apply to conditioned candidates.

6. Transfer of Grades. Grades shall be accepted from other states when a candidate for transfer of grades has met all the requirements of Louisiana candidates except that he sat for the examination in another state.

a. Applicant must have completed the education requirements of §503 prior to sitting for the examination in the other state. An exception to this rule will be allowed for a bona fide resident of another state who took the exam in his state of residency which did not have the 150 hour requirement. Such applicants may complete their education requirements after sitting for the exam.

b. Applicant shall submit a completed initial application with an official transcript from an accredited college or university and a statement from an officer of the state board from which he is transferring as to dates of passing the examination and grades made.

c. An applicant for transfer of grades who has conditioned in another state must meet the conditional credit rules of §505.E.4 to retain his conditional credit and to remove his condition.

d. In addition to meeting the requirements for a transfer of grades, the applicant shall be required to pay a transfer fee at the time he request the transfer.

F. Each candidate shall be notified by mail, on the date specified by the American Institute of Certified Public Accountants, of the grades earned by him in each section of the examination. No information concerning grades will be released until such date.

#### G Cheating

1. Cheating by an applicant in applying for or taking the examination will invalidate any grade otherwise earned by a candidate on any part of the examination, and may warrant summary expulsion from the examination room and disqualification from taking the examination for a time period as prescribed by the board.

2. For purposes of this Rule, the following actions, among others, may be considered cheating:

a. falsifying or misrepresenting educational credentials or other information required for admission to the examination;

b. communication between candidates inside or outside the examination room or copying another candidate's answers while the examination is in progress;

c. communication with others outside the examination room while the examination is in progress;

d. substitution of another person to sit in the examination room in the place of an candidate; or

e. reference to crib sheets, textbooks or other material inside or outside the examination room while the examination is in progress.

3. In any case where it appears to the board or its designee, while the examination is in progress, that cheating has occurred or is occurring, the board or its designee may either summarily expel the candidate involved from the examination or move the candidate to a position in the room away from other examinees where the candidates can be watched more closely.

4. Any person who receives from or discloses to another person any of the contents of a CPA examination which is classified as a nondisclosed examination shall be subject to disciplinary action by the board.

5. In any case where probable cause has been determined that a candidate has cheated on an examination, or where a candidate has been expelled from an examination, the board shall comply with the provisions of

R.S. 37:81 to determine the facts, and penalty, if any. The penalty shall be in the sole discretion of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71, et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated LR 6:6 (January 1980), amended LR 9:208 (April 1983), LR 12:88 (February 1986), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 17:1068 (November 1991), LR 23:1119 (September 1997), LR 26:1970 (September 2000).

### Chapter 7. Qualifications; Application for CPA Examination

#### §701. Application Forms

A. Application for examination and/or certification as a certified public accountant shall be made on the appropriate forms provided by the board. Reproduction of these forms shall not be accepted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated and amended LR 6:8 (January 1980), LR 26:1971 (September 2000).

#### §703. Initial Application

A. First time or transfer candidates or applicants must complete an initial application form. An official transcript from each institution at which original credit toward the educational requirements was earned must accompany the initial application form. Official evidence of baccalaureate or higher degree conferral must be included, regardless of any other degrees the candidate has earned.

B. Candidates or applicants who have completed courses in fulfillment of the educational requirement in institutions outside Louisiana are required to submit course descriptions of all accounting and business courses not clearly identified by titles as listed in §503.

C. Candidates or applicants who have completed educational requirements at institutions outside the U.S. must have their credentials evaluated by the Foreign Academic Credentials Service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, Promulgated and amended LR 6:8 (January 1980), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 23:1122 (September 1997), LR 26:1971 (September 2000).

#### §705. Originals or Certified Copies Required

A. All documents required to be submitted must be the original or certified copies thereof. For good cause shown, the board may waive or modify this requirement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated and amended LR 6:8 (January 1980), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 26:1971 (September 2000).

#### §707. Rejection or Refusal of Application

A. The board may reject or refuse to consider any application which is not complete in every detail, including submission of every document required by the application form and received in the board's office; or for applications

for the CPA examination, received in the office of the board's agent by the appropriate due date.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:71 et seq.

**HISTORICAL NOTE:** Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated and amended LR 6:8 (January 1980), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 17:1069 (November 1991), LR 26:1971 (September 2000).

### **§709. Fees**

A. Each application for examination, certification, or firm permit shall be accompanied by a fee set by the board. In no event may a fee timely filed exceed \$250. Should such application be rejected, the fee less any service charge shall be refunded. If a Louisiana candidate requests that he be allowed to sit in a state that requires a proctoring fee, he shall be required to pay the proctoring fee. Additional information on fees is included in Chapter 3.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:71 et seq.

**HISTORICAL NOTE:** Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated and amended LR 6:8 (January 1980), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 17:1069 (November 1991), LR 26:1972 (September 2000).

## **Chapter 9. Qualifications for Initial Certificate**

### **§901. Eligibility for an Initial Certificate; Experience Requirements**

A. To be eligible for initial certification, an applicant shall present proof, documented in a form satisfactory to the board, that he has obtained such professional experience as is prescribed by §903.

B. To be eligible for reinstatement of a certificate which has expired by virtue of nonrenewal, or which was registered in inactive status because an exemption from CPE had been granted, the applicant must satisfy the requirements of §1105.D.

C. In satisfaction of the experience requirement, the applicant must submit such substantiating written statements and documentation in such form as the board shall require, from employers or others who have actual knowledge of such facts. Complete applications are due as prescribed in §1105.A. Written statements confirming an applicant's experience must be submitted with the application. An application received without proper support, or support received without the application, is not acceptable.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:71 et seq.

**HISTORICAL NOTE:** Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, amended LR 4:234 (June 1978), LR 6:7 (January 1980) and LR 9:208 (April 1983), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 17:1069 (November 1991), LR 26:1972 (September 2000).

### **§903. Qualifying Experience**

A. The experience required to be demonstrated for issuance of an initial certificate pursuant to R.S. 37:75(G) shall meet the requirements of this Rule.

1. Experience may consist of providing any type of services or advice using accounting, attest, management advisory, financial advisory, tax, or consulting skills. Such experience shall be of sufficient depth and quality and have been supervised by an active certificate holder or one from

another state who has significant exposure to and review of the applicant's work.

a. Evidence of the applicant's supervision by a certificate holder and experience shall be submitted to the board. Supervision shall be of sufficient duration as determined by the board and may be evidenced by:

i. supervision in using accounting, attest, management advisory, financial advisory, tax, or consulting skills by a certificate holder having a managerial level one or more positions above the applicant's level; or

ii. employment by a firm or organization using the services of outside CPAs during the term of the applicant's employment. The applicant must have been responsible for providing information, explaining systems and procedures, and/or preparing schedules and analysis; or

iii. such other forms of supervision or oversight as the board considers adequate.

2. The applicant shall have their experience verified to the board by a certificate holder or one from another state. Acceptable experience shall include employment in government, industry, academia, or public practice. The board shall look at such factors as the complexity and diversity of the work.

a. Complexity and diversity of experience includes:

i. responsibility and the use of professional judgment in accounting, attest, management advisory, financial advisory, tax, or consulting skills;

ii. employment as a teacher of subjects primarily in the accounting discipline for an accredited college or university as defined in §501.

(a). The applicant shall have taught courses for academic credit in at least three different areas of accounting above the introductory or elementary level. Examples of these areas are intermediate accounting, advanced accounting, governmental accounting, international accounting, accounting theory, cost or managerial accounting, income taxes, auditing, and accounting information systems.

(b). The applicant shall have taught an accumulated course load of 24 semester hours or its equivalent for a period of no less than one year in the four years immediately preceding the date of application.

3. Any certificate holder who has been requested by an applicant to submit to the board evidence of the applicant's experience and has refused to do so shall, upon request by the board, explain in writing or in person the basis for such refusal.

4. The board may require any certificate holder who has furnished evidence of an applicant's experience to substantiate the information.

5. Any applicant may be required to appear before the board or its representative to supplement or verify evidence of experience.

6. The board may inspect documentation relating to an applicant's claimed experience.

B. One year of experience may consist of full-time or part-time employment that extends over a period of no less than one year and no more than four years. Experience shall be obtained within the immediate four-year period preceding the application. Part-time employment shall consist of no fewer than 2,000 hours of performance of services as described in Paragraph 2 above.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, amended LR 4:223 (June 1978), LR 6:7 (January 1980) and LR 9:208 (April 1983), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 15:617 (August 1989), LR 23:1122 (September 1997), LR 26:1972 (September 2000).

## Chapter 11. Issuance and Renewal of Certificate

### §1101. Certificate

A. When an applicant has met all the requirements for certification, the board shall issue to him a certificate that he is a certified public accountant in the state of Louisiana. All such certificates shall be valid only when signed by the chairman and secretary of the board.

B. Prior to the issuance of his certificate, each such applicant shall be required to execute an oath as prescribed by the board. In addition, the board may require an examination in ethics.

C. R.S. 37:75(H) provides only for the issuance of the certificate for the year 1999. Any restriction in effect as of June 17, 1999 that had been imposed upon any individual as a result of a board proceeding, consent order or settlement agreement remains in effect. With respect to subsequent years, certificates shall be renewed or reinstated in conformance with the requirements of R.S. 37:76 and related board rules.

D. R.S. 37:75(I) provides for the granting of a certificate under the act to individuals who, except for the experience requirement, met the requirements to become a CPA that existed at June 17, 1999. Accordingly, R.S. 37:75(I) pertains to individuals who, prior to June 18, 1999, the effective date of the act, previously held a valid certificate issued under former law. Such individuals are included as eligible to apply for a certificate under R.S. 37:75(I) irrespective of whether such individuals were currently registered in good standing as of the effective date of the act, but provided that any certificate or license that was not in good standing as of June 17, 1999, was unrelated to a suspension, restriction, revocation, or a relinquishment which resulted from a board disciplinary action, consent order, or settlement agreement.

1. Prior to obtaining a certificate under the act, individuals referenced by the R.S. 37:75(I) are required to renew and register their inactive status with the board annually and pay the annual renewal fee.

2. The experience required to be furnished to the board to be issued a certificate under the act must conform to all of the requirements of R.S. 37:75(G) and related board rules and must be submitted with an application form provided by the board for this purpose and with the applicable fee.

3. R.S. 37:75(I) is only available for an initial certificate after June 17, 1999 under the act. Subsequent to any issuance of a certificate under R.S. 37:75(I), renewals and applications for reinstatements of the certificate must conform to the requirements of R.S. 37:76 and related board rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated LR 6:8 (January 1980), LR 12:88 (February 1986), amended by the Department of Economic Development, Board of

Certified Public Accountants, LR 23:1124 (September 1997), LR 26:1973 (September 2000).

### §1103. By Reciprocity

#### A. Definition

*In Good Standing* Cthe applicant is in compliance with the rules and regulations of the appropriate licensing board, including payment of the annual registration fee, and any penalties and other costs attached thereto. In the case of board-imposed disciplinary or administrative sanctions, the applicant must have complied with all of the provisions of the appropriate licensing board order.

B. The board shall issue a certificate to an applicant pursuant to R.S. 37:76(C)(2) who holds a valid and in good standing certificate, license or permit issued by a substantially equivalent state as determined by the board or its designee. The applicant's experience shall be substantially equivalent to the requirements of R.S. 37:75(G) and the rules there under.

1. Verification of substantial equivalency under R.S. 37:94(A)(1) and R.S. 37:94(A)(2) may be made by the board or its designee.

2. Any individual entering this state under provisions of R.S. 37:94 must notify the board of their intent no less frequently than annually and pay any designated fee.

C. For those applicants who do not qualify for reciprocity under the substantial equivalency standard, the board shall issue a certificate to a holder of a valid and in good standing certificate, license or permit issued by another state upon showing that:

1. the applicant possesses a baccalaureate degree or higher and satisfies the educational requirements of §503; and

2. the applicant has successfully completed the Uniform Certified Public Accountant examination. Successful completion of the examination means that the applicant passed the examination in accordance with the rules of the other state at the time it granted the applicant's initial certificate and in the opinion of the board such rules for examination are substantially equivalent to Louisiana's examination rules;

3. the scores achieved by the applicant on all examinations are certified to the board by the state which issued the applicant's original certification; and

4. the applicant has no less than four years experience as described in R.S. 37:75 during the ten years immediately preceding the date on which the application for reciprocity certification is received by the board;

5. if the applicant's initial certificate, license, or permit was issued more than four years prior to the date of application, he/she must have fulfilled the continuing education requirements as described in §1301.A.

D. An applicant otherwise eligible for reciprocity certification under §1103.C, except for possession of a baccalaureate degree, or the credit for not less than 150 hours of university or college education, shall nonetheless be eligible for reciprocity certification by the board, provided that the applicant's original, initial certification as a certified public accountant by any state was issued on or before September 1, 1975, or the applicant has been in active, continuous practice as a certified public accountant for not less than four years during the 10 years immediately

preceding the date on which the applicant's application for reciprocity certification is received by the board.

E.1. Applicants for reciprocal certificates shall not be required to reside or have a place for the regular transaction of business in Louisiana, but shall be required to take the CPA oath.

2. A CPA who has established a principal place of business in Louisiana must obtain a reciprocal certificate. Principal place of business is defined as a primary location in Louisiana where the applicant conducts his or her practice or business activity.

3. Complete applications for reciprocal certificates must be received in the board's office 30 days prior to a regular board meeting (§309).

#### F. Foreign Credentials C Reciprocity Based on Equivalent Experience

1. The board may designate a professional accounting credential issued in a foreign country as substantially equivalent to a CPA certificate.

a. The board may rely on the International Qualifications Appraisal board for evaluation of foreign credential equivalency.

b. The board may accept a foreign accounting credential in partial satisfaction of its domestic credentialing requirement if:

i. the holder of the foreign accounting credential met the issuing body's education requirement and passed the issuing body's examination used to qualify its own domestic candidates; and

ii. the foreign credential is valid and in good standing at the time of application for a domestic credential.

2. The board may satisfy itself through qualifying examination(s) that the holder of a foreign credential deemed by the board to be substantially equivalent to a CPA certificate possesses adequate knowledge of U.S. standards and the board's regulations. The board may rely on the National Association of State Boards of Accountancy, the American Institute of Certified Public Accountants, or other professional bodies to develop, administer, and grade such qualifying examination(s). The board will specify the qualifying examination(s) and process by policy.

3. An applicant for renewal of a CPA certificate originally issued in reliance on a foreign accounting credential shall:

a. apply for renewal at the time and in the manner prescribed by the board for all other certificate renewals;

b. pay such fees as are prescribed for all other certificate renewals.

4. If the applicant has a foreign credential in effect at the time of the application for renewal of the CPA certification, he/she must present documentation from the foreign accounting credential issuing body that the applicant's foreign credential has not been suspended or revoked and the applicant is not the subject of a current investigation. If the applicant for renewal no longer has a foreign credential, the applicant must present proof from the foreign credentialing body that the applicant for renewal was not the subject of any disciplinary proceedings or investigations at the time that the foreign credential lapsed; and either show completion of continuing professional education substantially equivalent to that required under §1301.A. within the three year period preceding renewal

application, or petition the board for complete or partial waiver for the CPE requirement based on the ratio of foreign practice to practice in the state.

5. The holder of a CPA certificate issued in reliance on a foreign accounting credential shall report any investigation undertaken, or sanctions imposed, by a foreign credentialing body against the CPA's foreign credential.

6. Suspension or revocation of, or refusal to renew, the CPA's foreign accounting credential by the foreign credentialing body may be evidence of conduct reflecting adversely upon the CPA's fitness to retain the certificate and may be a basis for board action.

7. Conviction of a felony or any crime involving dishonesty or fraud under the laws of a foreign country is evidence of conduct reflecting adversely on the CPA's fitness to retain the certificate and is a basis for board action.

8. The board shall notify the appropriate foreign credentialing authorities of any disciplinary actions imposed against a CPA.

9. The board may participate in joint investigations with foreign credentialing bodies and may rely on evidence supplied by such bodies in disciplinary hearings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated LR 6:7 (January 1980), amended LR 9:208 (April 1983), LR 12:88 (February 1986), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 17:1069 (November 1991), LR 23:1121 (September 1997), LR 26:1973 (September 2000).

### **§1105. Certificate Application, Annual Renewals, Inactive Registration, Reinstatement, Notification under Substantial Equivalency**

#### A. Applications

1. Applications for initial or reciprocal certificates pursuant to R.S. 37:76(F) shall be made on an original form provided by the board, and shall be submitted on or before the last day of the month preceding the month in which a regularly scheduled meeting of the board is held in order for such application to be considered by the board at that meeting.

2. Applications shall contain all of the information required by the board including but not limited to information regarding the satisfaction and verification of the experience requirements of R.S. 37:75(G) and other requirements as required by the act or by the board.

#### B. Renewals and Current Year Reinstatement C Certificates

1. Each certified public accountant shall renew his certificate annually on or before the last day of December preceding the year for which renewal is applicable.

2. The board shall mail the necessary forms for renewal of certificates to the last known address of each certified public accountant on or before the first day of December each year.

3. Certificates expire on the last day of each calendar year.

4. The board shall mail a notice of default to the last known address of each certified public accountant who fails to renew his certificate on or before the renewal date provided in §1105.B.

5. Application for annual renewal of certified public accountant certificates shall be made on forms furnished by the board and shall be accompanied by renewal fees fixed by the board. The fee for annual renewal of a certificate shall not exceed \$100. Reproduction of renewal forms shall not be accepted.

6. The board may reinstate any certificate which has expired because of nonrenewal in the current year, upon payment of the renewal fee and such penalty fee as may be prescribed by the board, provided that the applicant for such renewal is otherwise completely qualified for certification.

7. A delinquent renewal fee equal to the current renewal fee shall be assessed against those certified public accountants who have not renewed prior to February 1, and a reinstatement renewal fee equal to twice the current renewal fee shall be assessed against those persons whose certificates have expired for failure to register prior to March 1.

8. A certified public accountant whose certificate has expired and has not been reinstated prior to April 16 of the current year shall submit an application, subject to board approval, for reinstatement of a current year certificate. In addition to the renewal fee and the other renewal fees assessed in Paragraphs 6 and 7 above, the board may assess an additional fee within the limits prescribed by law.

9. In addition to the above fees, a fee may be assessed against those certified public accountants who have received three suspensions within the previous six years.

10. For good cause, the board may waive or suspend in whole or in part any of the fees provided for in this Section.

11. Certified public accountants who have not timely renewed their certificates are in violation of R.S. 37:83 and therefore may be subject to the provisions of R.S. 37:81.

#### 12. Failure to Timely Remit or Respond

a. No certificate of any certified public accountant who has failed to timely remit full payment of any fees, fines, penalties, expenses, or reimbursement of costs incurred by the board, which the certified public accountant owes the board or has been ordered to pay to the board shall be annually renewed, or reinstated.

b. The board may refuse to renew, or to reinstate, any certificate of any certified public accountant who has failed to comply with §1707.H.

#### C. Annual Registration of CPA Inactive Status

1. Each person entitled to use the designation "CPA inactive" under R.S. 37:76(D)(2) and R.S. 37:75(I) shall register such "CPA inactive" status annually on or before the last day of December preceding the year for which renewal is applicable.

2. Application for annual registration of "CPA inactive" status shall be made on forms furnished by the board and shall be accompanied by renewal fees fixed by the board. The fee for the annual registration shall not exceed \$60. Reproduction of renewal forms shall not be accepted.

3. The board shall mail the necessary annual registration forms to the last known address of each "CPA inactive" registrant the first day of December each year.

4. Annual registration expires on the last day of each calendar year.

5. The registrant shall affirm upon each annual registration form that he will abide by the applicable statutes and rules of the board governing the use of the designation "CPA inactive".

6. The board may reinstate the "CPA inactive" registration of any person upon the payment of the current year registration fee plus the registration fees for all years since the registrant was last registered.

#### D. Reinstatement of Certificate of Certified Public Accountant

1. An individual whose certificate has expired by virtue of nonrenewal, or who was registered in inactive status because an exemption from CPE had been granted in a preceding year, shall present proof in a form satisfactory to the board that he has:

a. satisfied the experience requirements prescribed in R.S. 37:75(G) within the four years immediately preceding the date of the application for reinstatement; and,

b. satisfied the requirements for continuing professional education for the preceding reporting period as specified in §1301.A.

2. Continuing education courses used to reinstate a certificate under Subparagraph 1.b above may be used to satisfy the requirements of either the preceding or current CPE reporting period but not both periods.

3. Applications for reinstatement of certificates pursuant to R.S. 37:76(F) shall:

a. be made on a form provided by the board;

b. be submitted on or before the last day of the month preceding the month in which a regularly scheduled meeting of the board is held in order for such application to be considered by the board at that meeting; and

c. contain all of the information required by the board including but not limited to information regarding the satisfaction and verification of the experience and continuing education requirements referred to in Subparagraph 1.b.

#### E. Notification of Practice Under Substantial Equivalence

1. Prior to practicing in Louisiana, an individual holding a valid CPA certificate or license issued by another state shall file notice with and upon a form provided by the board. Such person who satisfies the requirements of R.S. 37:94 and board rules regarding substantial equivalency will be granted the privilege to practice as a CPA in Louisiana. Individuals intending to practice in Louisiana under R.S. 37:94 shall annually file such notice of intent to practice with the board.

2. The initial notice and each subsequent notice shall be accompanied by the fee of \$75.

3. An individual CPA granted practice rights under this Subsection may offer or perform non-attest services in Louisiana in his own name as an unincorporated sole practitioner.

4. If an individual CPA granted rights under this Subsection offers or performs attest services, or offers or performs other professional services through any other form of practice or legal entity that would otherwise be eligible and required to have a CPA firm permit in Louisiana, such entity may be granted a permit to practice in accordance with this Subsection. Qualifications and requirements for a permit under this Subsection include the following:

a. the firm's name, address and other required information must be included in the notices required under this Subsection;

b. the firm may not have an office or physical address in Louisiana;

c. the firm has and maintains a valid permit issued by another state that was issued by that state under requirements that are substantially equivalent to Louisiana's requirements;

d. if attest services will be offered or performed, the firm must confirm that it is subject to a peer review program acceptable to the board;

e. all individual CPAs in the firm who are responsible for professional services in Louisiana have also individually obtained practice rights in Louisiana;

f. an individual CPA with practice rights shall serve as the firm's designated licensee;

g. the practice rights granted to the firm may be suspended, restricted, or revoked by the board if:

i. the rights granted to the individual CPA(s) under this Subsection expire, are restricted, suspended or revoked for cause;

ii. the firm fails to comply with the act or the board's rules;

h. no firm permit or renewal fees, except for the fees for individual CPAs provided for in this Subsection, shall be assessed for permits granted under this Subsection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated and amended LR 6:8 (January 1980), amended LR 9:209 (April 1983), LR 11:758 (August 1985), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 17:1070 (November 1991), LR 23:1124 (September 1997), LR 26:1974 (September 2000).

### **§1107. Change in Address or Practice Status**

A. All certified public accountants, individuals registered in inactive status, and individuals who have the privilege to practice under substantial equivalency shall promptly notify the board in writing within 30 days of any change in mailing address or practice status.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated LR 6:8 (January 1980), amended LR 9:209 (April 1983), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 23:1125 (September 1997), LR 26:1976 (September 2000).

## **Chapter 13. Maintenance of Competency; Continuing Professional Education (CPE)**

### **§1301. Basic Requirements**

A. Each certificate holder shall participate in at least 120 hours of continuing professional education every three years. The hours of a certificate holder to whom §1301.E.2 applies shall be reduced pro rata for the compliance period containing his effective date.

1. Certificate holders who participate in attest engagements shall complete at least 20 percent of the required hours in the subject area described in §1307.A.1 in fulfilling the above requirements, effective for the compliance period beginning January 1, 2001. Certificate holders participating in attest engagements include those responsible for conducting substantial portions of the procedures and those responsible for planning, directing, or reporting on attest engagements. Persons who "plan, direct, and report" generally include the in-charge accountant, the supervisor or manager, and the firm owner who signs or

authorizes someone to sign the attest engagement report on behalf of the firm.

2. All certificate holders shall complete at least two hours of Professional Ethics that include a review of the State Board's Rules of Professional Conduct (LAC 46:XIX Chapter 5). In order to qualify, the contents of an Ethics course must have been pre-approved by the board.

3. Personal development hours cannot exceed twenty-five percent of the total qualifying CPE.

4. Each certificate holder shall triennially, when making application for certificate renewal, submit requested information on the prescribed form including a signed statement confirming the number of continuing education hours in which the certificate holder has participated during the reporting period.

B. Exemption. The board may grant an exemption from CPE in accordance with R.S. 37:76(D)(2). In order to be granted an exemption, the certificate holder must register in inactive status and follow the provisions of §1707.C.

C. An individual who held a license on June 17, 1999 or was issued a certificate on or after June 18, 1999 who wishes to reenter practice after having allowed such license or certificate to lapse must present proof, documented in a form satisfactory to the board, that he has satisfied the requirements for continuing professional education for the preceding period as specified by §1301.A.

D. The board may at its sole discretion grant extensions of time or waivers to complete the required continuing education requirements for hardship situations and for medical reasons.

### **E. Effective Date**

1. As to any certificate holder who was licensed as of January 1, 1998, the effective date of these requirements was January 1, 1998; except for §1301.A.1, which will be effective January 1, 2001.

2. As to any individual who obtains an initial certificate, the effective date of these requirements shall be January 1, of the year after his initial certificate was issued.

### **F. Compliance Period**

1. The first compliance period for continuing professional education was the three-year period ended December 31, 1982, and subsequent compliance periods shall end on December 31 each third year thereafter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Certified Public Accountants, LR 6:4 (January 1980), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 15:614 (August 1989), LR 23:1116 (September 1997), LR 26:1976 (September 2000).

### **§1303. Standards for Programs**

#### **A. Program Development**

1. The program shall contribute directly to the professional competence of the participants.

2. The stated program objectives shall specify the level of knowledge the participant should have obtained or level of knowledge he should be able to demonstrate upon completing the program.

3. The education and/or experience prerequisites for the program should be stated.

4. Programs shall be developed by individual(s) qualified in the subject matter.

5. Program content shall be current.

6. A program shall be reviewed by an individual(s) qualified in the subject matter and knowledgeable in instructional design, other than the preparer(s).

**B. Program Presentation**

1. Participants should be informed in advance of objectives, prerequisites, experience level, content, advance preparation, teaching methods, and continuing professional education credit.

2. Instructors, lecturers or speakers should be qualified with respect to program content and teaching method used.

3. The number of participants and physical facilities should be consistent with the teaching method(s) specified.

4. Written evaluations shall be solicited from participants for each program, summarized to provide an effective means for evaluating program quality, and retained.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Certified Public Accountants, LR 6:4 (January 1980), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 15:614 (August 1989), LR 23:1116 (September 1997), LR 26:1976 (September 2000).

**§1305. Programs which Qualify**

A. The overriding consideration in determining whether a specific program qualifies as acceptable continuing education is that it be a formal program of learning which contributes directly to the professional knowledge and professional competence of an individual certificate holder. Formal programs of learning are those programs that are designed, and primarily intended, as educational activities, and comply with all CPE standards. Magazines and reference materials are not designed as educational programs nor do they comply with CPE standards. Accordingly, examinations on magazine articles or reference materials will not qualify for credit unless a formal program of learning was developed in addition to the examination. CPE credit will not be allowed for programs which have content that is in violation or is not in compliance with the act or rules of the board.

B. Continuing education programs qualify if they meet the above standards and if:

1. a written outline of the program is prepared in advance and preserved;

2. the program is at least one hour (50 minute period) in length; and

3. a record of registration and attendance or test results is maintained.

C. The following are deemed to be qualifying programs:

1. Accredited University or College Courses (see definition at §501). Credit and non-credit courses earn continuing education credit as set forth in §1309.A.

2. Formal correspondence or other individual study programs, (including text books, audio or visual tapes, computer disc, CD-ROM, or internet based study programs), which require registration and provide evidence of satisfactory completion as set forth in §1309.B.

3. Formal live classroom study programs, including educational programs of recognized national and state professional organizations.

4. Technical sessions at meetings of recognized national and state professional organizations and their chapters.

5. Formal organized in-firm educational programs.

D. The board may look to recognized state or national professional organizations for assistance in interpreting the acceptability of and credit to be allowed for individual courses.

E. The responsibility for substantiating that a particular program is acceptable and meets the requirements rests solely upon the certificate holder.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated as LR 6:5 (January 1980), amended LR 11:757 (August 1985), LR 13:13 (January 1987), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 15:614 (August 1989), LR 17:1068 (November 1991), LR 23:1118 (September 1997), LR 26:1977 (September 2000).

**§1307. Subjects which Qualify**

A. The following general subject matters are acceptable as long as they contribute to the professional knowledge and professional competence of the individual certificate holder and are relevant to the services rendered or to be rendered by the individual certificate holder in public practice, industry, academia or government.

1. Accounting and Auditing. This field of study includes accounting and financial reporting subjects, pronouncements of authoritative accounting principles issued by the standard-setting bodies and any other related subject generally classified within the accounting discipline. It also includes auditing subjects related to the examination of financial statements, operations systems, and programs; the review of internal and management controls; and the reporting on the results of audit findings, compilations, and reviews. It also includes assurance services that relate to standards for attest engagements.

2. Consulting. This field of study deals with all advisory services provided by professional accountants. Services provided that encompass those for management such as designing, implementing, and evaluating operating systems for organizations as well as business advisory services and personal financial planning. The systems include those dealing with planning, organizing and controlling any phase of individual financial activity or business activity. Subjects may include designing and implementing a computer system to process the financial and management operations of a business; litigation support services and the related fields of law; personal financial planning services; investment planning for individuals or organizations; and management advisory services. This Subsection is primarily for consultants in public practice; however, internal consultants employed by a business entity providing advisory services within the entity may also use these subjects.

3. Taxation. This field of study includes subjects dealing with tax compliance and tax planning. Compliance covers tax return preparation and review and IRS examinations, ruling requests, and protests. Tax planning focuses on applying tax rules to prospective transactions and understanding the tax implications of unusual or complex

transactions. Recognizing alternative tax treatments and advising on tax saving opportunities are also part of tax planning.

4. Management. This field of study considers the management needs of individuals in public practice, industry, and government. Acceptable subjects for individuals in public practice concentrate on the practice management area, such as organizational structures, marketing services, and administrative practices. For individuals in industry or government, there are subjects dealing with the financial management of the organization, including information systems, budgeting, asset management, as well as buying and selling businesses, contracting for goods and services, cost analysis and foreign operations. In general, the emphasis in this field is on the specific management needs of certificate holder's and not on general management skills.

5. Specialized Knowledge and Applications. This field of study treats subjects targeted to specialized industries, such as not-for-profit organizations, health care, oil and gas. An industry is specialized if it is unusual in one or more of the following ways: form of organization, economic structure, legislation of regulatory requirements, marketing or distribution, terminology, technology; and either employs unique accounting principles and practices, encounters unique tax problems, requires unique advisory services, or faces unique audit issues. This area applies to certificate holders in the three employment areas, i.e., public practice, industry, and government. A certificate holder would use this classification for courses not already reportable under categories listed in §1307.A.1-4, such as Medicare cost reporting or rate regulations in the telephone and utility industry.

6. Personal Development. Personal Development is the field of study which includes self-management and self-improvement both inside and outside of the business environment. It includes issues of quality of life, interpersonal relationships, self-assessment, and personal improvement. Personal development courses are intended to be more of a self-improvement category, as compared to courses that are directly related to the certificate holder's job duties or job requirements. Courses above the basic skill level that otherwise might qualify as Personal Development courses may be claimed in the management area or the consulting area if they relate to the certificate holder's job duties or job requirements.

7. Professional Ethics. Professional Ethics includes the study of the codes of professional ethics applicable to all CPA registrants and their effect on business decisions.

#### B. Special Rules

1. For purposes of categorizing courses, a course may be categorized in its entirety based on the majority of its content.

2. Courses which have product or service sales as their underlying content shall not qualify for CPE credit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated as LR 6:5 (January 1980), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 15:615 (August 1989), LR 23:1117 (September 1997), LR 26:1977 (September 2000).

### §1309. Credit Hours Granted

#### A. Class Hours

1. Only class hours or the equivalent (and not student hours devoted to preparation) will be counted.

2. Continuing education credit will be given for whole hours only, with a minimum of 50 minutes constituting one hour. As an example, 100 minutes of continuous instruction would count for two hours; however, more than 50 minutes but less than 100 minutes of continuous instruction would count only for one hour. For continuous conferences, conventions and other programs when individual segments are less than 50 minutes, the sum of the segments will be considered equal to one total program.

3. Credit courses at accredited universities or colleges shall earn 15 hours of continuing education for each semester hour of credit. A quarter hour credit shall equal 10 hours.

4. Continuing education credit allowable for noncredit short courses at accredited universities or colleges shall equal time in class in accordance with §1309.A.2.

B. Individual Study Program. The amount of credit to be allowed for correspondence and formal individual study programs is to be recommended by the program developer. These programs shall be pre-tested by the developer to determine the average completion time. Credit will be allowed in the period in which the course is completed as indicated on the certificate of completion.

1. Noninteractive self-study programs shall receive CPE credit equal to one-half the average completion time.

2. Interactive self-study programs shall receive CPE credit equal to the average completion time provided the course developer is registered as an *interactive self-study course* developer with either the AICPA, NASBA, or a State Society of CPAs, and the developer confirms that the course is an *interactive self-study course*.

a. An interactive self-study program is one which simulates a classroom learning process by providing ongoing responses and evaluation to the learner regarding his or her learning progress. These programs guide the learner through the learning process by:

i. requiring frequent student response to questions that test for understanding of the material presented;

ii. providing evaluative responses and comments to incorrectly answered questions; and

iii. providing reinforcement responses and comments to correctly answered questions.

b. Ongoing responses, comments, and evaluations communicate the appropriateness of a learner's response to a prompt or question. Such responses, comments, and evaluations must be frequent and provide guidance or direction for continued learning throughout the program by clarifying or explaining assessment of inappropriate responses, providing reinforcement for appropriate responses, and directing the learner to move ahead or review relevant material. It is the response of the learner that primarily guides the learning process in an interactive self-study program. Not all technology based self-study programs constitute interactive programs. Technology based self-study programs must meet the criteria set forth in the definition of interactive self-study programs, as must other

self-study programs developed using different modes of delivery.

3. CPE program developers shall keep appropriate records of how the average completion time of self-study programs was determined.

C. Service as Lecturer or Speaker

1. Credit for one hour of continuing professional education will be granted for each hour completed as a lecturer or speaker to the extent it contributes directly to the individual's professional knowledge and competence and provided the program would qualify for credit under these rules. Credit for such service will be awarded on the first presentation only, unless a program has been substantially revised.

2. In addition, a lecturer or speaker may claim up to two hours of credit for advance preparation for each teaching hour awarded in §1309.C.1, provided the time is actually devoted to preparation.

3. The maximum credit for teaching and preparation, cannot exceed 50 percent of the three-year requirement under these rules.

D. Writing of Published Articles, Books, CPE Programs, etc.

1. Credit for writing published articles, books, and CPE programs will be awarded in an amount determined by the board representative provided the writing contributes to the professional competence of the certificate holder. The board and author shall mutually approve this representative. CPAs requesting this service will be charged a fee; the fee is to be negotiated and agreed upon prior to the engagement.

2. The maximum credit for preparation of articles and books cannot exceed 25 percent of the 3-year requirement under these rules.

3. Credit, if any, will be allowed only after the article or book is published.

E. Committee Meetings, Dinner and Luncheon Meetings, Firm Meetings

1. Credit will be awarded for participation in committee meetings, dinner and luncheon meetings, etc. provided the program portion thereof meets the other requirements of these rules.

2. Credit will be awarded for firm meetings or meetings of management groups if they meet the requirements of these rules. Portions of such meetings devoted to administrative and firm matters cannot be included.

F. CPE for Completion of Exams

1. CPE credit may be allowed for the successful completion of exams for Certified Management Accountant (CMA), Certified Information Systems Auditor (CISA), Certified Financial Planner (CFP), as well as other similar exams.

2. Credit will be awarded at a rate of 5 times the length of each exam taken and limited to 50 percent of the 3-year requirement.

G. CPE Credit for Reviewers. Credit will be granted for actual time expended reviewing reports for the board's positive enforcement programs as determined by the board and approved by the board's practice monitoring administrator provided the reviewer completes and returns the assigned checklist(s), in a timely manner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated as LR 6:5 (January 1980), amended LR 11:757 (August 1985), LR 13:13 (January 1987), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 15:615 (August 1989), LR 17:1068 (November 1991), LR 23:1118 (September 1997), LR 26:1978 (September 2000).

**§1311. Maintenance of Records and Control**

A. Participants in formal CPE programs shall retain the documentation of their participation in CPE programs for a period of five years after the end of the calendar year in which the program is completed. Participants in formal CPE programs shall also retain advance materials, which should include the requirements set forth in §1303.B.1, and other promotional material which reflects the content of a course and the name of the instructor(s) in the event the participant is requested by the board to substantiate the course content.

B. Acceptable evidence of completion includes, but is not limited to, the following:

1. for group programs, a certificate of attendance or other verification supplied by the sponsor which includes:

- a. sponsorship organization;
- b. location of course;
- c. title and/or description of content;
- d. dates attended; and
- e. the qualifying hours recommended by the course sponsor;

2. for individual study programs, a certificate supplied by the sponsor after satisfactory completion of a workbook, an examination, or an interactive course that confirms the name of the sponsor, the title and/or description of the course contents, the date of completion and the qualifying hours recommended by the course sponsor;

3. for a university or college course that is successfully completed for credit, an official transcript reflecting the grade earned;

4. for instruction credit, evidence obtained from the sponsor of having been the seminar lecturer or speaker at a program in addition to the items required by §1311.B.1; and

5. for published articles, books, or CPE programs, evidence of publication.

6. for completion of exams, evidence of satisfactory completion and qualifying hours of length of exam taken.

C. Sponsors shall furnish a record of attendance or completion to participants, which includes the requirements set forth in §1311.B and retain same information.

D. Practitioners, partners, members, or shareholders and employees of a firm of certified public accountants will not be required to maintain the above records personally if the firm has a policy of maintaining such records for its members and professional employees and does maintain the records required herein for the required time and reports such information to each person at least once each year.

E. Each sponsoring organization shall maintain records of programs sponsored which shall show:

1. that the programs were developed and presented in accordance with the standards set forth in §1303-1305. If a program is developed by one organization and sponsored by another, the sponsoring organization shall not be responsible

for program development standards and related record maintenance if:

a. it has reviewed the program and has no reason to believe that program development standards have not been met; and

b. it has on record certification by the developing organization that the program development standards have been met and that the developing organization will maintain the required records relative thereto.

F. The CPE program sponsor shall maintain records and information required under these rules for a period of five years after the end of the calendar year in which the CPE course was completed.

G. Records required under this rule shall be maintained for five years and shall be made available to the board or its designee(s) for inspection at the board's request.

H. Failure of a CPE program sponsor to comply with the CPE standards shall be cause for the board to deny credit for courses offered by the CPE sponsor until such time as the CPE sponsor can demonstrate to the board that the compliance standards are being met.

I. The board specifically reserves the right to approve or disapprove credit for all continuing education under this state board's rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Certified Public Accountants, LR 6:5 (January 1980), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 15:615 (August 1989), LR 23:1118 (September 1997), LR 26:1979 (September 2000).

## **Chapter 15. Firm Permits to Practice; Attest Experience; Peer Review**

### **§1501. CPA Firm Permits; Attest Experience; Application, Renewal, Reinstatement**

A. Any firm which provides attest services or which uses the title "CPA", "CPAs", "CPA firm", "Certified Public Accountant", "firm of Certified Public Accountants", or similar such designations must obtain and hold a valid and current firm permit issued by the board under R.S. 37:77(A). The use of any of the above titles or designations anywhere on firm letterhead, business cards, electronic correspondence, advertisements or publications, promotional materials, or any other publicly disseminated medium by a firm not holding a valid and current firm permit is not allowed if it implies the existence of an entity that holds a current and valid firm permit issued by the board under the provisions of R.S. 37:77(A).

1. The board may require a firm applying for issuance, renewal or reinstatement of a firm permit to provide any and all information and/or documentation that the board deems appropriate and necessary to ensure the firm's compliance with all provisions of the act.

2. Any CPA firm organized as and/or represented as a professional accounting corporation is considered to be using the title "firm of certified public accountants" and therefore must hold a firm permit, pursuant to R.S. 37:77(A).

3. "Active individual participants" as referred to in R.S. 37:77(C)(2)(b) means natural persons, firms, associations, partnerships, corporations, or other business organizations or entities, in which all owners of such entities must provide personal services in the CPA firm or its

affiliated entities in the nature of management, performance of services for clients, performance of services which assist the certificate holders within the firm in providing professional services, or similar activities; and,

4. A person or entity which makes or holds a passive investment in a CPA firm or its affiliated entities for the purposes of receiving income from the firm or its affiliated entities shall not constitute "active individual participation" as referred to in R.S. 37:77(C)(2)(b).

5. A certificate holder responsible for supervising attest services, or who signs or authorizes someone to sign accountant's reports on behalf of the firm, shall meet the experience requirements set out in AICPA professional standards.

a. Until the time as the AICPA promulgates such professional standards, the requisite experience applicable to certificate holders and firms who are issued certificates or permits after June 18, 1999 is as follows:

i. at least one year (i.e., 2,000 hours) experience in audit, review, or compilation engagements in which the individual was directly supervised by an active certificate holder who had previously met this same requirement;

ii. it is the responsibility of the firm and the certificate holder to determine that this experience requirement has been met.

6. All firms holding a valid registration as a certified public accounting firm June 18, 1999 shall be deemed to have met the initial firm permit requirements.

#### **B. Firm Permits**

1. Applications by firms for initial issuance and for renewal of permits pursuant to R.S. 37:77 shall be made on a form provided by the board. Applications will not be considered filed until the applicable fee, all requested information, and the required documentation prescribed in these rules are received.

2. A firm registered pursuant to R.S. 37:77 shall file with the board a written notification of any of the following events concerning the practice of public accountancy within this state within 30 days after its occurrence:

a. change in the firm's designated licensee;

b. formation of a new firm;

c. addition of a new partner, member, manager or shareholder;

d. any change in the name of a firm;

e. termination of the firm;

f. change in the management of any office in this State;

g. establishment of a new office location or the closing or change of address of an office location in this State;

h. the occurrence of any event or events which would cause such firm not to be in conformity with the provisions of the act or any rules or regulations adopted by the board.

3. In the event of any change in the legal form of a firm, such new firm shall within 30 days of the change file an application for an initial permit in accordance with board rules and pay the fee required by the rules.

4. Samples of original letterhead must also be included with permit and renewal applications. Names of licensed partners, shareholders, members, managers and employees, and names of non-licensee owners, may be

shown on a firm's stationery letterhead. However, names of licensed partners, shareholders, members and managers shall be separated from those of licensed employees by an appropriate line. Licensees shall be clearly identified and the names of non-licensee owners shall be separated from the name of licensees by an appropriate line.

5. Any firm which falls out of compliance with the provisions of R.S. 37:77 due to changes in firm ownership or personnel after receiving, renewing, or reinstating a firm permit shall notify the board in writing within thirty days of the occurrence of changes which caused the firm to fall out of compliance with R.S. 37:77.

a. Such notification shall include an explanation as to how and why the firm is not in compliance and the date upon which the firm fell out of compliance with R.S. 37:77.

b. The firm shall also provide any additional information or documentation the board may request concerning the firm's noncompliance with R.S. 37:77.

6. Within 30 days of written notification to the board that the firm is not in compliance with R.S. 37:77, the firm shall notify the board in writing that the firm has taken corrective action to bring the firm back into compliance.

a. Such notification shall include a description of the corrective action taken, and the dates upon which the corrective action was taken.

b. The firm shall also provide any additional information or documentation the board may request concerning the corrective actions taken to ensure the firm's compliance with R.S. 37:77.

7. For good cause shown, the board may grant additional time for a firm to take corrective action to bring the firm into compliance with R.S. 37:77.

8. Any firm permit suspended or revoked for failure to bring the firm back into compliance within the time period described above, or within the additional time granted by the board, may be reinstated by the board upon receipt of written notification from the firm that the firm has taken corrective action to bring the firm back into compliance. Such notification shall include a description of the corrective action taken, the dates upon which the corrective action was taken, and any additional information or documentation the board may request concerning the corrective actions taken.

9. The board may impose additional requirements at its discretion, including but not limited to monetary fees, on any firm as a condition for reinstatement of a firm permit suspended or revoked for failure to bring the firm into compliance with R.S. 37:77.

10. At its discretion, the board may also take action against the CPA certificate of the firm's designated licensee for failure to provide written notification to the board required in this Section.

#### C. Firm Permit Renewals

1. Firm Permit renewals shall be filed in accordance with certificate renewals, i.e., renewals are due by December 31, delinquent if not renewed prior to February 1; and, expired if not renewed prior to March 1.

2. Delinquent fees for firm permit renewals shall be \$15 per owner, partner, member or shareholder if not renewed prior to February 1; \$30 if not renewed prior to March 1.

D. An annual renewal fee to be set by the board, based on the total number of owners, partners, members and/or

shareholders in the firm who are not licensed to practice in Louisiana but not to exceed \$15 per owner, partner, member or shareholder with a maximum of \$5,000 per firm if timely filed, shall be paid by each firm that files in accordance with the provisions of §1501.C-E.

#### E. Reinstatement of Firm Permits

1. To reinstate a firm permit which has been expired for a year or more due to non-renewal, the firm shall be required to file an initial application for a firm permit and pay the applicable application fee. The firm shall also be required to pay applicable delinquent fees.

2. For good cause shown, the board may waive in whole or in part the reinstatement fees provided for in this Section.

3. In addition to reinstatement fees, an additional fee may be assessed against those CPA firms whose firm permits expired or were cancelled pursuant to this Section three times within six years.

4. In addition to the above fees, an additional reinstatement fee may be assessed against those CPA firms which continued to practice as a CPA firm after the expiration or cancellation of the firm permit pursuant to this Section. Such fee shall be determined by the length of the period of time the firm has practiced without a permit times the annual renewal fee including additional for delinquency each year.

5. No firm permit shall be renewed or reinstated by the board if the firm applying for renewal or reinstatement has failed to remit full payment of any fees, fines, penalties, expenses, or reimbursement of costs incurred by the board, which the firm owes the board or has been ordered to pay to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated and amended LR 6:8 (January 1980), amended LR 9:209 (April 1983), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 17:1070 (November 1991), LR 23:1124 (September 1997), LR 26:1980 (September 2000).

#### §1503. Practice Monitoring Programs

A. The board hereby establishes the Positive Enforcement Program (PEP). The purpose of the program is to improve the quality of financial reporting and to assure that the public can rely on the fairness of presentation of financial information on which CPA firms issue reports.

1. Each licensee or CPA firm, which performs attest services in Louisiana, shall undergo a peer review or a review of working papers and/or reports together with their accompanying financial statements and disclosures, under the board's Positive Enforcement Program at least once each three years.

#### 2. Positive Enforcement Program

a. A qualified reviewer(s) engaged by the board will conduct a periodic review on behalf of and as agent of the board and report the findings to the licensee and the board. The accounting and auditing engagements to be reviewed include, but are not limited to: compilations, reviews, audits, and examinations of prospective financial information.

b. Upon notification of selection, the CPA firm will submit a list of accounting and auditing engagements performed in the area of compilations, reviews, audits, and

examinations of prospective financial information including a breakdown by industry and licensee responsible in that firm during the three year period immediately preceding the renewal of the CPA firm permit.

c. The board reviewer(s) will determine, from the list of accounting and auditing engagements, which reports, together with their accompanying financial statements and disclosures, are to be submitted.

d. The board reviewer(s) may also request the submission of working papers developed by the CPA firm in connection with the issuance of any of the reports selected.

e. Any CPA firm which shall have its working papers reviewed by the board pursuant this Subsection shall be charged reasonable travel expenses and a per diem; provided that the aggregate amount of such reimbursable expenses shall not exceed the sum of \$1,000 as to any CPA firm within any three-year period. This limitation shall not apply to approved sponsoring organizations.

3. Confidentiality. Reports submitted to the board pursuant to §1503.B, and comments of reviewers and of the board on such reports of workpapers relating thereto, shall be preserved in confidence except that they may be communicated by the board to the licensees who issued the reports.

#### 4. Exemptions

a. The requirements of §1503.B shall not apply with respect to any CPA firm which within the three years immediately preceding the renewal of the CPA firm permit had been subjected to and completed a professional peer review approved by and acceptable to the board and conducted pursuant to standards not less stringent than peer review standards applied by the American Institute of Certified Public Accountants. A CPA firm that obtains their initial firm permit from the board must have been subjected to and completed a professional peer review within eighteen months.

b. A CPA firm which is a member of the Securities and Exchange Commission Practice Section or the Private Companies Practice Section of the American Institute of Certified Public Accountants Division for CPA Firms shall furnish a copy of the CPA firm's most recent peer review report to the board within ninety days of the peer review report's issuance to qualify for an exemption from the requirements of §1503.B.

c. A CPA firm which is not a member of the Securities and Exchange Commission Practice Section or the Private Companies Practice Section of the American Institute of Certified Public Accountants Division for CPA Firms shall have the American Institute of Certified Public Accountants or its designee certify to the board, the CPA firm's participation in an acceptable peer review program and the dates of the CPA firm's most recent peer review should the CPA firm seek exemption from the board's requirements of §1503.B.

5. If a CPA firm has not provided evidence pursuant to the terms of §1503.D, then §1503.B will apply.

6. No CPA or CPA firm shall be required to become a member of any organization in order to comply with the provisions of §1503.

#### 7. Peer Review Oversight Committee (PROC)

a. The board shall appoint a Peer Review Oversight Committee (PROC) whose function shall be the oversight

and monitoring of sponsoring organizations for compliance and implementation of the minimum standards for performing and reporting on peer reviews. The PROC shall consist of three members, none of whom are current members of the State Board of Certified Public Accountants of Louisiana. These members shall be a licensee holding an active CPA certificate in good standing, and possess accounting, attest and peer review experience deemed sufficient by the board.

b. Responsibilities. At least one member of the PROC will attend all meetings of the Society of Louisiana Certified Public Accountants Peer Review Committee (PRC), or any successor thereof, and report periodically to the board on whether the PRC is meeting the requirements of these rules.

c. Compensation. Compensation of PROC members shall be set by the board.

d. Duties of the PROC.

i. The PROC will observe the plenary sessions of the PRC which include the assignment of reviews to committee members and the summary meeting where the conclusions of the review committee members are discussed;

ii. may periodically review files of the reviewers; and

iii. may observe the deliberations of the PRC and report their observations to the board; and

iv. make recommendations relative to the operation of the program; and

v. consider such other matters and perform such other duties regarding the peer review programs as may be necessary from time to time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Certified Public Accountants, LR 17:1071 (November 1991), LR 23:1125 (September 1997), LR 26:1981 (September 2000).

## Chapter 17. Rules of Professional Conduct

### §1700. General

#### A. Preamble

1. The services usually and customarily performed by those in the public practice of accountancy involve a high degree of skill, education, trust, and experience which are professional in scope and nature. The use of professional designations carries an implication of possession of the competence associated with a profession. The public, in general, and the business community, in particular, rely on this professional competence by placing confidence in reports and other services of accountants. The public's reliance, in turn, imposes obligations on persons utilizing professional designation, both to their clients and to the public in general. These obligations include maintaining independence of thought and action; continuously improving professional skills; observing, where applicable, generally accepted accounting principles and generally accepted auditing standards; promoting sound and informative financial reporting; holding the affairs of clients in confidence; upholding the standards of the public accountancy profession; and maintaining high standards of personal and professional conduct in all matters affecting fitness to practice public accountancy.

2. The board has an underlying duty to the public to insure that these obligations are met in order to achieve and

maintain a vigorous profession capable of attracting the bright, young minds essential for adequately serving the public interest.

3. These rules of professional conduct are intended to have application to all kinds of professional services performed for the public in the practice of public accountancy, including but not limited to services relating to auditing; accounting; review and compilation services, tax services; management advisory and consulting services; and financial planning, and intended to apply as well to all certificate holders, whether or not engaged in the practice of public accounting, except where the wording of one of these rules of professional conduct clearly indicates that the applicability is more limited.

4. In the interpretation and enforcement of these rules, the board may consider relevant interpretations, rulings, and opinions issued by the boards of other jurisdictions, the Securities and Exchange Commission, recognized professional standard setting organizations, and appropriate committees of professional organizations, but will not be bound thereby.

B. Definitions. The following terms have meanings which are specific to §1701.A.

**Audit Sensitive Activities**—those activities normally an element of or subject to significant internal accounting controls. For example, the following positions, which are not intended to be all-inclusive, would normally be considered audit sensitive, even though not positions of significant influence: a cashier, internal auditor, accounting supervisor, purchasing agent, or inventory warehouse supervisor.

**Close Relatives**—nondependent children, stepchildren, brothers, sisters, grandparents, parents, parents-in-law, and their respective spouses; and, brothers and sisters of a spouse.

**Grandfathered Loans**—those loans which were made under normal lending procedures, terms, and requirements by a financial institution before January 1, 1992, or prior to its becoming a client for which independence was required. Such loans must not be renegotiated after independence became required and must be kept current as to all terms. Such loans shall be limited to:

- a. loans obtained by the licensee which are not material in relation to the net worth of the borrower; or
- b. home mortgages; or
- c. any other fully secured loan, except one secured solely by a guarantee of the licensee.

**Licensee**—the holder of a certificate of certified public accountant

- a. the term includes:
  - i. the licensee's firm;
  - ii. the firm's proprietors, partners, officers, shareholders, members or managers;
  - iii. employees or contractors participating in the engagement, except those who perform only routine clerical functions;
  - iv. employees or contractors with a managerial position located in an office participating in a significant portion of the engagement; and
  - v. entities owned by or whose operating, financial, or accounting policies can be controlled by one or more of the persons described in §1700.B.4.a.ii-iv above, or by two or more such persons if they choose to act together;

b. the term also includes employees and contractors of the certificate holder or his firm who provide services to clients and are associated with the client in any capacity described in §1701.A.1.b, if the individuals are located in an office participating in a significant portion of the engagement;

c. the term does not include such an individual solely because he was formerly associated with the client in any capacity described in §1701.A.1.b, if such individual has disassociated from the client and does not participate in the engagement for the client covering any period of his association with the client;

d. in addition, the term may include the following relatives of the certificate holder or of the individuals described above: spouses, dependents, descendants, *close relatives*, persons living in a household with the certificate holder, or a former proprietor, partner, shareholder or member of the certificate holder's firm.

**Period of Professional Engagement**—the period during which professional services are provided, with such period starting when the licensee is engaged or begins to perform professional services requiring independence and ending with the notification of the termination of that professional relationship by the licensee or by the client.

**Permitted Personal Loans**

- a. automobile loans and leases collateralized by the automobile;
- b. loans of the surrender value of an insurance policy;
- c. borrowing fully collateralized by cash deposits at the same institution;
- d. credit cards and cash advances on checking accounts with an aggregate unpaid balance of \$5,000 or less, provided that these are obtained from a financial institution under its normal lending procedures, terms, and requirements and are at all times kept current as to all terms.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Certified Public Accountants, LR 23:1113 (September 1997), LR 26:1982 (September 2000).

## §1701. Independence, Integrity and Objectivity

### A. Independence

1. A licensee shall not issue a report on the financial statements of a *client* or in connection with any attest engagement for a *client*, in such a manner as to imply that he is acting as an independent public accountant with respect thereto, nor shall he perform any other service in which independence is required under professional standards, unless he is independent. Independence shall be considered to be impaired if, for example:

- a. during the period of his professional engagement or at the time of issuing a report, the licensee:
  - i. had or was committed to acquire any direct or material indirect financial interest in the *client*; or
  - ii. was a trustee of any trust or executor or administrator of any estate if such trust or estate had, or was committed to acquire, any direct or material indirect financial interest in the *client*; or
  - iii. had any joint, closely-held business investment with the *client* or any officer, director, or principal stockholder thereof which was material in relation to the net worth of either the licensee or the *client*; or

iv. had any loan to or from the *client* or any officer, director, or principal stockholder thereof other than permitted personal loans and grandfathered loans.

b. during the period covered by the financial statements, during the period of the professional engagement, or at the time of issuing a report, the licensee:

i. was connected with the *client* as a promoter, underwriter, or voting trustee, a director or officer, or in any capacity equivalent to that of an owner, a member of management, or of an employee; or

ii. was a trustee for any pension or profit sharing trust of the *client*; or

iii. receives a commission or had a commitment to receive a commission from the *client* or a third party with respect to services or products procured for the *client*, including any related pension or profit-sharing trust, in violation of R.S. 37:83(K); or

iv. receives a contingent fee or had a commitment to receive a contingent fee from the *client* or a third party with respect to professional services performed for the *client*, including any related pension or profit-sharing trust, in violation of R.S. 37:83(L).

2. With respect to close relatives of the licensee, independence may be impaired depending on the nature of the relationships, the strength of the family bond which depends on the degree of closeness, the employment or audit sensitive activities of the individuals, or whether the individuals have significant influence over the engagement or the, as applicable to the circumstances.

3. As in other matters involving professional judgement, the licensee is responsible for assessing his or her independence in appearance as well as in fact. Therefore, in making that determination, the licensee shall consider whether independence is affected by the circumstances of any relationships or transactions, including those listed in §1701.A.1 above, between the licensee and the client, together with its affiliated entities, owners, principals, officers, directors, and management and audit committee members, who are in a position to control, engage, terminate or otherwise influence an attest engagement or whose representations are relied upon during the engagement.

4. The foregoing examples are not intended to be all inclusive.

#### B. Integrity and Objectivity

1. A licensee in the performance of professional services shall neither knowingly misrepresent facts nor subordinate his judgment to that of others. He shall be objective and shall not place his own financial interests nor the financial interests of a third party ahead of the legitimate financial interests of the client or the public in any context in which the client or the public can reasonably expect objectivity from one using the CPA title.

2. If the licensee uses the CPA title in any way to obtain or maintain a client relationship, the board will presume the reasonable expectation of objectivity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Certified Public Accountants, LR 3:308 (July 1977), amended LR 4:358 (October 1978), LR 6:2 (January 1980), LR 11:757 (August 1985), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 23:1114 (September 1997), LR 26:1983 (September 2000).

### §1703. Competence and Professional Standards

#### A. Definition

*Professional Standards*--include but are not limited to those standards defined by Statements on Auditing Standards (SAS); Statements on Standards for Accounting and Review Services (SSARS); Statements on Standards for Consulting Services (SSCS); Statements on Standards for Attestation Engagements (SSAE); and Standards for Performing and Reporting on Peer Reviews or Quality Reviews issued by the American Institute of Certified Public Accountants; and Governmental Auditing Standards issued by the Comptroller General of the United States.

B. Competence. A licensee shall not undertake any engagement for performance of professional services which he cannot reasonably expect to complete with due professional competence.

C. Professional Standards. A licensee shall not act or imply that he is acting as a CPA by permitting association of his name or firm's name, issuing a report, or expressing an opinion, in connection with financial statements, elements thereof, or the written assertions and representations of a client, or by the performance of professional services, unless he has complied with applicable professional standards. This rule does not apply in any instance in which such compliance would otherwise be prohibited by the act or by rule of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Certified Public Accountants, LR 3:308 (July 1977), amended LR 4:358 (October 1978), LR 6:2 (January 1980), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 23:1115 (September 1997), LR 26:1984 (September 2000).

### §1705. Responsibilities to Clients

A. Confidential Client Information. A licensee shall not, without the consent of his client, disclose any confidential information pertaining to such client obtained in the course of performing professional services.

1. This rule does not:

a. relieve a licensee of any obligations under §1705.B and C; or

b. affect in any way a licensee's obligation to comply with a validly issued subpoena or summons enforceable by order of a court; or

c. prohibit disclosures in the course of a peer review or for the purpose of assuring quality control of a licensee's professional services; or

d. preclude a licensee from responding to any inquiry made by the board or any investigative or disciplinary body established by law or formally recognized by the board; or

e. prohibit disclosures required by the standards of the public accounting profession in reporting on the examination of financial statements.

2. Members of the board, their duly authorized agents, and professional practice reviewers shall not disclose any confidential client information which comes to their attention from licensees in disciplinary proceedings or otherwise in carrying out their responsibilities, except that they may furnish such information to a duly authorized investigative or disciplinary body of the kind referred to above.

B. Records. A licensee shall furnish to his client or former client upon request:

1. a copy of a tax return of the client; and
2. a copy of any report, or other document, issued by the licensee to or for such client; and
3. any accounting or other records belonging to, or obtained from, or on behalf of, the client which the licensee removed from the client's premises or received for the client's account, but the licensee may make and retain copies of such documents when they form the basis for work done by him; and

4. a copy of the licensee's working papers, to the extent that such working papers include records which would ordinarily constitute part of the client's books and records and are not otherwise available to the client;

5. examples of records described in this Section include but are not limited to computer generated books of original entry, general ledgers, subsidiary ledgers, adjusting, closing and reclassification entries, journal entries and depreciation schedules, or their equivalents.

6. The information should be provided in the medium in which it is requested if it exists in that format (for example electronic or hard copy). The licensee is not required to convert information to another format.

7. The requested information shall be furnished by the licensee to the client in a timely manner.

8. A licensee is not required to retain any documents beyond the period prescribed in R.S. 37:89.

C. The nonpayment of professional fees and/or out-of-pocket expenses shall not be a basis for failure to furnish the records referred to in §1705.B.3, 4 and/or 5. A licensee shall be permitted to collect in advance of issuance a reasonable fee for time and expenses of issuing or reproducing documents referred to in §1705.B.1, 2, 4 and 5.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Certified Public Accountants, LR 3:308 (July 1977), amended LR 4:358 (October 1978), LR 6:2 (January 1980), LR 11:757 (August 1985), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 17:1067 (November 1991), LR 23:1115 (September 1997), LR 26:1984 (September 2000).

### **§1707. Other Responsibilities and Practices**

A. Conduct reflecting adversely upon the licensee's fitness to perform services, within the meaning of R.S. 37:79(A)(8), includes but is not limited to the following:

1. adjudication as mentally incompetent;
2. fiscal dishonesty of any kind;
3. presenting as one's own a certificate, registration or firm permit issued to another;
4. concealment of information regarding violations by other licensees of the act or the rules there under when questioned or requested by the board;
5. willfully failing to file a report or record required by state or federal law; willfully impeding or obstructing the filing of such a report or record, or inducing another person to impede or obstruct such filing by another; and the making or filing of such a report or record which one knows to be false;
6. knowingly participating in the preparation of a false or misleading financial statement or tax return;

7. failure to comply with a final order of any state or federal court;

8. repeated failure to respond to a client's inquiry within a reasonable time without good cause;

9. false communication to the board;

10. willfully causing a breach in the security of the CPA examination;

11. conduct that brings dishonor, or is detrimental, to the profession.

B. Acting Through Others. A CPA or CPA firm shall not permit others to carry out on his behalf or on the firm's behalf, either with or without compensation, acts which, if carried out by the CPA or CPA firm, would place him or the CPA firm in violation of the rules of professional conduct, professional standards, or any provisions of the act.

C. Use of the "CPA inactive" Designation

1. Certificate only holders under prior law. Prior to applying for and obtaining a certificate under R.S. 37:75(I), individuals who annually register in inactive status may use the "CPA inactive" designation in connection with an employment position held in industry, government or academia, or in personal correspondence. However, the use of such designation is further subject to the following limitations:

a. until December 31, 2003, any such individual who offers to perform or performs, for the public, professional services of any type involving the use of accounting, management advisory, financial advisory, tax, or consulting skills shall not use the designation "CPA" or "CPA inactive" in connection with such services; and,

b. beginning January 1, 2004, any such individual who offers to perform or performs, for the public, professional services of any type involving the use of accounting, management advisory, financial advisory, tax, or consulting skills shall not use the designation CPA or "CPA inactive" in connection therewith or in any other manner or in connection with any employment.

2. Certificate Holders Subject to CPE Exemption:

a. Individuals granted an exception to continuing education requirements under R.S. 37:76(D)(2) shall not perform or offer to perform for the public one or more kinds of services involving the use of accounting, attest, management advisory, financial advisory, tax, or consulting skills and must place the word "inactive" adjacent to their CPA title on any business card, letterhead, or any other document or device.

b. Any individual referenced in R.S. 37:76(D)(2) who after being granted an exemption under that Section offers to perform or performs for the public professional services of any type involving the use of accounting, management advisory, financial advisory, tax, or consulting skills shall not use the designation "CPA inactive" in connection therewith or in any other manner or in connection with any employment.

D. Firm Name

1. The name under which a licensee practices public accounting must indicate clearly whether he is an individual practicing in his own name or a named member of a firm. If the name includes the designation "and Company" or "and Associates" or "Group" or abbreviations thereof, there must be at least two licensees involved in the practice, who may be either partners, shareholders, members or employees of

the firm. However, names of one or more past partners, shareholders, or members may be included in the firm name of a successor firm.

2. A partner, member or shareholder surviving the death or withdrawal of all other partners, members or shareholders may continue to practice under the partnership or corporate name for up to two years after becoming a sole practitioner, sole member or sole shareholder.

3. A CPA firm name is misleading within the meaning of R.S. 37:83(G) if, among other things:

a. The CPA firm name implies the existence of a corporation when the firm is not a corporation; or

b. The CPA firm name includes the name of a person who is not a CPA.

4. A firm name not consisting of the names of one or more present or former partners, members, or shareholders may not be used by a CPA firm unless such name has been approved by the board as not being false or misleading.

E. Form of Practice. A licensee may practice public accountancy in a proprietorship, a partnership, a limited liability partnership, a limited liability company, a professional corporation organized in accordance with the Louisiana Professional Accounting Corporations Law or similar law of another state, or any other organization or entity which may be authorized by law.

#### F. Advertising

1. Licensees shall have a right to advertise. However, a licensee shall not use or participate in the use of any public communication, written or verbal, having reference to professional services performed by the licensee, which contains a false, fraudulent, misleading, deceptive or unfair statement or claim, nor any form of communication having reference to the professional services of the licensee which is accomplished or accompanied by coercion, duress, compulsion, intimidation, threats, overreaching, or vexatious, or harassing conduct. A false, fraudulent, misleading, deceptive, or unfair statement or claim includes but is not limited to a statement or claim which:

a. contains a misrepresentation of fact; or

b. is likely to mislead or deceive because it fails to make full disclosure of relevant facts; or

c. contains any testimonial or laudatory statement, or other statement or implication that the licensee's professional services are of exceptional quality; or

d. is intended or likely to create false or unjustified expectations of favorable results; or

e. implies educational or professional attainments or licensing recognition not supported in fact; or

f. states, implies, or claims that the licensee has received formal recognition as a specialist or expert or has any specialized expertise in any aspect of the practice of public accountancy without stating from whom the recognition has been received; or

g. states or implies that the licensee's ingenuity and/or prior record are principal factors likely to determine the results of the services rather than the merit of the facts involved, or contains statistical data or information so as to reflect past performance or predict future success; or

h. represents that professional services can or will be completely performed for a stated fee when this is not the case, or makes representations with respect to fees for

professional services that do not disclose all variables affecting the fees that will in fact be charged; or

i. contains other representations or implications beyond those set forth in §1707.F.2 that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived; or

j. implies the ability to influence any court, tribunal, regulatory agency or similar body or any official thereof; or

k. makes comparison with other CPAs;

l. is undignified; or

m. incorporates, refers to, or directly links to presentations which bring dishonor to the profession.

2. As an example, a licensee may use or participate in the use of a public communication which states in a dignified manner the following information about the licensee and any associated licensees:

a. name, firm name, address, telephone numbers, office hours, and telephone answering hours;

b. biographical and educational background;

c. professional memberships and attainments;

d. description of services offered;

e. the limitation of practice to certain areas of service;

f. the opening or change in location of any office and changes in personnel;

g. fees charged for the initial consultation, for specific services of average complexity, and hourly rates. Quoted fees must be adhered to for a reasonable period not less than thirty days after the publication.

G. Written Advertisements, Solicitations and Other Public Communications

1. A licensee shall have the right to mail or deliver advertisements, solicitations and other public communications, subject to the following provision:

a. a licensee shall not mail or deliver any advertisement, solicitation or other public communication if such advertisement, solicitation or other public communication would violate §1707.F.

2. For purposes of these rules, a *public communication* shall be deemed to include newsletters, brochures, magazines, books, announcements, notices, reports, notes, journals, letters, cards, inquiries, tapes, recordings, electronic communications, internet websites, and any other type of information or materials mailed, delivered or disseminated in any manner to one or more addresses who are not clients of the licensee at the time of such mailing, delivery, or dissemination. Materials disseminated only to clients of the licensee shall not be deemed to be a public communication.

3. Advertisements and public communications of any type may not contain any materials considered to be obscene, pornographic, or offensive.

4. All internet advertisements, websites or public communications which in any manner identifies the sponsor or participant as a CPA, certified public accountant, PA, public accountant, CPA firm, or professional accounting corporation is considered to be an advertisement or public communication by the CPA or CPA firm and must be in compliance with all rules adopted by the board and all provisions of the act.

H. Communications. A holder of a certificate or firm permit, or an individual in inactive status shall, when requested, respond to communications from the board in the manner requested by the board within 30 days of the mailing of such communications by certified mail, or by such other delivery methods available to the board.

I. Applicability. All of the rules of professional conduct shall apply to and be observed by Louisiana licensees and CPAs licensed in other states who may be granted rights under the substantial equivalency provisions of R.S. 37:94. Notwithstanding anything herein to the contrary, they shall also apply to and be observed by individuals registered in inactive status, where applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Certified Public Accountants, LR 3:308 (July 1977), amended 4:358 (October 1978), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 17:1068 (November 1991), LR 23:1115 (September 1997), LR 26:1985 (September 2000).

### **Chapter 19. Investigations; Hearings; Suspension, Revocations or Restrictions; Reinstatements**

#### **§1901. Charges in Writing; Investigative files**

A. Charges against holders of CPA certificates and/or firm permits shall be made in writing, signed by the persons preferring the charges and addressed or delivered to the board. The board's investigative staff may establish or open an investigative file upon receipt of such charges.

B. Investigative files may be established or opened by any member of the board or other person who has been designated as investigating officer in accordance with §1903, for the purpose of investigating any potential violations of the rules, regulations or statutes, which the board is authorized to enforce, whether as a result of charges made in accordance with §1901.A or otherwise initiated by the investigating officer. Any investigating officer may engage the assistance of counsel as he deems necessary and appropriate. Such counsel may also later serve as complaint counsel if an adjudicative proceeding is scheduled, but may not act as independent counsel in the same matter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated LR 6:9 (January 1980), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 23:1126 (September 1997), LR 26:1987 (September 2000).

#### **§1903. Investigating Officer**

All charges shall be referred to the members of the board or other persons designated as investigating officers, who are appointed by the chairman of the board. The investigating officer is the person who determines preliminary "probable cause" on behalf of the board, as referred to in R.S. 37:81(A).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated LR 6:9 (January 1980), amended LR 12:88 (February 1986), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 23:1126 (September 1997), LR 26:1987 (September 2000).

#### **§1905. Investigations**

A. Investigations shall generally be conducted by board staff on behalf of the investigating officer, but the investigating officer may engage other investigators, inspectors, special agents, or any other personnel he may deem necessary and appropriate to conduct the investigation. All correspondence and information submitted in the course of the investigation shall be addressed or delivered to the board's office, unless otherwise authorized by the investigating officer.

B. Information provided or obtained in the course of an investigation shall be reviewed by the investigating officer for a determination of "probable cause" or "no probable cause."

C. Some allegations may be settled informally by the investigating officer and the individual when the investigating officer ascertains that the matter does not rise to the level requiring formal disposition. These matters may be resolved by the individual's compliance with directives which will bring the individual in compliance with applicable rules or statutes, or by other means deemed appropriate by the investigating officer. Upon resolution of such matters, the investigating officer shall report to the board the action taken to settle the matter, and shall report "no cause for further action".

D. If the investigating officer determines that "probable cause" exists, a written notice shall be mailed to the respondent in accordance with R.S. 49:961(C) of the Louisiana Administrative Procedure Act, affording the respondent an opportunity to demonstrate that he is not in violation of applicable rules, regulations and/or statutes.

1. The notice shall inform the respondent that the investigating officer has preliminarily concluded that "probable cause" exists. The notice shall also contain the alleged facts of the case and a citation of the rules, regulations and statutes the respondent is alleged to have violated, and may contain any other information the investigating officer deems appropriate.

2. The notice shall be mailed to the respondent by certified mail, or such other delivery methods available to the board, to the respondent's address last known to the board or to the respondent's registered agent for service of process.

3. The respondent will be given no less than fifteen days after the date of the notice to submit a written response to the board's office. For good cause shown, the investigating officer may grant additional time for the respondent to respond to the notice.

4. The investigating officer shall consider the respondent's response to the notice, if any, before making a final determination as to "probable cause" or "no probable cause".

E. When a final determination of a "probable cause" is made by the investigating officer and reported to the board, an administrative complaint shall be filed with the board's office. The administrative complaint shall be signed by the investigating officer, and shall include the alleged facts of the case and a citation of the rules, regulations and statutes the respondent is alleged to have violated. A notice of the time and place of hearing and a copy of the administrative complaint shall be served upon the respondent in accordance with R.S. 37:81.

F. The board may make informal disposition by default, consent order, agreement, settlement or otherwise, of any matter under investigation or any pending adjudication. Such informal disposition shall be considered by the board only upon the recommendation of the investigating officer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Certified Public Accountants, LR 26:1987 (September 2000).

### **§1907. Completion of Investigation**

Upon completion of each investigation, the investigating officer shall report to the board a finding of "probable cause" or "no probable cause" with respect to a violation by a CPA of a statute or rule enforced by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated LR 6:9 (January 1980), LR 26:1988 (September 2000).

### **§1909. Hearing**

A. The right to examine reports, if any, and evidence, referred to in R.S. 37:81.B, may be exercised by the respondent or the respondent's attorney by submitting a written request to the board's office.

1. A copy of any written materials which will be presented as evidence at the administrative hearing, and if requested the names of individuals who may testify at the hearing, shall be mailed to the person making such written request referred to above, or shall be furnished in person at the board's office if requested, as promptly as possible if available at the time of the request, but shall be provided no later than 15 working days prior to the date of hearing.

2. Failure to provide the information no later than fifteen working days prior to the date of hearing, after having received a written request referred to herein, shall be grounds for the board to consider a continuance of the hearing if requested by the respondent, but shall not be grounds for dismissal of the charges against the respondent. If no written request is submitted, the board shall not be obligated to consider or grant a continuance of the hearing.

B. In the same manner that the respondent is afforded the right to obtain and examine information and evidence in the preceding Section, complaint counsel shall have the right to obtain and examine information and evidence of the respondent or the respondent's attorney.

C. Hearings shall be conducted in closed session, and shall be conducted by and under the control of the chairman of the board, or a presiding officer appointed by the chairman.

D. In any investigation or pending adjudication proceeding, no party shall serve on any other party more than 25 interrogatories. Each sub-part of an interrogatory shall count as an additional interrogatory. The chairman or presiding officer may, in his discretion, allow more than 25 interrogatories upon receipt of a written motion setting forth the proposed additional interrogatories and the reasons establishing good cause for their use.

E. Objections to interrogatories, and objections to answers to interrogatories, shall set forth in full, immediately preceding each answer or objection, the interrogatory or answer to which objection is being made.

F. Subpoenas issued by the board pursuant to R.S. 37:80(B) shall be signed and issued by the executive director of the board, or in his absence a designee of the board. Subpoenas shall be issued upon request of the respondent, complaint counsel, or an investigating officer. The issuance of subpoenas is governed by R.S. 49:956 of the Louisiana Administrative Procedures Act.

G. In any case of adjudication noticed and docketed for hearing, counsel for respondent and complaint counsel may agree, or the chairman or presiding officer may require, that a prehearing conference be held among such counsel, or together with the board's independent counsel, if any, for the purpose of simplifying the issues for hearing and promoting stipulations as to facts and proposed evidentiary offerings which will not be disputed at hearing.

H. Motions for continuance of hearing, for dismissal of proceeding, and all other prehearing motions shall be filed not later than 10 days prior to the date of the hearing. Any response or opposition to any prehearing motion shall be filed within five days of the filing of such prehearing motion. For good cause shown, the chairman or presiding officer may waive or modify these requirements. Each prehearing motion shall be accompanied by a memorandum which shall set forth a concise statement of the grounds upon which the relief sought is based and the legal authority therefor.

I. Notwithstanding the provisions of the preceding Section, a continuance of a hearing shall automatically be granted by the executive director of the board upon receipt of written notice from respondent and complaint counsel, or respondent and investigating officer, that both parties mutually agree to a continuance of the hearing. Such written notice shall not be required to be filed within the time period prescribed in the preceding Section.

J. All pleadings, motions, or other papers filed with the board in connection with a pending adjudication proceeding shall be filed by personal delivery at or by mail to the office of the board and shall by the same method of delivery be concurrently served upon complaint counsel, if filed by or on behalf of the respondent, or upon the respondent or the respondent's counsel if filed by complaint counsel.

K. Any prehearing motion, other than a mutually agreed upon request for continuance as referred to in §1909.I, shall be referred for decision to the chairman or presiding officer for ruling. The chairman or presiding officer, in his discretion, may refer any prehearing motion to the entire board for disposition.

L. Prehearing motions shall be ruled upon on the basis of the written information provided, without oral arguments. However, if the chairman or presiding officer refers the prehearing motion to the entire board for disposition, he may grant an opportunity for oral argument before the entire board, upon written request of respondent or of complaint counsel and on demonstration that there are good grounds therefor.

M. The order of proceedings at a hearing shall be as follows, but may be changed at the discretion of the chairman or presiding officer:

1. statement and presentation of evidence supporting the administrative complaint by complaint counsel, or the investigating officer, or any person designated by the investigating officer;

2. statement and presentation of evidence of the respondent as stipulated in R.S. 37:81(C);
3. rebuttal in support of the complaint;
4. surrebuttal evidence of the respondent;
5. closing statements;
6. board decision. The time in which the decision will be rendered is at the discretion of the board.

N. Any person testifying at a hearing shall be required to testify under oath, or by affirmation subject to the penalties of perjury.

O. The chairman or presiding officer, board members, the respondent and his attorney, and complaint counsel or person presenting the case for the investigating officer, shall have the right to question or examine or cross-examine any witnesses.

P. All evidence presented at a hearing will be considered by the board unless the chairman or presiding officer determines that it is irrelevant, immaterial or unduly repetitious. Evidence may be received provisionally, subject to a later ruling by the chairman or presiding officer. The chairman or presiding officer may in his discretion consult with the entire board in executive session or with independent board counsel in making determinations on evidence.

Q. The final decision of the board in an adjudication proceeding shall be in writing and shall include findings of fact and conclusions of law, and shall be signed by the chairman or presiding officer on behalf of and in the name of the board. Upon issuance of a final decision, a certified copy shall be served upon the respondent and the respondent's counsel, if any, in the same manner of service prescribed with respect to administrative complaints in R.S. 37:81.

R. In addition to the actions the board may take prescribed in R.S. 37:79 and R.S. 37:81(K), the board may order the publication of any action taken against a respondent. If a petition for review has been filed by the respondent, publication shall await the resolution of such review. If the resolution is in favor of the respondent, no publication shall be made.

S. Information concerning any board action against a respondent may be forwarded to the National Association of State Boards of Accountancy (NASBA) Enforcement Information Exchange System for inclusion in their database and reports of disciplinary actions, unless a petition for review has been filed by the respondent in which case the forwarding of information to NASBA shall await the resolution of such review. If the resolution is in favor of the respondent, no information shall be forwarded to NASBA.

T. Rehearings may be granted by the board as specified in R.S. 49:959 of the Louisiana Administrative Procedure Act.

U. Any matters concerning hearings, rehearings, or Decisions or Orders by the board, not addressed by the act or these rules shall be governed by applicable provisions of the Louisiana Administrative Procedure Act.

V. Any licensee whose certificate or firm permit issued by the board is subsequently suspended or revoked may be required within 30 days to return such certificate, registration or firm permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated LR 6:9 (January 1980), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 23:1126 (September 1997), LR 26:1988 (September 2000).

**§1911. Reinstatement of Licenses (after revocation, suspension, refusal to renew)**

A. Upon receipt by the board of a written request for reissuance of a certificate or firm permit which has been revoked by the board, or issuance of a new certificate or firm permit under a new number to a person or firm whose certificate or firm permit has been revoked, or for termination of a suspension of a certificate or firm permit suspended by the board, the board shall specify the time period and the manner in which such application shall be considered, pursuant to R.S. 37:82(B). The application shall include any and all information the board deems appropriate.

B. The board may, at its sole discretion, impose appropriate terms and conditions for reinstatement of a certificate, registration or firm permit or modification of a suspension, revocation or probation.

C. No application for reinstatement will be considered while the applicant is under sentence for any criminal offense, including any period during which the applicant is on court-imposed probation or parole.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Certified Public Accountants, LR 26:1989 (September 2000).

**Chapter 21. Petitions for Rulemaking**

**§2101. Scope of Chapter**

The rules of this Chapter prescribe the procedures by which interested persons may petition the State Board of Certified Public Accountants of Louisiana to exercise its rulemaking authority under the act by the adoption, amendment or repeal of administrative rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:952(2), 953(C), R.S. 37:75(A)(3), (B)(2).

HISTORICAL NOTE: Adopted by the Department of Economic Development, Board of Certified Public Accountants, LR 23:1126 (September 1997), LR 26:1989 (September 2000).

**§2103. Definitions as Used in this Chapter**

*Interested Person* A person who or which:

1. holds or has applied for any certification, license or firm permit issued by the board; or
  2. is subject to the regulatory jurisdiction of the board;
- or
3. is or may be affected by the practice of CPAs or CPA firms in the state of Louisiana.

*Person* An individual natural person, partnership, corporation, company, association, governmental subdivision or other public or private organization or entity.

*Rulemaking* The process by which the board exercises its authority under the laws of the state of Louisiana, including the act, R.S. 37:71-95, and the Administrative Procedure Act, R.S. 49:950 et seq., to formulate, propose and adopt, amend or repeal and promulgate administrative rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:952(2), 953(C), R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Economic Development, Board of Certified Public Accountants, LR 23:1126 (September 1997), LR 26:1989 (September 2000).

### §2105. Authorization

An interested person, individually or jointly with other interested persons, may, in accordance with the provisions of this Chapter, petition the board for the adoption, amendment or repeal of administrative rules and regulations within the rulemaking authority of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:952(2), 953(C), R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Economic Development, Board of Certified Public Accountants, LR 23:1127 (September 1997), LR 26:1990 (September 2000).

### §2107. Petitions for Rulemaking

A. General Form. A petition for rulemaking must be made and submitted to the board in writing, legibly printed or typed in ink.

B. Title and Signature. A petition for rulemaking shall be plainly and prominently titled and styled as such and shall be manually signed by an individual petitioner, by an authorized officer or representative of the petitioner, or by an attorney at law representing the petitioner. The full name, title or office, if any, address and telephone number of a person signing a petition for rulemaking shall be printed or typed under the person's signature. Where a person signs a petition for rulemaking in a representative capacity, the petitioner or petitioners represented by the signature must be clearly identified.

C. Required Contents. A petition for rulemaking shall:

1. clearly identify each petitioner by name and address of residence or principal place of business;

2. describe the legal status or nature of the petitioner to establish that the petitioner is an interested person, within the meaning of §2103 of this Chapter;

3. in the case of a petition for adoption of a new rule, set forth a concise statement of the substance, nature, purpose and intended effect of the rule which the petitioner requests that the board adopt and citation to the statutory authority for the board's exercise or rulemaking authority in the manner and on the subject requested;

4. in the case of a petition for amendment of an existing rule, specify, by citation to the *Louisiana Administrative Code*, the rule or rules which the petitioner requests that the board amend, together with a concise statement of the manner in which it is proposed that the rule or rules be amended, the purpose and intended effect of the requested amendment, and citation to the statutory authority for the board's exercise or rulemaking authority in the manner and on the subject requested;

5. in the case of a petition for repeal of an existing rule, specify, by citation to the *Louisiana Administrative Code*, the rule or rules which the petitioner requests that the board repeal, together with a concise statement of the purpose and intended effect of such repeal;

6. a. provide an estimate of the fiscal and economic impact of the requested rulemaking on:

i. the revenues and expenses of the board and other state and local governmental units;

ii. costs and/or benefits to directly affected persons;

iii. competition and employment in the public and private sectors; or

b. provide a statement that the petitioner has insufficient information or is otherwise unable to provide a reasonable estimate of such fiscal and economic impact;

7. set forth a concise statement of the facts, circumstances, and reasons which warrant exercise of the board's rulemaking authority in the manner requested; and

8. in the case of a petition for exercise of the board's emergency rulemaking authority under R.S. 49:953(B), a statement of the facts and circumstances supporting a finding by the board that an imminent peril to the public justifies the adoption, amendment or repeal of a rule upon shorter notice than that provided by R.S. 49:953(A).

D. Permissible Contents. In support of petitions for the adoption of a new rule or amendment of an existing rule, the board encourages, but does not require, the submission of a verbatim text of the rule proposed for adoption or amendment, prepared in the form prescribed by Title 1 of the *Louisiana Administrative Code* and as otherwise prescribed by the Office of the State Register. A petition for rulemaking may also be accompanied by such other information and data, in written or graphic form, as the petitioner may deem relevant in support of the petition for rulemaking.

E. Submission and Filing. Two copies of a petition for rulemaking, together with all supporting exhibits, if any, shall be filed with the board by delivery or mailing thereof to the board's executive director at the offices of the board.

F. Nonconforming Petitions. The board may refuse to accept for filing, or may defer consideration of, any petition for rulemaking which does not conform to the requirements of this Section.

G. Public Record. A petition for rulemaking shall be deemed a public record.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:952(2), 953(C), R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Economic Development, Board of Certified Public Accountants, LR 23:1127 (September 1997), LR 26:1990 (September 2000).

### §2109. Board Consideration

A. Consideration by the board. A petition for rulemaking may be considered and acted on by the board at any regular or special meeting of the board. Within the time prescribed by §2111 for disposition of a petition for rehearing, the board may request additional information from the petitioners or interested persons other than the petitioners as it may deem relevant to its consideration of the petition.

B. Oral Presentations. Within the time prescribed by §2111 for disposition of a petition for rehearing, the board may, on its own initiative or at the request of the petitioner or any other interested person, permit petitioners and other interested persons to appear before the board to make an oral presentation of information, data, views, comments and arguments, in support of or opposition to the rulemaking requested by petitioners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:952(2), 953(C), R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Economic Development, Board of Certified Public Accountants, LR 23:1127 (September 1997), LR 26:1990 (September 2000).

### §2111. Disposition of Petitions for Rulemaking

A. Form of Determination. The board may grant or deny a petition for rulemaking, in whole or in part. The board's determination with respect to a petition for rulemaking shall be stated in writing and served on the person signing the petition. If the board denies a petition for rulemaking, in whole or in part, its determination shall state the reasons for the board's denial of the petition. If the board grants a

petition for rulemaking, in whole or in part, it shall promptly thereafter initiate rulemaking proceedings in accordance with R.S. 49:953. Nothing herein shall be construed to require that the board, in granting a petition for the adoption or amendment of a rule, adopt or employ the specific form or language requested by the petitioner, provided that the rule or amendment proposed by the board gives effect to the substance and intent of the rule or amendment requested by the petitioner.

B. Time for Determination. The board will render its determination with respect to a petition for rulemaking:

1. within 90 days of the date on which a complete petition for rulemaking conforming to the requirements of §2107 hereof is filed with the board; or

2. within 60 days of the date on which, at the request of the petitioner, the board entertains an oral presentation by the petitioner, whichever is later.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:952(2), 953(C), R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Economic Development, Board of Certified Public Accountants, LR 23:1128 (September 1997), LR 26:1990 (September 2000).

### §2113. Construction and Effect

A. Board Discretion in Rulemaking. The provisions of this Chapter are intended to provide an orderly and reasonable means for interested persons to petition the board to exercise its rulemaking authority under law and to provide for board consideration of such petitions. Petitions for rulemaking are addressed to the board's discretion as to the necessity or appropriateness of the adoption, amendment or repeal of a rule in the discharge of its licensing and regulatory responsibilities under the act. Nothing in the rules of this Chapter, accordingly, shall be deemed to create any right or entitlement in any person to require the board to exercise its rulemaking authority.

B. Nature and Effect of Determination. The board's disposition of a petition for rulemaking by a determination made under §2111.A does not constitute, and shall not be deemed to constitute, a "decision" or "order" within the meaning of R.S. 49:951(A)(3) or a declaratory order or ruling within the meaning of R.S. 49:962, and the procedures prescribed by this Chapter do not constitute an adjudication within the meaning of R.S. 49:951(A)(1). A determination by the board with respect to a petition for rulemaking, accordingly, is final and not subject to judicial review or other appeal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:952(2), 953(C), R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Economic Development, Board of Certified Public Accountants, LR 23:1128 (September 1997), LR 26:1991 (September 2000).

Michael A. Henderson  
Executive Director

0009#013

## RULE

### Economic Development Office of Financial Institutions

#### Additional Fees and Charges (LAC 10:XI.701)

Under the authority of the Louisiana Administrative Procedure Act, R.S. 49:950, et seq., and in accordance with R.S. 9:3517(c) of the Louisiana Consumer Credit Law, R.S. 9:3510 et seq., the commissioner of financial institutions hereby promulgates the following rule to provide for the approval of additional fees and charges not inconsistent with the Louisiana Consumer Credit Law, (LCCL).

#### Title 10

### FINANCIAL INSTITUTIONS, CONSUMER CREDIT, INVESTMENT SECURITIES AND UCC

#### Chapter 7. Additional Fees and Charges

#### §701. Definitions

*Additional Fees and Charges* Those fees and charges which are not specifically authorized by the LCCL but, as determined by the commissioner, are considered not to be inconsistent with the provisions thereof.

*Creditor* A person who is a licensed lender as defined in R.S. 9:3516(22).

*Petition* A written request of a creditor, in the form of a letter, directed to the commissioner seeking approval of an additional fee or charge and shall include an explanation as to which service or services will be provided and why a creditor believes a certain fee or charge is warranted for such service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 9:3517(C).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 26:1991 (September 2000).

#### §703. Procedure for Requesting Approval of an Additional Fee or Charge

A. A creditor extending credit under the LCCL shall petition the commissioner for authority to assess an additional fee or charge which is not inconsistent with the provisions thereof.

B. A petition shall include an explanation as to why a creditor believes the fee or charge is warranted, as well as a showing that such fee or charge is not inconsistent with the provisions of the LCCL. The creditor shall also include documentation supporting its request.

C. The commissioner may publish the creditor's request, in a form prescribed by him, in the Potpourri section of the next *Louisiana Register*, to solicit public comments.

D. After considering the request and any public comments received, the commissioner may approve the proposed fee or charge, as long as it is not inconsistent with the provisions of the LCCL, and it complies with the requirements established by policy promulgated by the commissioner.

E. A current list of all fees and charges which have been approved or disapproved by the commissioner shall be maintained on the OFI website and made available upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 9:3517(C).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 26:1991 (September 2000).

**§705. Procedure for Consumers of Financial Services to Comment on Petitioner's Request for Approval of Additional Fees and Charges**

A. When a creditor petitions the commissioner to request approval of an additional fee or charge in accordance with this Rule, a notice may be published in the *Louisiana Register* that such petition has been received by the commissioner. The notice shall apprise the public that a formal request for an additional fee or charge has been made and that the commissioner will consider the merits of the request and make a decision regarding its approval within a time to be stated in the notice. Any interested person, shall have the opportunity to submit written comments, observations, or objections to the request. The comments, observations, or objections shall bear a postmark of not later than 15 days after publication of the notice in the *Louisiana Register*.

B. In addition to the public notice that is provided for by §703.C, the commissioner may inform the general public by a press release, which is distributed to newspapers which have a general circulation, that a creditor has filed a petition requesting approval of an additional fee or charge and that any interested person may make comments, observations, or objections known in the same manner and in the same time as is provided for in Subsection A of this Section.

C. The notice which is provided for by §703.C and the press release which is permitted by Subsection B of this Section shall briefly summarize the creditor's reasons for requesting the additional fee or charge. The notice and press release shall inform the general public that any person may obtain a copy of the creditor's request, including any attachments or documents filed therewith to support the request, at no cost to the person requesting it. A copy of the petition and attachments may be obtained by a written request sent via U.S. Postal Service, addressed to the Chief Examiner, Non-Depository Division, Office of Financial Institutions, 8660 United Plaza Boulevard, Baton Rouge, LA 70809. In the alternative, any person may obtain, in person, a copy at the same address between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

D. By the end of the month following the month in which the petition for additional fees and charges was filed with the Office of Financial Institutions, if the fee or charge is approved, the Commissioner may announce the decision and publish it in the Potpourri section of the *Louisiana Register* which is issued in the month following the decision.

E. The creditor shall, within 30 days after the Office of Financial Institutions receives the Office of the State Register's invoice for costs of publication, reimburse the Office of Financial Institutions the total cost of publishing the notices provided for by Subsections A, C and D of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 9:3517(C).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 26:1992 (September 2000).

Doris B. Gunn  
Acting Commissioner

0009#086

**RULE**

**Department of Economic Development  
Racing Commission**

Total Dissolved Carbon Dioxide Testing (LAC 35:I.1720)

The Louisiana State Racing Commission hereby adopts LAC 35:I.1720 "Total Dissolved Carbon Dioxide Testing," as follows.

**Title 35**

**HORSE RACING**

**Part I. General Provisions**

**Chapter 17. Corrupt and Prohibited Practices**

**§1720. Total Dissolved Carbon Dioxide Testing**

**A. Definitions**

*Bicarbonate Loading* or "*Milkshaking*" Terms used to describe the administration of bicarbonate of soda (sodium bicarbonate or NaHCO<sub>3</sub>) or other substances that affect total dissolved carbon dioxide levels, administered through a nasogastric tube or by any other means, which shall be deemed to have an adverse affect on the horse by changing its normal physiological state through elevation of blood total dissolved carbon dioxide.

*Nasogastric Tube* Any tube which can be inserted through the nose that extends into the stomach.

**B. Procedures**

1. The state veterinarian may draw blood samples from a horse for the purpose of obtaining a TCO<sub>2</sub> (total dissolved carbon dioxide) concentration level.

2. Blood samples for TCO<sub>2</sub> shall be drawn not earlier than 90 minutes following the official post-time of the race.

3. The post-race TCO<sub>2</sub> level in the blood shall not exceed:

a. 39.0 millimole per liter if the horse is competing on furosemide (lasix) or other permitted medication known to affect TCO<sub>2</sub>;

b. 37.0 millimole per liter if the horse is not competing on furosemide (lasix) or other permitted medication known to affect TCO<sub>2</sub>.

4. In the event a post-race sample drawn from a horse contains an amount of TCO<sub>2</sub> which exceeds the levels described above, the following penalties shall apply:

a. The first time the laboratory reports an excessive TCO<sub>2</sub> level, the trainer shall be fined \$1,000 and the purse shall be redistributed.

b. The second time the laboratory reports an excessive TCO<sub>2</sub> level, the stewards shall suspend the trainer for the duration of the race meeting plus 10 days or for a period not to exceed 6 months, whichever is greater, and shall refer the case to the commission.

c. For each subsequent report of an excessive TCO<sub>2</sub> level, the penalties provided for in (B)(4)(b) shall apply.

5. The provisions of §1733 and §1769-1775, pertaining to split samples, shall not apply to blood samples drawn for the purposes of TCO<sub>2</sub> testing.

6. No permittee other than veterinarians shall possess a nasogastric tube, as described herein, on the premises under the jurisdiction of the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Department of Economic Development, Racing Commission LR 26:1992 (September 2000).

Charles A. Gardiner III  
Executive Director

0009#014

**RULE**

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

Commission Bylaws (LAC 28:V.101 and 103)

The Louisiana Student Financial Assistance Commission (LASFAC), the statutory body created by R.S. 17:3021 et seq., in compliance with Section 952 of the Administrative Procedure Act, hereby revises its governing bylaws.

**Title 28**

**EDUCATION**

**Part V. Student Financial AssistanceC Higher Education  
Loan Program**

**Chapter 1. Student Financial Assistance Commission  
Bylaws**

**§101. Definitions and Commission**

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*Business of the Commission* (as used in these bylaws)Cactivities on behalf of the commission, including attendance at commission meetings and commission committee meetings; presentations at legislative committee hearings on issues or bills which relate to the role, scope, mission or programs assigned the commission; presentations to the public and to federal and state officials related to the role, scope, mission, or programs assigned the commission; and participation in projects, meetings or conferences related to the role, scope, mission or programs assigned the agency; all or any of the foregoing as directed by the commission, authorized by the chairman or a committee chairman, or requested by the executive director.

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*Services* (as used in these bylaws)Cconducting the business of the commission.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:321.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:810 (September 1996), amended LR 24:1263 (July 1998), LR 26:1994 (September 2000).

**§103. Meetings**

A. - B. ...

C. Compensation

1. Members of the commission shall receive per diem as compensation for their Services at the rate authorized by statute or as authorized by executive order. Members shall

be reimbursed for their necessary travel expenses actually incurred in the conduct of the Business of the Commission.

2. The commission is limited to twelve meetings per year for which per diem may be drawn by commission members.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:321.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:810 (September 1996), repromulgated LR 24:1264 (July 1998), amended LR 26:1995 (September 2000).

Mark S. Riley  
Assistant Executive Director

0009#006

**RULE**

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

Tuition Opportunity Program for Students (TOPS)  
(LAC 28:IV. 301, 501, 503, 509, 701, 703, 705,  
801, 803, 805, 1701, 1703, 1901, 1903, 2107)

The Louisiana Student Financial Assistance Commission (LASFAC) revises the provisions of the Tuition Opportunity Program for Students (TOPS) (R.S. 17:3042.1 and R.S. 17:3048.1) to implement changes to the TOPS rules required by Acts 69, 73, 105, 110 and 133 of the First Extraordinary Session, 2000 of the Louisiana Legislature.

**Title 28**

**EDUCATION**

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

**Chapter 3. Definitions**

**§301. Definitions**

Where the masculine is used in these rules, it includes the feminine, and vice versa; where the singular is used, it includes the plural, and vice versa.

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*Academic Year (High School)*Cthe annual academic year for high school begins with the fall term, includes the winter and spring terms and ends at the conclusion of the summer term, in that order. This definition is not to be confused with the Louisiana Department of Education's definition of school year, which is found in Louisiana Department of Education Bulletin 741.

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*Average Award Amount*Cfor those students attending a regionally accredited independent college or university in this state which is a member of the Louisiana Association of Independent Colleges and Universities and enrolled in a program for a vocational or technical education certificate or diploma or a non-academic undergraduate degree, the average maximum tuition, as determined by the agency, charged to full time students attending public postsecondary institutions for technical training that offer a vocational or technical education certificate or diploma program or a non-academic undergraduate degree.

\*\*\*

*Eligible Colleges or Universities* Louisiana public colleges or universities and regionally accredited independent colleges or universities in the state that are members of the Louisiana Association of Independent Colleges and Universities.

\*\*\*

*First-Time Freshman* A student who enrolls for the first-time as a full-time freshman 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). A student who begins postsecondary or university attendance in a summer session will be considered a first-time enrollee for the immediately succeeding fall term. 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.

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*High School Graduate* For the purposes of these rules, is defined as a student certified by award of a high school diploma to have satisfactorily completed the required units at a high school meeting the eligibility requirements of these rules or a student who has completed at least the final two years of a BESE-approved home study program and has reported such to BESE. A student who graduates at any time during an Academic Year (High School) shall be deemed to have graduated on May 31<sup>st</sup> of that year. For the purposes of determining when a student must begin postsecondary enrollment, all students that report completion of an approved home study course to BESE during an Academic Year (High School) are deemed to have graduated on May 31 of that year.

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*Weighted Average Award Amount* For those students attending a regionally accredited independent college or university in this state which is a member of the Louisiana Association of Independent Colleges and Universities and enrolled in an academic program, the total dollar value of awards made under TOPS in the prior academic year, excluding award stipends, to students attending public colleges and universities that offer academic degrees at the baccalaureate level, divided by the total number of students that received the awards.

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 26:1794 (January 2000), LR 26:688: (April 2000), LR 26:1995 (September 2000).

## **Chapter 5. Application; Application Deadlines and Proof of Compliance**

### **§501. Application**

A. Initial Application. All new applicants for Louisiana scholarship and grant programs must apply for federal aid by completing the Free Application for Federal Student Aid (FAFSA) for the academic year following the year the student graduated from high school. For example, if the student will graduate from high school in school year 2000-2001, submit the 2001-2002 version of the FAFSA.

1. All applicants (except those students who can demonstrate that they do not qualify for federal grant aid because of their family's financial condition) must complete all applicable sections of the initial FAFSA.

2. Students who can demonstrate that they do not qualify for federal grant aid because of their family's financial condition must complete all applicable sections of the initial FAFSA except those sections related to the income and assets of the applicant and the applicant's parents.

3. In the event of a budgetary shortfall, applicants who do not complete all sections of the FAFSA will be the first denied a TOPS award.

#### **B. Renewal Application**

1. In order to remain eligible for TOPS awards, a student must file a renewal FAFSA by the deadline set in §503 (unless the student can demonstrate that he does not qualify for federal grant aid because of his family's financial condition).

2. Students who can demonstrate that they do not qualify for federal grant aid because of their family's financial condition are not required to submit a renewal FAFSA.

3. In the event of a budgetary shortfall, applicants who do not file a FAFSA or who do not complete all sections of the FAFSA will be the first denied a TOPS award.

C. The deadline for priority consideration for state aid is published in the FAFSA's instructions and may be revised annually by the LASFAC.

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 24:635 (April 1998), amended LR 24:1900 (October 1998), LR 26:1996 (September 2000).

### **§503. Application Deadlines**

A. - A.4. ...

B. Final Deadline For Full Award. In order to receive the full benefits of a TOPS award as provided in §701.E, the final deadline for receipt of a student's initial FAFSA application is July 1st of the Academic Year (High School) in which a student graduates. For example, for a student graduating in the 2000-2001 Academic Year (High School), the student must submit the initial FAFSA in time for it to be received by the federal processor by July 1, 2001.

C. ...

D. Final Deadlines For Reduced Awards

1. If an application for an initial award under this Chapter is received after the deadline provided in §503.B above, but not later than sixty days after that deadline, the time period of eligibility for the award shall be reduced by one semester, two quarters, or an equivalent number of units at an eligible institution which operates on a schedule based on units other than semesters or quarters.

2. If an application for an initial award under this Chapter is received more than sixty days after the deadline provided in §503.B above, but not later than one hundred twenty days after that deadline, the time period of eligibility for the award shall be reduced by two semesters or three quarters, or an equivalent number of units at an eligible institution which operates on a schedule based on units other than semesters or quarters.

3. Applications received more than 120 days after the published deadline shall not be considered.

E. The reduction of the applicant's period of eligibility for this award under §503.D above shall not be cumulative with any reduction under §509.C.

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 24:635 (April 1998), amended LR 24:1901 (October 1998), LR 25:655 (April 1999), LR 25:2396 (December 1999), LR 26:1996 (September 2000).

#### **§509. American College Test (ACT) Testing Deadline**

A. The student must take the official American College Test (including National, International, Military or Special test types) on or before the official April test date in the Academic Year (High School) in which the student graduates.

B. The student may substitute an equivalent score, as determined by the comparison tables used by LASFAC, on an equivalent Scholastic Aptitude Test (SAT) taken on or before the official April test date in the Academic Year (High School) in which the student graduates.

##### **C. Final ACT Testing Deadline for Reduced Awards**

1. Beginning with awards made for the 2000-2001 academic year and thereafter, an applicant's first qualifying score on the American College Test or on the Scholastic Aptitude Test for either the TOPS Opportunity Award or for the TOPS-TECH Award, or if the student has not previously qualified for either the TOPS Opportunity Award or for the TOPS-TECH Award, an applicant's first qualifying score on the American College Test or on the Scholastic Aptitude Test for the TOPS Performance Award or the TOPS Honors Award that is obtained on an authorized testing date after the date of the applicant's high school graduation but prior to July 1 of the year of such graduation will be accepted; however, when granting an award to an applicant whose qualifying test score is considered by the agency pursuant to the provisions of this Subparagraph, the applicant's period of eligibility for the award shall be reduced by one semester, two quarters, or an equivalent number of units at an eligible institution which operates on a schedule based on units other than semesters or quarters. An applicant will not be allowed to use a test score obtained after high school graduation to upgrade a TOPS Opportunity Award to a TOPS Performance or Honors Award.

2. Students who fail to achieve an ACT or SAT qualifying score by July 1<sup>st</sup> after high school graduation shall not be considered for an award.

D. Students who graduated during the 1998-1999 school year who are otherwise qualified for a TOPS award and who obtained a qualifying score on the American College Test or the Scholastic Aptitude Test on an authorized testing date after the date of the student's graduation but prior to July 1, 1999, shall be considered to have met the requirements of §509 A and B.

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 26:1996 (September 2000).

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

### **§701. General Provisions**

A. - D.3. ...

E. Award Amounts. The specific award amounts for each component of TOPS are as follows.

1. The TOPS Opportunity Award provides an amount equal to undergraduate tuition for full-time attendance at an Eligible College or University for a period not to exceed eight semesters, twelve quarters, or an equivalent number of units in an eligible institution which operates on a schedule based on units other than semesters or quarters, except as provided by LSA-R.S. 17:3048.1.H, or §503.D or §509.C.

2. The TOPS Performance Award provides a \$400 annual stipend, in addition to an amount equal to tuition for full-time attendance at an Eligible College or University, for a period not to exceed eight semesters, twelve quarters, or an equivalent number of units in an eligible institution which operates on a schedule based on units other than semesters or quarters, except as provided by LSA-R.S. 17:3048.1.H, or 503.D or 509.C.

3. The TOPS Honors Award provides an \$800 annual stipend, in addition to an amount equal to tuition for full-time attendance at an Eligible College or University, for a period not to exceed eight semesters, twelve quarters, or an equivalent number of units in an eligible institution which operates on a schedule based on units other than semesters or quarters, except as provided by LSA-R.S. 17:3048.1.H, or §503.D or §509.C.

4. ...

5. Students attending a regionally accredited independent college or university which is a member of the Louisiana Association of Independent Colleges and Universities (LAICU):

a. in an academic program receive an amount equal to the Weighted Average Award Amount, as defined in §301, plus any applicable stipend;

b. in a program for a vocational or technical education certificate or diploma or a non-academic undergraduate degree receive an amount equal to the Average Award Amount, as defined in §301, plus any applicable stipend.

6-8. ...

9. Prior recipients of the Louisiana Honors Scholarship who attend a campus of the Louisiana Technical College may continue to attend that institution as a recipient of the TOPS Performance Award.

10. ...

11. Students enrolled and attending more than one college or university at the same time shall be awarded as follows.

a. Students attending two or more Louisiana public two or four-year colleges or universities shall receive a total amount not to exceed the amount that would be charged to the student by the school with the highest tuition among those at which the student is simultaneously enrolled.

b. Students attending two or more regionally accredited independent colleges or universities which are

members of the Louisiana Association of Independent Colleges and Universities (LAICU) shall receive a total amount not to exceed the Weighted Average Award Amount, as defined in §301.

c. Students attending a combination of Louisiana public two or four-year colleges or universities and regionally accredited independent colleges or universities which are members of the Louisiana Association of Independent Colleges and Universities (LAICU) in an academic program shall receive a total amount not to exceed the amount that would be paid at the public school with the highest tuition among those at which the student is simultaneously enrolled or the weighted average award amount, whichever amount is greater.

F. Beginning with the 2000-2001 academic year and continuing for the remainder of their program eligibility, students who meet each of the following requirements shall be awarded a stipend in the amount of two hundred dollars per semester or four hundred dollars per academic year which shall be in addition to the amount determined to equal the tuition charged by the public college or university attended or, if applicable, the amount provided for attendance at an eligible nonpublic college or university:

1. prior to June 18, 1999, the student was determined by the administering agency to be eligible for a performance award, but who chose either by submission of a completed award confirmation form or by not sending in a completed award confirmation form to receive an opportunity award and was awarded an opportunity award; and

2. the student, once enrolled at an eligible institution, has continuously met all requirements to maintain continued state payment for a performance award.

G. Beginning with the 2000-2001 academic year and continuing for the remainder of their program eligibility, students who meet each of the following requirements shall be awarded a stipend in the amount of four hundred dollars per semester or eight hundred dollars per academic year which shall be in addition to the amount determined to equal the tuition charged by the public college or university attended or, if applicable, the amount provided for attendance at an eligible nonpublic college or university:

1. prior to June 18, 1999, the student was determined by the administering agency to be eligible for a honors award, but who chose either by submission of a completed award confirmation form or by not sending in a completed award confirmation form to receive an opportunity award and was awarded an opportunity award; and

2. the student, once enrolled at an eligible institution, has continuously met all requirements to maintain continued state payment for a honors award.

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 24:635 (April 1998), amended LR 24:1901 (October 1998), LR 25:256 (February 1999) LR 26:64 (January 2000), LR 26:1997 (September 2000).

### §703. Establishing Eligibility

A. - A.2. ...

3. submit the completed Free Application for Federal Student Aid (FAFSA) in accordance with §501:

a. by the applicable state aid deadline defined in §503; and

b. the dependents of Louisiana residents on active duty with the Armed Forces stationed outside of the state of Louisiana must enter a Louisiana postsecondary institution in that section of the FAFSA which asks the applicant to name the colleges he plans to attend; and

4. initially apply and enroll as a First-Time Freshman as defined in §301, unless granted an exception for cause by LASFAC, in an eligible postsecondary institution defined in §1901; and

a. - f. ...

g. all students must apply for an award by July 1st of the Academic Year (High School) in which they graduate to establish their initial qualification for an award, except as provided by §503.D. For a student entitled to defer acceptance of an award under §703.A.4.b or d, that student must apply by July 1st of the Academic Year (High School) in which the student graduates, except as provided by §503.D, and must also apply by July 1st prior to the Academic Year (College) in which the student intends to first accept the award, and every year of eligibility thereafter, except as provided in §501.B.

A.5. - C. ...

D. Students who have qualified academically for more than one of the TOPS awards, excluding the TOPS Teacher Award, shall receive the award requiring the most rigorous eligibility criteria.

E. - F. ...

G. Early Admission to College

1. A student who enters an Eligible College or University under an early admissions program prior to high school graduation will be eligible for an appropriate award under the following conditions:

a. - d. ...

2. A student who graduates from high school in less than four years or who enters an eligible college or university early admissions program prior to graduation from high school shall be considered a first-time freshman, as defined in §703, not earlier than the first semester following the academic year in which the student would have normally graduated had he or she not graduated early or entered an early admissions program. A student who graduates high school in less than four years or enters an early admissions program will remain eligible for a TOPS award until the semester or term, excluding summer semesters or sessions, immediately following the first anniversary of the date that the student normally would have graduated.

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 25:2237 (December 1998), LR 25:257 (February 1999), LR 25:655 (April 1999), LR 25:1794 (October 1999), LR 26:64 (January 2000), LR 26:689 (April 2000), LR 26:1997 (September 2000).

### §705. Maintaining Eligibility

A. ...

1. have received less than four years or eight semesters of TOPS Award funds, unless reduced as required by section 503.D; and

2. submit the Renewal FAFSA in accordance with §501.B; and

3. - 5. ...

6. continue to enroll and accept the TOPS award as a full-time undergraduate student in an eligible postsecondary institution, as defined in §1901, and maintain an enrolled status throughout the academic term, unless granted an exception for cause by LASFAC; and

7. by the end of each academic year, earn a total of at least 24 college credit hours during the fall and spring semesters or fall, winter and spring quarters in an academic program at an Eligible College or University, or either earn a total of at least 24 college credit hours or complete an average of 30 clock hours per week during the fall and spring semesters or fall, winter and spring quarters in a program for a vocational or technical education certificate or diploma or a non-academic undergraduate degree at an eligible college or university as determined by totaling the earned hours reported by the institution for each semester or quarter in the academic year. These hours shall include remedial course work required by the institution, but shall not include hours earned during summer sessions or intersessions or by advanced placement course credits. Unless granted an exception for cause by LASFAC, failure to earn the required number of hours will result in permanent cancellation of the recipient's eligibility; and

8. ...

9. maintain at an Eligible College or University, by the end of each academic year (the conclusion of the spring term), a cumulative college grade point average (GPA) on a 4.00 maximum scale of at least:

a. a 2.30 with the completion of less than 48 credit hours, a 2.50 after the completion of 48 credit hours, for continuing receipt of an Opportunity Award; or

b. a 3.00 for continuing receipt of either a Performance or Honors Award.

B. - D. ...

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 24:637 (April 1998), amended LR 24:1904 (October 1998), LR 25:257 (February 1999); LR 25:656 (April 1999), LR 25:1091 (June 1999), LR 26:65 (January 2000), LR 26:688 (April 2000), LR 26:1998 (September 2000).

## **Chapter 8. TOPS-TECH Award**

### **§801. General Provisions**

A. ...

B. Description, History and Purpose. The TOPS-TECH award is a merit based scholarship program for Louisiana residents pursuing skill, occupational training, or technical training at a Louisiana public community or technical college that offers a vocational or technical education certificate or diploma program or a non-academic undergraduate degree. The purpose of TOPS-TECH is to provide an incentive for qualified Louisiana residents to prepare for and pursue technical positions in Louisiana.

C. - D. ...

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 24:1904 (October 1998), LR 26:1998 (September 2000).

### **§803. Establishing Eligibility**

A. - A.2. ...

3. submit the completed initial Free Application for Federal Student Aid (FAFSA) or renewal FAFSA by the

applicable state aid deadline in accordance with the requirements of §503; and

4. - 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 25:1794 (October 1999), LR 26:64 (January 2000), LR 26:1999 (September 2000).

### **§805. Maintaining Eligibility**

A. ...

1. have received the TECH Award for less than two years, unless reduced as required by section 503.D; and

2. submit the Renewal FAFSA in accordance with §501.B; and

3.- B. ...

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 24:1905 (October 1998) LR 25:1091 (June 1999), LR 26:65 (January 2000), LR 26:688 (April 2000), LR 26:1999 (September 2000).

## **Chapter 17. Responsibilities of High Schools, School Boards, Special School Governing Boards, the Louisiana Department of Education and LASFAC on Behalf of Eligible Non-Louisiana High Schools**

### **§1701. Eligibility of Graduates Based Upon the High School Attended**

A. Graduates of the following high schools are eligible to participate in LASFAC's Scholarship and Grant programs, as authorized herein:

1. Louisiana Public High Schools (public high schools listed in the Louisiana School Directory (Louisiana Department of Education Bulletin 1462);

2. Approved Nonpublic High Schools

a. nonpublic high schools approved by the Louisiana Board of Elementary and Secondary Education (BESE) pursuant to R.S. 17:11 and which meet the standards required by BESE for students of the school to be eligible to receive from the state the benefit of appropriations for such items as transportation, textbooks, and administrative cost reimbursement, and

b. nonpublic schools approved by BESE pursuant to R.S. 17:11 prior to May 15, 2000, which have applied for and have had their application forwarded by the Louisiana Department of Education prior to May 15, 2000, seeking the approval necessary for the students in such school to be eligible to receive from the state the benefit of appropriations for such items as transportation, textbooks, and administrative cost reimbursement; and starting the 2003-2004 high school academic year, meet the requirements to be eligible to receive from the state the benefit of such appropriations.

c. the approvals by BESE may be provisional or probational approvals.

3.-B. ...

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 24:642 (April 1998), amended LR 24:1911 (October 1998), LR

25:849 (May 1999), LR26:65 (January 2000), LR 26:1999 (September 2000).

**§1703. High School Certification of Student Achievement**

A. - B.1. ...

2. The certification form shall contain, but is not limited to, the following reportable data elements:

a. - b. ...

c. final cumulative high school grade point average for all courses attempted and recorded on the transcript, converted to a maximum 4.00 scale, if applicable (Note: Beginning with students graduating in 2002-2003, the cumulative high school grade point average will be calculated by using only grades obtained in completing the core curriculum.); and

d. through the graduating class of the Academic Year (High School) 1999-2000, number of core units earned and the number of core units unavailable to the student at the school attended; after the graduating class of the Academic Year (High School) 1999-2000, core unit requirements may not be waived.

A.3. - C.2. ...

D. Certification. The high school headmaster or principal or designee shall certify that:

1.-3. ...

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 24:643 (April 1998), amended LR 24:1912 (October 1998), LR 25:258 (February 1999), LR 26:1999 (September 2000).

**Chapter 19. Eligibility and Responsibilities of Postsecondary Institutions**

**§1901. Eligibility of Postsecondary Institutions to Participate**

A. ...

B. Regionally accredited private colleges and universities which are members of the Louisiana Association of Independent Colleges and Universities, Inc. (LAICU) are authorized to participate in TOPS (for both academic programs and programs for a vocational or technical education certificate or diploma or a non-academic undergraduate degree) and LEAP. As of April 2000, LAICU membership included Centenary College, Dillard University, Louisiana College, Loyola University, Our Lady of the Lake College of Nursing and Allied Health, Our Lady of Holy Cross College, St. Joseph Seminary College, Tulane Medical Center, Tulane University, and Xavier University.

C. Campuses of Louisiana Technical College are authorized to participate in TOPS, TOPS-TECH, and LEAP.

D. ...

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 24:643 (April 1998), amended LR 24:1912 (October 1998), LR 25:258 (February 1999), LR 26:1999 (September 2000).

**§1903. Responsibilities of Postsecondary Institutions**

A. - A.7. ...

B. Program Billing. Each term, institutions shall bill LASFAC for students who are recipients of a TOPS Award and who have enrolled at the institution in accordance with the following terms and conditions:

1. - 7.d....

8. Before applying a TOPS award to pay a student's tuition, institutions shall first apply the student's "out-of-pocket" payments, including student loans, toward tuition charges. In those cases when a student's tuition as defined in 26 U.S.C. 25A is paid from a source other than the TOPS award, the institution shall apply the TOPS award toward payment of expenses other than tuition which are described in the term "cost of attendance" as that term is defined in 20 U.S.C. 1087(II), as amended, for the purpose of qualifying the student or his parent or guardian for the federal income tax credits provided for under 26 U.S.C. 25A.

C. - F. ...

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 24:645 (April 1998), amended LR 24:1914 (October 1998), LR 25: 1459(August 1999), LR 26:2000 (September 2000).

**Chapter 21. Miscellaneous Provisions and Exceptions §2107. Funding and Fees**

A. - C.3. ...

D. Insufficient Funds Appropriated

1. ...

2. In the event appropriated funds are insufficient to fully reimburse institutions for awards and stipends for all students determined eligible for the TOPS Opportunity, Performance, Honors and TECH Awards for a given academic year, then the number of eligible students shall be reduced in accordance with the following procedures until such funds are sufficient.

a. Applicants who do not submit financial data on the initial FAFSA or a renewal FAFSA or who do not submit a renewal FAFSA to allow determination of eligibility for federal aid will be the first students eliminated from consideration if insufficient funds are appropriated for the program.

D.2.b. - F. ...

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 24:649 (April 1998), amended LR 24:1919 (October 1998), LR 26:2000 (September 2000).

Mark S. Riley  
Assistant Executive Director

0009#005

**RULE**

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

Tuition Opportunity Program for Students (TOPS) Eligibility (LAC 28:IV.703)

The Louisiana Student Financial Assistance Commission (LASFAC) hereby amends 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 Louisiana 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 April 4, 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 7. Tuition Opportunity Program for  
Students (TOPS) Opportunity;  
Performance and Honors Awards**

**§703. Establishing Eligibility**

A. - A.5.a.ii ...

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 1/2 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 - Shakespeare EN 422 Studies in a Major Author - 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 II (one unit)	MA 120 College Algebra (1 unit), or MA 121 Accelerated College Algebra (1/2 unit) and 1/2 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 (1/2 unit), and BI 241 Molecular and Cellular Biology (1/2 unit)
Civics (1/2 unit) and Free Enterprise (1/2 unit)	AH 243 American Government and Politics (1/2 unit), and SS 113 Economics (1/2 unit)
Western Civilization	EH 121 Ancient and Medieval History (1/2 unit) and EH 122 Modern History (1/2 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 LR 24:636 (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 26:004 (January 2000), LR 26:689 (April 2000), LR 26:2000 (September 2000).

Mark S. Riley  
Assistant Executive Director

0009#0004

**RULE**

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

Tuition Opportunity Program for Students  
(TOPS)C Qualified Summer Session  
(LAC 28:IV.301, 509, 701, 703, 705, 805, 1903, 2103)

The Louisiana Student Financial Assistance Commission (LASFAC) hereby amends rules of the Tuition Opportunity Program for Students (TOPS), R.S. 17:3042.1 and R.S. 17:3048.1.

**Title 28  
EDUCATION**

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

**Chapter 3. Definitions**

**§301. Definitions**

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*Academic Year (College)*Cthe two- and four-year college and university academic year begins with the fall term of the award year, includes the winter term, if applicable, and concludes with the completion of the spring term of the award year. The two- and four-year college and university academic year does not include summer sessions nor intersessions.

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*ACT Score*Cthe highest composite score achieved by the student on the official American College Test (including National, International, Military or Special test types) or an equivalent score, as determined by the comparison tables used by LASFAC, on an equivalent Scholastic Aptitude Test (SAT). ACT or SAT test scores which are unofficial, including so-called "residual" test scores, are not acceptable for purposes of determining program eligibility.

\*\*\*

*Program Year (Non-academic Program)*Cthe schedule of terms during a year leading to a vocational or technical education certificate or diploma or a non-academic undergraduate degree for such programs offered by Eligible

Colleges and Universities, beginning with the fall term, including the winter and spring terms, and concluding with the summer term or the equivalent schedule at an institution which operates on units other than terms.

\*\*\*

*Qualified Summer Session* Those summer sessions for which the student's institution certifies that:

1. the summer session is required in the student's degree program for graduation and the student enrolled for at least the minimum number of hours required for the degree program for the session, or
2. the student can complete his program's graduation requirements in the summer session, or
3. the course(s) taken during the summer session is required for graduation in the program in which the student is enrolled and is only offered during the summer session.

\*\*\*

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 17:959 (October 1991), amended LR 22:338 (May 1996), LR 23:1645, 1648 (December 1997), repromulgated 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 26:2001 (September 2000).

#### **Chapter 5. Application; Application Deadlines and Proof of Compliance**

##### **§509. American College Test (ACT) Testing Deadline**

A. The student must take the official American College Test (including National, International, Military or Special test types) on or before the official April test date in the Academic Year (High School) in which the student graduates.

B. The student may substitute an equivalent score, as determined by the comparison tables used by LASFAC, on an equivalent Scholastic Aptitude Test (SAT) taken on or before the official April test date in the Academic Year (High School) in which the student graduates.

##### **C. Final ACT Testing Deadline for Reduced Awards**

1. Beginning with awards made for the 2000-2001 academic year and thereafter, an applicant's first qualifying score on the American College Test or on the Scholastic Aptitude Test for either the TOPS Opportunity Award or for the TOPS-TECH Award, or if the student has not previously qualified for either the TOPS Opportunity Award or for the TOPS-TECH Award, an applicant's first qualifying score on the American College Test or on the Scholastic Aptitude Test for the TOPS Performance Award or the TOPS Honors Award that is obtained on an authorized testing date after the date of the applicant's high school graduation but prior to July 1 of the year of such graduation will be accepted; however, when granting an award to an applicant whose qualifying test score is considered by the agency pursuant to the provisions of this Subparagraph, the applicant's period of eligibility for the award shall be reduced by one semester, two quarters, or an equivalent number of units at an eligible institution which operates on a schedule based on units other than semesters or quarters. An applicant will not be allowed to use a test score obtained after high school graduation to

upgrade a TOPS Opportunity Award to a TOPS Performance or Honors Award.

2. Students who fail to achieve an ACT or SAT qualifying score by July 1<sup>st</sup> after high school graduation shall not be considered for an award.

D. For 1997 and 1998 high school graduates who have not previously taken an ACT test, the ACT Score shall include those scores obtained from a national ACT test taken not later than the October 1998 national test date.

E. Students who graduated during the 1998-1999 school year who are otherwise qualified for a TOPS award and who obtained a qualifying score on the American College Test or the Scholastic Aptitude Test on an authorized testing date after the date of the student's graduation but prior to July 1, 1999 shall be considered to have met the requirements of §509.A and §509.B.

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 26:2001 (September 2000).

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

##### **§701. General Provisions**

A. - D.3. ...

E. Award Amounts. The specific award amounts for each component of TOPS are as follows:

1. The TOPS Opportunity Award provides an amount equal to undergraduate tuition for full-time attendance at an eligible college or university for a period not to exceed eight semesters, including qualified summer sessions, twelve quarters, including qualified summer sessions, or an equivalent number of units in an eligible institution which operates on a schedule based on units other than semesters or quarters, except as provided by R.S. 17:3048.1.H, or §503.D or §509.C. Attending a qualified summer session for which tuition is paid will count toward the eight semester limit for TOPS.

2. The TOPS Performance Award provides a \$400 annual stipend, prorated by two semesters, three quarters, or equivalent units in each Academic Year (College) or by four terms or equivalent units in each program year (non-academic program), in addition to an amount equal to tuition for full-time attendance at an eligible college or university, for a period not to exceed eight semesters, including qualified summer sessions, twelve quarters, including qualified summer sessions, or an equivalent number of units in an eligible institution which operates on a schedule based on units other than semesters or quarters, except as provided by R.S. 17:3048.1.H, or §503.D or §509.C. The stipend will be paid for each qualified summer session, semester, quarter, term, or equivalent unit for which tuition is paid. Attending a qualified summer session for which tuition is paid will count toward the eight semester limit for TOPS.

3. The TOPS Honors Award provides an \$800 annual stipend, prorated by two semesters, three quarters, or equivalent units in each Academic Year (College) or by four terms or equivalent units in each Program Year (Non-academic Program), in addition to an amount equal to tuition for full-time attendance at an Eligible College or University, for a period not to exceed eight semesters, including qualified summer sessions, twelve quarters, including

qualified summer sessions, or an equivalent number of units in an eligible institution which operates on a schedule based on units other than semesters or quarters, except as provided by R.S. 17:3048.1.H, or §503.D or §509.C. The stipend will be paid for each qualified summer session, semester, quarter, term, or equivalent unit for which tuition is paid. Attending a qualified summer session for which tuition is paid will count toward the eight semester limit for TOPS.

4. ...

5. Students attending a regionally accredited independent college or university which is a member of the Louisiana Association of Independent Colleges and Universities (LAICU):

a. In an academic program receive an amount equal to the weighted average award amount, as defined in §301, plus any applicable stipend, prorated by two semesters, three quarters, or equivalent units in each academic year (college). The stipend will be paid for each qualified summer session, semester, quarter, or equivalent unit for which tuition is paid. Attending a qualified summer session for which tuition is paid will count toward the eight semester limit for TOPS.

b. In a program for a vocational or technical education certificate or diploma or a non-academic undergraduate degree receive an amount equal to the average award amount, as defined in §301, plus any applicable stipend, prorated by four terms or equivalent units in each program year (non-academic program). The stipend will be paid for each term or equivalent unit for which tuition is paid.

6. - 9. ...

F. Beginning with the 2000-2001 academic year (college) or program year (non-academic program) and continuing for the remainder of their program eligibility, students who meet each of the following requirements shall be awarded a stipend in the amount of \$200 per qualified summer session, semester, quarter, term, or equivalent unit for which tuition is paid which shall be in addition to the amount determined to equal the tuition charged by the public college or university attended or, if applicable, the amount provided for attendance at an eligible nonpublic college or university:

1. - 2. ...

G. Beginning with the 2000-2001 academic year (college) or program year (non-academic program) and continuing for the remainder of their program eligibility, students who meet each of the following requirements shall be awarded a stipend in the amount of \$400 per qualified summer session, semester, quarter, term, or equivalent unit for which tuition is paid which shall be in addition to the amount determined to equal the tuition charged by the public college or university attended or, if applicable, the amount provided for attendance at an eligible nonpublic college or university:

1. - 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: Adopted by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 17:959 (October 1991), amended LR 22:338 (May 1996), LR 23:1645, 1648 (December 1997), repromulgated LR 24:635 (April 1998), amended LR 24:1901 (October 1998), LR 25:256 (February 1999) LR 26:67 (January 2000), LR 26:2002 (September 2000).

### §703. Establishing Eligibility

A. - A.3. ...

4. initially apply and enroll as a First-Time Freshman as defined in §301, unless granted an exception for cause by LASFAC, in an eligible postsecondary institution defined in §1901, and:

a. - f. ...

g. all students must apply for an award by July 1 of the academic year (high school) in which they graduate to establish their initial qualification for an award, except as provided by §503.D. For a student entitled to defer acceptance of an award under §703.A.4.b or d that student must apply by July 1 of the academic year (high school) in which the student graduates, except as provided by section 503.D:

i. and, if enrolling in an academic program, must also apply by July 1 prior to the academic year (college) in which the student intends to first accept the award, and by July 1 of every year of eligibility thereafter, except as provided in §501.B; or

ii. and, if enrolling in a program for a vocational or technical education certificate or diploma or a non-academic undergraduate degree, must also apply by the July 1 immediately after the start of the program year (non-academic program) in which the student intends to first accept the award, and by July 1 of every year of eligibility thereafter, except as provided in §501.B.

A.5.-G.1. ...

2. A student who graduates from high school in less than four years or who enters an eligible college or university early admissions program prior to graduation from high school shall be considered a first-time freshman, as defined in §703, not earlier than the first semester following the academic year (high school) in which the student would have normally graduated had he or she not graduated early or entered an early admissions program. A student who graduates high school in less than four years or enters an early admissions program will remain eligible for a TOPS award until the semester or term, excluding summer semesters or sessions, immediately following the first anniversary of the date that the student normally would have graduated.

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 17:959 (October 1991), amended LR 22:338 (May 1996), LR 23:1648 (December 1997), repromulgated 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 26:67 (January 2000), LR 26:689 (April 2000), LR 26:2003 (September 2000).

### §705. Maintaining Eligibility

A. ...

1. have received less than four years or eight semesters of TOPS Award funds, provided that each two terms or equivalent units of enrollment in a program for a vocational or technical education certificate or diploma or a non-academic undergraduate degree shall be the equivalent of a semester; and

2. - 6. ...

7. Minimum Academic Progress:

a. in an academic program at an eligible college or university, by the end of each academic year (college), earn a total of at least 24 college credit hours as determined by totaling the earned hours reported by the institution for each semester or quarter in the academic year (college). These hours shall include remedial course work required by the institution, but shall not include hours earned during qualified summer sessions, summer sessions nor intersessions nor by advanced placement course credits. Unless granted an exception for cause by LASFAC, failure to earn the required number of hours will result in permanent cancellation of the recipient's eligibility, or

b. in a program for a vocational or technical education certificate or diploma or a non-academic undergraduate degree at an eligible college or university, maintain steady academic progress as defined in §301 and by the end of the spring term, earn a cumulative college grade point average of at least 2.50 on a 4.00 maximum scale. Unless granted an exception for cause by LASFAC, failure to maintain steady academic progress and to earn a 2.50 at the conclusion of the spring term will result in permanent cancellation of the recipient's eligibility; and

8. ...

9. maintain at an eligible college or university, by the end of the spring semester, quarter, or term, a cumulative college grade point average (GPA) on a 4.00 maximum scale of at least:

a. a 2.30 with the completion of less than 48 credit hours, a 2.50 after the completion of 48 credit hours, for continuing receipt of an opportunity award, if enrolled in an academic program; or

b. a 2.50, for continuing receipt of an opportunity award, if enrolled in a program for a vocational or technical education certificate or diploma or a non-academic undergraduate degree; and

c. a 3.00 for continuing receipt of either a performance or honors award; and

10. has not enrolled in a program for a vocational or technical education certificate or diploma or a non-academic undergraduate degree after having received a vocational or technical education certificate or diploma, or a non-academic undergraduate degree;

11. has not received a baccalaureate degree;

12. has not been enrolled in a program for a vocational or technical education certificate or diploma or a non-academic undergraduate degree for more than two years.

B. - D. ...

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 17:959 (October 1991), amended LR 22:338 (May 1996), LR 23:1648 (December 1997), repromulgated LR 24:637 (April 1998), amended LR 24:1904 (October 1998), LR 25:257 (February 1999); LR 25:656 (April 1999), LR 25:1091 (June 1999), LR 26:67 (January 2000), LR 26:688 (April 2000), LR 26:2003 (September 2000).

## **Chapter 8. TOPS-TECH Award**

### **§805. Maintaining Eligibility**

A. - A.6. ...

7. has not received a vocational or technical education certificate or diploma, or a non-academic undergraduate degree, or a baccalaureate degree; and

8. has maintained steady academic progress as defined in §301; and

9. maintain, by the end of the spring term, a cumulative college grade point average of at least 2.50 on a 4.00 maximum scale.

B. ...

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 24:1905 (October 1998) LR 25:1091 (June 1999), LR 26:68 (January 2000), LR 26:689 (April 2000), LR 26:2004 (September 2000).

## **Chapter 19. Eligibility and Responsibilities of Postsecondary Institutions**

### **§1903. Responsibilities of Postsecondary Institutions**

A. - F. ...

G Certification of Qualified Summer Session. The institution's submission of a payment request for tuition for a student's enrollment in a summer session will constitute certification of the student's eligibility for tuition payment for the summer session, the student's acknowledgment and consent that each payment will consume one semester of eligibility, and the student's enrollment.

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 17:959 (October 1991), amended LR 22:338 (May 1996), repromulgated LR 24:645 (April 1998), amended LR 24:1914 (October 1998), LR 25:1459 (August 1999), LR 26:2004 (September 2000).

## **Chapter 21. Miscellaneous Provisions and Exceptions**

### **§2103. Circumstances Warranting Exception to the Initial and Continuous Enrollment Requirements**

A. Initial Enrollment Requirement. Initially apply and enroll as a first-time freshman as defined in §301, unless granted an exception for cause by LASFAC, in an eligible postsecondary institution defined in §1901. Initial enrollment requirements specific to the TOPS are defined at §703.A.4 and for TOPS-TECH at §803.A.4.

B. ...

C. Less Than Full-time Attendance. The LASFAC will authorize awards under the TOPS opportunity, performance, honors and teachers awards, the TOPS-TECH award, and the T.H. Harris Scholarship Program for less than full-time enrollment provided that the student meets all other eligibility criteria and at least one of the following:

C.1. - E.11.c. ...

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 17:959 (October 1991), amended LR 22:338 (May 1996), LR 23:1648 (December 1997), repromulgated LR 24:649 (April 1998), amended LR 24:1916 (October 1998), LR 26:2004 (September 2000).

Mark Riley  
Assistant Executive Director

0009#007

**RULE**

**Department of Environmental Quality  
Office of Environmental Assessment  
Environmental Planning Division**

Land Disposal of Prohibited Waste by  
Deep Well Injection (LAC 33:V.517, 1529,  
2201-2269, 2273, 4357 and 5120) (HW062)

Editor's Note: This section is being republished to correct an error. This rule can be viewed in its entirety in the October 20, 1999 edition of the *Louisiana Register* on pages 1798 - 1803.

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Hazardous Waste regulations, LAC 33:V.517, 1529, 2201-2269, 2273, 4357, and 5120 (Log #HW062).

The rule states that if land disposal by deep well injection has been exempted by the US EPA from the land disposal prohibitions; a permit has been issued for the injection well by the Louisiana Office of Conservation; and the secretary of the Department of Environmental Quality has made a determination that there are no economically reasonable and environmentally sound alternatives to the injection of such hazardous waste, then the land disposal restrictions do not apply to the disposal of the hazardous waste by injection well. The US EPA currently reviews and renders a decision on all petitions for exemption from the land disposal restrictions for hazardous waste disposal by injections wells. The Louisiana Office of Conservation is authorized to review and render a decision on applications for permits for all types of injection wells, including hazardous waste injection wells. This rule change will eliminate the department's duplication of work done by the US EPA and the Louisiana Office of Conservation. However, the department does retain the authority to grant or deny the use of injection wells for the disposal of hazardous waste based on the availability of economically reasonable and environmentally sound alternative methods of disposal. The basis and rationale for this rule is to bring the regulations in line with R.S. 30:2193.

This rule meets an exception listed in R.S. 30:2019(D)(3) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Title 33**

**ENVIRONMENTAL QUALITY**

**Part V. Hazardous Waste and Hazardous Materials**

**Subpart 1. Department of Environmental**

**QualityC Hazardous Waste**

**Chapter 5. Permit Application Contents**

**Subchapter D. Part II General Permit Information  
Requirements**

**§517. Part II Information Requirements (the Formal  
Permit Application)**

The formal permit application information requirements presented in this Section reflect the standards promulgated in LAC 33:V.Subpart 1. These information requirements are necessary in order to determine compliance with all standards. Responses and exhibits shall be numbered

sequentially according to the technical standards. The permit application must describe how the facility will comply with each of the sections of LAC 33:V.Chapters 15-37 and 41. Information required in the formal permit application shall be submitted to the administrative authority and signed in accordance with requirements in LAC 33:V.509. The description must include appropriate design information (calculations, drawings, specifications, data, etc.) and administrative details (plans, flow charts, decision trees, manpower projections, operating instructions, etc.) to permit the administrative authority to determine the adequacy of the hazardous waste permit application. Certain technical data, such as design drawings, specifications, and engineering studies, shall be certified by a Louisiana registered professional engineer. If a section does not apply, the permit application must state it does not apply and why it does not apply. This information is to be submitted using the same numbering system and in the same order used in these regulations:

\* \* \*

[See Prior Text in A-U]

V. for land disposal facilities, if an approval has been granted under LAC 33:V.2239, a petition has been approved under LAC 33:V.2241 or 2271, or a determination made under LAC 33:V.2273, a copy of the notice of approval or a determination is required; and

\* \* \*

[See Prior Text in W]

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2180 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:280 (April 1984), LR 13:433 (August 1987), LR 14:790 (November 1988), LR 15:181 (March 1989), LR 15:378 (May 1989), LR 16:220 (March 1990), LR 16:399 (May 1990), LR 16:614 (July 1990), LR 16:683 (August 1990), LR 17:658 (July 1991), LR 18:1256 (November 1992), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:657 (April 1998), LR 24:1691 (September 1998), LR 25:436 (March 1999), LR 25:1465 (August 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1799 (October 1999), repromulgated LR 26:2005 (September 2000).

James H. Brent, Ph.D.  
Assistant Secretary

0009#021

**RULE**

**Department of Environmental Quality  
Office of Environmental Assessment  
Environmental Planning Division**

Reporting Requirements, Availability  
of Information, and Public Notice Provisions  
(LAC 33:III.5107 and 5112)(AQ 202)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Air Quality regulations, LAC 33:III.5107 and 5112 (Log #AQ202).

The rule reclassifies zinc and zinc compounds from a Class II TAP (suspected human carcinogen and known or suspected human reproductive toxin) to Class III TAP (acute and chronic, non-carcinogen toxin). Exposure to zinc and zinc compounds has been shown in EPA toxicological studies to cause acute and chronic health effects corresponding to the Class III TAP classification. Also, the rule corrects a typographical error and adds a certification statement to the requirements for initial and subsequent annual emission reports and revisions to any emission report to attest that the information contained in the report is true, accurate, and complete. The basis and rationale for this rule are to correct the reclassification of zinc and zinc compounds to reflect the true adverse health effects on human population from exposure to zinc and zinc compounds and to make other clarifications to the regulations.

This rule meets an exception listed in R.S. 30:2019(D)(3) and R.S.49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

**Title 33  
ENVIRONMENTAL QUALITY**

**Part III. Air**

**Chapter 51. Comprehensive Toxic Air Pollutant Emission Control Program**

**Subchapter A. Applicability, Definitions, and General Provisions**

**§5107. Reporting Requirements, Availability of Information, and Public Notice Provisions**

\* \* \*

[See Prior Text in A - A.2]

3. Initial and subsequent annual emission reports and revisions to any emission report shall include a certification statement to attest that the information contained in the emission report is true, accurate, and complete, and signed by a responsible official, as defined in LAC 33:III.502. The certification statement shall include the full name of the responsible official, title, signature, date of signature and phone number of the responsible official. The certification statement shall read,

"I certify, under penalty of perjury, that the emissions data provided is accurate to the best of my knowledge, information, and belief, and I understand that submitting false or misleading information will expose me to prosecution under both state and federal regulations."

\* \* \*

[See Prior Text in B - D.2]

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2060 and R.S. 30:2001 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), amended LR 18:1363 (December 1992), LR 19:890 (July 1993), amended by the Office of the Secretary, LR 19:1022 (August 1993), repromulgated LR 19:1142 (September 1993), amended by the Office of Air Quality and Radiation Protection, Air Quality

Division, LR 23:58 (January 1997), LR 24:1276 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1993 (September 2000).

**§5112. Tables**

<b>Table 51.1 Minimum Emission Rates Toxic Air Pollutants</b>			
<b>CLASS I - Known and Probable Human Carcinogens</b>			
<b>Compounds</b>	<b>Cas No.</b>	<b>Synonyms</b>	<b>Minimum Emission Rate (Pounds/Year)</b>
Acrylonitrile	107-13-1		35.0
Arsenic (and compounds) [1][12]	7440-38-2		25.0
[See Prior Text in Asbestos (friable) – Benzene]			
Beryllium (and compounds) [1]	7440-41-7	Glucinum	25.0
[See Prior Text in Bis (2-Chloroethyl) Ether – Cadmium (and compounds) [1] ]			
Chromium VI (and compounds) [1][12]	7440-47-3		25.0
[See Prior Text in 1,2-Dibromoethane – Vinyl Chloride]			

<b>CLASS II - Suspected Human Carcinogens and Known or Suspected Human Reproductive Toxins</b>			
<b>Compounds</b>	<b>Cas No.</b>	<b>Synonyms</b>	<b>Minimum Emission Rate Pounds/Year)</b>
[See Prior Text in Acetaldehyde – Styrene]			
1,1,2,2-Tetrachloroethane	79-34-5	Acetylene tetrachloride	300.0
Tetrachloroethylene	127-18-4	Antisol 1, Carbon dichloride, Perchloroethylene	2,800.0
[See Prior Text in Toluene-2,4-Diisocyanate [8] – Vinylidene Chloride]			
<b>CLASS II - Suspected Human Carcinogens and Known or Suspected Human Reproductive Toxins</b>			
<b>Compounds</b>	<b>Cas No.</b>	<b>Synonyms</b>	<b>Minimum Emission Rate Pounds/Year)</b>
Xylene (mixed isomers) [9]	1330-20-7	ortho-xylene, meta-xylene, para-xylene	20,000.0

<b>CLASS III - Acute and Chronic (Non-Carcinogenic) Toxins</b>			
<b>Compounds</b>	<b>Cas No.</b>	<b>Synonyms</b>	<b>Minimum Emission Rate (Pounds/Year)</b>
[See Prior Text in Acrylic Acid – Vinyl Acetate]			
Zinc (and compounds) [1][12]	7440-66-6		200.0

Explanatory notes:

[See Prior Text in Notes 1-11]

[12] Zinc chromates and zinc arsenates are Class I TAPs regulated as carcinogens under Chromium VI (and compounds) and arsenic (and compounds) TAP categories.

Table 51.2 Louisiana Toxic Air Pollutant Ambient Air Standards				
Compounds	Cas No.	Class	Ambient Air Standard	
			( $\mu\text{g}/\text{m}^3$ ) (8 Hour Avg.)	( $\mu\text{g}/\text{m}^3$ ) (Annual Avg.)
[See Prior Text in Acetaldehyde – Antimony (and compounds) [1]				
Arsenic (and compounds)[1] [15]	7440-38-2	I		0.02
[See Prior Text in Asbestos (friable) – Benzene]				
Beryllium (and compounds) [1]	7440-41-7	I		0.04
[See Prior Text in Biphenyl – Chloroprene]				
Chromium VI (and compounds) [1][15]	7440-47-3	I		0.01
[See Prior Text in Copper (and compounds) [1] – Methyl Isobutyl Ketone]				
Methyl Methacrylate	80-62-6	III	9,760.00	
[See Prior Text in Naphthalene (and Methyl-naphthalenes)[12] – Xylene (mixed isomers) [9] ]				
Zinc (and compounds) [1][10][15]	7440-66-6	III	119.00	

Explanatory Notes:

[See Prior Text in Notes \*-14]

[15]Zinc chromates and zinc arsenates are Class I TAPs regulated as carcinogens under Chromium VI (and compounds) and arsenic (and compounds) TAP categories.

\* \* \*

[See Prior Text in Table 51.3 Louisiana Toxic Air Pollutants Supplemental List\* - Table 51.3 Explanatory Note [4]]

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2060 and R.S. 30:2001 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1331 (December 1995), amended LR 22:278 (April 1996), LR 24:1277 (July 1998), LR 25:1237 (July 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1993 (September 2000).

James H. Brent, Ph.D.  
Assistant Director

0009#093

## RULE

### Office of the Governor Division of Administration Property Assistance Agency

#### Items of Property to be Inventoried (LAC 34:I.307)

In accordance with the R.S. 49:950, et seq., the Division of Administration, Louisiana Property Assistance Agency, hereby amends LAC 34:VII.307.

## Title 34 GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY CONTROL Part I. Purchasing

### §307 Items of Property to be Inventoried

A. All items of moveable property having an “original” acquisition cost, when first purchased by the state of Louisiana, of \$1000 or more, all gifts and other property having a fair market value of \$1000 or more, and all weapons, regardless of cost, with the exception of items specifically excluded in §307.F and §307.G, must be placed on inventory. The term “moveable” distinguishes this type of equipment from equipment attached as a permanent part of a building or structure. The term “property” distinguishes this type of equipment from “supplies” with supplies being consumable through normal use in no more than one year’s time. All acquisitions of qualified items must be tagged with a uniform state of Louisiana identification tag approved by the commissioner of administration and all pertinent inventory information must be forwarded to the Louisiana Property Assistance Agency Director or his designee within 45 days after receipt of these items.

B. The head of the agency, at his discretion, may include items such as computers, electronic calculators, desks, file cabinets, tables, and other property having an acquisition cost of less than \$1000 in the inventory.

C. Gifts of moveable property must be given a fair market value as agreed upon between the donor and head of the receiving agency and recorded in the inventory if the fair market value is \$1000 or more.

D. Agencies manufacturing moveable property for use within the agency must determine the estimated cost based on the cost of labor and materials and include such items in the inventory provided that estimated cost is \$1000 or more.

E. Agencies which are eligible to receive federal surplus property must place on inventory all items acquired from Federal Surplus which would ordinarily be classified as moveable property and which have an acquisition cost of \$1000 or more. The acquisition date will be the date of acquisition by the state agency and the acquisition cost will be the actual cost incurred by the state agency.

Note: There are federal regulations regarding accountability for federal surplus property. State agencies should contact the Federal Surplus Property section for information regarding these regulations.

F - G. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 39:321 et seq.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Division of Administration, Property Control, LR 2.241 (August 1976), amended LR 8.144 (March 1982), amended by the Office of the Governor, Division of Administration, Property Assistance Agency, LR 12.103 (February 1986), LR 26:2005 (September 2000).

Irene C. Babin  
Director

0009#025

## RULE

**Office of the Governor  
Division of Administration  
Office of Telecommunications Management**

Rule Clarification  
(LAC 4:IX.1103, 1303, 1907, 2001)

The Office of the Governor, Division of Administration, Office of Telecommunications Management published a Rule in the September 1999 issue of the *Louisiana Register* to amend LAC 4:IX. The intention of the Rule was to repeal and repromulgate the Rules regarding telecommunications in their entirety. To accomplish this, the following corrections are necessary.

### **Title 4 ADMINISTRATION**

#### **Part IX. Telecommunications**

##### **Chapter 11. Telecommunications Service Requests**

###### **§1103. Submission**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754 and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), amended LR 12:19 (January 1986), repromulgated LR 17:269 (March 1991), repealed LR 26:2006 (September 2000).

##### **Chapter 13. Telecommunications Charges**

###### **§1303. Charges for Services**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754 and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), amended LR 12:20 (January 1986), repromulgated LR 17:269 (March 1991), repealed LR 26:2006 (September 2000).

##### **Chapter 19. Vendor Responsibilities**

###### **§1907. Telecommunications Contracts**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754 and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), repromulgated LR 17:270 (March 1991), repealed LR 26:2006 (September 2000).

##### **Chapter 20. Delegation of Authority**

###### **§2001. Delegation of Authority**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140-143 and R.S. 39:1751-1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of

Telecommunications Management, LR 18:610 (June 1992), repealed LR 26:2006 (September 2000).

Joseph A. Lanier  
Director

0009#022

## RULE

**Department of Insurance  
Office of the Commissioner**

Regulation 74C Payment of Health Coverage Claims  
(LAC 37:XIII.Chapter 60)

In accordance with the provisions of R.S. 49:953 of the Administrative Procedure Act, R.S. 22:3, 22:250.35, the Department of Insurance is adopting the following regulation regarding standards for the processing of claims, by health insurance issuers and preferred provider organizations. This regulation is necessary to establish reasonable requirements for health insurance coverage that assures compliance with state statutory requirements under Title 22 of the Louisiana Revised Statutes of 1950. More specifically, this regulation is necessary to implement and enforce the following provisions: R.S. 22:230.4(A)(4), Part VI-D of Chapter 1 of the Louisiana Revised Statutes of 1950, and R.S. 40:1299.41(A)(1).

### **Title 37 INSURANCE**

#### **Part XIII. Regulations**

##### **Chapter 60. Regulation 74C Payment of Health Coverage Claims**

###### **§6001. Purpose**

A. The purpose of this regulation is to implement the statutory requirements of health insurance issuers under Title 22 of the Louisiana Revised Statutes of 1950. Title 22 of the Louisiana Revised Statutes of 1950 establishes the statutory requirements for payment of claims by health insurance issuers serving residents of Louisiana. The statutory requirements establish the intent of the legislature to assure that residents with health care coverage are not billed for liabilities of health insurance.

B. To carry out the intent of the legislature and assure full compliance with the provisions of applicable statutory requirements, this regulation sets forth the standards for payment of claims by health insurance issuers and supercedes current regulations on uniform claim forms.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3, 22:250.35, to implement and enforce the following provisions R.S. 22:230.4(A)(4), Part VI-D of Chapter 1 of the Louisiana Revised Statutes of 1950, and R.S. 40:2203.1).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:2006 (September 2000)

###### **§6003. Applicability and Scope**

A. Except as otherwise specifically provided, the requirements of this regulation apply to all health insurance coverage issued for delivery in the state of Louisiana that is

otherwise subject to the statutory requirements of Part VI-D of Chapter 1 of Title 22 of the Louisiana Revised Statutes of 1950. The requirements of this regulation apply to all preferred provider organization contracts as required under the provisions of R.S. 40:2203.1(E) of the Louisiana Revised Statutes of 1950. The requirements of this regulation shall also apply to the State Employees Group Benefits Program as required under R.S. 22:230.4(A)(4).

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:3, 22:250.35, to implement and enforce the following provisions R.S. 22:230.4(A)(4), Part VI-D of Chapter 1 of the Louisiana Revised Statutes of 1950, and R.S. 40:2203.1).

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:2007 (September 2000).

#### **§6005. Claim Payments C Definitions**

**Claim** C a request that covered benefits of a health insurance issuer be provided or paid for services that have been provided. The benefits claimed may be in the form of covered services, supplies, payment for all or a portion, of expenses incurred a combination of covered services, supplies and expenses incurred, or indemnification for all or a portion of actual losses.

**Claimant** C covered person, an authorized representative, or other entity filing a clean claim that is entitled to receive reimbursement from a health insurance issuer for covered benefits.

**Clean Claim** C a correctly completed standardized claim form as required under the Department of Insurance, Regulation 48.

**Commissioner** C the commissioner of insurance.

**Contracted Medical Services** C services provided by a state licensed, certified, or state registered provider of health care services, treatment, or supplies, including but not limited to those entities defined in R.S. 40:2203.1 that have entered into a contract or agreement with a health insurance issuer to provide such services, treatment or supplies to an individual enrollee or insured.

**Covered Benefits** C benefits available to a member, subscriber or insured under an insurance policy, benefit plan, or other contract for coverage of health care benefits. The term also includes any medical services or equipment that is provided to a covered person under an assignment of benefits, when such assignment is authorized by law and the terms of an insurance policy or contract of coverage issued by a health insurance issuer.

**Covered Person** C an insured, enrollee, member, or subscriber. In the case of a minor, the term includes an insured or legal guardian authorized to act in the best interest of such minor and therefore is acting on behalf of such covered person.

**Date Upon Which a Clean Claim is Received** C the date the uniform claim form is received by the health insurance issuer or its legal agent. For health insurance issuer examinations, the department will use the postmark date of claims to determine if the date of receipt reasonably reflects the date claims are actually received by health insurance issuers.

**Department** C the department of insurance.

**Electronic Claim** C the transmission of data for purposes of payment of covered medical services in an electronic data format specified by a health insurance issuer and approved by the department.

**Health Insurance Coverage** C benefits consisting of medical care provided directly, through insurance or reimbursement, or otherwise and including items and services paid for as medical care under any hospital or medical service policy or certificate, hospital or medical service plan contract, preferred provider organization agreement, or health maintenance organization contract offered by a health insurance issuer that is subject to the requirements of Part VI-C of Chapter 1 of the Louisiana Revised Statutes of 1950.

**Health Insurance Issuer** C an insurance company, including a health maintenance organization, as defined and licensed pursuant to Part XII of Chapter 2 of Title 22, unless preempted as an employee benefit plan covered by the provisions of the Employee Retirement Income Security Act of 1974. The term shall also include the State Employees Group Benefits Program as required under R.S. 22:230.4(A)(4) and preferred provider organizations as required under R.S. 40:2203.

**Just and Reasonable Grounds Such as Would Put a Reasonable and Prudent Businessman on His Guard** C an articulable set of facts, as opposed to mere speculation or assumption, that fully complies with established jurisprudence. For health insurance issuer examinations, the department will reasonably determine whether denials are based on an articulable set of facts.

**Non-Contracted Medical Services** C services provided by a state-licensed, certified, or state-registered provider of health care services, treatment, or supplies, including but not limited to those entities defined in R.S. 40:1299.41(A)(1) that have no contract or agreement with a health insurance issuer to provide such services, treatment or supplies to an individual enrollee or insured.

**Paid** C the date the claim is adjudicated and any amount due and payable is released by the health insurance issuer. Any difference between the date of adjudication and the date the payment is released is required to be documented in the health insurance issuer's claim handling procedures filed with the department.

**Prohibited Billing Activities** C the demand for payment of medical services from a covered person for covered benefits that are payable under the terms of a provider agreement with a health insurance issuer that is in effect.

**Uniform Claim** C a standardized claim form as required under the Department of Insurance, Regulation 48.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:3, 22:250.35, to implement and enforce the following provisions R.S. 22:230.4(A)(4), Part VI-D of Chapter 1 of the Louisiana Revised Statutes of 1950, and R.S. 40:2203.1).

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:2007 (September 2000).

#### **§6007. Nonelectronic Claim Submission Standards**

##### **A. Contracted Medical Services**

1. Any claim submitted by a contracted health care provider within 45 days of the date of service or discharge shall be paid to the claimant not more than 45 days from the date upon which a clean claim is received by a health insurance issuer or its legal agent, for an allowable expense on behalf of a covered person, unless just and reasonable grounds such as would put a reasonable and prudent businessman on his guard exist.

2. Any claim submitted by a health care provider more than 45 days after the date of service or discharge or resubmitted because the original claim was incomplete or incorrect shall be paid to the claimant not more than 60 days from the date upon which a clean claim is received by a health insurance issuer or its legal agent, unless just and reasonable grounds such as would put a reasonable and prudent businessman on his guard exist.

**B. Non-Contracted Medical Services**

1. Any claim for health insurance coverage benefits, whether submitted for payment by a covered person or by the health care provider rendering covered medical services that are not otherwise payable to the provider under a medical service contract with the health insurance issuer, shall be paid to the claimant not more than 30 days from the date upon which a clean claim is received by a health insurance issuer or its legal agent, unless just and reasonable grounds such as would put a reasonable and prudent businessman on his guard exist.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:3, 22:250.35, to implement and enforce the following provisions R.S. 22:230.4(A)(4), Part VI-D of Chapter 1 of the Louisiana Revised Statutes of 1950, and R.S. 40:2203.1).

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:2007 (September 2000).

**§6009. Electronic Claim Submission Standards**

A. Any clean claim for a covered benefit payable to or on behalf of a covered person submitted by a contracted health care provider as an electronic claim shall be paid to the claimant not more than 25 days from the date upon which a clean claim form is received by the health insurance issuer or its legal agent, unless just and reasonable grounds such as would put a reasonable and prudent businessman on his guard exist.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:3, 22:250.35, to implement and enforce the following provisions R.S. 22:230.4(A)(4), Part VI-D of Chapter 1 of the Louisiana Revised Statutes of 1950, and R.S. 40:2203.1).

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:2008 (September 2000).

**§6011. Thirty-Day Payment Standard**

A. A health insurance issuer may elect to utilize a 30-day payment standard for compliance with the requirements of §§6007 and 6009 following provision of written notice to the Office of Health Insurance who shall provide notice of such changes. Health insurance issuers may cancel this election upon provision of written notice to the Office of Health Insurance. Any health insurance issuer electing to utilize a 30-day payment standard shall continue to meet all other requirements of this regulation.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:3, 22:250.35, to implement and enforce the following provisions: R.S. 22:230.4(A)(4), Part VI-D of Chapter 1 of the Louisiana Revised Statutes of 1950, and R.S. 40:2203.1.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:2008 (September 2000).

**§6013. Claim Handling Procedures**

A. Health insurance issuers shall have appropriate handling procedures approved by the department for the acceptance of various claim submissions. Health insurance issuer claim handling procedures shall be filed with the

Office of Health Insurance for review and approval. Such procedures shall include:

1. a process for documenting the date of actual receipt of claims. Health insurance issuers shall include appropriate safeguards to assure claims are appropriately classified and directed to the appropriate claims staff for review. The procedures shall include a process for documenting complaints regarding lost claims and appropriate corrective action protocols;

2. a process for reviewing claims for accuracy and acceptability. Health insurance issuers shall document their review process that includes procedures to verify compliance with uniform claim handling procedures. The procedures shall document the reasonable period of time taken to completely review each claim for completeness. The process and average timeframe utilized by the health insurance issuer shall be described in sufficient detail to document the average time required to determine if a uniform claim form has been correctly completed. For any claim that is found to be incomplete or otherwise not payable, the health insurance issuer shall provide specific written notice to the claimant within two days of all known reasons that the claim cannot be processed for payment within a reasonable period of time from the date of reviewing such claim for completeness. The procedures shall assure that the health insurance issuer prohibits the offsetting of claim payments for any other party, except as specifically provided by law, or with the expressed written consent of the claimant or by the contracted medical services provider contract. Except as required under R.S. 40:2010, a health insurance issuer whose policies or contracts of coverage do not allow benefit assignment shall be authorized to reject claims that are incorrectly completed as assigned claims;

3. a process for reporting all claims rejected by the health insurance issuer and the reason for such rejection.

**B. Late Payment Procedures.** Health insurance issuers shall establish appropriate procedures approved by the department to assure that any claimant who is not paid within the time frames specified in this regulation receives a late payment adjustment equal to 1 percent of the amount due at the time the claim is paid. For any period greater than 25 days following the time frames specified in this regulation, the health insurance issuer shall pay to the claimant an additional late payment adjustment equal to 1 percent of the unpaid balance due for each month or partial month that such claim or any portion of the claim remains unpaid.

**C. Compliant Procedures.** The health insurance issuer's procedures shall include a process for insureds or enrollees to file complaints regarding provider demands for amounts owed by health insurance issuers. The procedures shall include all actions that will be taken by the health insurance issuer to address non-compliant providers.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:3, 22:250.35, to implement and enforce the following provisions: R.S. 22:230.4(A)(4), Part VI-D of Chapter 1 of the Louisiana Revised Statutes of 1950, and R.S. 40:2203.1.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:2008 (September 2000).

**§6015. Limitations on Claim Filing and Audits**

A. Health insurance issuers that limit the period of time that a claim may be filed for payment of benefits shall have

the same limited period of time following payment of such claims to perform any review or audit for purposes of reconsidering the validity of such claims. For example, where a health insurance issuer limits the period for filing a claim for benefits to 12 months, then the health insurance issuer shall be limited to 12 months from the date of payment to perform any review or audit of the claim.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3, 22:250.35, to implement and enforce the following provisions R.S. 22:230.4(A)(4), Part VI-D of Chapter 1 of the Louisiana Revised Statutes of 1950, and R.S. 40:2203.1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:2009 (September 2000).

**§6017. Effective Date**

A. This regulation shall become effective upon final publication in the *Louisiana Register*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3, 22:250.35, to implement and enforce the following provisions R.S. 22:230.4(A)(4), Part VI-D of Chapter 1 of the Louisiana Revised Statutes of 1950, and R.S. 40:2203.1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:2009 (September 2000).

The Commissioner of Insurance hereby adopts this regulation.

James H. "Jim" Brown  
Commissioner of Insurance

0009#015

**RULE**

**Department of Public Safety and Corrections  
Office of the State Fire Marshal**

Manufactured Housing  
(LAC 55:V.521, 535 and 543)

In accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq. and R.S.51:911.32.A(2), the Office of the State Fire Marshal amends the *Louisiana Administrative Code*, Title 55, Part V, Manufactured Housing.

**Title 55  
PUBLIC SAFETY**

**Part V. Fire Protection**

**Chapter 5. Manufactured Housing (Installation)**

**§521. Definitions**

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*Installation Permit*Ca permit issued by the fire marshal to a licensed installer or the homeowner who must certify that the home is in compliance with this part.

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*Installation Permit Sticker*Ca sticker issued by the fire marshal, along with an installation permit, which is to be affixed to the home to signify that the home is in compliance with R.S. 51:912.22. Installation standards for manufactured homes and mobile homes.

\*\*\*

*Transporter*Can individual who transports the manufactured home or mobile home to the site of installation

but does not perform the blocking and/or anchoring of the home.

\*\*\*

AUTHORITY NOTE: Promulgated in accordance with R.S.51:911.32.A(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:695 (April 1998), amended LR 26:2009 (September 2000).

**§535. Monthly Report**

A. An installer shall submit a monthly installation report to the Fire Marshal by the 20th day of the following month on forms provided by the fire marshal and provide all information requested thereon.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.51:911.32.A(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:697 (April 1998), amended LR 26:2009 (September 2000).

**§543. License Suspension or Revocation; Imposition of Civil Penalties**

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

C. The schedule of fines shall be as follows:

1. Performance of any installation services under "Uniform Standards Code for mobile homes and manufactured housing" by a non-licensed person excluding a homeowner :

- \$250 1st
- \$500 2nd
- \$1,000 3rd.

2. Failure to provide proof of a valid installer's license to a Fire Marshal Inspector upon demand at jobsite:

- \$100 1st 2nd 3rd.

3. Failure to install the permit sticker on the mobile home or manufactured home:

- \$100 1st 2nd 3rd.

4. Performance of any installation service without a permit sticker:

- \$100 1st
- \$250 2nd
- \$500 3rd.

5. Unauthorized or improper transfer of permit sticker:

- \$1,000.

6. Soliciting or contracting for service from unlicensed installer by a dealer, homeowner, or other party:

- \$250 1st
- \$500 2nd
- \$1,000 3rd.

7. Failure to notify Fire Marshal's Office of lost or damaged permit sticker:

- \$100 1st 2nd 3rd.

8. False statement by homeowner as to identity of installer:

- \$1,000.

9. False statement by dealer as to identity of installer:

- \$1,000.

10. Holding oneself or one's business out for hire to perform any installation service or otherwise offering to perform any such task by an unlicensed installer:

- \$250.

11. Failure to properly complete timely monthly installation report with information required:

\$100.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32.A(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of the State Fire Marshal., LR 24:697 (April 1998), amended LR 26:2009 (September 2000).

Nancy VanNortwick  
Undersecretary

0009#019

**RULE**

**Department of Social Services  
Office of the Secretary  
Bureau of Licensing**

**Class "B" Day Care C Correction  
(LAC 48:I.5369)**

Editor's Note: §5369.A.4 was printed in the August 20, 2000 issue of the *Louisiana Register* and contained an error. It is being reprinted to correct that error

The Department of Social Services, Office of the Secretary, Bureau of Licensing, has repealed §§5355-5733 and promulgated the following in Title 48, Part I, Subpart 3, Licensing and Certification.

This rule is authorized by Revised Statute 46:1401 et seq.

These standards have been revised to supersede any previous regulations heretofore published, and are effective October 1, 2000.

**§5369. Personnel**

**A. Director Qualifications**

1. must be at least twenty-one (21) years of age;
2. must have documentation of at least one of the following:

a. bachelor's degree from a regionally accredited college or university with at least six credit hours of child development or early childhood education and one year of supervised child care experience in a licensed center or comparable setting;

b. a Child Development Associate Credential which includes practicum and one year experience in a licensed center;

c. an Associate of Arts degree in child development or a closely related area and one (1) year of supervised child care experience in a licensed center or a comparable setting;

d. one year of experience as a director or staff in a licensed child care center plus 12 credit hours in child care child development or early childhood education. Fifteen "clock hours" may be substituted for each three credit hours;

e. diploma from a vocational child care training program approved by the Board of Regents or equivalent plus one year of supervised child care experience in a licensed child care center or comparable setting;

f. a National Administrator Credential as awarded by the National Child Care Association, and one year experience in a licensed child care center, or comparable setting;

g. certificate of completion from the International Correspondence School and one year experience in a licensed child care center or comparable setting;

h. certificate of completion from the Professional Career Development Institute and one year of experience in a licensed child care center or comparable setting.

3. A comparable setting must be approved by the Bureau.

4. Licenses issued after September 30, 2000 must meet one of the requirements (5369.A.2.a-h). All directors employed prior to June 20, 1990 will be exempt from meeting director qualifications. These directors, however, are encouraged to work toward one of these requirements.

**B. Required Center Staff**

1. If the number of children exceeds 42 the director shall be a full-time administrator. When the director is not on the premises, there must be an individual designated as responsible for the operation of the center.

2. If the center does not exceed 42 children as their enrollment, there must be an individual designated as responsible for the operation of the center.

3. If the director is responsible for more than one center, there must be an individual designated as responsible for the operation of each center.

4. There shall be provisions for substitute help if the director or any regular employee is absent from the center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, LR 18:970 (September 1992), LR 26:2010 (September 2000).

J. Renea Austin-Dustin  
Secretary

0009#082

**RULE**

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

**Deer Management Assistance Program  
(LAC 76:V.109 and 111)**

The Wildlife and Fisheries Commission does hereby amend rules and regulations governing participation in the deer management assistance program.

**Title 76**

**WILDLIFE AND FISHERIES**

**Part V. Wild Quadrupeds and Wild Birds**

**Chapter 1. Wild Quadrupeds**

**§109. Regulations for Signs and Sign Placement for DMAP Cooperators**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:111.1.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 17:78 (January 1991), repealed LR 26:2010 (September 2000).

**§111. Rules and Regulations for Participation in the Deer Management Assistance Program**

A. The following rules and regulations shall govern the Deer Management Assistance Program

1. Application Procedure

a. - d. ...

e. Boundaries of lands enrolled in DMAP shall be clearly marked and posted with DMAP signs in compliance with R.S. 56:110 and the provisions of R.S. 56:110 are only applicable to property enrolled in DMAP. DMAP signs shall be removed if the land is no longer enrolled in DMAP. Rules and regulations for compliance with R.S. 56:110 are as follows.

i. The color of DMAP signs shall be orange. The words DMAP and Posted shall be printed on the sign in letters no less than 4 inches in height. Signs may be constructed of any material and minimum size is 11 1/4" x 11 1/4".

ii. Signs will be placed at 1000 foot intervals around the entire boundary of the property and at every entry point onto the property.

f. - 3.c. ...

B. Suspension and cancellation of DMAP Cooperators

1. Failure of the cooperator to follow these rules and regulations may result in suspension and cancellation of the program on those lands involved. Failure to make a good faith attempt to follow harvest recommendations may also result in suspension and cancellation of the program.

a. Suspension of Cooperator from DMAP - Suspension of the Cooperator from DMAP, including forfeiture of unused tags, will occur immediately for any misuse of tags, failure to tag any antlerless deer, or failure to submit records to the Department for examination in a timely fashion. Suspension of the Cooperator, including forfeiture of unused tags, may also occur immediately if other DMAP rules or wildlife regulations are violated. Upon suspension of the Cooperator from DMAP, the Contact Person may request a Department of Wildlife and Fisheries hearing within 10 working days to appeal said suspension. Cooperation by the DMAP Cooperator with the investigation of the violation will be taken into account by the Department when considering cancellation of the program following a suspension for any of the above listed reasons. The Cooperator may be allowed to continue with the program on a probational status if, in the judgement of the Department, the facts relevant to a suspension do not warrant cancellation.

b. Cancellation of cooperator from DMAP - Cancellation of a cooperator from DMAP may occur following a guilty plea or conviction for a DMAP rule or regulation violation by any individual or member hunting on the land enrolled in DMAP. The Cooperator may not be allowed to participate in DMAP for one year following the cancellation for such guilty pleas or conviction. Upon cancellation of the Cooperator from DMAP, the Contact Person may request an administrative hearing within 10 working days to appeal said cancellation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 17:204 (February 1991), amended LR 25:1656 (September 1999), LR 26:2011 (September 2000).

Thomas M. Gattle, Jr.  
Chairman

0009#071

**RULE**

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

**Landowner Antlerless Deer Tag Program  
(LAC 76:V.119)**

The Wildlife and Fisheries Commission does hereby promulgate a rule on participating in the Landowner Antlerless Deer Tag Program.

**Title 76**

**WILDLIFE AND FISHERIES**

**Part V. Wild Quadrupeds and Wild Birds**

**Chapter 1. Wild Quadrupeds**

**§119. Rules and Regulations for Participation in the Landowner Antlerless Deer Tag Program**

A. The following rules and regulations shall govern the Landowner Antlerless Deer Tag Program:

1. Eligibility. The following landowners or lessees are eligible to participate in this program:

a. licensed Deer Farmers authorized to hunt deer by Department of Agriculture and Forestry and Department of Wildlife and Fisheries (LDWF).

b. landowners or lessees with less than 500 acres who have verified deer depredation problems and have met all of the requirements of LDWF as stated in the Nuisance Deer Management Program and who are dependent upon this commercial crop as a major source of income;

c. landowners with less than 500 acres and more than 40 acres enrolled in the Louisiana Forest Stewardship Program and who have a written wildlife management plan on file with LDWF.

2. Application Procedure

a. Application for enrollment in the Landowner Antlerless Deer Tag Program must be submitted to the Deer Program personnel or Forest Stewardship Program personnel of LDWF prior to September 1. The application will become an official agreement between the applicant and LDWF.

b. Each applicant will be assessed a \$25 administrative processing fee which must be paid prior to October 1.

c. By enrollment in this program the applicant agrees to allow LDWF personnel access to their land for management surveys, investigations of violations and other inspections deemed appropriate by the Department.

3. Tags

a. A fixed number of Landowner Antlerless Deer Tags will be provided by the department to each applicant that must be attached to each antlerless deer harvested

during the regular deer season. These tags can be used only on the land for which they were issued and must be attached to all antlerless deer killed during the entire deer season including special either-sex days. Tag allotment for each applicant will be determined by Deer Program personnel.

b. The total harvest of antlerless deer is restricted to that number of antlerless deer for which tags were issued. Once the number of antlerless deer for which tags were issued have been killed, all deer hunting will then be for bucks-only, even though there may be either-sex days later in the season for the Area at large. No additional tags will be issued to the applicant.

c. In order to harvest an antlerless deer, each hunter must have the Landowner Antlerless Deer Tag in his possession while hunting on the property for which the tag was issued and immediately upon kill of an antlerless deer, the hunter must tag the animal through the hock. The deer must be tagged before it is transported from the site of kill and the tag will remain with the deer while the hunter is in route to his domicile. The tag number will be recorded on the possession tag for the deer or any part(s) of the animal when divided and properly tagged among other individuals.

#### 4. Records

a. Approved applicants will keep daily records for all deer harvested as required by the Deer Program personnel. This information along with any unused tags will

be submitted to the Deer Program or Forest Stewardship Program personnel by March 1. Information will include: Date of kill; Name of hunter; Hunting license # or date of birth of hunter, whichever applicable; Sex of animal; Landowner Antlerless Tag Number. Additional biological information from harvested deer may be required of some applicants for management purposes.

b. Approved applicants will provide documentation of harvested deer during the season to Department personnel upon request. Applicants will be given 48 hours to provide this requested information.

#### 5. Cancellation of Program

a. Failure of the approved applicant or other persons permitted to hunt on this property to follow these rules and regulations may result in cancellation of the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 26:2011 (September 2000).

Thomas M. Gattle, Jr.  
Chairman

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