

Notices of Intent

NOTICE OF INTENT

Department of Economic Development Office of Financial Institutions

Residential Mortgage Lending Continuing Education (LAC 10:XII.101-113)

Under the authority of the Administrative Procedure Act, R.S. 49:950 et seq., and in accordance with R.S. 6:1085 and R.S. 6:1094(A) of the Residential Mortgage Lending Act, (RMLA), the Commissioner of Financial Institutions hereby promulgates the following rule to provide guidelines governing required professional education for licensure pursuant to the RMLA by establishing requirements, procedures and standards for persons intending to participate in the RMLA continuing education program by conducting educational programs regarding licensure activity pursuant to the RMLA.

Title 10

FINANCIAL INSTITUTIONS, CONSUMER CREDIT, INVESTMENT SECURITIES AND UCC

Part XII. Residential Mortgage Lending

Chapter 1. Residential Mortgage Lending Program

§101. Purpose

This Rule establishes minimum requirements that a certified continuing education facilitator must meet; procedures and standards for the facilitator's certification; and a procedure for verifying that continuing education requirements have been met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:1085 and R.S. 6:1094(A).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 27:

§103. Procedures and Standards for Facilitator Course Certification

A. Persons who want to participate in the Residential Mortgage Lending Continuing Education Program as a Facilitator must obtain certification by the commissioner of Financial Institutions ("commissioner") before engaging in that activity. Facilitators are subject to review by the Residential Mortgage Lending Board and must demonstrate their ability to provide an educational program that includes quality student materials and instructors with knowledge, experience and teaching skills necessary to improve the professional level of licensees. A facilitator must submit to the board the following not less than 30 days prior to the expected use of the program and pay a \$500 course evaluation fee as provided by R.S. 6:1094(C)(2). The commissioner may waive the 30-day requirement for good cause upon written request.

1. Continuing Education Facilitator Application on a form provided by the commissioner, along with its required attachments.

2. A copy of the student workbook and materials and a course outline on subject matter chosen from the approved topic list provided by the commissioner. The outline shall

include presentation time specifications, a list of resource material, training aids, and the method of presentation.

a. If a facilitator submits a course with copyrighted materials, every student must be provided with original materials as part of the registration. No substitute texts, outlines, summaries or copyright infringements will be allowed.

b. Proprietary student material must be submitted to the board for review based on its own merits and must not infringe on existing copyright materials.

c. Description of the course material provider's method and frequency of updates to insure the integrity of the material.

3. Evidence that the course material is current and includes new developments in the residential mortgage business.

4. Any course that has not been certified by the Commissioner before the date on which it is to be presented shall not be represented or advertised in any manner as "certified" for continuing education credit.

5. Certification is for one year. A Facilitator may be re-certified by providing evidence that course materials are current and include recent changes in federal and state laws, rules, and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:1085 and R.S. 6:1094(A).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 27:

§105. Course Requirements

A. Each certified facilitator conducting courses in Louisiana must meet the following requirements.

1. Courses must consist of at least eight hours of certified continuing education courses on topics submitted with the application and chosen from the approved topic list on a form provided by the commissioner.

2. Two hours of rmla Orientation covering the Office of Financial Institutions' (OFI) application process, examination, and general overview of the Residential Mortgage Lending Act. OFI will provide material to instructors.

3. Classes will be in a live setting only; internet or correspondent courses will not be allowed.

4. One credit hour will be given for 50 minutes of instruction.

5. A minimum of ten hours of certified courses must be conducted once monthly in New Orleans, Baton Rouge, or Shreveport. Courses must be conducted in each of these cities at least once per quarter.

6. A training schedule on a form provided by the commissioner must be submitted with each request for certification and re-certification. Any change in this schedule must be filed with the commissioner not less than seven days prior to the scheduled date.

7. Registration fee for 10-hour program shall not exceed \$400.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:1085 and R.S. 6:1094(A).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 27:

§107. Training Facility Requirements

A. The training facility must be easily accessible and secure for the safety of the student. It must comply with all applicable state and federal laws, including but not limited to the Americans with Disabilities Act of 1990.

B. An atmosphere conducive to the education presentation shall be maintained, including good housekeeping; controlled environment as to heating and cooling; proper lighting; and proper furnishings.

C. The instructional area of the facility should be for the exclusive use of the instructional course while in session.

D. The Facilitator is responsible for adequate training aids, overhead viewing equipment availability and proper visual layout of the classroom.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:1085 and R.S. 6:1094(A).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 27:

§109. Procedures for Verifying Continuing Education Credits

The facilitator must submit a list of all participants who complete their course to the commissioner in a format approved by the commissioner. The list must be submitted within five business days of the course. The facilitator shall issue a certificate on a form approved by the commissioner, to each individual within 10 business days of successfully completing the course.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:1085 and R.S. 6:1094(A).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 26:

§111. Program Review/ Disciplinary Action

A. The commissioner, his designee, or a board member with approval of the commissioner shall have the authority to visit a training facility and review the facilitator's program at any time. Visits may include the review of curriculum records, review of attendance records and observation of instructional sessions in progress.

B. The certification of a facilitator may be suspended or revoked by the commissioner if he determines that:

1. the facilitator's teaching method or curriculum does not meet the standards of this rule or has been significantly changed from that submitted for certification without notice to the commissioner for approval;

2. the facilitator certifies to the commissioner that an individual has completed an approved course in accordance with the standards furnished for certification or completion of the program, when in fact the individual has failed to do so;

3. the facilitator fails to issue a certificate to an individual who has satisfactorily completed the seminar in accordance with the standards furnished for certification; or

4. the commissioner determines there is good and just cause to suspend or revoke certification.

C. Reinstatement of a suspended certification may be made upon the furnishing of proof satisfactory to the commissioner that the conditions responsible for the suspension have been corrected.

D. The commissioner, his designee, or the board at the commissioner's direction, shall review all written complaints lodged against a facilitator or instructor. A meeting may be

called for the purpose of investigating the complaint and/or taking necessary action to resolve the complaint. If the facilitator's certification is suspended, the facilitator must respond to the commissioner within 15 days after receiving notice of such suspension.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:1085 and R.S. 6:1094(A).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 27:

§113. Facilitators for Courses Conducted Out of State

A. Certified Facilitators who provide courses at locations out of state must comply with all parts of this Rule except for §105.A.5.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:1085 and R.S. 6:1094(A).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 27:

Any interested person may submit written comments regarding the contents of the proposed Rule to Gary L. Newport, Chief Attorney, Office of Financial Institutions, in person to: 8660 United Plaza Boulevard, Second Floor, Baton Rouge, Louisiana, 70809; or by mail to Louisiana Office of Financial Institutions, P.O. Box 94095, Baton Rouge, LA 70804-9095. All comments must be received no later than 4:30 p.m. November 20, 2000.

John D. Travis
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Residential Mortgage
Lending/ Continuing Education**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule will result in an approximate cost of \$1,000 annually for travel expenses incurred by the residential mortgage lending board to attend board meetings. In addition a one-time cost of \$60 will be incurred to publish this Proposed Rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be a \$500 fee collected from each educational provider. It is estimated that there will be five for a total revenue of \$2,500.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Estimated expenses to the mortgage loan originators will be up to \$400 per year. There are approximately 1,500 originators in Louisiana resulting in up to \$600.00 which they will pay to the educational providers.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment because all originators will be required to attend continuing education classes.

John D. Travis
Commissioner
0010#053

John R. Rombach
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Economic Development Racing Commission

Account Wagering (LAC 35:XIII.12001-12035)

The Louisiana State Racing Commission hereby gives notice that it intends to adopt LAC 35:XIII.Chapter 120 Account Wagering, (§12001 through §12035) to provide for account wagering at Louisiana race tracks, off-track wagering facilities and other locations which may have the potential of increasing the handle by allowing patrons to set up an account whereby wagers will be placed in lieu of cash transactions.

This proposed rule has no known impact on family formation, stability, and/or autonomy as described in R.S. 49:972.

Title 35

HORSE RACING

Part XIII. Wagering

Chapter 120. Account Wagering

§12001. Definitions

Account Holder—A person authorized by the licensee to place wagers via account wagering.

Account Wager—A wager placed by means of account wagering.

Account Wagering—A form of pari-mutuel wagering in which an individual may deposit money in an account with a licensee and use the account balance to pay for pari-mutuel wagering authorized by R.S. 4:149.5 to be conducted by the licensee. An account wager may be made by the account holder in person, via telephonic device or by communication through other electronic media.

Account Wagering Center—The facility or facilities for maintaining and administering the account wagering system.

Wagering Account or *Account*—The account maintained and administered through an account wagering center for account holders who wish to place account wagers and otherwise participate in account wagering.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1, R.S. 4:149.2 and R.S. 4:149.5.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 26:

§12003. Authorization

A. A system of account wagering may be operated only by a licensee, or employees or agents of such licensee, who is/are authorized to do so pursuant to R.S. 4:149.5(B)(1). The authorized licensee may, subject to applicable state and federal laws, conduct account wagering on any races conducted at its facility and on any races conducted at other facilities, within or outside of this state. Wagering accounts may be established for an individual whose principal residence is outside this state if the racing association complies with all applicable provisions of federal and state law. All wagers placed through the licensee's system of account wagering shall be considered to have been made in this state.

B. An authorized licensee may not accept wagers from residents located in proximity to the racing facility of another licensee as provided for in R.S. 4:214(A)(3), without having provided the commission with sufficient evidence of

how the authorized licensee intends to identify such account holders and pay to such other licensee the source market percentage required to be paid pursuant to R.S. 4:149.5(B)(2).

C. A licensee of race meetings shall provide the commission with written evidence of its consent to the acceptance, by an operator of a system of account wagering located outside this state, of wagers placed with such account wagering system by residents or other persons located within or outside of this state on races conducted in this state by that licensee. In the absence of such written evidence, no system of account wagering located outside this state may accept such wagers.

D. A licensee of race meetings authorized pursuant to R.S. 4:149.5(B)(1) to conduct account wagering in this state shall provide the commission with written evidence of its consent to the acceptance, by an operator of a system of account wagering located outside this state, of wagers placed with such account wagering system by residents or other persons located within this state on races conducted outside this state. In the absence of such written evidence, no system of account wagering located outside this state may accept such wagers.

E. A licensee, as defined in R.S. 4:149.5, may conduct account wagering made in person, by telephonic device or by communication through other electronic media. The maintenance and operation of account wagering shall be in accordance with the *Rules of Racing* and R.S. 4:149.5. The licensee shall request authorization and receive approval from the commission before a system of account wagering is offered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1, R.S. 4:149.2 and R.S. 4:149.5.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 26:

§12005. Establishment

A. The licensee may offer a system of account wagering to its patrons whereby wagers are debited in, and payouts credited to, an account in the name of the patron, that is held by the licensee. The licensee shall notify the patron, at the time of opening the account, of any rules or procedures the licensee has adopted concerning deposits, withdrawals, average daily balances, user or service fees, interest payments, hours of operation, and any other aspect of the operation of the account. The licensee shall notify the patron whenever the rules governing the account are changed and shall endeavor to provide such notification before the new rules are applied to the account and including the opportunity to close or cash-in the account. The patron shall be deemed to have accepted the rules of account operation upon opening or not closing the account.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1, R.S. 4:149.2 and R.S. 4:149.5.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 26:

§12007. Compliance

A. Account wagering shall be conducted in compliance with the *Rules of Racing* and all applicable state and federal laws. Unless elsewhere specifically set forth, an account wager shall be subject to the statutory provisions and rules and regulations which govern all pari-mutuel wagers placed within the enclosure at which the licensee is authorized to conduct race meetings. From each account wager, there shall

be deducted the same percentage as is deducted on a wager if made in person in the same wagering pool at the licensee's race track.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1, R.S. 4:149.2 and R.S. 4:149.5.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 26:

§12009. Wagering Pools

A. The total amount of all account wagers shall be included in the respective pools for each race and shall be combined into the licensee's pools or, with approval of the commission, directly into the corresponding pools of a host track in another jurisdiction. The amount wagered in such pools from wagering accounts shall be debited accordingly, and any winnings shall be automatically credited to such accounts upon the race being declared official.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1, R.S. 4:149.2 and R.S. 4:149.5.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 26:

§12011. Hours of Operation

A. Account wagers shall be accepted during such times and on such days as designated by the licensee, subject to state law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1, R.S. 4:149.2 and R.S. 4:149.5.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 26:

§12013. Service Fees

A. As part of its rules, the licensee may, with the approval of the commission and prior notice to the account holder, impose user or service fees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1, R.S. 4:149.2 and R.S. 4:149.5.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 26:

§12015. Account Wagering Center

A. The licensee shall operate an account wagering center(s) for the purpose of keeping wagering accounts, recording wagers, maintaining records of credits and debits to the accounts, and otherwise administering the account wagering system. The location of such account wagering center(s) shall be subject to the approval of the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1, R.S. 4:149.2 and R.S. 4:149.5.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 26:

§12017. Licensee's Employees and Agents

A. The licensee shall appoint officers, employees or agents of the licensee to have management and control of the various aspects of the account wagering system for the licensee, including the account wagering center. As used herein, "licensee" includes the officers, directors and employees of the licensee, and persons, agents or other entities with the authority to accept deposits and wagers on behalf of the licensee and otherwise maintain and administer the system of account wagering. Such persons or entities may also provide services linking transactions from an account holder to a totalizator company.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1, R.S. 4:149.2 and R.S. 4:149.5.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 26:

§12019. Wagering Accounts

A. Only those persons who have a wagering account with an account wagering center shall be permitted to wager through account wagering. An account may be established at an account wagering center, at a racetrack or off-track wagering facility within the state, by mail, or by other means approved by the commission.

B. The licensee shall accept accounts in the name of a natural person only. The licensee shall not accept any corporate, partnership, limited liability company, joint, trust, estate, beneficiary or custodial account. The account is nontransferable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1, R.S. 4:149.2 and R.S. 4:149.5.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 26:

§12021. Account Holder's Responsibilities

A. Wagering accounts are for the personal use of the account holder. Account holders are responsible for all bets placed through their accounts by any person using the account. The account holder bears full responsibility for maintaining the secrecy of his/her account number and confidential identification code.

B. Except as otherwise set forth herein, no person shall in any manner place any account wager on behalf of an account holder, or otherwise directly or indirectly act as an intermediary, transmitter or agent in the placing of wagers for an account holder. The licensee is not prohibited from conducting account wagering through employees or agents. Nothing in §2021 is intended to prohibit the use of credit or debit cards or other means of electronic funds transfer, or the use of checks, money orders or negotiable orders of withdrawal.

C. Neither the licensee nor any officer, director, employee or agent of the licensee shall be responsible for any loss arising from the use of or access to a wagering account by any person or persons other than the account holder, except where the licensee or its employees or agents act without good faith or fail to exercise ordinary care. The account holder must immediately notify the account wagering center of a breach of the account's security.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1, R.S. 4:149.2 and R.S. 4:149.5.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 26:

§12023. Minors Prohibited

A. No person below the age of 18 shall be permitted to open an account or place a wager, directly or indirectly, through account wagering.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1, R.S. 4:149.2 and R.S. 4:149.5.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 26:

§12025. Others Prohibited

A. No officer, director or employee of any firm, entity or agency which is retained by the licensee with responsibility for the operation or maintenance of the account wagering system or of the account wagering center shall be permitted to place a wager, directly or indirectly, through the licensee's system of account wagering.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1, R.S. 4:149.2 and R.S. 4:149.5.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 26:

§12027. Opening Wagering Account

A. An applicant for a wagering account shall make application in writing on the appropriate form supplied by the licensee at an account wagering center, at a racetrack or off-track wagering facility within the state, by mail, or by other means approved by the commission. The applicant shall provide his/her full name, current address and telephone number, social security number, and such additional information as the licensee may require. It is the account holder's responsibility to keep his/her mailing address current with the account wagering center. The application shall be signed by the applicant or otherwise authorized in a manner acceptable to the commission. Applicants must state in their application whether they are below the age of 18.

B. Each account shall have a unique identification account number (and such other methods of identification as the licensee may require). Such number may be changed at any time provided the licensee informs the account holder in writing of the change.

C. At the time of applying for an account, each applicant shall select a confidential identification code to be used as further identification when wagering. Both the licensee and the account holder have the right to change this code at any time without explanation by informing the other party in writing of such change and the effective date thereof.

D. An account holder shall receive at the time the account is opened a unique identification account number; an identification card; a summary of the rules; an explanation of the procedures then in force for depositing to, withdrawing from and closing the account; a telephone number to be utilized by the account holder; a description of the mechanics of wagering; and such other information as the licensee or commission may deem appropriate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1, R.S. 4:149.2 and R.S. 4:149.5.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 26:

§12029. Deposits and Withdrawals

A. Deposits to and withdrawals from existing accounts shall be permitted in such form and by such procedures as the licensee may require, provided that any requirements set forth in these rules shall be included therein.

B. Deposits made to a wagering account may be made as follows.

1. Deposits made to a wagering account by the account holder shall be submitted or mailed by the account holder to the staff or agents of the licensee at such locations and addresses as the licensee may designate from time to time, and shall be in the form of one of the following:

a. cash given to the staff at an account wagering center, or a racetrack or off-track wagering facility within the state; or

b. check, money order or negotiable order of withdrawal; or

c. charges made to an account holder's credit or debit card or other means of electronic funds transfer, upon the direct and personal instruction of the account holder, which may be given by telephone or other electronic device (or other means approved by the commission) to the licensee by the account holder if the use of the card or other means of

funds transfer has been approved by the account wagering center.

2. Credit for winnings from wagers placed with funds in a wagering account, credit for account wagers on horses that are scratched, and other payments or refunds to which the account holder is entitled shall be posted to the account by the account wagering center.

3. The account wagering system shall not accept wagers or information assisting in the placement of wagers in excess of the amount posted to the credit of an account at the time the wager is placed.

C. Debits to a wagering account may be made as follows.

1. Upon receipt by a licensee of a wager or information assisting in the placement of wagers properly placed under applicable statutes and the *Rules of Racing*, the licensee shall debit the account holder's account in the amount of the wager.

2. A licensee may authorize a withdrawal from a wagering account when one of the following exists:

a. The holder of a wagering account applies in person at an account wagering center, or a racetrack or off-track wagering facility within the state, and provides proper identification, the correct personal identification account number, and a properly completed and signed withdrawal form.

b. The account holder has authorized the licensee to make such a withdrawal. Where there are sufficient funds in the account to cover the withdrawal, the account wagering center shall, within five business days of receipt, send a check to the account holder at the current address on record for the wagering account. The check shall be payable to the holder of the account and in the amount of the requested withdrawal, subject to compliance with the *Rules of Racing*, the licensee's rules, and federal and state laws (including but not limited to compliance with federal rules concerning the reporting or withholding of federal income tax). If funds are not sufficient to cover the withdrawal, or the full amount requested is otherwise not being sent, the account holder will be notified in writing and those funds in the account, subject to compliance with the *Rules of Racing*, the licensee's rules, and federal and state laws, will be withdrawn and sent to the account holder within five business days. Electronic transfers may be used for withdrawals in lieu of a check at the discretion of the account holder and the account wagering center.

3. A licensee may debit an account for fees for service or other transaction-related charges.

D. Checks offered for deposit shall not be posted to the credit of the account holder until the hold period established by the licensee has elapsed. Holding periods will be determined by the licensee and advised to the account holder.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1, R.S. 4:149.2 and R.S. 4:149.5.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 26:

§12031. Deceased Account Holder

A. In the event an account holder is deceased, funds accrued in the account shall be released to the decedent's legal representative upon receipt of a copy of a court order or judgment of possession.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1, R.S. 4:149.2 and R.S. 4:149.5.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 26:

§12033. Licensee's Rights and Responsibilities

A. Notwithstanding any other rules, the licensee, through its managing employee of the account wagering center, or other employee or agent designated by the licensee, shall have the following rights and responsibilities.

1. The licensee has the right to refuse the establishment or maintenance of accounts for what it deems good and sufficient reason.

2. The licensee has the right to refuse deposits to accounts for what it deems good and sufficient reason.

3. The licensee has the right at any time to refuse to accept all or part of any wager for what it deems good and sufficient reason.

4. The licensee has the right at any time to declare the account wagering system closed for receiving wagers on any pari-mutuel pool, race, group of races, or closed for all wagering.

5. The licensee has the right to suspend or close any account at any time. When an account is closed, the licensee shall, within five business days, return to the account holder such monies as are on deposit at the time of said action, subject to compliance with the *Rules of Racing*, the licensee's rules, and federal and state laws, by sending a check to the account holder's current address.

6. The licensee has the right to close any account when the holder thereof attempts to operate with an insufficient balance or when the account is dormant for a period established by the licensee. In either case, the licensee shall refund the remaining balance of the account, subject to compliance with the *Rules of Racing*, the licensee's rules, and federal and state laws.

7. No employee or agent of the licensee employed or engaged at the account wagering center shall divulge any confidential information related to the placing of any wager or any confidential information related to the operation of the account wagering center, except to the account holder or the commission, as required by these rules, and as otherwise required by federal or state law, or the *Rules of Racing*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1, R.S. 4:149.2 and R.S. 4:149.5.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 26:

§12035. Account Operations and Procedures

A. Account wagers shall be accepted during such times and on such days as designated by the licensee, subject to state law.

B. The account holder shall provide the licensee with the correct personal identification account number previously assigned by the licensee to the holder of the wagering account, as well as the account holder's confidential identification code.

C. Any account wagering system must provide for the account holder's review and finalization of a wager or information assisting in the placement of a wager before it is accepted by the licensee. The wager shall not be changed after the account holder has reviewed and finalized the wager, and the conversation or wagering transaction has been concluded.

D. Payment on winning account wagers shall be posted as a credit to the account of the account holder as soon as practicable after the race is declared official.

E. No licensee may accept an account wager, or series of account wagers, in an amount in excess of funds on deposit in the account of the account holder placing the wager. Funds on deposit include amounts credited and in the account at the time the account wager or account wagers are placed. Account wagers will not be accepted which would exceed the available balance in the account.

F. When an account holder is entitled to a payout or refund, such monies will be credited to the respective accounts, thus increasing the credit balance. It is the responsibility of the account holder to verify proper credits and, if in doubt, notify the licensee within the agreed upon time frame for consideration. Unresolved disputes may be forwarded to the commission by the licensee or the account holder. No claim will be considered by the commission unless submitted in writing and accompanied by supporting information or evidence.

G. Monies deposited with the licensee for account wagering shall not bear any interest to the account holder.

H. The licensee shall maintain equipment capable of recording all wagering conversations and transactions conducted through the account wagering system. The recording device must be used at all times when wagering communications are received.

I. For wagers made by voice telephone, the licensee shall make a voice recording of the entire transaction and shall not accept any such wager if the voice recording system is inoperable. The voice recording of the transaction shall be deemed to be the actual wager, regardless of what was recorded by the pari-mutuel system.

J. All wagering conversations, transactions or other wagering communications through the account wagering system, verbal or electronic, shall be recorded by means of the appropriate electronic media, and the tapes or other records of such communications kept by the account wagering center for a period of time which the commission may establish. These tapes and other records shall be made available to commissioners, employees and/or designees of the commission in accordance with the *Rules of Racing*.

K. The address provided in writing by the account holder to the account wagering center is deemed to be the proper address for the purposes of mailing checks, account statements, account withdrawals, notices, or any other appropriate correspondence. It is the account holder's responsibility to maintain a current address of record with the account wagering center. The mailing of checks or other correspondence to the address given by the account holder shall be at the sole risk of the account holder.

L. The account wagering center shall, from time to time, but not less than once per year, provide written statements of account activity during the period to all account holders. In addition, an account holder has the right to request and be provided a statement at any time. Unless written notice to the contrary is received by the licensee within 30 days of the date that any such statement is rendered to an account holder, said statement shall be deemed accepted as correct in any and all particulars.

M. Subject to commission approval, the licensee may implement procedures for the use of wagering accounts for wagering while at facilities in this state where pari-mutuel wagering is permitted and for wagering by any other electronic means.

N. The commission may review and audit the account wagering system's equipment configuration and account wagering center. Any telephone communications system, whether touch tone, voice response, or operator controlled, and all other electronic media utilized for account wagers, shall be linked to a totalizator system in a manner approved by the commission. For the purposes of account wagering, totalizator equipment utilized by or linked to the licensee shall be capable of accounting for all wagering and other transactions which may affect customer accounts. The licensee must maintain complete records of every deposit, withdrawal, wager, refund and winning payout for each account. These records shall be made available to the commission in accordance with the *Rules of Racing*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1, R.S. 4:149.2 and R.S. 4:149.5.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 26:

The domicile office of the Louisiana State Racing Commission is open from 8 a.m. to 4 p.m. and interested parties may contact Charles A. Gardiner III, executive director, or C. A. Rieger, assistant director, at (504) 483-4000 (Fax 483-4898), holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this proposed rule through November 10, 2000, to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5100.

Charles A. Gardiner III
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Account Wagering**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The only costs associated with these rules are those costs directly associated with the publication of these rules.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The anticipated effect on revenue collections is positive, but cannot be measured until wagering reports have been reviewed upon implementation.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The costs involved could possibly be to racing associations where an account wagering center is created. The economic benefits could potentially be to the associations as a result of an additional method of betting made available to the public, and possibly increased wagering.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This action has no significant effect on competition nor employment.

Charles A. Gardiner III
Executive Director
0010#004

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741C Louisiana Handbook For School Administrators
CGuidelines for Nonpublic and Home Schooling Students Transferring to the Public School Systems: Participation in the LEAP 21 (LAC 28:I.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to Bulletin 741, referenced in LAC 28:I.901.A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). This action is required because of the revision of the transfer policy which now requires that students in grades 5 and 9 transferring to the public school system from any in-state nonpublic school or any home schooling program or any Louisiana resident transferring from any out-of-state school shall be required to take the 4th and 8th grade LEAP 21 English Language Arts and Mathematics tests and score at the Approaching Basic or above achievement level. Guidelines are needed to clarify the policy.

Title 28

EDUCATION

Part I. Board of Elementary and Secondary Education

Chapter 9. Bulletins, Regulations, and State Plans

Subchapter A. Bulletins and Regulations

' 901. School Approval Standards and Regulations

A. Bulletin 741

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A) (10), (11), (15); R.S. 17:7 (5), (7), (11); R.S. 17:10, 11; R.S. 17:22 (2).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended LR 26:1260 (June 2000), LR 27:

Bulletin 741C Louisiana Handbook for School Administrators

Guidelines for Nonpublic and Home Schooling Students Transferring to the Public School Systems: Participation in the LEAP 21

Students in grades 5 and 9 transferring to the public school system from any in-state nonpublic school or any home schooling program, or any Louisiana resident transferring from any out-of-state school shall be required to take the 4th or 8th grade LEAP 21 English Language Arts and Mathematics Tests and score at the *Approaching Basic* or above achievement level. The following Guidelines shall apply.

1. Students may take LEAP 21 at either the spring or summer administration prior to enrollment. It is the responsibility of the parent to contact the District Test Coordinator to register for the test.

2. The nonpublic school and parent (or home schooling parent) is responsible for providing the District Test Coordinator, at least 10 working days prior to the testing date, any documentation required for requested standard testing accommodations.

3. Students with disabilities who have a current 1508 evaluation will participate in on-level LEAP 21 testing. Promotion decisions for these students will adhere to those

policies as outlined in the High-Stakes Testing Policy for students with disabilities participating in on-level testing.

4. School systems may charge a fee for the testing of nonpublic and home schooling students. This testing fee shall be refunded upon the student's enrollment in that public school system the semester immediately following the testing.

5. Students who participate in the spring administration and score at the *Unsatisfactory* achievement level are eligible to retake the LEAP 21 at the summer administration.

6. Local school systems shall offer LEAP 21 summer remediation to nonpublic/home schooling 4th and 8th grade students who score at the *Unsatisfactory LEAP 21* achievement level. School systems may charge a fee, not to exceed \$100 per student for this attendance. This summer remediation fee shall be refunded upon the student's enrollment in that public school system the semester immediately following summer remediation.

7. Students who score at the *Unsatisfactory* achievement level are not required to attend summer school offered by the local school system to be eligible to take the Summer retest (Refer to the High-Stakes Testing Policy for exceptions.)

8. Only those students who score at the *Unsatisfactory* achievement level after participation in both the Spring and Summer administration of the LEAP 21 and who attend the summer school offered by the local school system are eligible for the appeals process or the policy override, provided all criteria are met. (Refer to the High-Stakes Testing Policy.)

9. Students who participate in the spring administration only or summer administration only and score at the *Unsatisfactory* achievement level are not eligible for the appeals process or the policy override. These students are not eligible to take The Iowa Tests for placement purposes.

10. Students transferring into local school systems after the LEAP 21 Summer retest but prior to February 15th are required to take the state selected form of The Iowa Tests for grade placement, if the student has not taken LEAP 21.

11. Students taking the Iowa tests are not eligible for either a retest or the appeals process. These students may be eligible for the policy override based upon a decision by the School Building Level Committee (SBLC).

Interested persons may submit written comments until 4:30 p.m., December 11, 2000, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 741C Louisiana Handbook For
School Administrators**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There will be an increase in state expenditures of approximately \$60,000. The cost will be based upon the

number of nonpublic and homestudy students requesting to take the LEAP 21 as a requirement for entrance into grades five and nine. It is estimated that approximately 3,000 students, 1,000 grade four and 2,000 grade eight, may take the tests. The tests are \$10 each. Each student takes two parts of the test, therefore, it will be approximately \$20 per student. There will also be an increase in local expenditures based upon the number of students taking the placement tests as well as attending the summer remediation program. This cost will provide for additional teachers to administer the test and/or provide summer remediation.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

There will be an increase on revenue collections of local governmental units. Local school systems are allowed to charge a fee for test administration (a maximum of \$35) as well as attendance in the LEAP 21 summer remediation programs (a maximum of \$100 per student). The amount of revenue collection is not able to be determined at this time because the charges may vary from school system to school system.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)**

Cost will be incurred by parents of students and remediated during summer programs, to the extent of fees charged. The cost will vary depending upon the cost charged in the various school districts. There will also be benefits to schools and students in the form of better accountability and increased student achievement.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

There will be an impact on employment opportunities. Additional teachers may be needed to administer the test and provide summer remediation.

Marlyn Langley
Deputy Superintendent
Management and Finance
0010#068

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Education
Board of Elementary and Secondary Education**

Bulletin 1213C Minimum Standards for School Buses in
Louisiana C Used School Buses (LAC 28:XXV.303)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the State Board of Elementary and Secondary Education approved for advertisement an amendment to Bulletin 1213 promulgated in LR 2:187 (June 1976), referenced in LAC 28:I.915.B, readopted in codified format, LR 25:643-653 (April 1999). The amendment clarifies the present policy governing the purchase of used school buses.

**Title 28
EDUCATION**

**Part XXV. Bulletin 1213C Minimum Standards for
School Buses in Louisiana
Chapter 3. General Provisions
§303. Used School Buses**

A. Any used school bus purchased for use in Louisiana by or for a school system shall meet current legal requirements of the Louisiana Revised Statutes for motor vehicles and shall meet Louisiana specifications for school

buses that were in effect on the date the vehicle was manufactured. No vehicle with rated capacity of 10 or more passengers shall be classified as a school bus and thereby used to transport students to and from school and school-related activities unless said vehicle originally was manufactured and certified as a school bus and maintained the certification as a school bus all in accordance with federal and state requirements throughout the life of the vehicle.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:158, R.S. 17:160-161, and R.S. 17:164-166.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:644 (April 1999), amended LR 26:

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

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records. Please Respond To The Following:

1. Will The Proposed Rule Effect The Stability Of The Family? No
2. Will The Proposed Rule Effect The Authority And Rights Of Parents Regarding The Education And Supervision Of Their Children? No
3. Will The Proposed Rule Effect The Functioning Of The Family? No
4. Will The Proposed Rule Effect Family Earnings And Family Budget? No
5. Will The Proposed Rule Effect The Behavior And Personal Responsibility Of Children? No
6. Is The Family Or A Local Government Able To Perform The Function As Contained In The Proposed Rule? Yes

Weegie Peabody
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 1213C General Provisions
for Used School Buses**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
We do not anticipate any increase (decrease) in cost to implement the proposed action.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
We do not anticipate this action will result in any increase or decrease in the collection of revenues by state or local government.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Drives/owners of school buses will be affected by this action. School buses used in pupil transportation that meet National Highway Safety Administration and state standards are more expensive to purchase than a bus that does not meet those standards. A used ten year old, sixty-five passenger school bus that meets the standards cost approximately \$14,000 to \$15,000. A similar bus that was not manufactured to meet the school bus standards will sell at an auction for approximately \$2,000 to \$3,000. It is then painted the school bus colors and stop arms are installed. A new, sixty-five passenger will cost approximately \$50,000.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed action will improve competition among dealers selling new and used school buses that meet all safety standards to the school districts and to the driver/owner. There will be no impact on employment in the public and private sector.

Weegie Peabody
Executive Director
0010#030

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

**Bulletin 1566C Guidelines for Pupil Progression
(LAC 28:I.907.A)**

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the State Board of Elementary and Secondary Education approved for advertisement an amendment to Bulletin 1566, Guidelines for Pupil Progression, referenced in LAC 28:I.907.A. The Guidelines for Pupil Progression incorporate the High Stakes Testing Policy that was approved by the Board of Elementary and Secondary Education in January, 1999 and revised in May, 2000 as well as other policies related to the promotion and retention of students. The revisions changed current policy by allowing 8th grade students the ability to earn a maximum of one Carnegie unit of credit toward graduation for remedial courses. Prior to this revision, these 8th grade students were required to take non-credit remedial courses in the areas in which they scored at the "unsatisfactory" achievement level on LEAP 21. The policy was also revised to include a retention limit at the 4th grade, a double jeopardy clause, information relative to the earning of Carnegie units by 8th grade students on an elementary campus, implementation of instructional options for students retained, override guidelines, and a classification of Option 1 and 2 for 8th grade students.

**Title 28
EDUCATION**

**Part XXXIX. Bulletin 1566C Guidelines for Pupil
Progression**

**Chapter 3. General Procedure for Development;
Approval and Revision of a Pupil
Progression Plan**

§305. Public Notice

A. ...

B. The local Pupil Progression Plan shall be adopted at a public meeting of the local board, notice of which shall be published pursuant to the Open Meetings Law. It shall be stated that once the plan has been adopted and approved, the policies in the local plan shall be incorporated into the policies and procedures manual of the local school board.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2171 (November 1999), amended LR 27:

Chapter 5. Placement Policies; State Requirements

§503. Regular Placement¹

A. PromotionC Grades K-12

1. Promotion from one grade to another for regular education and students with disabilities shall be based on the following statewide evaluative criteria.

a. - b.i. ...

ii.(a). No fourth or eighth grade student shall be promoted if he or she scores at the ~~A~~Unsatisfactory@level on the English language arts or mathematics components of the LEAP for the 21st century (LEAP 21). Exceptions to this policy include:

(i). Policy Override. A given student scores at the "unsatisfactory" level in English language arts or mathematics and scores at the "proficient" or "advanced" level in the other; and participates in the summer school and retest offered by the LEA. The decision to override is made in accordance with the local Pupil Progression Plan, which may include referral to the School Building Level Committee (SBLC).

(ii). Retention Limit. The decision to retain a student in the 4th grade more than once as a result of failure to score at or above the *Approaching Basis* achievement level in English Language Arts and/or Mathematics on the LEAP 21 shall be made by the LEA in accordance with the local Pupil Progression Plan. Students retained in the 4th grade shall retake all four components of the LEAP 21. For promotional purposes, a student must score at or above the *Approaching Basic* achievement level on the English language arts and mathematics components of the LEAP 21 only one time.

(iii). Waiver for students with disabilities eligible under the Individuals with Disabilities Education Act (IDEA). For the 1999-2000 school year only if a student with disabilities (excluding students with only a Speech or Language Impairment) participates in on-level testing, the local school system may consider a waiver only if the student has participated in the summer remediation program and retest offered by the LEA. If a student with disabilities (excluding students with only a Speech or Language Impairment) participates in out-of-level testing, promotion decisions shall be determined by the local Pupil Progression

Plan. If a student with disabilities participates in an alternative assessment, promotion decisions shall be determined by the local Pupil Progression Plan for the 2000 school year and beyond. Students with disabilities will be promoted in grades four and eight in accordance with SBESE adopted policies.

(iv). Appeals Process. A school system, through its superintendent, may grant an appeal on behalf of individual 4th and 8th grade students who have not scored above the "unsatisfactory" level on the English Language Arts and/or Mathematics after retesting provided that certain criteria are met.

iii. School systems shall design and implement additional instructional program options for these 4th and 8th grade students being retained

(a). The purpose of the additional instructional options is to move the students to grade level proficiency by providing focused instruction in the area(s) on which they scored "unsatisfactory" and by providing ongoing instruction using locally developed curricula based on state level content standards.

(b). Examples of instructional options may include alternative learning settings, individual tutoring, transitional classes or other instructional options appropriate to the students' needs.

(c). LEAs are encouraged to design and implement additional options for students in grades 3, 4, 7 and 8 determined to be at risk of scoring at the "unsatisfactory" level on LEAP 21.

iv. Summer remediation programs and end-of-summer retests must be offered by school systems at no costs to all students who score at the "unsatisfactory" level on LEAP 21.

(a). All students with disabilities who participate in on-level testing should receive services along with regular education students in summer programs, with special supports provided as needed.

(b). Students with disabilities who participate in out-of-level testing and alternate assessment are not eligible to attend LEAP 21 summer remediation programs.

v. School systems must develop and implement non-discriminatory criteria to determine placement of 8th grade students who have not scored "approaching basic" or above on the LEAP 21 into Options 1 or 2.

(a). Option 1 Students. Students in Option 1 will repeat grade 8. Students in Option 1 will retake all four components of the LEAP 21. For promotional purposes, a student must score at or above the *Approaching Basic* achievement level on the English arts and mathematics components of the LEAP 21 only one time. In accordance with the local Pupil Progression Plan, Option 1 students:

(i). may earn Carnegie units in accordance with *Bulletin 741 Louisiana Handbook for School Administrators policy*, regarding high school credit for elementary students;

(ii). may earn a maximum of one Carnegie unit of remedial elective credit toward graduation provided the student passes a specially designed remediation elective and scores at or above the *Basic* achievement level on the component of the 8th grade LEAP 21 that is retaken. LEAP 21 shall be in lieu of a required credit examination. For these

specially designed remediation courses, the LEA shall record a grade of *Pass* or *Fail (P/F)* on the student's transcript;

(iii). shall not enroll in or earn Carnegie credit in content areas (English language arts and/or mathematics) in which the student has scored at the *Unsatisfactory* achievement level on the Grade 8 LEAP 21.

b. Option 2 Students. Students in Option 2 will participate in a transitional program on the high school campus. Students in Option 2 will retake the 8th grade components of the LEAP 21 previously failed (English and/or Mathematics) and all parts of the Iowa Tests at the 9th grade level. All Option 2 Students:

(i). shall take remedial courses in the component (English language arts and/or mathematics) of the Grade 8 LEAP 21 in which an *Unsatisfactory* achievement level was attained.

(ii). may earn a maximum of one Carnegie unit of remedial elective credit toward graduation provided the student passes a specially designed remediation elective and scores at or above the *Basic* achievement level on the component of the 8th grade LEAP 21 that is retaken. For these specially designed remediation courses, the LEA shall record a grade of *Pass* or *Fail (P/F)* on the students transcript.

(iii). shall not enroll in or earn Carnegie credit in content areas (English language arts and/or mathematics) in which the student has scored at the *Unsatisfactory* achievement level on the Grade 8 LEAP 21.

(iv). may earn Carnegie credit in other content areas.

vi. Exceptional students participating in LEAP 21 must be provided with significant accommodations as noted in the students IEP.

vii. The aforementioned policies will be in effect from spring 2000 through spring 2003. Beginning in spring 2004, the policies will also apply to students scoring at the "approaching basic" level.

A.1.b.viii. - D.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2171 (November 1999), amended LR 27:

§505. ProgressionCStudents Participating in Alternate Assessment

A. Students with disabilities who participate in the alternate assessment shall have promotion decisions determined by the local Pupil Progression Plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2172 (November 1999), amended LR 27:

§507. Alternatives to Regular Placement

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2172 (November 1999), amended LR 27:

§509. Alternative Schools/Programs/Settings

A. The local school board may establish alternative schools/programs/settings which shall respond to particular educational need(s) of its students.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2172 (November 1999), amended LR 27:

§513. Policies on Records and Reports

A. - B.7. ...

8. a statement regarding written notification to parent concerning retention and due process procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2172 (November 1999), amended LR 27:

§515. Policies on Due Process

A. Due process procedures for teachers, students, and parents shall be specified in each local Pupil Progression Plan as related to student placement. The local school system must assure that these procedures do not contradict the due process rights of students with disabilities as defined in the IDEA-Part B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2173 (November 1999), amended LR 27:

§911. Criteria for State Approval

A. Student Eligibility

1. Any public elementary or secondary student, including a student with a disability participating in LEAP 21, who does not meet the performance standards established by the Department and approved by the State Board, as measured by the state criterion-referenced tests, shall be provided remedial education (R.S. 17:397).

2. The failure of students with disabilities to achieve performance standards on the state criterion-referenced tests does not qualify such students for special education extended school year programs (SBESE Policy).

B. - D.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1775 (November 1999), amended LR 27:

§913. Local Program Development and Evaluation

A. Each parish and city school board shall develop annually a remedial education program as part of its Pupil Progression Plan, which complies with the established regulations adopted by the Department and approved by the SBESE pursuant to R.S. 17.24.4.

B. - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2175 (November 1999), amended LR 27:

Chapter 11. Appendix A

§1101. Definition Of Terms

A. - A.1. ...

*Alternate Assessment*Cthe substitute way of gathering information on the performance and progress of students with disabilities who do not participate in typical state assessments.

Content Standards Statements of what we expect students to know and be able to do in various content areas.

LEAP 21 Summer Remediation Program the summer school program offered by the LEA for the specific purpose of preparing students to pass the LEAP 21 test in English language arts, or mathematics.

Louisiana Educational Assessment Program (LEAP) the state's testing program that includes the grades 3, 5, 6, 7 and 9 Louisiana Norm-referenced Testing Program; the grades 4 and 8 Criterion-referenced Testing Program including English language arts, mathematics, social studies and science and the Graduation Exit Examination (English language arts, mathematics, written composition, science and social studies).

Promotion Ca pupil's placement from a lower to a higher grade based on local and state criteria contained in these Guidelines.

Pupil Progression Plan "The comprehensive plan developed and adopted by each parish or city school board which shall be based on student performance on the Louisiana Educational Assessment Program with goals and objectives which are compatible with the Louisiana competency-based education program and which supplement standards approved by the State Board of Elementary and Secondary Education (SBESE). A Pupil Progression Plan shall require the student's proficiency on certain test as determined by SBESE before he or she can be recommended for promotion."

Regular Placement the assignment of students to classes, grades, or programs based on a set of criteria established in the Pupil Progression Plan. Placement includes promotion, retention, remediation, and acceleration.

Remedial Programs programs designed to assist students including students with disabilities and Non/Limited English Proficient (LEP) students, to overcome educational deficits identified through the Louisiana Education Assessment Program and other local criteria.

Remediation see *Remedial Programs*.

Retention nonpromotion of a pupil from a lower to a higher grade.

2. - 2.a. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2176 (November 1999), amended LR 27:

Interested persons may submit written comments until 4:30 p.m., December 11, 2000 to Nina A. Ford, State Board

of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: **Bulletin 1566C Guidelines for Pupil Progression**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be no increase in cost to state or local governmental units to implement this policy change. School systems will use existing personnel to teach any remedial courses.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Benefits to schools and students include better accountability and increased student achievement.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There should be no impact on competition and employment. Teachers currently employed will teach any new remedial courses.

Marlyn Langley
Deputy Superintendent
0010#063

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1706C Regulations for Implementation of the Children with Exceptionalities Act
(LAC 28:XLIII.904)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement a revision to Bulletin 1706, *the Regulations for Implementation of the Children with Exceptionalities Act* (R.S. 1941 et seq). This amendment changes the eligibility criteria for students with disabilities to qualify for a Certificate of Achievement.

Title 28

EDUCATION

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

Subpart A. Regulations for Students with Disabilities Chapter 9. Definitions

§904. Definitions

Certificate of Achievement-Interim Eligibility Criteria for a Certificate of Achievement for Students with Disabilities

(excluding students with only a speech or language impairment) for the 2000-2001 School Year Only refers to an exit document issued to a student with a disability after he or she has achieved certain competencies and has met specified conditions as listed below.

1. Eligible students are those
 - a. who have disabilities under the criteria in the *Pupil Appraisal Handbook*;
 - b. who have been receiving special education services since the 1997-98 school year as documented in the IEP;
 - c. who are currently enrolled in grade 12 during the 2000-2001 school year; and
 - d. who their IEP team determined did not meet the LEAP Alternate Assessment Participation Criteria.

2. Eligible students shall meet the Interim Eligibility Criteria listed below to be awarded a Certificate of Achievement. The receipt of a Certificate of Achievement shall not limit a student's continuous eligibility for services under these Regulations unless the student has reached the age of twenty-two.

2.a. - f. ...
AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 26:679 (April 2000); LR 27:

Interested persons may submit written comments until 4:30 p.m., December 11, 2000, to Nina A. Ford, Board of Elementary and Secondary Education, P.O. Box 94064, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 1706C Regulations for
Implementation of the Children with Exceptionalities Act**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
There are no estimated implementation costs or savings to state or local governmental units resulting from these proposed rule changes.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no estimated impact on revenue collections of state or local governmental units as a result of this measure.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
Adoption of this rule may provide economic benefits to students with disabilities by allowing more students with disabilities to qualify for an exit document. The proposed rule change clarifies how a student with a disability would qualify for the Certificate of Achievement.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There may be an estimated effect of competition and employment in the public or private sector by having more students with disabilities completing their high school program. The assumption is that if more students complete their high school program they will have more job skills to offer a potential employer. The estimated potential impact is unknown.

Marlyn Langley
Deputy Superintendent
0010#059

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Commission Bylaws CCommittees (LAC 28:V.109)

The Louisiana Student Financial Assistance Commission (LASFAC), the statutory body created by R.S. 17:3021 et seq., in compliance with §952 of the Administrative Procedure Act, hereby announces its intention to revise its governing bylaws. This proposed rule has no known impact on family formation, stability, or autonomy, as described in R.S. 49:972.

**Title 28
EDUCATION**

**Part V. Student Financial Assistance CHigher Education
Loan Program**

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

§109. Committees

A.1. - 2. ...

3. Personnel Committee;
4. Internal Audit Committee;
5. Planning Committee; and
6. Rules Committee.

B. - C.1. ...

2. The vice chairman of the commission shall be chairman of the rules committee.

3. It shall be the duty of the chairman of each committee to call and to preside over the necessary meetings. The minutes of the meeting of the committee, showing its actions and recommendations, shall be deemed in compliance with the provisions of §107.C, hereof, concerning the written recommendations of the committee.

D. - E. ...

F. Executive Committee

1. The executive committee shall consist of seven members. The chairman and vice chairman of the commission shall serve in those capacities on the executive committee. The chairman of each of the other standing committees or the chair's designee from his respective committee shall be a member of the executive committee. The remaining person, for a total of seven members, shall be appointed by the chairman of the commission from the other members of the commission.

F.2. - G. ...

H. Personnel Committee. The Personnel Committee shall consist of not less than six members of the commission. Normally, to this committee shall be referred matters concerning oversight of personnel policies, staffing, and related matters. This committee shall hear appeals pursuant to the office's grievance procedure.

I. ...

J. Planning Committee. The Planning Committee shall consist of not less than six members of the commission. Normally, to this committee shall be referred the Strategic Plans and related matters.

NOTICE OF INTENT

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

Student Tuition and Revenue Trust (START Saving)
Program (LAC 28:VI.107 and 307)

The Louisiana Tuition Trust Authority (LATTA) announces its intention to amend rules of the Student Tuition and Revenue Trust (START Savings) Program (R.S. 3091-3099.2). The full text of these proposed rules may be viewed in the emergency rule section of this issue of the *Louisiana Register*.

This proposed rule has no known impact on family formation, stability, or autonomy, as described in R.S. 49:972.

Interested persons may submit written comments on the proposed changes until 4:30 p.m., November 20, 2000, to Jack L. Guinn, Executive Director, Office of Student Financial Assistance, Box 91202, Baton Rouge, LA 70821-9202.

Mark S. Riley
Assistant Executive Director

K. Rules Committee. The Rules Committee shall consist of not less than seven members of the commission. Normally, to this committee shall be referred all matters related to making and interpreting rules.

L. Special Committees. As the necessity therefor arises, the chairman may, with the concurrence of the commission, create special committees with such functions, powers and authority as may be delegated. The chairman may appoint ad hoc committees for special assignments for limited periods of existence not to exceed the completion of the assigned task.

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 24:1264 (July 1998), LR 26:484 (March 2000), LR 27:

Interested persons may submit written comments on the proposed changes until 4:30 p.m., November 20, 2000, to Jack L. Guinn, Executive Director, Office of Student Finance Assistance, Box 91202, Baton Rouge, LA 70821-9202.

Mark S. Riley
Assistant Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Commission Bylaws C Committes

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

No cost is anticipated to implement the proposed rule change. The rule provides for the designation of the Ad Hoc Rules Committee as a standing committee, establishes a Planning Committee and provides for its duties, and increases the membership of the Executive Committee to seven members.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No impact on revenue collections is anticipated to result from this rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

No impact on non-governmental groups is anticipated to result from this action.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No impact on competition and employment is anticipated to result from this rule.

Mark S. Riley
Assistant Executive Director
0010#048

H. Gordon Monk
Staff Director
Legislative Fiscal Office

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Student Tuition and Revenue Trust (START Saving) Program

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Implementation of these changes should result in an increase in START accounts and deposits in which case there will be an increase in the amount of Tuition Assistance Grants required. Increases should not exceed current budgetary appropriations for this purpose. The additional tuition assistance grant total for 2000-01 is \$23,823; for 2001-02, \$70,782; for 2002-03, \$78,382; for 2003-04, \$86,224; and for 2004-05, \$92,440. According to information costs for system development and modification of \$28,060 are anticipated for 2000-2001.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No impact on revenue collections to the Office of the Student Financial Assistance is anticipated to result from the revision. The Department of Revenue and taxation estimates a reduction in state income tax collections of \$113,344 in 2001-02, \$118,792 in 2002-03, \$119,682 in 2003-04, and \$128,156 in 2004-05.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

These changes will make the program more attractive to those who wish to save for college expenses and simplify refund payments.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No impact on competition and employment is anticipated to result from this rule.

Mark S. Riley
Assistant Executive Director
0010#046

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Tuition Opportunity Program for Students (TOPS)C Higher Education Scholarship and Grant Programs (LAC 28:IV.301, 509, 703, 803, 2103)

The Louisiana Student Financial Assistance Commission (LASFAC) advertises its intention to revise the provisions of the Tuition Opportunity Program for Students (TOPS)(R.S. 17:3042.1 and R.S. 17:3048.1).

The full text of these proposed rules may be viewed in the Emergency Rule section of this issue of the *Louisiana Register*.

The proposed rule has no known impact on family formation, stability, or autonomy, as described in R.S. 49:972.

Interested persons may submit written comments on the proposed changes until 4:30 p.m., November 20, 2000, to Jack L. Guinn, Executive Director, Office of the Student Financial Assistance, Box 91202, Baton Rouge, LA 70821-9202.

Mark S. Riley
Assistant Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Tuition Opportunity Program for Students (TOPS)C Higher Education Scholarship and Grant Programs

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

No additional cost is anticipated to implement revisions to the TOPS program to clarify the requirement to attend an eligible school, make technical changes to the core curriculum for TOPS-TECH, define terms and establish procedure to submit SAT results.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No impact on revenue collections is anticipated to result from this rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Definitions for legal guardian and orphan are provided. Applicants who use SAT scores will be provided procedures to submit those results. Effective with May 2001 high school graduates TOPS applicants cannot claim a financial or scholarship commitment to an out-of-state college as an

exception to the requirement to enroll full-time for the first time in a Louisiana college.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No impact on competition and employment is anticipated to result from this rule.

Mark S. Riley
Assistant Executive Director
0010#047

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Environmental Quality
Office of Environmental Assessment
Environmental Planning Division**

Filling of Gasoline Storage Vessels CExemption (LAC 33:III.2131)

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 gives notice that rulemaking procedures have been initiated to amend the Air Quality regulations, LAC 33:III.2131 (Log #AQ209).

The proposed rule will correct an omission in LAC 33:III.2131.D.3 to add St. Mary Parish to the list of parishes exempted from compliance with the requirements of LAC 33:III.2131.A for certain facilities. St. Mary Parish was inadvertently omitted in the original rulemaking. The basis and rationale for this proposed rule are to add St. Mary Parish to LAC 33:III.2131.D.3, where it was omitted in error from the list of parishes exempted from the requirements in LAC 33:III.2131.A.

This proposed 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 proposed 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 21. Control of Emission of Organic Compounds

Subchapter F. Gasoline Handling

§2131. Filling of Gasoline Storage Vessels

* * *

[See Prior Text in A - D.2]

3. Any gasoline outlet in the parishes of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee and West Baton Rouge whose throughput is less than 120,000 gallons (454,200 liters) per year or any gasoline outlet in the parishes of Beauregard, Bossier, Caddo, Grant, Jefferson, Lafayette, Lafourche, Orleans, St. Bernard, St. Charles, St. James, St. John the Baptist, and St. Mary whose throughput is less than 500,000 gallons (1,892,700 liters) per year. Once the rolling 30-day average throughput exceeds 10,000 gallons for a facility in the parishes of Ascension, Calcasieu, East Baton Rouge,

Iberville, Livingston, Pointe Coupee and West Baton Rouge or 42,000 gallons for a facility in the parishes of Beauregard, Bossier, Caddo, Grant, Jefferson, Lafayette, Lafourche, Orleans, St. Bernard, St. Charles, St. James, St. John the Baptist, and St. Mary that facility becomes an affected facility and does not revert to an exempted facility when the throughput drops back below the throughput exemption level.

* * *

[See Prior Text in D.4 - G]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 16:609 (July 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:654 (July 1991), LR 18:1123 (October 1992), LR 19:1564 (December 1993), LR 22:1212 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning, LR 26:

A public hearing will be held on November 27, 2000, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Patsy Deaville at the address given below or at (225) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by AQ209. Such comments must be received no later than December 4, 2000, at 4:30 p.m., and should be sent to Patsy Deaville, Regulation Development Section, Box 82178, Baton Rouge, LA 70884-2178 or to fax (225) 765-5095. Copies of this proposed regulation can be purchased at the above referenced address. Contact the Regulation Development Section at (225) 765-0399 for pricing information. Check or money order is required in advance for each copy of AQ209.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-first Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard, West Wing, Kenner, LA 70065; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; 104 Lococo Drive, Raceland, LA 70394 or on the Internet at <http://www.deq.state.la.us/planning/regs/index.htm>.

James H. Brent, Ph.D.
Assistant Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: **Filling of Gasoline Storage Vessels C Exemption**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
There will be no costs or savings to state or local governmental units for this proposal.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

- There will be no effect on revenue collections of state or local governmental units as a result of this rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There will be no costs or economic benefits to persons or non-governmental groups as a result of this rule.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
This proposal will have no effect on competition or employment.

James H. Brent, Ph.D.
Assistant Secretary
0010#099

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor Commission on Law Enforcement and Administration of Criminal Justice

Crime Victim Assistance (LAC 22:III.4901)

In accordance with the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and R.S. 15:1201 and R.S. 15:1207, the Louisiana Commission on Law Enforcement and Administration of Criminal Justice hereby gives notice that rulemaking procedures have been initiated to amend the rule regarding the administration of the Crime Victim Assistance Fund. There is no expected impact on family earnings and family budget as set forth in R.S. 49:972.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part III. Commission on Law Enforcement and Administration of Criminal Justice Subpart 5. Crime Victim Assistance

Chapter 49. Policies and Procedures §4901. Introduction

A. The issues of services to victims of crime, underserved victims and an increased awareness of the prevalence and severity of domestic violence and violence against women coupled with the increased availability of federal funds to address these issues at the state, regional and local levels, have led to federal grant programs designed to focus on these topics. The Louisiana Commission on Law Enforcement has been named as the cognizant state agency for the federal programs and will make available to appropriate non-profit and public agencies grant funds, to be spent in accordance with federal program guidelines and the guidelines of the Victim Services Advisory Board and the Louisiana Commission on Law Enforcement.

B. The Victims of Crime Act of 1984 (VOCA) established within the U. S. Treasury an account funded by federal fines, penalties and forfeited bail bonds to be used for the purpose of funding victim assistance grants to the states. These grants are to be used for programs that provide direct services to victims of crime, with priority given to programs that have as their principal mission direct assistance to victims of sexual assault, spouse abuse, child abuse and previously underserved victims of crime. VOCA funds in the

state are administered by the Louisiana Commission on Law Enforcement in consultation with the Victim Services Advisory Board to the Commission. The VOCA program in Louisiana is administered pursuant to the federal regulations in effect for the program.

C. For more information, interested persons may contact the Victim Services Section of the Louisiana Commission on Law Enforcement.

D. The Violence Against Women Act (VAWA) of 1994 is enabling legislation that has as its intent the reduction of violence to encourage states and localities to restructure and strengthen their criminal justice response to this issue and to be proactive in dealing with the problem of domestic violence. The STOP (Services-Training-Officers-Prosecution) Program is the implementation aspect of VAWA and seeks to develop and strengthen effective law enforcement and prosecution strategies to combat violent crime against women and to develop and strengthen victim services in cases involving violent crimes against women. Unlike VOCA, monies are appropriated by Congress for this program. These funds are divided equally between law enforcement, prosecution and non-profit service providers and are administered by the Louisiana Commission on Law Enforcement in consultation with Victim Services Advisory Board. The VAWA program in Louisiana is administered pursuant to the federal regulations in effect for the program.

E. For more information, interested persons may contact the Victim Services Section of the Louisiana Commission on Law Enforcement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1204 and R.S. 15:1207.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 15:1071 (December 1989), amended LR 27:

Interested persons may submit written comments on this proposed amendment no later than November 10, 2000, at 5 p.m., to Ron Schulingcamp, Victims Services Section, Commission on Law Enforcement and Administration of Criminal Justice, 1885 Wooddale Boulevard, Room 708, Baton Rouge, LA 70806.

Michael A. Ranatza
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Crime Victim Assistance**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

This is an update of an existing rule; no costs or savings are expected. In addition, no increase in calls or workload that would increase costs to the agency are expected.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No effect on revenue collections is anticipated.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

No impact on estimated costs or economic benefits to individuals or nongovernmental groups is expected.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition or employment is anticipated.

Michael A. Ranatza
Executive Director
0010#054

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Office of Elderly Affairs**

**GOEA Policy Manual Revision C Property Control
(LAC 4:VII.1199)**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Governor's Office of Elderly Affairs (GOEA) intends to amend the GOEA Policy Manual effective January 20, 2001. The purpose of the rule change is to require service providers funded through the GOEA to follow the state guidelines governing tangible personal property. This rule change will have no known impact on family formation, stability, and autonomy as set forth in R.S. 39:321.

Title 4

ADMINISTRATION

Part VII. Governor's Office

Chapter 11. Elderly Affairs

Subchapter D. Service Provider Responsibilities

§1199. Property Control and Disposition

A. - A.1. ...

B. Definitions

Equipment C tangible personal property with an acquisition cost equal to or greater than \$1,000 and a useful life of more than one year. All such property must be tagged.

C. - F.2.b. ...

AUTHORITY NOTE: Promulgated in accordance with OAA Section 307(a)(7), 45 CFR Subtitle A, Part 92.31 and 92.32 and 45 CFR Part 74 Subpart O.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 18:610 (June 1992), LR 25:867 (May 1999), LR 27:

A public hearing on this proposed rule will be held on November 30, 2000 at 412 North Fourth Street, First Floor Conference Room, Baton Rouge, LA 70802 at 10 a.m. All interested parties will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Written comments may be addressed to Betty N. Johnson, HCBS Director, Governor's Office of Elderly Affairs, Box 80374, Baton Rouge, LA 70898-0374. Written comments will be accepted until 5 p.m. November 30, 2000.

P.F. "Pete" Arceneaux, Jr.
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: GOEA Policy Manual
Revision C Property Control**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
There are no costs or economic benefits to state or local governmental units associated with these changes.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections of the state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
The proposed rule change will affect service providers funded through the Office of Elderly Affairs. The rule changes will result in a reduction of time and expense on tagging and inventorying moveable property. Estimated savings are expected to be minimal.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The proposed rule change will not affect competition and employment in the public and private sectors.

P.F. "Pete" Arceneaux, Jr. Robert E. Hosse
Executive Director General Government Section Director
0008#055 Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Commission on Law Enforcement and
Administration of Criminal Justice**

Peace Officers C Standards and Training
(LAC 22:III.4703)

In accordance with the provision of R.S. 40:2401 et seq., the Peace Officer Standards and Training Act, and R.S. 49:950 et seq., the Administrative Procedure Act, the Commission on Law Enforcement and Administration of Criminal Justice hereby gives notice of its intent to promulgate rules and regulations relative to the training of peace officers.

Title 22

**CORRECTIONS, CRIMINAL JUSTICE AND LAW
ENFORCEMENT**

**Part III. Commission on Law Enforcement and
Administration of Criminal Justice
Subpart 4. Peace Officers**

**Chapter 47. Standards and Training
§4703. Basic Certification**

A. - C. ...

D. To maintain firearm certification, an officer shall be required to requalify yearly on the POST firearms qualification course, demonstrating at least 80 percent proficiency. Scores shall be computed and verified by a POST certified Firearms Instructor. If the period between qualifying exceeds 18 months for any reason, the officer will

be required to successfully complete a Firearms Course prescribed by the POST Council conducted by a POST certified Firearms Instructor, unless the officer had been in the military for more than three years and was exercising his veteran reemployment rights.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1204 and R.S. 15:1207.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 13:434 (August 1987), amended LR 25:663 (April 1999), amended LR 26:

Interested persons may submit written comments on this proposed rule no later than December 1, 2000 at 5 p.m. to Aubrey Futrell, POST Program Manager, Commission on Law Enforcement and Administration of Criminal Justice, 1885 Wooddale Boulevard, Room 708, Baton Rouge, LA 70806.

Michael A. Ranatza
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Peace Officers C Standards and Training**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
It is estimated that implementation of the proposed rule will cause no increase in expenditures. Sufficient funds are available in the POST budget to cover any possible expenditure.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is estimated that implementation of the proposed rule will cause no impact on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

It is estimated that implementation of the proposed rule will cause no discernible cost or economic benefit to directly affected persons or non-governmental groups. Act 108, passed in 1998 Special legislative session, required annual reporting of re-qualifying of Louisiana's Peace Officers. During the monitoring of this program, POST discovered numerous agencies that were not in compliance with the annual re-qualifying rule. While the agencies were trying to come into compliance, they found that the POST rule requiring their officers to attend 40-hours of firearms training at an academy caused an undue hardship. Their officers were unable to get into an academy and the agency could not afford the manpower or the funds required to get their agency in compliance. They simply could not afford to send their officers to an academy for 40-hours of training and could not afford to shut down their agency for the time required for training. These agencies were trying to get into compliance and in order to assist those agencies, the POST Council voted to allow an 8-hour comprehensive course instead of the 40-hour course. The officers would still be tested and the same practical test would be required as in the 40-hour course. Also to ease the problem with crowding at the academies, the POST Council voted to allow any POST-certified Firearms Instructor to conduct the training rather than requiring the officer to take the training at a POST-certified Training Academy.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)

There is no effect on competition or employment in the public or private sector as a result of this proposed amendment.

Michael A Ranatza
Executive Director
0010#045

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Nursing**

**Denial or Delay of Licensure, Reinstatement, or the Right
to Practice as a Student Nurse (LAC 46:XLVII.3331)**

Notice is hereby given, in accordance with the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., that the Board of Nursing (board) pursuant to the authority vested in the board by R.S. 37:918, R.S. 37:919 intends to adopt rules amending the Professional and Occupational Standards pertaining to Denial or Delay of Licensure, Reinstatement, or the Right to Practice as a Student Nurse. The proposed amendments of the rules are set forth below.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XLVII. Nurses

Subpart 2. Registered Nurses

Chapter 33. General

**§3331 Denial or Delay of Licensure, Reinstatement, or
the Right to Practice Nursing as a Student Nurse**

A. Denial of Licensure, Reinstatement, or the Right to Practice Nursing as a Student Nurse

1. Applicants for licensure, reinstatement, or the right to practice as a student nurse shall be denied approval for licensure, for reinstatement, to receive a temporary working permit, to be eligible for NCLEX-RN, or to enter or progress into any clinical nursing course, if the applicant has pled guilty, nolo contendere, "best interest of", been convicted of, or committed a:

a. "crime of violence" as defined in R.S. 14:2(13), or any of the following crimes: first degree feticide, second degree feticide, aggravated assault with a firearm, stalking, false imprisonment-offender armed with a dangerous weapon, incest, aggravated incest, molestation of a juvenile, sexual battery of the infirm; or

b. crime which involves distribution of drugs.

2. For purposes of this Section, a pardon, suspension of imposition of sentence, expungement, or pretrial diversion or similar programs shall not negate or diminish the requirements of this Section.

3. Applicants who are denied licensure, reinstatement, or the right to practice nursing as a student nurse shall not be eligible to submit a new application.

4. Exception. The Board may make an exception to the said rules when the following conditions are met:

a. the applicant presents evidence that the cause for the denial will not affect safe nursing practice. The evidence may include but not be limited to completion of all court ordered probation and/or parole, comprehensive evaluations, employer references, rehabilitation, and restitution. Prior to

requesting a Board hearing, the evidence shall be presented to Board staff; and

b. a hearing or conference is held before the board to review the evidence, to afford the applicant the opportunity to prove that the cause for the denial does not affect safe nursing practice, and to provide an opportunity for the board to evaluate the evidence presented.

B. Delay of Licensure, Reinstatement, or the Right to Practice Nursing as a Student Nurse

1. Applicants for licensure, reinstatement, and for practice as a student nurse shall be delayed approval for licensure, for reinstatement, to receive a temporary working permit, to be eligible for NCLEX-RN, or to enter or progress into any clinical nursing course, if the applicant:

a. has any pending disciplinary action or any restrictions of any form by any licensing/certifying board in any state; or

b. has a pending criminal charge that involves any violence or danger to another person, or involves a crime which constitutes a threat to patient care; or

c. has pled guilty, nolo contendere, "best interest of", been convicted of or committed a crime that reflects on the ability of the person to practice nursing safely, and the conditions of the court have not been met, or is currently serving a court ordered probation or parole. If the crime is a "crime of violence" as defined in R.S. 14:2(13) or any of the following crimes: first degree feticide, second degree feticide, aggravated assault with a firearm, stalking, false imprisonment-offender armed with a dangerous weapon, incest, aggravated incest, molestation of a juvenile, sexual battery of the infirm, the applicant shall be denied.

2. For purposes of this Section, a pardon, suspension of imposition of sentence, expungement, or pretrial diversion or similar programs shall not negate or diminish the requirements of this Section.

3. Applicants who are delayed licensure, reinstatement, or the right to practice nursing as a student nurse shall not be eligible to submit a new application until the following conditions are met:

a. the applicant presents sufficient evidence that the cause for the delay no longer exists; and

b. a hearing or conference is held before the board to review the evidence, to afford the applicant the opportunity to prove that the cause for the delay no longer exists, and to provide an opportunity for the board to evaluate changes in the person or conditions.

4. Exception. The Board may make an exception to the said rules when the following conditions are met:

a. the applicant presents evidence that the cause for the delay will not affect safe nursing practice. The evidence may include but not be limited to comprehensive evaluations, employer references, rehabilitation, and restitution; and

b. a hearing or conference is held before the board to review the evidence, to afford the applicant the opportunity to prove that the cause for the delay will not affect safe nursing practice, and to provide an opportunity for the board to evaluate the evidence presented.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918, 920 and 921.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 7:74, (March 1981), amended by the Department of Health and Hospitals, Board

of Nursing, LR 19:1145 (September 1993), LR 21:271 (March 1995), LR 24:1293 (July 1998), LR 27:

Interested persons may submit written comments on the proposed rules to: Barbara L. Morvant, Executive Director, Louisiana State Board of Nursing, 3510 N. Causeway Blvd, Suite 501, Metairie, LA, 70002. The deadline for receipt of all written comments is 4:30 p.m. on November 8, 2000.

Family Impact Statement

The Louisiana State Board of Nursing hereby issues this Family Impact Statement: The proposed rule related to the Board's appointing authority will have no known impact on family formation, stability, and autonomy, as set forth in R.S. 49:972.

Barbara L. Morvant
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Denial or Delay of Licensure,
Reinstatement, or the Right
to Practice as a Student Nurse**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
The only implementation cost is the estimated \$45.00 cost of publishing the rule in the *Louisiana Register*
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collections of state and local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
Applicants for licensure and/or nursing students enrolled in clinical nursing courses with criminal history, which constitutes grounds for denial will be provided an opportunity to have a hearing before the board. Cost cannot be estimated because costs are dependent on the nature of the evidence the individuals presents and whether or not represented by legal counsel. Generally it is anticipated that all individuals will have the following initial cost: Cost of hearing \$300.00-\$600.00 and evaluations \$400.00-\$1,000.00.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no anticipated effect on competition and employment.

Barbara L. Morvant
Executive Director
0010#067

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Office of Management and Finance**

Conrad State 20 Program (LAC 48:V.Chapter 119)

The Department of Health and Hospitals, Office of Management and Finance, Division of Research and Development proposes to implement the Louisiana Conrad State 20 Program on the basis of Section 220 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103-416). Participation in this program will assist some communities in improving access to

essential health care by the placement of foreign medical graduates in locations with unmet health care needs at present. This notice of intent is in accordance with the Administrative Procedure Act, R.S. 49:953B(1)et seq.

Effective January 20,2001, the Department of Health and Hospitals, Office of Primary Care and Rural Health, will implement the Conrad State 20 Program which will make additional communities eligible to meet unmet health care needs with foreign medical graduates.

Title 48

PUBLIC HEALTHC GENERAL

Part I. General Administration

Subpart 5. Health Planning

Chapter 119. Health Care Manpower

' 11915 Introduction

The Louisiana State Department of Health and Hospitals (DHH) is committed to assuring that all Louisiana residents have access to quality, affordable health care. To assist residents in meeting this goal.

1. The Louisiana DHH has given the Office of Primary Care and Rural Health (OPCRH) the responsibility within the state of:

a. recommending and processing J-1 Visa Waiver requests for placement for the United States Information Agency's Conrad State 20 Program;

b. recommending J-1 Visa Waiver requests for placement through the United States Department of Agriculture's (USDA) Office of International Research Service J-1 Visa Waiver Office.

2. The primary purpose of the Louisiana J-1 Visa Waiver Program is to improve access to primary health care in physician shortage areas in Louisiana and secondarily, to limited needed specialty care, by sponsoring physicians holding J-1 Visas.

3. The State of Louisiana recognizes that the J-1 Visa Waiver Programs afford J-1 Visa holders the privilege of waiving their two-year return to the home country requirement in exchange for providing primary or specialty medical care as requested by an eligible employer/medical facility in designated health professional shortage areas for a period of at least three years.

4. The operation of the Louisiana J-1 Visa Waiver Program through the USDA and the Conrad State 20 Program is designed to be consistent with other health care programs and policies of the State of Louisiana. Policy guidelines will be the same for rural sites seeking support for a J-1 Waiver applicant through the USDA J-1 Visa Waiver Office as for all sites, rural or urban, seeking support though the Conrad State 20 program.

5. The Louisiana J-1 Visa Waiver Program through the Conrad State 20 Program is a separate and distinct program from any other program and is an additional program to the USDA J-1 Waiver Program now operating within the State of Louisiana.

6. The Louisiana State Department of Health and Hospitals participation in the J-1 Visa Waiver Programs are completely discretionary, voluntary, and may be modified or terminated at any time. The submission of a complete waiver package to the LA DHH does not ensure an automatic waiver recommendation. In all instances, the Louisiana DHH reserves the right to recommend or deny any request for a waiver.

AUTHORITY NOTE: Promulgated in accordance with C.F.R. Section 220 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103-416).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 26:

§11917. Definitions

A. The following words and terms, when used in this Chapter shall have the following meanings, unless the context clearly indicates otherwise.

Health Professional Shortage Area (HPSA) Csection 332 of the Public Health Service Act provides that the Secretary of Health and Human Services shall designate HPSAs based on criteria established by regulation. HPSAs are defined in section 322 to include

- a. urban and rural geographic areas;
- b. population groups; and
- c. facilities with shortages of primary health care and mental health providers.

Metropolitan Statistical Area (MSA) Cthe U.S. Office of Management and Budget (OMB) defines metropolitan statistical areas according to published standards that are applied to U.S. Census Bureau data. MSAs are defined in terms of entire counties and must contain a place with a minimum population of 50,000 and may include outlying counties that have a high degree of economic and social integration with the population center.

Employer/Medical Facility Ca medical facility eligible to recruit and hire J-1 Visa physicians through the Program must be a facility that meets one of the following criteria:

- a. a public health facility, an ambulatory medical facility, a community health center, a community mental health center; and
- b. a hospital or state mental hospital. The medical facility must be located, as of the date of its application, in a geographical area designated by the United States Department of Health and Human Services as HPSA for primary medical care or mental health, in the case of the recruitment of psychiatrists. The facility must have a written policy in place accepting all patients regardless of their ability to pay, a sliding fee schedule for patients below 200% of the poverty level, post a notice of sliding fee schedule in the waiting room and accept Medicare and Medicaid assignments. The facility may be asked to document the number of Medicaid patients, the number of uninsured patients, the number of uninsured patients that were eligible for reduced fees under application of the sliding fee scale and the total number of patients for a specific time period.

J-1 Visa Waiver Physician Ca foreign medical graduate (FMG) who came to the United States to complete a residency training program. The visa requires that the physician return to the home country for two years. The J-1 Visa Waiver eliminates this return home requirement and allows the physician to adjust visa status to H-1B (temporary work permit) and practice in a HPSA location for at least three years. It is important to note that the waiver of the two year return home requirement is not a visa and is only one step in a multi-part process.

AUTHORITY NOTE: Promulgated in accordance with C.F.R. Section 220 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103-416).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 26:

§11919. Guidelines

A. The health care facility/employer interested in hiring a J-1 Visa Waiver physician must submit the request in writing to the Office of Primary Care and Rural Health for a predetermination of eligibility/availability of a J-1 Waiver allocation prior to or during the recruitment of a physician. This site approval should be obtained before advertising/interviewing for the position.

B. After a decision to hire has been made, the facility/employer should submit to DHH a completed packet to request a recommendation for a waiver or letter of support for the applicant physician. The packet should contain the documents required by current policy. The current policy is available through the DHH Office of Primary Care and Rural Health at (225) 342-4702.

AUTHORITY NOTE: Promulgated in accordance with C.F.R. Section 220 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103-416).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 26:

§11921. Criteria for DHH Decision

A. DHH will review the site application and determine if a site/employer is eligible to hire a J-1 Visa Waiver physician using the following criteria:

1. priority will be given to individuals who agree to serve in HPSAs with the highest degree of shortage and whose service will have the greatest impact on underserved populations;
2. priority will be given to individuals who will be practicing in facilities participating in the DHH Primary Care Enhancement Plan;
3. priority will be given to individuals who agree to serve for longer periods of time;
4. consideration will be given to the number of other J-1 Waiver physicians and Louisiana State Loan Repayment or National Health Service Corp health care practitioners already practicing in the HPSA in determining the eligibility of the site/employer for a J-1 Waiver physician under either the USDA and Conrad State 20 Programs;
5. priority will be given to foreign medical graduates who have completed their three year residency in a Louisiana residency program; and
6. DHH will review annually the needs for health care providers in the state to determine the distribution of the 20 available positions.

AUTHORITY NOTE: Promulgated in accordance with C.F.R. Section 220 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103-416).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 26:

A public hearing on the proposed rules will be held at 1:30 p.m., on November 28, 2000, at the Department of Transportation Auditorium, 1201 Capitol Access Road, Baton Rouge, LA 70802. Interested persons may submit written comments to Helene Robinson, Department of Health and Hospitals, Office of Management and Finance, Division of Research and Development, Post Office Box 2870, Baton Rouge, Louisiana 70821-2870.

David W. Hood
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Conrad State 20 Program**

TITLE 48

Public Health General

Part V. Public Health Services

Subpart 19. Genetic Diseases Services

Chapter 70. Lead Poisoning Prevention Program

§7001. Relationship of Local and State Poisoning Prevention Programs

The local lead prevention program shall collaborate with the state Lead Prevention Program at the Office of Public Health and adhere to current Centers for Disease Control and Prevention guidelines.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:950 et seq., and under the authority of R.S. 40:5; 40:1299.21; 40:1299.22, and 40:1299.23.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 26:85 (January 2000); amended by the Department of Health and Hospitals, Office of Public Health, LR 27:

§7003. Definitions

A Case of Lead Poisoning (in children between the ages of six months to 72 months of age)**C**

a. a venous blood-lead level greater than or equal to 15 Fg/dl (micrograms per deciliter).

b. acute symptomatic illness consisting of lead colic with or without lead encephalopathy; or

c. chronic symptomatic illness consisting of the signs and symptoms of chronic plumbism, including, but not limited to anemia, nephropathy, neuropathy, loss of developmental skills, recurrent lead colic and/or recurrent lead encephalopathy.

*Previously Reported***C**any case of lead poisoning which has been diagnosed by a medical provider, and reported to the Office of Public Health as specified in Section 7005.

*Lead Contamination***C**shall be considered a health hazard to children or other persons, if said lead contamination exists in or about a dwelling, dwelling unit, household, or other premises which in the judgement of the State Health Officer, children or other persons visit with such frequency or duration as to create significant risk of lead poisoning. Lead contamination shall include: paint or similar coating material, putty, plaster or other composition material, on an exposed surface or chewable surface, which contains \$0.5% lead by weight as determined by laboratory analysis or \$1.0 milligram per square centimeter of surface area as measured by X-ray fluorescence or equivalent method; drinking water, dust, or soil which contains a level of lead which, in the judgement of the State Health Officer, is sufficient to be a source of lead poisoning to children or other persons; any object or material which, in the judgement of the State Health Officer, can be a source of lead ingestion or inhalation

*Clinical Laboratory***C**a facility for the biological, microbiological, serological, chemical, immunohematological, hematological, biophysical, cytological, pathological, or other examination of substances derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease, or in the assessment or impairment of the health of human being.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:950 et seq., and under the authority of R.S. 40:5; 40:1299.21; 40:1299.22, and 40:1299.23.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Implementation costs to the Department of Health and Hospitals for FY 2000-01 for the Conrad State 20 Program will be approximately \$35,000 of the State General Funds. The initial costs will be approximately \$20,000 for a legal services contract and equipment cost at \$3,500. Other operational and management cost for FY 00-01 includes personnel services (GS 20) \$5,457, \$799 to the U.S. Department of State for implementation of the program, as well as printing, mailing, and copying costs of day-to-day operations of the program. FY 2001-02 costs will be \$57,418 and FY 2002-03 costs will be \$58,915.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no estimated effect on revenue collections of any state or local government units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The Conrad State 20 Program will allow underserved health professional communities to recruit 20 foreign medical graduates to provide primary health care services. The state of Louisiana will request USIA/INS to waive the two year return home criteria of J-1 Visa requirement. Currently, J-1 Visa Waiver physicians must apply for the waiver through the USDA which supports waiver requests only for physicians in designated rural areas. The Conrad State 20 Program will allow the placement of these J-1 Visa Waiver physicians in rural as well as metropolitan statistical areas.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Participation in the program will allow present unmet health needs to be met by foreign medical physicians. Placement is generally in areas where facilities have been unable to recruit health professionals to treat low income/underserved individuals.

David W. Hood
Secretary
0010#095

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Office of Public Health**

Lead Poisoning Prevention Program

Under the authority of R.S. 40:5 and R.S. 40: 1299.21., 22. and 23. and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health and Hospitals, Office of Public Health amends the definition for lead contamination as defined within the Lead Poisoning Program in Louisiana. The proposed Rule also proposes to codify regulations pertaining to the Louisiana Lead Poisoning Prevention Program as previously published in the Louisiana Register of January 20, 2000. The proposed Rule should improve the family formation, stability and autonomy by preventing and detecting lead poisoning which causes harmful long term effects to the child's developing brain and nervous system.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 26:85 (January 2000); amended by the Department of Health and Hospitals, Office of Public Health, LR 27:

§7005. Mandatory Case Reporting By Health Care Providers

1. Medical providers must report a lead case to the Lead Poisoning Prevention Program, Office of Public Health within 48 hours to ensure appropriate and timely follow-up. All health care providers shall assure that all the following information is completed for all blood lead analysis ordered by the health care provider and that this information accompanies the sample to the testing laboratory:

- a. child's name;
- b. parent's or the guardian's name;
- c. child's street and mailing address, including the city, state, parish, and zip code;
- d. child's date of birth;
- e. child's sex;
- f. child's race;
- g. child's national origin;
- h. child's Social Security Number;
- i. phone number where the child can be reached;
- j. medicaid number, if any;
- k. type of sample (Venous or Capillary);
- l. sample date;
- m. type of test: first, annual, or repeat test;
- n. blood lead level results in micrograms per deciliter (Fg/dl).

2. Lead cases along with the specified information can be reported either by fax at (504)599-1376 or by telephone at (504) 599-0256, and followed up by the mailing of the information to the Louisiana Childhood Lead Poisoning Prevention program, Office of Public Health, Room 311, 325 Loyola Avenue, New Orleans, LA. 70112.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:950 et seq., and under the authority of R.S. 40:5; 40:1299.21; 40:1299.22, and 40:1299.23.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 26:85 (January 20, 2000); amended by the Department of Health and Hospitals, Office of Public Health, LR 27:

§7007. Reporting Requirements of Blood lead levels by Laboratories for Public Health Surveillance

1. Clinical laboratories responsible for conducting analysis to determine blood lead levels, and /or responsible for reporting the results of analysis to referring laboratories and other health care providers, shall also report the results to the Louisiana Office of Public Health at least monthly to the Lead Poisoning Prevention Program at the address listed in Subpart C above. The following information is essential for appropriate monitoring, screening and treatment of lead poisoning.

- a. All results of blood lead testing for children between the ages of six to 72 months of age must be reported, regardless of the test results.
- b. Laboratories shall collect and report all of the information specified in items a-n in Subpart C above. However, items b, c, f, g, h, i, and j must only be reported if the information is available to the laboratory.
- c. Laboratories can report the information required by this rule to the Office of Public Health. by electronic transfer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:950 et seq., and under the authority of R.S. 40:5; 40:1299.21; 40:1299.22, and 40:1299.23.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 26:85 (January 2000); amended by the Department of Health and Hospitals, Office of Public Health, LR 27:

A public hearing will be held November 27, 2000 at 9:30 a.m. in room 511 of the State Office Building in New Orleans located at 325 Loyola Avenue. Interested persons may submit written comments on the proposed rule amendment until November 20, 2000 to Maria Jose Lancaster, MPH, Program Coordinator, Louisiana Childhood Lead Poisoning Prevention Program, Office of Public Health/DHH, Room 308, P.O. Box 60630, New Orleans, LA 70160 or by Fax to 504-599-1376.

David W. Hood
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Lead Poisoning Prevention Program

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
The agency will incur a one time cost of approximately \$200.00 to publish this rule in the *Louisiana Register* prior to implementation. There are no additional implementation costs (savings) to state or local units from the proposed action which is comprised of a definition change and the codification of the proposed rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no estimated effect on revenue collections of state or local governmental units from the proposed action.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups from the proposed action.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no estimated effect on competition and employment from the proposed action.

Madeline McAndrew
Assistant Secretary
0010#092

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT
Department of Health and Hospitals
Office of the Secretary Bureau of Health Services
Financing

Durable Medical Equipment (DME) Program
Customized Wheelchairs

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt the following Rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and

pursuant to Title XIX of the Social Security Act and as directed by the 1999-2000 General Appropriation Act, which states: "The secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening and utilization review, and other measures as allowed by federal law." This proposed Rule is adopted in accordance with the Administrative Procedure Act, R. S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing reimburses certain durable medical equipment items using a formula based on a percentage calculation of the Manufacturer's Suggested Retail Price (MSRP). As a result of a budgetary shortfall, the bureau determined it was necessary to reduce the reimbursement for manual type customized wheelchairs and their components from MSRP minus 15 percent to MSRP minus 20 percent and to reduce the reimbursement for motorized type customized wheelchairs from MSRP minus 12 percent to MSRP minus 17 percent (*Louisiana Register*, Volume 26, Number 2).

The bureau now proposes to adopt a Rule to continue the provisions contained in the February 8, 2000 Emergency Rule.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. This proposed Rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reduces the reimbursement for manual type customized wheelchairs and their components from Manufacturer's Suggested Retail Price (MSRP) minus 15 percent to MSRP minus 20 percent and for motorized type customized wheelchairs from MSRP minus 12 percent to MSRP minus 17 percent.

Interested persons may submit written comments to the following address: Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, Louisiana 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, November 28, 2000, at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Durable Medical Equipment (DME) Customized Wheelchairs

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will reduce state program costs by approximately (\$37,153) for SFY 1999-00, (\$179,818) for SFY 2000-01, and (\$185,274) for SFY 2001-02. It is anticipated that \$120 (\$60 SGF and \$60 FED) will be expended in SFY 2000-01 for the state's administrative cost of promulgating this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that implementation of this proposed rule will reduce federal revenue collections by approximately (\$88,068) for SFY 1999-00, (\$429,405) for SFY 2000-01, and (\$442,349) for SFY 2001-02.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Implementation of this proposed rule will reduce reimbursement to providers of durable medical equipment for the provision of certain durable medical equipment items. This proposed rule will reduce reimbursement by approximately (\$125,221) for SFY 1999-00, (\$609,343) for SFY 2000-01, and (\$627,623) for SFY 2001-02.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition. As a result of the rate reduction, some providers of durable medical equipment may find it necessary to reduce staff or staff hours of work.

Ben A. Bearden
Director
0010#076

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Durable Medical Equipment (DME)
E and K Procedure Codes
Reimbursement Reduction

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt the following Rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 et seq. and pursuant to Title XIX of the Social Security Act and as directed by the 1999-2000 General Appropriation Act, which states: "The secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The secretary is hereby directed to utilize various cost containment measures

to accomplish these reductions, including but not limited to pre-certification, pre-admission screening and utilization review, and other measures as allowed by federal law." This proposed Rule is in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing previously reimbursed certain durable medical equipment items at 80 percent of the Medicare Fee Schedule amount or billed charges, whichever is the lesser amount, for specific Health Care Financing Administration Common Procedure Codes (HCPC). As a result of a budgetary shortfall, the bureau determined it was necessary to reduce reimbursement for these specified HCPC procedure codes (*Louisiana Register*, Volume 26, Number 2). Reimbursement was reduced to 70 percent of the Medicare fee schedule amount or to billed charges, whichever is the lesser amount, for the following HCPC procedure codes:

E1050-E1060	Wheelchairs with special features
E1070-E1110	
E1170-E1213	
E1221-E1224	
E1240-E1295	
K0002-K0014	
L7803-L8030	Breast Prosthesis
L8039	
L8400-L8435	Prosthetic Sheaths
L8470-L8485	Prosthetic Socks
L8100-L8230	Elastic Support Stockings
L8239	
A7003-A7017	Nebulizer Administrative Supplies
K0168-K0181	
K0529-K0530	
E0840-E0948	Traction Equipment
E0781, K0455	External Ambulatory Infusion Pumps
E0621	Patient Lift Slings
E0480	Percussors
E0550-E0560	Humidifiers
E0565	Compressors

If an item is not available at the rate of 70 percent of the Medicare fee schedule amount, the flat fee that will be utilized is the lowest cost at which the item has been determined to be widely available by analyzing usual and customary fees charged in the community for the HCPC procedure code.

The bureau now proposes to adopt a Rule to continue the provisions contained in the February 8, 2000, and the October 7, 2000 Emergency Rules.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. This proposed Rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reduces the reimbursement for certain durable medical equipment items identified by specific HCPC procedure codes. Reimbursement is reduced to 70 percent of the Medicare Fee Schedule amount or to billed charges, whichever is the lesser amount, for the following HCPC procedure codes:

E1050-E1060	Wheelchairs with special features
E1070-E1110	
E1170-E1213	
E1221-E1224	
E1240-E1295	
K0002-K0014	
L7803-L8030	Breast Prosthesis
L8039	
L8400-L8435	Prosthetic Sheaths
L8470-L8485	Prosthetic Socks
L8100-L8230	Elastic Support Stockings
L8239	
A7003-A7017	Nebulizer Administrative Supplies
K0168-K0181	
K0529-K0530	
E0840-E0948	Traction Equipment
E0781, K0455	External Ambulatory Infusion Pumps
E0621	Patient Lift Slings
E0480	Percussors
E0550-E0560	Humidifiers
E0565	Compressors

If an item is not available at the rate of 70 percent of the Medicare fee schedule amount, the flat fee that will be utilized is the lowest cost at which the item has been determined to be widely available by analyzing usual and customary fees charged in the community for the HCPC procedure code.

Interested persons may submit written comments to the following address: Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, November 28, 2000 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Durable Medical Equipment (DME) E and K Procedure Codes C Reimbursement Reduction

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will reduce state program costs by approximately (\$3,755) for SFY 1999-00, (\$18,080) for SFY 2000-01, and (\$18,726) for SFY 2001-02. It is anticipated that \$200 (\$100 SGF and \$100 FED) will be expended in SFY 2000-01 for the states administrative cost of promulgating this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that implementation of this proposed rule will reduce federal revenue collections by approximately (\$8,901) for SFY 1999-00, (\$43,306) for SFY 2000-01, and (\$44,708) for SFY 2001-02.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Implementation of this proposed rule will reduce reimbursement to providers for certain durable medical equipment items. This proposed rule will reduce reimbursement by approximately (\$12,656) for SFY 1999-00, (\$61,586) for SFY 2000-01, and (\$63,433) for SFY 2001-02.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition. As a result of the rate reduction, some providers of durable medical equipment may find it necessary to reduce staff or staff hours of work.

Ben A. Bearden
Director
0010#075

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

**Durable Medical Equipment (DME)C Enteral Formulas
Reimbursement Reduction**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt the following Rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and pursuant to Title XIX of the Social Security Act and as directed by the 1999-2000 General Appropriation Act, which states: "The secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening and utilization review, and other measures as allowed by federal law." This proposed Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing previously reimbursed for various groupings of enteral formulas either at 100 percent of the Medicare Fee Schedule, at an established flat fee amount, or at the Manufacturer's Suggested Retail Price or billed charges, whichever is the lesser amount. As a result of a budgetary shortfall, the bureau determined it was necessary to reduce reimbursement for these enteral formulas. Reimbursement was reduced to 80 percent of the Medicare Fee Schedule, or a rate of 80 percent of the established flat fee amount, or 80 percent of the MSRP, or billed charges, whichever is the lesser amount (*Louisiana Register*, Volume 26, Number 9). If an enteral formula is not available at the rate of 80 percent of the Medicare Fee Schedule, 80 percent of the established flat fee amount, or at 80 percent of MSRP, the flat fee to be utilized will be the lowest cost at which the enteral formula has been determined to be widely available by analyzing usual and customary fees charged in the community.

The Bureau now proposes to adopt a Rule to continue the provisions contained in the February 8, 2000, and October 7, 2000 Emergency Rules.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. This proposed Rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reduces reimbursement for enteral formulas to 80 percent of the Medicare Fee Schedule, or a rate of 80 percent of the established flat fee amount, or 80 percent of the Manufacturer's Suggested Retail Price (MSRP), or billed charges, whichever is the lesser amount. If an enteral formula is not available at the rate of 80 percent of the Medicare Fee Schedule, 80 percent of the established flat fee amount, or 80 percent of the MSRP, the flat fee that will be utilized is the lowest cost at which the enteral formula has been determined to be widely available by analyzing usual and customary fees charged in the community.

Interested persons may submit written comments to the following address: Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, November 28, 2000 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Durable Medical Equipment (DME)
Enteral FormulasC Reimbursement Reduction**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will reduce state program costs by approximately (\$78,722) for SFY 1999-00, (\$381,057) for SFY 2000-01, and (\$392,571) for SFY 2001-02. It is anticipated that \$160 (\$80 SGF and \$80 FED) will be expended in SFY 2000-01 for the states administrative cost of promulgating this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that implementation of this proposed rule will reduce federal revenue collections by approximately (\$186,604) for SFY 1999-00, (\$909,897) for SFY 2000-01, and (\$937,276) for SFY 2001-02.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Implementation of this proposed rule will reduce reimbursement to providers of enteral formulas. This proposed rule will reduce reimbursement by approximately (\$265,326) for SFY 1999-00, (\$1,291,114) for SFY 2000-01, and (\$1,329,847) for SFY 2001-02.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)

There is no known effect on competition. As a result of the rate reduction, some providers of durable medical equipment may find it necessary to reduce staff or staff hours of work.

Ben A. Bearden
Director
0010#078

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

**Durable Medical Equipment (DME) Flat Fee
Amounts Reimbursement Reduction**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt the following rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and pursuant to Title XIX of the Social Security Act and as directed by the 1999-2000 General Appropriation Act, which states: "The secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening and utilization review, and other measures as allowed by federal law". This proposed rule is adopted in accordance with the Administrative Procedure Act, R. S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing previously provided reimbursement for certain durable medical equipment items at a rate of 80 percent of the Medicare allowable fee or billed charges, whichever is the lesser amount. As a result of a budgetary shortfall, the bureau has determined it is necessary to change the reimbursement methodology for these items from a percentage of the Medicare allowable fee to a Medicaid established flat fee amount, or billed charges, whichever is the lesser amount (*Louisiana Register*, Volume 26, Number 2). The Medicaid established flat fee amount will be as follows:

Enteral infusion pumps		
B9000, B9002	\$595 purchase	\$92 rental per month
B0777, B0778		
Standard type wheelchairs		
E1130 and K0001	\$250 purchase	\$35 rental per month
E1140	\$412.50 purchase	\$38.50 rental per month
E1150	\$453.75 purchase	\$42.35 rental per month
E1160	\$375 purchase	\$50 rental per month
Hospital beds		
E0255	\$650 purchase	\$75 rental per month
E0265	\$1250 purchase	\$75 rental per month
Artificial eyes		
V2623	\$500 purchase	

Commode chairs		
E0163	\$55 purchase	
E0164	\$83.55 purchase	
E0165	\$85 purchase	
E0166	\$142.80 purchase	
Stationary suction machines		
Z0500	\$225 purchase	\$35 rental per month

If an item is not available at the established flat fee, the flat fee that will be utilized is the lowest cost at which the item has been determined to be widely available by analyzing usual and customary fees charged in the community.

The bureau now proposes to adopt a rule to continue the provisions contained in the February 8, 2000 emergency rule.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed rule on the family has been considered. This proposed rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the reimbursement methodology for designated durable medical equipment items from 80 percent of the Medicare allowable fee or billed charges, whichever is the lesser amount, to the following Medicaid established flat fee amounts or billed charges, whichever is the lesser amount. The Medicaid established flat fee amounts will be as follows:

Enteral infusion pumps		
B9000, B9002	\$595 purchase	\$92 rental per month
B0777, B0778		
Standard type wheelchairs		
E1130 and K0001	\$250 purchase	\$35 rental per month
E1140	\$412.50 purchase	\$38.50 rental per month
E1150	\$453.75 purchase	\$42.35 rental per month
E1160	\$375 purchase	\$50 rental per month
Hospital beds		
E0255	\$650 purchase	\$75 rental per month
E0265	\$1250 purchase	\$75 rental per month
Artificial eyes		
V2623	\$500 purchase	
Commode chairs		
E0163	\$55 purchase	
E0164	\$83.55 purchase	
E0165	\$85 purchase	
E0166	\$142.80 purchase	
Stationary suction machines		
Z0500	\$225 purchase	\$35 rental per month

If an item is not available at the established flat fee, the flat fee that will be utilized is the lowest cost at which the item has been determined to be widely available by analyzing usual and customary fees charged in the community.

Interested persons may submit written comments to the following address: Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is the person responsible for responding to inquiries regarding this proposed rule. A public hearing on this proposed rule is scheduled for Tuesday, November 28,

2000 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Durable Medical Equipment Flat
Fee Amounts Reimbursement Reduction**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
It is anticipated that implementation of this proposed rule will reduce state program costs by approximately (\$12,806) for SFY 1999-00, (\$58,413) for SFY 2000-01, and (\$60,269) for SFY 2001-02. It is anticipated that \$200 (\$100 SGF and \$100 FED) will be expended in SFY 2000-01 for the states administrative cost of promulgating this proposed rule and the final rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is anticipated that implementation of this proposed rule will reduce federal revenue collections by approximately (\$28,648) for SFY 1999-00, (\$139,604) for SFY 2000-01, and (\$143,895) for SFY 2001-02.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
Implementation of this proposed rule will reduce reimbursement to providers of durable medical equipment for the provision of certain durable medical equipment. This proposed rule will reduce reimbursement by approximately (\$40,734) for SFY 1999-00, (\$198,217) for SFY 2000-01, and (\$204,164) for SFY 2001-02.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no known effect on competition. As a result of the rate reduction, some providers of durable medical equipment may find it necessary to reduce staff or staff hours of work.

Ben A. Bearden
Director
0010#079

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Durable Medical Equipment (DME)
Orthotics and Prosthetics
Reimbursement Reduction

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt the following Rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and pursuant to Title XIX of the Social Security Act and as directed by the 1999-2000 General Appropriation Act,

which states: "The secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening and utilization review, and other measures as allowed by federal law." This proposed Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing previously reimbursed certain durable medical equipment items identified by specific Health Care Financing Administration Common Procedure Codes (HCPC) at 80 percent of the Medicare Fee Schedule amount or billed charges, whichever is the lesser amount. As a result of a budgetary shortfall, the bureau determined it was necessary to reduce the reimbursement for orthotic and prosthetic items (*Louisiana Register*, Volume 26, Number 2). Reimbursement was reduced to 70 percent of the Medicare Fee Schedule amount or billed charges, whichever is the lesser amount, for the following HCPC procedure codes:

L0100-L2999	Orthotics
L3650-L4380	
L5000-L7499	Prosthetics

If an item is not available at 70 percent of the Medicare Fee Schedule amount, the flat fee that will be utilized is the lowest cost at which the item has been determined to be widely available by analyzing usual and customary fees charged in the community.

The bureau now proposes to adopt a Rule to continue the provisions contained in the February 8, 2000 and October 7, 2000 Emergency Rules.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. This proposed Rule has no known impact on family functioning, stability or autonomy as described in R.S. 49:972.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reduces the reimbursement for certain durable medical equipment items identified by specific HCPC procedure codes. Reimbursement is reduced to 70 percent of the Medicare Fee Schedule amount or billed charges, whichever is the lesser amount, for the following HCPC procedure codes:

L0100-L2999	Orthotics
L3650-L4380	
L5000-L7499	Prosthetics

If an item is not available at 70 percent of the Medicare Fee Schedule amount, the flat fee that will be utilized is the lowest cost at which the item has been determined to be widely available by analyzing usual and customary fees charged in the community.

Interested persons may submit written comments to the following address: Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this

proposed Rule is scheduled for Tuesday, November 28, 2000 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Durable Medical Equipment (DME)
Orthotics And Prosthetics
Reimbursement Reduction**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
It is anticipated that implementation of this proposed rule will reduce state program costs by approximately (\$21,038) for SFY 1999-00, (\$101,797) for SFY 2000-01, and (\$104,913) for SFY 2001-02. It is anticipated that \$120 (\$60 SGF and \$60 FED) will be expended in SFY 2000-01 for the states administrative cost of promulgating this proposed rule and the final rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is anticipated that implementation of this proposed rule will reduce federal revenue collections by approximately (\$49,869) for SFY 1999-00, (\$243,127) for SFY 2000-01, and (\$250,482) for SFY 2001-02.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
Implementation of this proposed rule will reduce reimbursement to providers of durable medical equipment for the provision of certain durable medical equipment items. This proposed rule will reduce reimbursement by approximately (\$70,907) for SFY 1999-00, (\$345,044) for SFY 2000-01, and (\$355,395) for SFY 2001-02.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no known effect on competition. As a result of the rate reduction, some providers of durable medical equipment may find it necessary to reduce staff or staff hours of work.

Ben A. Bearden
Director
0010#081

H. Gordon Monk
Staff Director
Legislative Fiscal Office

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

Durable Medical Equipment (DME)
Ostomy and Urological Supplies
Reimbursement Reduction

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt the following Rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and

pursuant to Title XIX of the Social Security Act and as directed by the 1999-2000 General Appropriation Act, which states: "The secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening and utilization review, and other measures as allowed by federal law." This proposed Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing previously reimbursed certain durable medical equipment items identified by specific Health Care Financing Administration Common Procedure Codes (HCPC) at either 80 percent of the Medicare Fee Schedule, or 80 percent of the Manufacturer's Suggested Retail Price (MSRP), or billed charges, whichever is the lesser amount. As a result of a budgetary shortfall, the Bureau determined it was necessary to reduce the reimbursement rates for these items (*Louisiana Register*, Volume 26, Number 2). The reimbursement was reduced to 70 percent of the Medicare Fee Schedule, 70 percent of the MSRP amount, or billed charges, whichever is the lesser amount, for the following HCPC codes:

A4200- A4460	Ostomy and Urological supplies
A4927-A5149	
K0133-K0139	
A6020-A6406	Wound dressings and supplies
K0216-K0437	

If an item is not available at 70 percent of the Medicare Fee Schedule amount or 70 percent of the MSRP amount, the flat fee that will be utilized is the lowest cost at which the item has been determined to be widely available by analyzing usual and customary fees charged in the community.

The bureau now proposes to adopt a Rule to continue the provisions contained in the February 8, 2000 and October 7, 2000 Emergency Rules.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. This proposed Rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reduces the reimbursement for certain durable medical equipment items identified by specific Health Care Financing Administration Common Procedure Codes. The reimbursement is reduced to 70 percent of the Medicare Fee Schedule, or seventy 70 of the Manufacturer's Suggested Retail Price (MSRP) amount, or billed charges, whichever is the lesser amount, for the following HCPC codes:

A4200- A4460	Ostomy and Urological supplies
A4927-A5149	
K0133-K0139	
A6020-A6406	Wound dressings and supplies
K0216-K0437	

NOTICE OF INTENT

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

**Durable Medical Equipment (DME)COxygen
Concentrators and Glucometers**

If an item is not available at 70 percent of the Medicare Fee Schedule amount or 70 percent of the MSRP amount, the flat fee that will be utilized is the lowest cost at which the item has been determined to be widely available by analyzing usual and customary fees charged in the community.

Interested persons may submit written comments to the following address: Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, November 28, 2000 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Durable Medical Equipment (DME)
Ostomy and Urological Supplies
Reimbursement Reduction**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will reduce state program costs by approximately (\$8,497) for SFY 1999-00, (\$41,058) for SFY 2000-01, and (\$42,372) for SFY 2001-02. It is anticipated that \$160 (\$80 SGF and \$80 FED) will be expended in SFY 2000-01 for the state's administrative cost of promulgating this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that implementation of this proposed rule will reduce federal revenue collections by approximately (\$20,141) for SFY 1999-00, (\$98,139) for SFY 2000-01, and (\$101,165) for SFY 2001-02.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Implementation of this proposed rule will reduce reimbursement to providers of durable medical equipment for the provision of certain durable medical equipment items. This proposed rule will reduce reimbursement by approximately (\$28,638) for SFY 1999-00, (\$139,357) for SFY 2000-01, and (\$143,537) for SFY 2001-02.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition. As a result of the rate reduction, some providers of durable medical equipment may find it necessary to reduce staff or staff hours of work.

Ben A. Bearden
Director
0010#082

H. Gordon Monk
Staff Director
Legislative Fiscal Office

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt the following rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and pursuant to Title XIX of the Social Security Act and as directed by the 1999-2000 General Appropriation Act, which states: "The secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening and utilization review, and other measures as allowed by federal law". This proposed rule is adopted in accordance with the Administrative Procedure Act, R. S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing provides reimbursement for oxygen concentrators and glucometers in the Durable Medical Equipment (DME) Program. Previously, oxygen concentrators were reimbursed at a flat fee of \$1500 for purchase or \$175 per month rental, or billed charges, whichever is the lesser amount. Glucometers were reimbursed at a flat fee of \$100 for purchase or billed charges, whichever is the lesser amount (rental is not applicable). As a result of a budgetary shortfall, the bureau determined it was necessary to reduce the reimbursement fees for oxygen concentrators to \$1250 for purchase or \$150 per month for rental, or billed charges, whichever is the lesser amount. The reimbursement fees for glucometers were reduced to \$30 for purchase or billed charges, whichever is the lesser amount. If an item is not available at the established rate, the flat fee that will be utilized is the lowest cost at which the item has been determined to be widely available by analyzing usual and customary fees charged in the community (*Louisiana Register*, Volume 26, Numbers 2 and 9).

The bureau now proposes to adopt a rule to continue the provisions contained in the February 8, 2000 and October 7, 2000 emergency rules.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. This proposed Rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reduces the reimbursement fees for oxygen concentrators to \$1250 for purchase or \$150 per month for rental, or billed charges, whichever is the lesser amount. The reimbursement fees for glucometers is reduced to \$30 for purchase, or billed charges, whichever is the lesser amount. If an item is not available at the established rate, the flat fee that will be utilized is the lowest cost at which the item has been

determined to be widely available by analyzing usual and customary fees charged in the community.

Interested persons may submit written comments to the following address: Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is the person responsible for responding to inquiries regarding this proposed rule. A public hearing on this proposed rule is scheduled for Tuesday, November 28, 2000 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Durable Medical Equipment
Oxygen Concentrators and Glucometers**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will reduce state program costs by approximately (\$14,399) for SFY 1999-00, (\$69,656) for SFY 2000-01, and (\$71,807) for SFY 2001-02. It is anticipated that \$120 (\$60 SGF and \$60 FED) will be expended in SFY 2000-01 for the states administrative cost of promulgating this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that implementation of this proposed rule will reduce federal revenue collections by approximately (\$34,133) for SFY 1999-00, (\$166,388) for SFY 2000-01, and (\$171,442) for SFY 2001-02.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Implementation of this proposed rule will reduce reimbursement to providers of durable medical equipment for the provision of oxygen concentrators and glucometers. This proposed rule will reduce reimbursement by approximately (\$48,532) for SFY 1999-00, (\$236,164) for SFY 2000-01, and (\$243,248) for SFY 2001-02.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition. As a result of the rate reduction, some providers of durable medical equipment may find it necessary to reduce staff or staff hours of work.

Ben A. Bearden
Director
0010#080

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Durable Medical Equipment (DME)
Parenteral and Enteral Supplies

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt the following Rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and pursuant to Title XIX of the Social Security Act and as directed by the 1999-2000 General Appropriation Act, which states: "The secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening and utilization review, and other measures as allowed by federal law." This proposed Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing previously reimbursed certain durable medical equipment items identified by specific Health Care Financing Administration Common Procedure Codes (HCPC) at either 80 percent of the Medicare Fee Schedule, or at 100 percent of the Medicare Fee Schedule, or billed charges, whichever is the lesser amount. As a result of a budgetary shortfall, the bureau determined it was necessary to reduce the reimbursement rate for these items (*Louisiana Register*, Volume 26, Number 2). The reimbursement was reduced to 70 percent of the Medicare Fee Schedule amount or billed charges, whichever is the lesser amount, for the following HCPC codes:

B4034-B4084, B9004-B9999	Parenteral and Enteral supplies
E0776, E0791	Suction Catheters
A4624-A4625	Tracheostomy masks or collars
A4621	Tracheostomy cannulas
A4623	

If an item is not available at 70 percent of the Medicare Fee Schedule amount, the flat fee that will be utilized is the lowest cost at which the item has been determined to be widely available by analyzing usual and customary fees charged in the community.

The reimbursement was reduced to 90 percent of the Medicare Fee Schedule amount or billed charges, whichever is the lesser amount, for the following HCPC codes:

A4622 Tracheostomy tubes
 A4629 Tracheostomy care kits

for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
 Secretary

If an item is not available at 90 percent of the Medicare Fee Schedule amount, the flat fee that will be utilized is the lowest cost at which the item has been determined to be widely available by analyzing usual and customary fees charged in the community.

The Bureau now proposes to adopt a Rule to continue the provisions contained in the February 8, 2000 and October 7, 2000 Emergency Rules.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. This proposed Rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reduces the reimbursement for certain durable medical equipment items identified by specific Health Care Financing Administration Common Procedure Codes. The reimbursement is reduced to 70 percent of the Medicare Fee Schedule amount or billed charges, whichever is the lesser amount, for the following HCPC codes:

B4034-B4084, B9004-B9999 E0776, E0791	Parenteral and Enteral supplies
A4624-A4625 A4621	Suction Catheters Tracheostomy masks or collars
A4623	Tracheostomy cannulas

If an item is not available at 70 percent of the Medicare Fee Schedule amount, the flat fee that will be utilized is the lowest cost at which the item has been determined to be widely available by analyzing usual and customary fees charged in the community.

The reimbursement is reduced to 90 percent of the Medicare Fee Schedule amount or billed charges, whichever is the lesser amount, for the following HCPC codes:

A4622	Tracheostomy tubes
A4629	Tracheostomy care kits

If an item is not available at 90 percent of the Medicare Fee Schedule amount, the flat fee that will be utilized is the lowest cost at which the item has been determined to be widely available by analyzing usual and customary fees charged in the community.

Interested persons may submit written comments to the following address: Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, November 28, 2000 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline

**FISCAL AND ECONOMIC IMPACT STATEMENT
 FOR ADMINISTRATIVE RULES
 RULE TITLE: Durable Medical Equipment (DME)
 Parenteral and Enteral Supplies**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
 It is anticipated that implementation of this proposed rule will reduce state program costs by approximately (\$29,300) for SFY 1999-00, (\$141,779) for SFY 2000-01, and (\$146,114) for SFY 2001-02. It is anticipated that \$160 (\$80 SGF and \$80 FED) will be expended in SFY 2000-01 for the state's administrative cost of promulgating this proposed rule and the final rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
 It is anticipated that implementation of this proposed rule will reduce federal revenue collections by approximately (\$69,454) for SFY 1999-00, (\$338,612) for SFY 2000-01, and (\$348,853) for SFY 2001-02.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
 Implementation of this proposed rule will reduce reimbursement to providers of durable medical equipment for the provision of certain durable medical equipment items. This proposed rule will reduce reimbursement by approximately (\$98,754) for SFY 1999-00, (\$480,551) for SFY 2000-01, and (\$494,967) for SFY 2001-02.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
 There is no known effect on competition. As a result of the rate reduction, some providers of durable medical equipment may find it necessary to reduce staff or staff hours of work.

Ben A. Bearden
 Director
 0010#083

H. Gordon Monk
 Staff Director
 Legislative Fiscal Office

NOTICE OF INTENT

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

Durable Medical Equipment (DME)
 Z and E Procedure Codes
 Reimbursement Reduction

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt the following Rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and pursuant to Title XIX of the Social Security Act and as directed by the 1999-2000 General Appropriation Act, which states: "The secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The secretary is hereby directed to utilize various cost containment measures

to accomplish these reductions, including but not limited to pre-certification, pre-admission screening and utilization review, and other measures as allowed by federal law." This proposed Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing previously provided reimbursement of a flat fee or reimbursement at billed charges, whichever is the lesser amount, for all durable medical equipment items identified by Health Care Financing Administration Common Procedure Codes (HCPC) beginning with the letter "Z", except codes for enteral formulas; all miscellaneous equipment items identified with the HCPC code E1399; and all home health supply items and other miscellaneous supplies identified with the HCPC code Z1399. As a result of a budgetary shortfall, the bureau determined it was necessary to reduce the reimbursement for medical equipment and home health supply items in the Durable Medical Equipment Program that are identified by a HCPC code beginning with the letter "Z" (except codes for enteral formulas), or HCPC code E1399, or HCPC code Z1399, to either 70 percent of the established flat fee, or 70 percent of the Manufacturers Suggested Retail Price (MSRP) or billed charges, whichever is the lesser amount. If an item is not available at the rate of 70 percent of the established flat fee or 70 percent of MSRP, the flat fee that will be utilized is the lowest cost at which the item has been determined to be widely available by analyzing usual and customary fees charged in the community (*Louisiana Register*, Volume 26, Number 9).

The bureau now proposes to adopt a Rule to continue the provisions contained in the October 7, 2000 Emergency Rule.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. This proposed Rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reduces the reimbursement for all durable medical equipment items identified by Health Care Financing Administration Common Procedure Codes (HCPC) beginning with the letter "Z", except codes for enteral formulas; all miscellaneous equipment items authorized with the HCPC codes E1399; and all home health supply items and other miscellaneous supplies identified with the HCPC code Z1399 to 70 percent of the established flat fee, or 70 percent of the Manufacturers Suggested Retail Price (MSRP) or billed charges, whichever is the lesser amount. If an item is not available at the rate of 70 percent of the established flat fee or 70 percent of MSRP, the flat fee that will be utilized is the lowest cost at which the item has been determined to be widely available by analyzing usual and customary fees charged in the community.

Interested persons may submit written comments to the following address: Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, November 28, 2000

at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Durable Medical Equipment (DME)
Z and E Procedure Codes C Reimbursement Reduction**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will reduce state program costs by approximately (\$37,259) for SFY 1999-00, (\$180,309) for SFY 2000-01, and (\$185,801) for SFY 2001-02. It is anticipated that \$160 (\$80 SGF and \$80 FED) will be expended in SFY 2000-01 for the states administrative cost of promulgating this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that implementation of this proposed rule will reduce federal revenue collections by approximately (\$88,318) for SFY 1999-00, (\$430,606) for SFY 2000-01, and (\$443,607) for SFY 2001-02.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Implementation of this proposed rule will reduce reimbursement to providers of durable medical equipment. This proposed rule will reduce reimbursement by approximately (\$125,577) for SFY 1999-00, (\$611,075) for SFY 2000-01, and (\$629,408) for SFY 2001-02.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition. As a result of the rate reduction, some providers of durable medical equipment may find it necessary to reduce staff or staff hours of work.

Ben A. Bearden
Director
0010#077

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Private Intermediate Care Facilities for the Mentally Retarded
Hospital Leave of Absence Days
Reimbursement Methodology

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt the following Rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and pursuant to Title XIX of the Social Security Act and as directed by the 1999-2000 General Appropriation Act, which states: "The secretary shall implement reductions in

the Medicaid program as necessary to control expenditures to the level approved in this schedule. The secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening and utilization review, and other measures as allowed by federal law." This proposed Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing established the reimbursement methodology for private intermediate care facilities for the mentally retarded (ICF/MR) in a Rule adopted October 20, 1989 (*Louisiana Register*, Volume 15, Number 10). The reimbursement methodology contained provisions governing the payment to private ICFs/MR when the recipient is absent from the facility due to hospitalization or visits with family. A Rule was subsequently adopted in April of 1999 to expand the number of payable hospital leave of absence days from five to seven days per hospitalization for treatment of an acute condition (*Louisiana Register*, Volume 25, Number 4).

As a result of a budgetary shortfall, the bureau determined it was necessary to adopt a Rule to reduce the payment to private ICFs/MR for hospital leave days by 25 percent. The reimbursement to private ICFs/MR for hospital leave days was reduced to 75 percent of the applicable per diem rate (*Louisiana Register*, Volume 26, Number 2). The bureau now proposes to adopt a Rule to continue the provisions contained in the March 8, 2000 Emergency Rule.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. The proposed Rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Proposed Rule

The Department of Health and Hospitals, Bureau of Health Services Financing reduces the reimbursement paid to private intermediate care facilities for the mentally retarded for hospital leave days by 25 percent. The reimbursement for hospital leave days is reduced to 75 percent of the applicable ICF/MR per diem rate.

Interested persons may submit written comments to the following address: Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, November 28, 2000 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments, either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Private Intermediate Care Facilities for the Mentally Retarded Hospital Leave of Absence Days Reimbursement Methodology

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that the implementation of this proposed rule will decrease state program costs by approximately (\$8,560) for SFY 1999-00, (\$35,029) for SFY 2000-01, and (\$36,142) for SFY 2001-02. It is anticipated that \$120 (\$60 SGF and \$60 FED) will be expended in SFY 2000-01 for the states administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will decrease federal revenue collections by approximately (\$20,291) for SFY 1999-00, (\$83,717) for SFY 2000-01, and (\$86,290) for SFY 2001-02.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Implementation of this proposed rule will reduce the payment to private ICFs/MR for hospital leave days by twenty-five percent (25%). This proposed rule will decrease reimbursement by approximately (\$28,851) for SFY 1999-00, (\$118,866) for SFY 2000-01, and (\$122,432) for SFY 2001-02.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition. However, some facilities may find it necessary to reduce staff hours during the hospitalization of a resident.

Ben A. Bearden
Director
0010#084

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Private Nursing Facilities Hospital Leave of Absence Days Reimbursement Methodology

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt the following Rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and pursuant to Title XIX of the Social Security Act and as directed by the 1999-2000 General Appropriation Act, which states: "The secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening and utilization review, and other measures as allowed by federal law." This proposed Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing established the reimbursement methodology for private nursing facilities in a rule adopted June 20, 1984 (*Louisiana Register*, Volume 10, Number 6). The reimbursement methodology contained provisions governing the payment to private nursing facilities when the recipient is absent from the faculty due to hospitalization or visits with family. A rule was subsequently adopted in May of 1998 to expand the number of payable hospital leave of absence days from five to seven per hospitalization for treatment of an acute condition (*Louisiana Register*, Volume 24, Number 5).

As a result of a budgetary shortfall, the bureau determined it was necessary to adopt a rule to reduce the payment to private nursing facilities for hospital leave days by 25 percent. The reimbursement to private nursing facilities for hospital leave days was reduced to 75 percent of the applicable per diem rate (*Louisiana Register*, Volume 26, Number 2). The bureau now proposes to adopt a Rule to continue the provisions contained in the March 8, 2000 Emergency Rule.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. This proposed Rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reduces the reimbursement paid to private nursing facilities for hospital leave days by 25 percent. The reimbursement for hospital leave days is reduced to 75 percent of the applicable per diem rate.

Interested persons may submit written comments to the following address: Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, November 28, 2000 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments, either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Private Nursing Facilities Hospital Leave of Absence Days-Reimbursement Methodology

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that the implementation of this proposed rule will decrease state program costs by approximately (\$129,513) for SFY 1999-00, (\$530,836) for SFY 2000-01, and (\$546,823) for SFY 2001-02. It is anticipated that \$120 (\$60 SGF and \$60 FED) will be expended in SFY 2000-01 for the

states administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will decrease federal revenue collections by approximately (\$306,999) for SFY 1999-00, (\$1,267,473) for SFY 2000-01, and (\$1,305,559) for SFY 2001-02.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Implementation of this proposed rule will reduce the payment to private nursing facilities for hospital leave days by twenty-five percent (25%). This proposed rule will decrease reimbursement by approximately (\$436,512) for SFY 1999-00, (\$1,798,429) for SFY 2000-01, and (\$1,852,382) for SFY 2001-02.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition. However, some facilities may find it necessary to reduce staff hours during the hospitalization of a resident.

Ben A. Bearden
Director
0010#085

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Substance Abuse Clinics C Termination of Services

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has adopted the following Emergency Rule in the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and pursuant to Title XIX of the Social Security Act and as directed by the 1999-2000 General Appropriation Act, which states: "The secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening and utilization review, and other measures as allowed by federal law." This proposed Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing previously provided coverage for substance abuse clinic services under the Medicaid Program. Section 440.225 of the Code of Federal Regulations (42 CFR) states that "any of the services defined in subpart A of this part that are not required under sections 440.210 and 440.220 may be furnished under the State Plan at the state's option". Substance abuse services are considered an optional service under Title XIX of the Social Security Act. Therefore, each state may choose to either include or exclude this service under its Medicaid State Plan.

As a result of a budgetary shortfall, the bureau determined it was necessary to terminate coverage of this optional services program under its Title XIX State Plan (*Louisiana Register*, Volume 26, Number 2). The bureau now proposes

to adopt a rule to continue the provisions contained in the February 21, 2000 Emergency Rule.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed rule on the family has been considered. It is anticipated that this proposed Rule will not adversely impact family functioning, stability, or autonomy as described in R.S. 49:972 since substance abuse clinic services will continue to be available through the Office of Addictive Disorders.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing terminates coverage and reimbursement for substance abuse clinic services under the Medicaid Program.

Interested persons may submit written comments to the following address: Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to all inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, November 28, 2000 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments, either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Substance Abuse Clinics
Termination of Services**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that the implementation of this proposed rule will reduce state program costs by approximately (\$585,183) for SFY 1999-00, (\$1,799,012) for SFY 2000-01, and (\$1,853,045) for SFY 2001-02. It is anticipated that \$120 (\$60 SGF and \$60 FED) will be expended in SFY 2000-01 for the state's administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will reduce federal revenue collections by approximately (\$1,387,121) for SFY 1999-00, (\$4,295,287) for SFY 2000-01, and (\$4,424,207) for SFY 2001-02.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Implementation of this proposed rule will terminate coverage of substance abuse clinic services under the Medicaid Program. This proposed rule will reduce expenditures by approximately (\$1,972,304) for SFY 1999-00, (\$6,094,419) for SFY 2000-01, and (\$6,277,252) for SFY 2001-02.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition. As a result of the termination of coverage for these services, some providers may find it necessary to reduce staff or staff hours of work.

Ben A. Bearden
Director
0010#086

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Protective Services Agency (LAC 48:I.Chapter 171)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Protective Services proposes to amend the following Rule as authorized by R.S. 14:403.2 and 36:254 et seq. This proposed Rule is amended in accordance with the Administrative Procedures Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Protective Services promulgated a Rule establishing the protective services agency for disabled adults in April of 1994 (*Louisiana Register*, Volume 20, Number 12). R.S. 14:403.2, the adult protective services law, has subsequently been amended by Act 841 of the 1995 regular session of the Louisiana legislature, Act 1183 of the 1997 regular session of the Louisiana legislature, and Act 338 of the 1999 regular session of the Louisiana legislature. The bureau now proposes to amend the Rule to incorporate changes made by these Acts, to reword certain sections to make them more consistent with the statutory language, and to reword certain sections to improve their clarity.

In compliance with Act 1193 of the 1999 regular session of the Louisiana Legislature, the impact of this proposed amendment on the family has been considered. This proposed amendment has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Title 48

PUBLIC HEALTH - GENERAL

Part I. General Administration

Subpart 13. Protective Services Agency

Chapter 171. Bureau of Protective Services

§17101. Statement of Policy

A. ...

B. In pursuit of this commitment and in accordance with the provisions of R.S. 14:403.2, the Department of Health and Hospitals names the Bureau of Protective Services as the Protective Services Agency in order to provide protection to persons ages 18-59 with mental, physical, or developmental disabilities that substantially impair the persons ability to provide adequately for his/her own protection.

C. The primary function of the Bureau of Protective Services is to investigate and/or assess reports of abuse, neglect, exploitation, or extortion consistent with the criteria contained in R.S. 14.403.2 to determine if the situation and condition of the subject of the report warrant further action and, if so, to prepare and implement a plan aimed at remedying or improving the situation. Bureau of Protective Services staff will provide protective services to each individual in need of protection until that person's situation has stabilized, or that person is no longer at risk from the situation described in the report, or that person, having demonstrated the capacity to do so, refuses assistance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 14:403.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Protective Services, LR 20:434 (April 1994), amended LR 27:

§17103. Goals and Objectives

A. The primary goal of the Bureau of Protective Services is to prevent, remedy, halt, or hinder abuse, neglect, exploitation, or extortion of individuals in need of services as defined in this regulation and consistent with the provisions of R.S. 14:403.2. In order to achieve this goal, the Bureau of Protective Services shall pursue the following objectives:

1. - 2. ...

3. in concert with other community service and health service providers, to arrange and facilitate the process toward developing individual and family capacities to promote safe and caring environments for individuals in need of protection.

4. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 14:403.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Protective Services, LR 20:435 (April 1994), amended LR 27:

§17105. Definitions

A. For the purposes of this chapter, the following definitions shall apply:

Abuse—the infliction of physical or mental injury on an adult by other parties, including but not limited to such means as sexual abuse, abandonment, isolation, exploitation, or extortion of funds or other things of value, to such an extent that his/her health, self-determination, or emotional well-being is endangered. In determining whether an injury is sufficient to endanger the health, self-determination, or emotional well-being of the adult, the following criteria shall apply:

a. - b. ...

c. with respect to isolation, acts of isolation used in a manner where the individual is alone in a room/area from which he/she cannot leave, constitute behavior which has the potential to result in mental injury or unwarranted restriction of the adult's self-determination.

d. ...

Adult—any individual 18 years of age or older or an emancipated minor.

Bureau of Protective Services (BPS) or the Bureau—that agency determined by the Department of Health and Hospitals as the Protective Services Agency, pursuant to the provisions of R.S. 14:403.2, to provide protection to disabled adults as defined herein.

Capacity to consent—the ability to understand and appreciate the nature and consequences of making decisions regarding one's person, including but not limited to provisions for health or mental health care, food, shelter, clothing, safety, or financial affairs.

Caregiver—any person or persons, either temporarily or permanently responsible for the care of a physically or mentally disabled individual. Caregiver includes but is not limited to adult children, parents, relatives, neighbors, day-care personnel, adult foster home sponsors, providers of substitute family care, personnel of public and private institutions and facilities, adult congregate living facilities,

and nursing homes which have voluntarily assumed the care of an individual, have assumed voluntary residence with an individual, or have assumed voluntary use or tutelage of an individual's assets, funds, or property, and specifically shall include city, parish, or state law enforcement agencies.

Disabled Person—a person with a mental, physical, or developmental disability that substantially impairs the person's ability to provide adequately for his/her own care or protection.

Emancipated Minor—a person under the age of 18 who administers his/her own affairs or who is relieved of the incapacities which normally attach to minority. Minors can be emancipated by notarial act, marriage, or judicial pronouncement.

Exploitation—the illegal or improper use or management of a disabled adult's funds, assets, or property, or the use of a disabled adult's power of attorney or guardianship for one's own profit or advantage.

Extortion—the acquisition of a thing of value from an unwilling or reluctant adult by physical force, intimidation, abuse, neglect, or official authority.

Neglect—the failure by the caregiver responsible for an adult's care or by other parties, to provide the proper or necessary support or medical, surgical, or any other care necessary for his well-being. No adult who is being provided treatment in accordance with a recognized religious method of healing in lieu of medical treatment shall, for that reason alone, be considered to be neglected or abused.

Individual or Individual In Need of Protection—any person ages 18 through 59 years of age or an emancipated minor, who because of mental, physical, or developmental disability, is substantially impaired in his/her ability to provide adequately for his/her own care or protection and is found, upon investigation or assessment to have suffered harm or to be at substantial risk of suffering harm from abuse, neglect, exploitation, or extortion.

Protective Services—those activities developed to assist individuals in need of protection. Protective services include but are not limited to: receiving and screening information on allegations of abuse, neglect, exploitation or extortion; conducting investigations and/or assessments of those allegations to determine if the situation and condition of the alleged victim warrants corrective or other action, preparing a plan using available community resources aimed at remedying or reducing the risk from abuse, neglect, exploitation or extortion, providing case management, as needed, to assure stabilization of the situation, and arranging of or making referrals for needed services and/or legal assistance to initiate any necessary remedial action.

Regional Coordinating Council—a regionally constituted committee composed of representatives of both public and private agencies which provide services to individuals in need of protection. These Regional Coordinating Councils are designed to maximize resources available to individuals in need of protection particular to that region by effecting a regionally individualized plan for the allocation or reallocation of available resources, expansion of programs, or redirection of current resource allocation.

Self-Neglect—the failure, either by the individual's action or inaction, to provide the proper or necessary support or medical/surgical or other care necessary for his/her well-

being. No individual who is provided treatment in accordance with a recognized religious method of healing in lieu of medical treatment shall, for that reason alone, be considered to be self-neglected.

AUTHORITY NOTE; Promulgated in accordance with R.S. 14:403.2

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Protective Services, LR 20:435 (April 1994), amended LR 27:

§17109. Eligibility for Services

A. The protection of this rule extends to all disabled persons 18-59 years of age or emancipated minors living in the community, either independently or with the help of others, in any situation that is not licensed by a governmental regulatory agency, and who are alleged to be abused, neglected, exploited, or extorted.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 14:403.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Protective Services, LR 20:435 (April 1994), amended LR 27:

§17111. Reporting

A. ...

B. Intake. Incident reports received by the Bureau shall be screened to determine eligibility, and shall be assigned a Priority status for investigation as described in Section 17121 of this Chapter. When reports are not accepted by the Bureau, the reporter shall be advised why his/her report was rejected for investigation. Such reports will be referred to other social, medical, and law enforcement agencies, as deemed appropriate.

1. - 2. ...

C. Investigation. Reports accepted by the Bureau of Protective Services for investigation shall be prioritized according to Section 17121 of this rule. The subsequent investigation and assessment shall determine if the situation and condition of the adult requires further action and shall include determining the nature, extent, and cause of the abuse, neglect, exploitation, extortion, identifying the person or persons responsible for abuse, neglect, exploitation, or extortion, if known; if possible, interviewing the individual and visiting the individual's home or the location where the incident occurred. The investigation or assessment shall also include consultation with others having knowledge of the facts of the case. A report of the investigation shall be prepared, which contains an assessment of the individual's present condition/status.

D. - F. ...

G Right to Refuse Services. Protective Services may not be provided in cases of self-neglect to any individual who does not consent to such services or who, having consented, withdraws such consent. Nothing herein shall prohibit the Bureau of Protective Services, the district attorney, the coroner, or the judge from petitioning for interdiction pursuant to Civil Code, Articles 389-426 or petitioning for an order for protective custody or for judicial commitment pursuant to R.S. 28:50 et seq., seeking an order for emergency protective services pursuant to Subsection N of R.S. 14:403.2, or prohibit the district attorney from seeking an order for involuntary protective services pursuant to Subparagraph F(1)(e) of R.S.14:403.2.

AUTHORITY NOTE: Promulgated in accordance with R.S. 14:403.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Protective Services, LR 20:436 (April 1994), amended LR 27:

§17113. Confidentiality

A. Information contained in the case records of the Bureau of Protective Services shall not be released without a written authorization from the involved individual or his/her legally authorized representative, except that the information may be released to law enforcement agencies pursuing enforcement of criminal statutes related to the abuse of the adult or the filing of false reports of abuse or neglect, or to social service agencies, licensed health care providers, and appropriate local or state agencies where indicated for the purpose of coordinating the provision of services or treatment necessary to reduce the risk to the adult from abuse, neglect, exploitation, or extortion.

B. The identity of any person who in good faith makes a report of abuse, neglect, exploitation, or extortion shall be confidential and shall not be released without the written authorization of the person making the report, except that the information may be released to law enforcement agencies pursuing enforcement of criminal statutes related to the abuse of the adult or to the filing of false reports of abuse or neglect.

C. Prior to releasing any information, except information released to law enforcement agencies as provided herein, the adult protection agency shall edit the released information to protect the confidentiality of the reporter's identity and to protect any other individual whose safety or welfare may be endangered by disclosure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 14:403.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Protective Services, LR 20:437 (April 1994), amended LR 26:

§17117. The Department of Health and Hospital's Protective Services System

A. The Department will deliver protective services through direction and oversight by a centrally located Bureau of Protective Services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 14:403.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Protective Services, LR 20:437 (April 1994), amended LR 27:

Interested persons may submit comments to Hugh Eley, Bureau of Protective Services, P.O. Box 3518, Baton Rouge, LA 70821. He is responsible for responding to inquiries regarding this proposed amendment. The deadline for receipt of all written comments is 4:30 p.m. November 20, 2000.

Family Impact Statement

1. The Effect on the Stability of the Family. None. The proposed rule only makes housekeeping amendments so that existing rule will conform to statutory language.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of Their Children. None. Program deals only with adults.

3. The Effect on the Functioning of the Family. None. Proposed rule only makes housekeeping amendments so that existing rule will conform to statutory language.

4. The Effect on Family Earnings and Family Budget. None.

5. The Effect on the Behavior and Personal Responsibility of Children. None. Program deals only with adults.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. None. Proposed amendment imposes no functions on families or local government.

David W. Hood
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Protective Services Agency

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The estimated implementation cost is \$440.00 for FY 00-01, \$0 for FY 01-02, and \$0 for FY 02-03. This is the cost of printing and publishing the Notice of Intent and Rule in the Louisiana Register. There are no other estimated implementation costs.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated effect on revenue collections. The rule is being amended to comply with recent statutory language changes and has no effect on revenues.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no estimated effect on competition and employment.

Linda Brassette
Director
0010#093

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Port Commissions
Board of River Port Pilot Commissioners**

Continuing Education

In accordance with the Administrative Procedure Act R.S. 49:950 et seq. and R.S. 34:991(B)(3), the Board of River Port Pilot Commissioners hereby gives notice that it intends to adopt Section 5 as follows.

Section 5. Continuing Education

Rule 1

A pilot must attend 40 hours of professional education classes and programs every five years. In addition a pilot must attend a ship simulator training program every five years. This requirement will be effective January 1, 2001.

Rule 2

The professional education classes and programs approved by the Board include but are not limited to:

- a. electronic ship simulation training;
- b. small scale ship simulation training;
- c. ARPA Training;

- d. VTS/VTIS Simulator Training;
- e. bridge resource management training for pilots;
- f. any other courses or programs that the board deems appropriate.

Rule 3

Any pilot who fails to attend the required professional education classes and programs may be reprimanded, fined, and/or suspended until the pilot complies with this section.

Rule 4

It shall be the responsibility of the pilot to file with the board proof that the pilot attended the professional education classes and programs.

Rule 5

It shall be the responsibility of the pilot to attend professional education classes and programs approved by the board.

Rule 6

The cost of attending professional education classes shall not be at the expense of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:991 et seq.

HISTORICAL NOTE: Promulgated by the Port Commissions, Board of River Port Pilot Commissioners, LR 27:

Capt. Donald J. Short
President

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Continuing Education

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no implementation costs or savings to state or local government units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no effects on revenue collections of state of local government units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

River Port Pilots will incur costs and expenses to acquire the mandated continuing education and training. The cost of the education and training is approximately \$3,000 every five-year cycle.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The changes will have no effect on competition and employment.

Donald Short
President
0010#058

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Office of Public Safety and Corrections
Gaming Control Board**

Louisiana Business (LAC 42:XIII.1701)

The Gaming Control Board hereby gives notice that it intends to amend LAC 42:XIII.1701 in accordance with R.S.

27:15 and 24, and the Administrative Procedure Act, R.S. 49:950 et seq.

Title 42
LOUISIANA GAMING
Part XIII. Riverboat Gaming
Chapter 17. General Provisions

§1701. Definitions

* * *

Louisiana Business, Louisiana Company or Louisiana Corporation Ca business, company or corporation which is at least 51 percent owned by one or more Louisiana domiciliaries who also control and operate the business. A business, company or corporation qualified with the Secretary of State and authorized to do business in Louisiana which has a physical presence in the state in the form of property or facilities owned or leased in Louisiana and which employs Louisiana residents who control or operate the Louisiana business activity or enterprise may be considered a Louisiana business, company or corporation. *Control* in this context means exercising the power to make policy decisions. *Operate* in this context means being actively involved in the day-to-day management of the business.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:1176 (September 1993), amended LR 21:705 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 22:1139 (November 1996), LR 24:344 (February 1998), LR 26:1317 (June 2000), LR 27:

All interested persons may contact Tom Warner, Attorney General's Gaming Division, telephone (225) 342-2465, and may submit comments relative to these proposed rules, through November 9, 2000, to 339 Florida Street, Suite 500, Baton Rouge, LA 70801.

Family Impact Statement

Pursuant to the provisions of R.S. 49:953(A), the Louisiana Gaming Control Board, through its chairman, has considered the potential family impact of the amendment of LAC 42:XIII.1701.

It is accordingly concluded that the amendment of LAC 42:XIII.1701 would appear to have no estimable impact on the following:

1. The effect on stability of the family.
2. The effect on the authority and rights of parents regarding the education and supervision of their children.
3. The effect on the functioning of the family.
4. The effect on family earnings and family budget.
5. The effect on the behavior and personal responsibility of children.
6. The ability of the family or local government to perform the function as contained in the proposed rule.

Hillary J. Crain
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Louisiana Business

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
It is anticipated that there will be no direct implementation costs or savings to state or local government units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is anticipated that there will be no direct effect on revenue collections of state or local government units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
No significant costs and/or economic benefits are estimated to result from these rule changes.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
No effect on competition or employment is estimated.

Hillary J. Crain
Chairman
0010#066

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections
Office of State Police

Vehicle Safety Equipment
(LAC 55:III.Chapter 11)

Pursuant to R.S. 32:190 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Public Safety and Corrections, Public Safety Service, Office of State Police intends to repeal LAC 55:III.Chapter 11, Sections 1101-1105 in entirety. Notice is further given that the department intends to promulgate the following rules and regulations which define specifications and guidelines for the safe manufacture of motorcycle helmets and motorcycle goggles and safety glasses. The proposed rules are intended to adopt the same standards for motorcycle helmets and motorcycle goggles and safety glasses in the state of Louisiana which are currently mandated nationwide by the federal government.

The Superintendent of the Office of State Police will consider comments and public input for a period of five (5) days following publication. All comments should be directed to Tammy Pruet Northrup, Post Office Box 66614, Mailstop #11, Baton Rouge, LA 70896, 225-925-6103 (phone) 225-925-4624 (facsimile). A tentative public meeting on these rules is currently scheduled for 9:00 a.m., Monday, May 29, 2000, in classroom #3 of the Louisiana State Police Training Academy located at 7901 Independence Boulevard, Baton Rouge, LA 70806. Please call to confirm the date, time and location if you plan to attend.

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 11. Vehicle Safety Equipment

Subchapter A. Motorcycle Helmets

§1101. Scope, Purpose and Application

A. Scope. This standard establishes minimum performance requirements for helmets designed for use by motorcyclists and other motor vehicle users.

B. Purpose. To reduce deaths and injuries to motorcyclists and other motor vehicle users resulting from head impacts.

C. Application. This standard applies to all helmets designed for use by motorcyclists and other motor vehicle users.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:

§1102. Definitions

*Basic Plane*Ca plane through the centers of the right and left external ear openings and the lower edge of the eye sockets (Figure 1) of a reference headform (Figure 2 of) or test headform.

*Helmet Positioning Index*Cthe distance in inches, as specified by the manufacturer, from the lowest point of the brow opening at the lateral midpoint of the helmet to the basic plane of a reference headform, when the helmet is firmly and properly positioned on the reference headform.

*Mid-Sagittal Plane*Ca longitudinal plane through the apex of a reference headform or test headform that is perpendicular to the basic plane (Figure 3)

*Reference Headform*Ca measuring device contoured to the dimensions of one of the three headforms described in Table 2 and Figures 5 through 8 with surface markings indicating the locations of the basic, mid-sagittal, and reference planes, and the centers of the external ear openings.

*Reference Plane*Ca plane above and parallel to the basic plane on a reference headform or test headform (Figure 2) at the distance indicated in Table 2.

*Retention System*Cthe complete assembly by which the helmet is retained in position on the head during use.

*Test Headform*Ca test device contoured to the dimensions of one of the three headforms described in Table 2 and Figures 5 through 8 with surface markings indicating the locations of the basic, mid-sagittal, and reference planes.

AUTHORITY NOTE: Promulgated in accordance with R.S.: 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:

§1103. Requirements

A. Each helmet shall meet the requirements of §1104, §1105, and §1106 when subjected to any conditioning procedure specified in §1114, and tested in accordance with §1116, §1117, and §1118.

AUTHORITY NOTE: Promulgated in accordance with R.S.: 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:

§1104. Impact attenuation

A. When an impact attenuation test is conducted in accordance with §1116, all of the following requirements shall be met:

1. peak accelerations shall not exceed 400g;
2. accelerations in excess of 200g shall not exceed a cumulative duration of 2.0 milliseconds; and
3. accelerations in excess of 150g shall not exceed a cumulative duration of 4.0 milliseconds.

AUTHORITY NOTE: Promulgated in accordance with R.S.: 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:

§1105. Penetration

A. When a penetration test is conducted in accordance with §1117, the striker shall not contact the surface of the test headform.

AUTHORITY NOTE: Promulgated in accordance with R.S.: 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:

§1106. Retention System

A. When tested in accordance with §1118:

1. the retention system or its components shall attain the loads specified without separation; and
2. the adjustable portion of the retention system test device shall not move more than 1 inch (2.5 cm) measured between preliminary and test load positions.

B. Where the retention system consists of components which can be independently fastened without securing the complete assembly, each such component shall independently meet the requirements of §1106.A.

AUTHORITY NOTE: Promulgated in accordance with R.S.: 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:

§1107. Configuration

A. Each helmet shall have a protective surface of continuous contour at all points on or above the test line described in §1113.C. The helmet shall provide peripheral vision clearance of at least 105E to each side of the mid-sagittal plane, when the helmet is adjusted as specified in §1114. The vertex of these angles, shown in Figure 3, shall be at the point on the anterior surface of the reference headform at the intersection of the mid-sagittal and basic planes. The brow opening of the helmet shall be at least 1 inch (2.5 cm) above all points in the basic plane that are within the angles of peripheral vision (see Figure 3).

AUTHORITY NOTE: Promulgated in accordance with R.S.32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:

§1108. Projections

A. A helmet shall not have any rigid projections inside its shell. Rigid projections outside any helmet's shell shall be limited to those required for operation of essential accessories, and shall not protrude more than 0.20 inch (5 mm).

AUTHORITY NOTE: Promulgated in accordance with R.S.32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:

§1109. Labeling

A. Each helmet shall be labeled permanently and legibly, in a manner such that the label(s) can be read easily without removing padding or any other permanent part, with the following:

1. manufacturer's name or identification;
2. precise model designation;
3. size;
4. month and year of manufacture. This may be spelled out (for example, June 1988), or expressed in numerals (for example, 6/88);
5. the symbol DOT, constituting the manufacturer's certification that the helmet conforms to the applicable Federal motor vehicle safety standards. This symbol shall appear on the outer surface, in a color that contrasts with the background, in letters at least 3/8 inch (1 cm) high, centered laterally with the horizontal centerline of the symbol located a minimum of 1 1/8 inches (2.9 cm) and a maximum of 1 3/4 inches (3.5 cm) from the bottom edge of the posterior portion of the helmet;
6. instructions to the purchaser as follows:
 - a. shell and liner constructed of (identify type(s) of materials);
 - b. helmet can be seriously damaged by some common substances without damage being visible to the user. Apply only the following: recommended cleaning agents, paint, adhesives, etc., as appropriate;
 - c. make no modifications. Fasten helmet securely. If helmet experiences a severe blow, return it to the manufacturer for inspection, or destroy it and replace it;
 - d. any additional relevant safety information should be applied at the time of purchase with an attached tag, brochure, or other suitable means.

AUTHORITY NOTE: Promulgated in accordance with R.S.: 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:

§1110. Helmet Positioning Index

A. Each manufacturer of helmets shall establish a positioning index for each helmet manufactured. This index shall be furnished immediately to any person who requests the information, with respect to a helmet identified by manufacturer, model designation, and size.

AUTHORITY NOTE: Promulgated in accordance with R.S.: 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:

§1111. Preliminary Test Procedures

A. Before subjecting a helmet to the testing sequence specified in §1112, the helmet shall be prepared according to the procedures in §1112, §1113 and §1114.

AUTHORITY NOTE: Promulgated in accordance with R.S.32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:

§1112. Selection of Appropriate Headform

A. A helmet with a manufacturer's designated discrete size or size range which does not exceed 6 3/4 (European size: 54) shall be tested on the small headform. A helmet with a manufacturer's designated discrete size or size range which exceeds 6 3/4, but does not exceed 7 1/2 (European size: 60) shall be tested on the medium headform. A helmet

with a manufacturer's designated discrete size or size range which exceeds 7 1/2 shall be tested on the large headform.

B. A helmet with a manufacturer's designated size range which includes sizes falling into two or all three size ranges described in section §1112.A shall be tested on each headform specified for each size range.

AUTHORITY NOTE: Promulgated in accordance with R.S.32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:

§1113. Reference Marking

A. Only a reference headform that is firmly seated with the basic and reference planes horizontal may be used. The completed helmet to be tested shall be placed on the appropriate reference headform, as specified in §1112.A and §1113.B.

B. A 10 pound (4.5 kg) static vertical load shall be applied through the helmet's apex. The helmet shall be centered laterally and seated firmly on the reference headform according to its helmet positioning index.

C. While maintaining the load and position described in §1113.C, a line shall be drawn (hereinafter referred to as "test line") on the outer surface of the helmet coinciding with portions of the intersection of that service with the following planes, as shown in Figure 2:

1. a plane 1 inch (2.5 cm) above and parallel to the reference plane in the anterior portion of the reference headform;
2. a vertical transverse plane 2.5 inches (6.4 cm) behind the point on the anterior surface of the reference headform at the intersection of the mid-sagittal and reference planes;
3. the reference plane of the reference headform;
4. a vertical transverse plane 2.5 inches (6.4 cm) behind the center of the external ear opening in a side view; and
5. a plane 1 inch (2.5 cm) below and parallel to the reference plane in the posterior portion of the reference headform.

AUTHORITY NOTE: Promulgated in accordance with R.S.32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:

§1114. Helmet Positioning

A. Before each test, the helmet shall be fixed on a test headform in the position that conforms to its helmet positioning index. The helmet shall be secured so that it does not shift position before impact or before application of force during testing.

B. In testing as specified in §1116 and §1117, the retention system shall be placed in a position such that it does not interfere with free fall, impact or penetration.

AUTHORITY NOTE: Promulgated in accordance with R.S.32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:

§1115. Conditioning

A. Immediately before conducting the testing sequence specified in §1116, each test helmet shall be conditioned in accordance with any one of the following procedures:

1. ambient conditions. Expose to a temperature of 70EF (21EC) and a relative humidity of 50 percent for 12 hours;

2. low temperature. Expose to a temperature of 14EF(-10EC) for 12 hours;

3. High temperature. Expose to a temperature of 122EF (50EC) for 12 hours;

4. water immersion. Immerse in water at a temperature of 77EF(25EC) for 12 hours.

B. If during testing, as specified in §1116.C and §1117.C, a helmet is returned to the conditioning environment before the time out of that environment exceeds 4 minutes, the helmet shall be kept in the environment for a minimum of 3 minutes before resumption of testing with that helmet. If the time out of the environment exceeds 4 minutes, the helmet shall be returned to the environment for a minimum of 3 minutes for each minute or portion of a minute that the helmet remained out of the environment in excess of 4 minutes or for a maximum of 12 hours, whichever is less, before the resumption of testing with that helmet.

AUTHORITY NOTE: Promulgated in accordance with R.S.32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:

§1116. Test conditions

A. Impact Attenuation Test. Impact attenuation is measured by determining acceleration imparted to an instrumented test headform on which a complete helmet is mounted as specified in §1114, when it is dropped in guided free fall upon a fixed hemispherical anvil and a fixed flat steel anvil.

B. Each helmet shall be impacted at four sites with two successive identical impacts at each site. Two of these sites shall be impacted upon a flat steel anvil and two upon a hemispherical steel anvil as specified in §1116.I and §1116.J. The impact sites shall be at any point on the area above the test line described in paragraph §1113.C, and separated by a distance not less than one-sixth of the maximum circumference of the helmet in the test area.

C. Impact testing at each of the four sites, as specified in §1116.B, shall start at two minutes, and be completed by four minutes, after removal of the helmet from the conditioning environment.

1. The guided free fall drop height for the helmet and test headform combination onto the hemispherical anvil shall be such that the minimum impact speed is 17.1 feet/second (5.2 m/sec). The minimum drop height is 54.5 inches (138.4 cm). The drop height shall be adjusted upward from the minimum to the extent necessary to compensate for friction losses.

2. The guided free fall drop height for the helmet and test headform combination onto the flat anvil shall be such that the minimum impact speed is 19.7 ft./sec (6.0 m/sec). The minimum drop height shall be 72 inches (182.9 cm). The drop height shall be adjusted upward from the minimum to the extent necessary to compensate for friction losses.

D. Test headforms for impact attenuation testing shall be constructed of magnesium alloy (K-1A), and exhibit no resonant frequencies below 2,000 Hz.

E. The monorail drop test system shall be used for impact attenuation testing.

F. The weight of the drop assembly, as specified in Table 1, shall be the combined weight of the test headform and the supporting assembly for the drop test. The weight of the supporting assembly shall not be less than 2.0 lbs. and not

more than 2.4 lbs. (0.9 to 1.1 kg). The supporting assembly weight for the monorail system shall be the drop assembly weight minus the combined weight of the test headform, the headform's clamp down ring, and its tie down screws.

G. The center of gravity of the test headform shall be located at the center of the mounting ball on the supporting assembly and lie within a cone with its axis vertical and forming a 10E included angle with the vertex at the point of impact. The center of gravity of the drop assembly shall lie within the rectangular volume bounded by $x = -0.25$ inch (-0.64 cm), $x = 0.85$ inch (2.16 cm), $y = 0.25$ inch (0.64 cm), and $y = -0.25$ inch (-0.64 cm) with the origin located at the center of gravity of the test headform. The rectangular volume shall have no boundary along the z-axis. The xy-z axes shall be mutually perpendicular and shall have positive or negative designations in accordance with the right-hand rule (See Figure 5). The origin of the coordinate axes shall also be located at the center of the mounting ball on the supporting assembly (See Figures 6, 7, and 8). The xy-z axes of the test headform assembly on a monorail drop test equipment shall be oriented as follows: From the origin, the x-axis shall be horizontal with its positive direction going toward and passing through the vertical centerline of the monorail. The positive z-axis shall be downward. The y-axis shall also be horizontal and its direction will be decided by the z- and x-axes, using the right-hand rule.

H. The acceleration transducer shall be mounted at the center of gravity of the test headform with the sensitive axis aligned to within E of vertical when the test headform assembly is in the impact position. The acceleration data channel shall comply with SAE Recommended Practice J211 JUN 80, Instrumentation for Impact Tests, requirements for channel class 1,000.

I. The flat anvil shall be constructed of steel with a 5-inch (12.7 cm) minimum diameter impact face, and the hemispherical anvil shall be constructed of steel with a 1.9 inch (4.8 cm) radius impact face.

J. The rigid mount for both of the anvils shall consist of a solid mass of at least 300 pounds (136.1 kg), the outer surface of which shall consist of a steel plate with minimum thickness of 1 inch (2.5 cm) and minimum surface area of 1 ft² (929 cm²).

K. The drop system shall restrict side movement during the impact attenuation test so that the sum of the areas bounded by the acceleration-time response curves for both the x- and y-axes (horizontal axes) shall be less than five percent of the area bounded by the acceleration-time response curve for the vertical axis.

AUTHORITY NOTE: Promulgated in accordance with R.S.32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:

§1117. Penetration Test

A. The penetration test shall be conducted by dropping the penetration test striker in guided free fall, with its axis aligned vertically, onto the outer surface of the complete helmet, when mounted as specified in §1114, at any point above the test line, described in §1114.B except on a fastener or other rigid projection.

B. Two penetration blows shall be applied at least 3 inches (7.6 cm) apart, and at least 3 inches (7.6 cm) from the centers of any impacts applied during the impact attenuation test.

C. The application of the two penetration blows, specified in §1117.B, shall start at two minutes and be completed by four minutes, after removal of the helmet from the conditioning environment.

D. The height of the guided free fall shall be 118.1 inches (3 m), as measured from the striker point to the impact point on the outer surface of the test helmet.

E. The contactable surface of the penetration test headform shall be constructed of a metal or metallic alloy having a Brinell hardness number no greater than 55, which will permit ready detection should contact by the striker occur. The surface shall be refinished if necessary before each penetration test blow to permit detection of contact by the striker.

F. The weight of the penetration striker shall be 6 pounds, 10 ounces (3 kg).

G. The point of the striker shall have an included angle of 60E, a cone height of 1.5 inches (3.8 cm), a tip radius of 0.02 inch (standard 0.5 millimeter radius) and a minimum hardness of 60 Rockwell, AC@scale.

H. The rigid mount for the penetration test headform shall be as described in §1116.J.

AUTHORITY NOTE: Promulgated in accordance with R.S.: 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:

§1118. Retention System Test

A. The retention system test shall be conducted by applying a static tensile load to the retention assembly of a complete helmet, which is mounted, as described in §1114, on a stationary test headform as shown in Figure 4, and by measuring the movement of the adjustable portion of the retention system test device under tension.

B. The retention system test device shall consist of both an adjustable loading mechanism by which a static tensile load can be applied to the helmet retention assembly as a means for holding the test headform and helmet stationary. The retention assembly shall be fastened around two freely moving rollers, both of which shall have a 0.5 inch (1.3 cm) diameter and a 3 inch (7.6 cm) center-to-center separation, and which shall be mounted on the adjustable portion of the tensile loading device (Figure 4). The helmet shall be fixed on the test headform as necessary to ensure that it will not move during the application of the test loads to the retention assembly.

C. A 50-pound (22.7 kg) preliminary test load shall be applied to the retention assembly, normal to the basic plane of the test headform and symmetrical with respect to the center of the retention assembly for 30 seconds, and the maximum distance from the extremity of the adjustable portion of the retention system test device to the apex of the helmet shall be measured.

D. An additional 250-pound (113.4 kg) test load shall be applied to the retention assembly, in the same manner and at the same location as described in §1118.C, for 120 seconds, and the maximum distance from the extremity of the adjustable portion of the retention system test device to the apex of the helmet shall be measured.

AUTHORITY NOTE: Promulgated in accordance with R.S.: 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:

Subchapter B. Motorcycle Goggles and Safety Glasses

§1119. Purposes and Scope

A. Purpose. To provide manufacturers of motorcycle goggles and safety glasses with equipment approval guidelines for motorcyclists' eye protection devices through the development of a regulation to provide a reasonable degree of protection against tearing and against foreign objects striking or lodging in the eye, causing eye irritation or damage, distracting or handicapping the operator, and thereby causing accidents.

B. Scope. The scope of this regulation shall include requirements for material, lens size, optical properties, strength, field of vision, flammability, cleaning capabilities, labeling, identification, and testing procedures for eye protection devices for drivers and passengers of motorcycles.

1. Windshields are the subject of other nationally recognized standards and shall not be included within the scope of this regulation.

2. Contact lenses are not acceptable as eye protection devices and shall not be included within the scope of this regulation.

AUTHORITY NOTE: Promulgated in accordance with R.S.32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:

§1120. Definitions

EPD Eye protection devices.

Eye Glasses Includes devices such as spectacles or sunglasses worn before the eyes having two separately mounted lenses.

Face Shield A device attached to a helmet or head band(s) which covers the wearers' eyes and face at least to a point approximately to the tip of the nose.

Frame Those parts of the eye glasses or goggles containing the lens housing. Padding may be associated with the frame.

Goggles A device worn before the eyes, the predominant function of which shall be to protect the eyes without obstructing peripheral vision. They shall provide protection from the front and sides and may or may not form a complete seal with the face.

Headband That part of the device consisting of a supporting band or other structure that either encircles the head or protective helmet, or can be attached thereto.

Mid-Signal Plane The anteroposterior plane through the longitudinal axis of the body.

AUTHORITY NOTE: Promulgated in accordance with R.S.: 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:

§1121. Eye Protection Devices

A. To be considered an EPD, under these regulations, a device must be one of the following:

1. goggles;
2. face shield;
3. eye glasses.

a. Each lens shall have a convex frontal surface.

b. Each lens shall have a minimum area of 3 square inches. The horizontal diameter (or side-to-side measurement) shall be no less than 2 inches. The vertical diameter (or top-to-bottom measurement) shall be no less

than 12 inches. A diameter shall pass through a point on the lens that is intended to be directly in front of the pupil of the eye when the wearer is looking straight ahead.

B. Optical correction of a person's vision, where required or desired, may be provided either by:

1. An EPD that provides the proper optical correction, or

2. Personal corrective lenses worn under an EPD that does not disturb the adjustment of those lenses.

AUTHORITY NOTE: Promulgated in accordance with R.S.32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:

§1122. Materials

A. All parts of an EPD shall be free from sharp edges or projections that could cause harm or discomfort to the wearer.

B. A headband shall be capable of holding the EPD securely under normal operating conditions. It shall be capable of easy adjustment and replacement.

C. Material(s) utilized in any portion of an EPD shall be of durable quality; i.e., material characteristics shall not undergo appreciable alterations under the influence of ageing or of the circumstances of use to which the device is normally subjected (exposure to rain, sun, cold, dust, vibrations, contact of the skin, effects of sweat, or of products applied to skin or hair).

D. Material(s) commonly known to cause skin irritation or disease shall not be used for those parts of the device which come into contact with the skin.

AUTHORITY NOTE: Promulgated in accordance with R.S.32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:

§1123. Optical Properties of Eye Protection Devices

A. Lenses of EPD's shall comply with the following requirements:

1. Lenses shall be made of material suitable for ophthalmic use, and shall be free from striae, waves, bubbles, or any other defects which may impair their optical quality.

2. The prismatic effect of a non-corrective lens shall not exceed C diopter at any point within the specified minimum field of vision. In the case of eye glasses, each non-corrective lens shall comply with the limitation of prismatic effect.

3. In any meridian, the refractive power of a non-corrective lens shall not exceed plus or minus 1/3 diopter and the difference between the refractive powers in any two meridians shall not exceed C diopter.

4. The definition afforded by a non-corrective lens shall be such that a line pattern with lines separated not more than 24 seconds of angle shall be clearly distinguishable when viewed through the lens.

B. The compliance of a lens with the prismatic effects, refractive power, and definition requirements §1123(A)(2),(3), and (4) herein above, shall be determined in accordance with those tests methods described in the American National Standards Institute Standard Z87.1-1989. In order to maintain consistency in the results of tests conducted by various organizations, the following test requirements must be met:

1. An 8-power telescope with focusing arrangement to accommodate the refractive effects of both positive (converging) and negative (diverging) lenses placed between the telescope and test chart shall be used. The illuminated target and test chart shall be a central dot and a concentric circle one inch in diameter plus one of the high contrast (A black and white) NBS resolution Test Charts dated 1952 and printed on A Lens Resolution Charts to Accompany NBS Circular 374. The chart shall be perpendicularly aligned 35 feet from the objective lens of the telescope when the telescope is properly focused with no test, sample, or other lens between the objective lens and the chart. The center dot and the periphery of the concentric circle one inch in diameter shall be used when testing for prismatic effect. The test pattern marked A20 shall be used when testing for refractive power and when testing for definition. Standard lenses of plus or minus 1/8 diopter shall be used when testing for refractive power.

2. Other standard methods of testing that are equivalent or superior, as regards to accuracy, quality and consistency of results, to the above specified National Bureau of Standards methods, may be used to determine compliance only when such methods are approved by the Deputy Secretary, Department of Public Safety and Corrections, Public Safety Services.

C. Minimum Horizontal Field of Vision - Except as provided in §1123.C.1 below, each EPD shall not obstruct a horizontal field of vision to at least 105 degrees to the right side of the sagittal plane that passes through the pupil of the right eye, and at least 105 degrees to the left side of the sagittal plane that passes the pupil of the left eye.

1. The specified minimum horizontal field of vision shall be unobstructed except that the horizontal field provided by spectacles or sunglasses may be obstructed by the frame in a sector no greater than 72 degrees in horizontal angular width and located between 50 degrees and 80 degrees of the pertinent sagittal plane passing through the eye pupil.

2. When ascertaining the horizontal field of vision afforded by eye glasses, the pupil of the eye shall be assumed to be located 17 millimeters behind the point on the rear surface of the lens where the horizontal and vertical diameters intersect. When ascertaining the horizontal field of vision of EPD's other than eye glasses, the assumed location of the pupil of the eye relative to the structures of the EPD shall be that location which is most likely to occur when the EPD is attached and worn in accordance with the manufacturer's instructions.

3. No portion of the minimum horizontal field of vision shall be obstructed by a temple piece, headband, helmet, helmet attaching device, or any other supporting attaching device.

AUTHORITY NOTE: Promulgated in accordance with R.S.: 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:

§1124. Light Transmittance of Eye Protection Devices

A. Clear. A clear EPD is a device which transmits not less than 85% of the incident visible radiation.

B. Tinted. A tinted EPD is a device which transmits less than 85% of the incident visible radiation but no less than 20%.

1. A tinted EPD shall not impair the wearer's ability to discern color.

2. A tinted EPD shall not be used at night.

C. Luminous Transmittance test

1. Clear EPD. The standard source of all radiant energy used in the measurement of luminous transmittance shall be a projection-type No. T-8 (or other high-powered gas filled tungsten filament incandescent lamp) operated at the color temperature corresponding to CIE Source A.

2. Tinted EPD. The standard source of all radiant energy used in the measurement of luminous transmittance for tinted EPDs shall be CIE source C.

D. The luminous transmittance of both clear and tinted EPDs shall be determined by one of the following means and by utilizing the applicable light source.

1. Photometrically by an observer having normal color vision, as determined by recognized color vision chart tests such as those employing pseudo-isochromatic plates.

2. With a physical photometer consisting of a thermopile (or other radiometer) and a luminosity solution having a special transmittance curve which coincides closely with the luminous efficiency curve of the average eye.

3. By measuring the spectral transmittance and calculating the luminous transmittance through the use of published data on the spectral radiant energy of CIE Source A for clear EPDs and CIE Source C for tinted EPDs and the relative luminous efficiency of the average eye.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:

§1125. Lens Strength-Testing Procedure For Eye Protection Devices

A. Helmet mounted face shields shall be tested while attached to a helmet and mounted on a human head form as herein defined. An EPD not designed to be attached to a helmet shall be tested on the same type of head form and shall be located in a position simulating its position in actual use.

B. The human head form used for testing both the helmet mounted face shield and the other EPDs herein defined shall be an Anthropomorphic Head Assembly SA 150 M010" as defined in the National Highway Traffic Safety Administration's Standard 572, Anthropomorphic Test Dummies. The head form needs to have only those features necessary to test EPDs which shall include size, facial features, and covering material.

C. A steel projectile 3/8" in diameter, weighing 1.56 ounces, approximately 2 1/2" long with a conical point of 90° included angle, the point having a spherical radius no greater than .020" and a hardness of 60 (HRC) on the Rockwell A scale, shall be freely dropped from a height of 14 feet above the EPD. The projectile may be guided, but not restricted, in its vertical fall by dropping it through a tube extending to within approximately 4" of the impact area. The impact area must be on the forward optical surface and within a 1" diameter circle centered over the eye opening. The impact point shall be perpendicular to a plane tangent to the impact area.

D. Cracking and piercing of the EPD is permissible provided that the projectile does not pass through or remain lodged in the lens, but is repulsed by the EPD. No lens shall

become dislodged nor shall any particles of the EPD break loose from any eyeward surface of the EPD.

E. Tests shall be performed at EPD temperatures of 60°F and 110°F. Tests shall be performed at 10% and 90% relative humidities for all temperatures in excess 70°F. The EPD shall be conditioned in the specified environment for a minimum of 4 hours, removed, and tested within 5 seconds.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:

§1126. Flammability Test - Plastics Only

A. Where plastic materials are used in an EPD, such materials shall be non-combustible or slow-burning. Such plastic items shall be exposed to a test to determine the flame-propagation rate. The specimen shall be ignited by holding one end of specimen horizontally at the top of a luminous : " Bunsen burner flame in a draft-free room. The rate of propagation of burning, after removing the flame from the specimen, determined by a stop watch shall be 1" or less per 20 seconds. A faster rate of propagation shall be cause for rejection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:

§1127. Care and Cleansing

A. All EPD materials shall be such as to withstand, without visible deterioration, washing in ordinary household detergents and warm water, and rinsing to remove visible traces of detergents. The manufacturer shall provide with each EPD a notice setting forth proper care and cleansing instructions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:

§1128. Identification and Labeling

A. Eye protection devices, manufactured to comply with the requirements of these regulations, shall be identified and labeled as follows.

1. The following information shall be permanently marked on the structure and on each lens of the EPD in a manner not to interfere with the vision of the wearer:

- a. that the device meets § 1125 of these regulations;
- b. the manufacturer's or distributor's trade name and model name or number, which shall correspond with the name and number under which the device has been approved or certified. On the lens itself, the manufacturer's identifying monogram or symbol shall be sufficient;

c. on a tinted EPD, the wording "day use only" shall appear.

B. The information required under §1128.A.1 plus the corporate or business name and address of either the actual manufacturer or marketer assuming the responsibilities of the manufacturer shall be imprinted on the container in which the EPD is packed and on any instruction sheet(s) pertaining to the EPD.

C. The following statement shall appear in a prominent location on the container or label accompanying each tinted eye protection device: The tinted eye protection device is for daytime use only. Words of equivalent meaning may be substituted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:

§1131. Appendices

A. Table 1. Weights for Impact Attenuation Test Drop Assembly

Test Headform Size	Weight ¹ -1b(kg)
Small	7.8 (3.5 kg).
Medium	11.0 (5.0 kg).
Large	13.4 (6.1 kg).

¹ Combined weight of instrumented test headform and supporting assembly for drop test.

B. Figure 1. Basic Plane

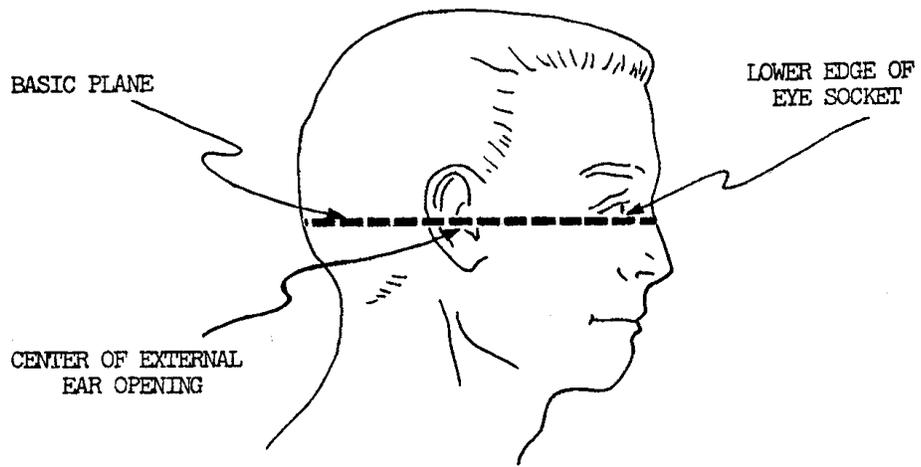
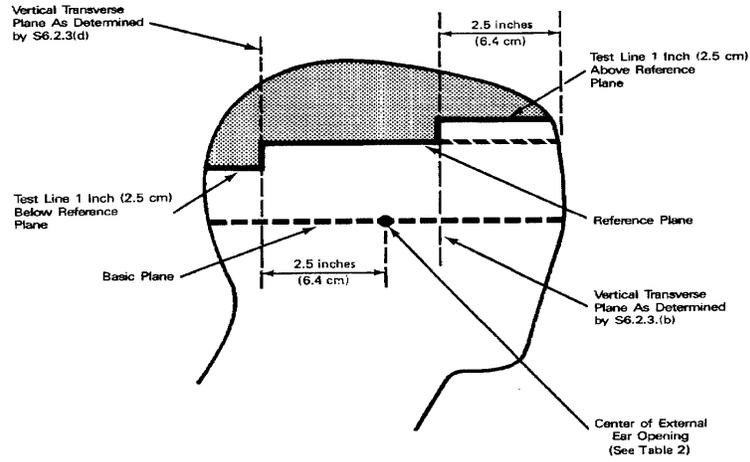


Figure 1

C. Figure 2. Test Form

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Note: Solid lines would correspond to the test line on a test helmet.

 Test Surface

Figure 2

D. Figure 3. Mid-Sagittal Plane

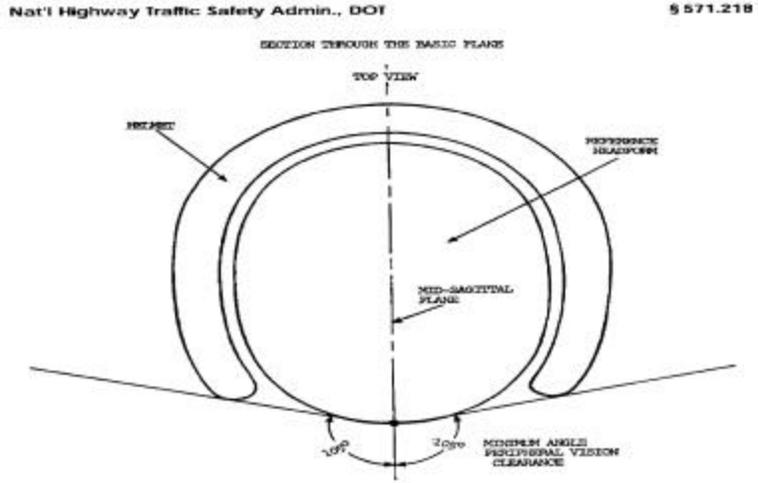


Figure 3

E. Figure 4. Test Headform

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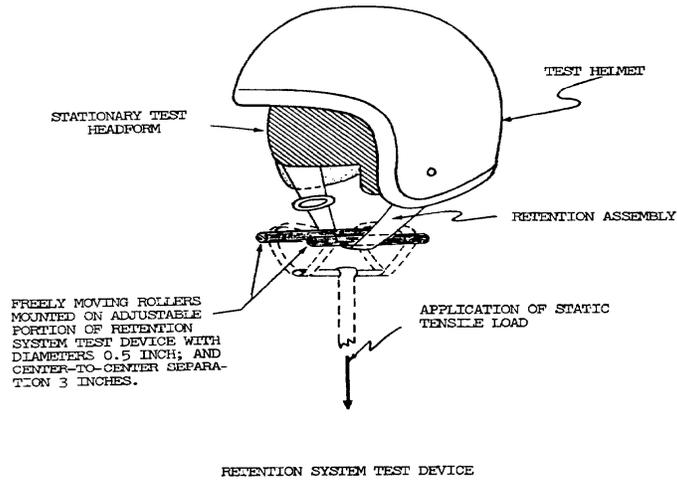
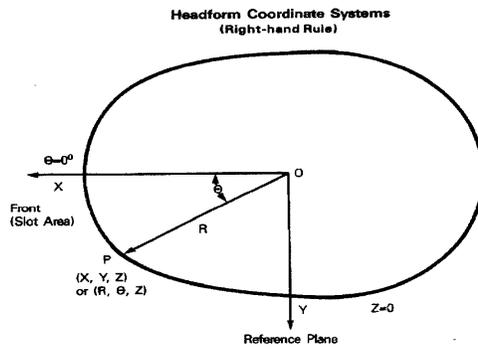
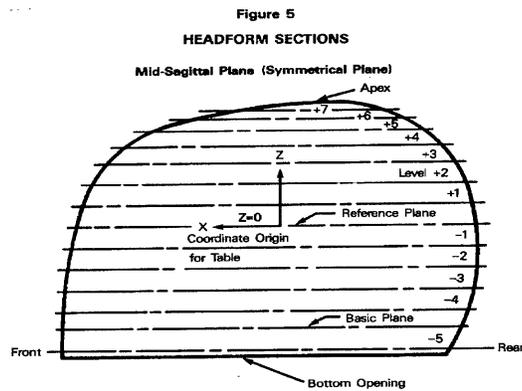


Figure 4

F. Figure 5. Headform Sections



G Table 2. Medium Headform - Exterior Dimensions

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Table 2
Medium Headform - Exterior Dimensions

θ	Bottom Opening Z= -3.02			Level-5 Z= -2.900		
	R	X	Y	R	X	Y
0	4.292	4.292	0	4.293	4.293	0
10	4.266	4.201	0.741	4.270	4.206	0.742
20	4.159	3.908	1.423	4.172	3.920	1.427
30	3.967	3.436	1.984	3.961	3.430	1.981
40	3.660	2.804	2.353	3.670	2.811	2.359
50	3.332	2.142	2.563	3.362	2.165	2.569
60	3.039	1.520	2.632	3.057	1.534	2.666
70	2.839	0.971	2.668	2.869	0.981	2.696
80	2.720	0.472	2.679	2.772	0.481	2.730
90	2.675	0	2.675	2.709	0	2.709
100	2.703	-0.469	2.662	2.724	-0.473	2.683
110	2.764	-0.945	2.697	2.794	-0.966	2.626
120	2.888	-1.444	2.501	2.917	-1.469	2.526
130	2.996	-1.919	2.287	3.040	-1.964	2.329
140	3.100	-2.375	1.993	3.175	-2.432	2.041
150	3.175	-2.750	1.588	3.232	-2.799	1.616
160	3.196	-2.994	1.090	3.246	-3.060	1.110
170	3.177	-3.129	0.562	3.237	-3.188	0.562
180	3.187	-3.187	0	3.246	-3.246	0

θ	Basic Plane Z= -2.360			Level-4 Z= -2.000		
	R	X	Y	R	X	Y
0	4.272	4.272	0	4.247	4.247	0
10	4.248	4.194	0.738	4.223	4.159	0.733
20	4.147	3.897	1.418	4.120	3.872	1.409
30	3.961	3.430	1.981	3.940	3.412	1.970
40	3.687	2.824	2.370	3.683	2.821	2.367
50	3.394	2.175	2.582	3.392	2.180	2.598
60	3.111	1.566	2.694	3.132	1.566	2.712
70	2.927	1.001	2.751	2.960	1.012	2.782
80	2.815	0.489	2.772	2.860	0.497	2.817
90	2.779	0	2.779	2.838	0	2.838
100	2.802	-0.487	2.759	2.861	-0.487	2.818
110	2.887	-0.967	2.713	2.968	-1.012	2.780
120	3.019	-1.510	2.515	3.098	-1.549	2.683
130	3.190	-2.044	2.436	3.290	-2.096	2.497
140	3.306	-2.533	2.125	3.405	-2.608	2.189
150	3.398	-2.943	1.899	3.516	-3.045	1.768
160	3.468	-3.260	1.183	3.686	-3.369	1.228
170	3.476	-3.422	0.603	3.612	-3.557	0.627
180	3.472	-3.472	0	3.609	-3.609	0

H. Table 2. Medium Headform - Exterior Dimensions (Continued)

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Table 2
Medium Headform—Exterior Dimensions (Continued)

e	Level-3 Z= -1.500			Level-2 Z= -1.000		
	R	X	Y	R	X	Y
0	4.208	4.208	0	4.148	4.148	0
10	4.179	4.116	0.728	4.112	4.060	0.714
20	4.075	3.829	1.394	4.013	3.771	1.373
30	3.902	3.379	1.951	3.844	3.329	1.822
40	3.654	2.799	2.349	3.609	2.705	2.320
50	3.377	2.171	2.657	3.352	2.155	2.569
60	3.094	1.547	2.890	3.137	1.659	2.717
70	2.982	1.020	2.902	2.989	1.022	2.809
80	2.891	0.602	2.847	2.902	0.604	2.858
90	2.876	0	2.876	2.884	0	2.884
100	2.918	-0.507	2.874	2.943	-0.511	2.898
110	3.021	-1.033	2.839	3.062	-1.044	2.868
120	3.170	-1.586	2.745	3.225	-1.613	2.793
130	3.337	-2.145	2.556	3.397	-2.184	2.602
140	3.483	-2.668	2.239	3.536	-2.709	2.273
150	3.604	-3.121	1.802	3.667	-3.167	1.829
160	3.682	-3.460	1.259	3.751	-3.525	1.283
170	3.725	-3.668	0.647	3.807	-3.749	0.661
180	3.741	-3.741	0	3.822	-3.822	0

e	Level-1 Z= -0.500			Reference Plane Z=0.0		
	R	X	Y	R	X	Y
0	4.067	4.067	0	3.971	3.971	0
10	4.033	3.972	0.700	3.935	3.875	0.683
20	3.944	3.706	1.349	3.853	3.621	1.318
30	3.777	3.271	1.869	3.701	3.205	1.851
40	3.552	2.721	2.263	3.481	2.674	2.244
50	3.323	2.136	2.546	3.279	2.108	2.512
60	3.126	1.563	2.707	3.101	1.551	2.686
70	2.967	1.022	2.807	2.979	1.019	2.799
80	2.912	0.506	2.868	2.910	0.505	2.866
90	2.893	0	2.893	2.890	0	2.890
100	2.895	-0.503	2.851	2.946	-0.511	2.900
110	3.064	-1.048	2.879	3.062	-1.047	2.877
120	3.231	-1.616	2.796	3.225	-1.614	2.796
130	3.411	-2.193	2.613	3.413	-2.194	2.615
140	3.550	-2.727	2.288	3.563	-2.728	2.290
150	3.682	-3.189	1.841	3.681	-3.188	1.841
160	3.783	-3.556	1.294	3.773	-3.546	1.290
170	3.845	-3.826	0.675	3.832	-3.774	0.665
180	3.857	-3.857	0	3.844	-3.844	0

I. Table 2. Medium Headform - Exterior Dimensions (Continued)

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Table 2
Medium Headform - Exterior Dimensions (Continued)

θ	Level +1 Z=0.500			Level +2 Z=1.000		
	R	X	Y	R	X	Y
0	3.830	3.830	0	3.665	3.665	0
10	3.801	3.743	0.680	3.613	3.588	0.627
20	3.725	3.500	1.274	3.554	3.340	1.216
30	3.557	3.105	1.794	3.436	2.976	1.718
40	3.359	2.604	2.185	3.271	2.506	2.103
50	3.205	2.080	2.455	3.102	1.994	2.376
60	3.044	1.522	2.636	2.959	1.480	2.563
70	2.927	1.001	2.751	2.864	0.976	2.662
80	2.861	0.497	2.818	2.792	0.485	2.750
90	2.855	0	2.855	2.763	0	2.783
100	2.897	-0.503	2.853	2.832	-0.482	2.789
110	3.007	-1.029	2.826	2.938	-1.005	2.761
120	3.176	-1.588	2.751	3.102	-1.551	2.666
130	3.372	-2.188	2.583	3.294	-2.117	2.623
140	3.520	-2.697	2.283	3.450	-2.643	2.216
150	3.643	-3.155	1.822	3.564	-3.087	1.752
160	3.728	-3.503	1.275	3.637	-3.418	1.244
170	3.777	-3.720	0.666	3.675	-3.619	0.638
180	3.782	-3.782	0	3.670	-3.670	0

θ	Level +3 Z=1.450			Level +4 Z=1.850		
	R	X	Y	R	X	Y
0	3.419	3.419	0	3.061	3.061	0
10	3.382	3.331	0.687	3.035	2.989	0.527
20	3.299	3.100	1.128	2.966	2.787	1.014
30	3.197	2.789	1.589	2.872	2.487	1.436
40	3.062	2.338	1.982	2.754	2.110	1.770
50	2.911	1.871	2.230	2.642	1.698	2.024
60	2.786	1.393	2.413	2.522	1.261	2.184
70	2.700	0.924	2.537	2.477	0.847	2.325
80	2.647	0.460	2.607	2.442	0.424	2.405
90	2.636	0	2.636	2.442	0	2.442
100	2.691	-0.467	2.650	2.482	-0.433	2.454
110	2.796	-0.956	2.627	2.599	-0.889	2.442
120	2.961	-1.481	2.564	2.768	-1.379	2.389
130	3.147	-2.023	2.411	2.936	-1.887	2.249
140	3.301	-2.529	2.122	3.081	-2.380	1.980
150	3.408	-2.951	1.704	3.176	-2.751	1.688
160	3.479	-3.289	1.190	3.230	-3.035	1.105
170	3.514	-3.461	0.610	3.270	-3.220	0.568
180	3.502	-3.502	0	3.271	-3.271	0

J. Table 2. Medium Headform – Exterior Dimensions (Continued)

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Table 2
Medium Headform – Exterior Dimensions (Continued)

θ	Level +5 Z=2.250			Level +6 Z=2.550		
	R	X	Y	R	X	Y
0	2.526	2.526	0	1.798	1.798	0
10	2.521	2.483	0.483	1.798	1.771	0.312
20	2.464	2.315	0.843	1.757	1.651	0.601
30	2.397	2.067	1.194	1.719	1.489	0.860
40	2.305	1.766	1.482	1.678	1.285	1.079
50	2.232	1.435	1.710	1.652	1.062	1.266
60	2.174	1.087	1.883	1.641	0.821	1.421
70	2.144	0.733	2.015	1.645	0.563	1.548
80	2.132	0.370	2.100	1.673	0.291	1.648
90	2.147	0	2.147	1.712	0	1.712
100	2.213	-0.384	2.179	1.809	-0.314	1.782
110	2.316	-0.792	2.175	1.925	-0.658	1.809
120	2.463	-1.232	2.133	2.066	-1.033	1.789
130	2.624	-1.687	2.010	2.213	-1.423	1.695
140	2.763	-2.117	1.776	2.356	-1.806	1.516
160	2.863	-2.479	1.432	2.469	-2.138	1.235
180	2.919	-2.743	0.988	2.536	-2.383	0.867
170	2.964	-2.908	0.513	2.561	-2.522	0.445
180	2.968	-2.968	0	2.566	-2.566	0

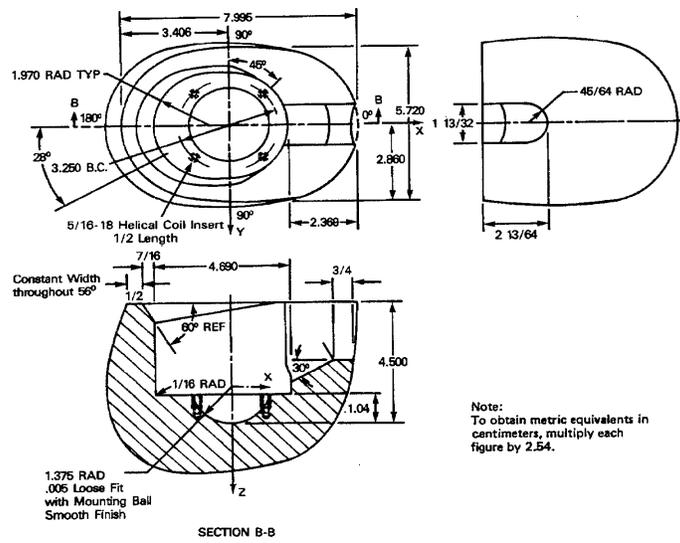
θ	Level +7 Z=2.750			Notes:
	R	X	Y	
0	1.081	1.081	0	1. Apex is located at (-0.75, 0, 3.02) for (X,Y,Z) or (0.75, 180, 3.02) for (R, θ, Z). 2. Center of ear opening is located at (0.40, 2.78, -2.36) for (X,Y,Z) or (2.80, 81.8, -2.36) for (R,θ,Z). 3. Scale all dimensions by 0.8941 for small headform. 4. Scale all dimensions by 1.069 for large headform. 5. Headform is symmetrical about the mid-sagittal plane. 6. Units: R,X,Y,Z – inches. θ – degrees. 7. To obtain metric equivalents in centimeters, multiply each figure by 2.54.
10	1.088	1.072	0.189	
20	1.065	0.991	0.361	
30	1.039	0.900	0.520	
40	1.039	0.796	0.668	
50	1.062	0.676	0.806	
60	1.068	0.534	0.925	
70	1.106	0.378	1.039	
80	1.171	0.203	1.153	
90	1.242	0	1.242	
100	1.422	-0.247	1.400	
110	1.489	-0.509	1.399	
120	1.683	-0.842	1.468	
130	1.801	-1.158	1.380	
140	1.954	-1.497	1.256	
150	2.083	-1.804	1.042	
160	2.138	-2.009	0.731	
170	2.175	-2.142	0.376	
180	2.175	-2.175	0	

L. Figure 7. Medium Headform - Interior Design

Nat'l Highway Traffic Safety Admin., DOT

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Figure 7
Medium Headform - Interior Design

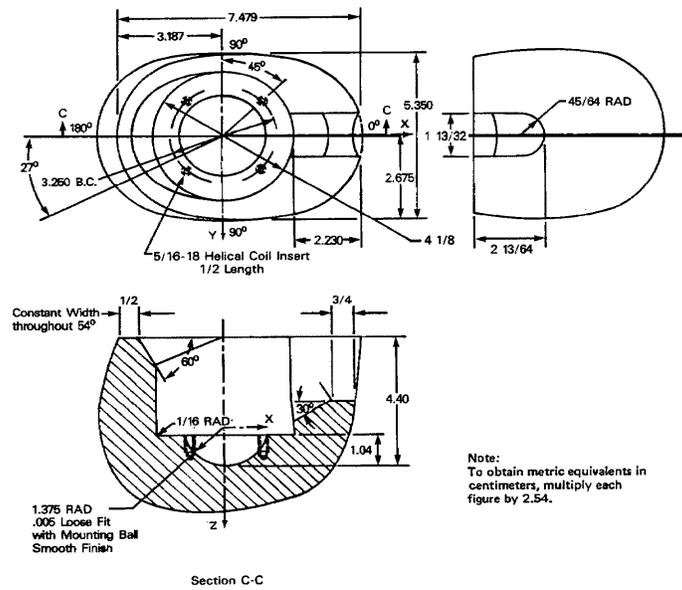


M. Figure 8. Large Headform - Interior Design

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Figure 8
Large Headform - Interior Design



[38 FR 22391, Aug. 20, 1973, as amended at 39 FR 3554, Jan. 28, 1974; 45 FR 15181, Mar. 10, 1980; 53 FR 11288, Apr. 6, 1988; 53 FR 12529, Apr. 15, 1988]

AUTHORITY NOTE: Promulgated in accordance with R.S.32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:

Jerry W. Jones
Undersecretary

able to continue to do so without any change in the number of individuals it employs.

Jerry W. Jones
Undersecretary
0010#098

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Vehicle Safety Equipment**

NOTICE OF INTENT

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

Support Enforcement Services CTax Refund Offset
(LAC 67:III.2529 and 2531)

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There should be no implementation costs or savings to the Department. The proposed new rules defines specifications and guidelines for the safe manufacture of motorcycle helmets and motorcycle goggles and safety glasses. The proposed new rules are necessary as a result of the passage of Act No. 404 of the 1999 Regular Legislative Session which requires promulgation of the Department's approved list of vehicle safety equipment as it relates to motorcycles.

The repeal to LAC 55 Part III, Chapter 11, Sections 1101-1105 are necessary as a result of the Department adopting the federal guidelines for approved vehicle safety equipment for motorcycles which are currently mandated nationwide by the federal government. The existing regulations currently enumerated as LAC 55 Part III, Chapter 11, Sections 1101-1105 were promulgated prior to the enactment of the federal regulations.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There should be no effect on revenue collections of the state, however, it is possible for local governments to raise money once these regulations are effective as law enforcement personnel could issue traffic citations to individuals driving motorcycles who utilize motorcycle helmets, goggles and safety glasses which do not meet the requirements contained in these regulations. The money generated from traffic citations generally benefits the jurisdiction where the citation was written.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There should be no effect on costs and there should be no economic benefit to directly affected persons and non-governmental groups as it relates to the program for which the proposed rules apply. This program is already in effect nationwide pursuant to federal regulations. The manufacturers of motorcycle helmets, motorcycle goggles and motorcycle safety glasses should already be following these same guidelines when producing these products. These same specifications and guidelines are simply now being promulgated as state administrative rules pursuant to Act No. 404 of the 1999 Regular Legislative Session.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There should be no effect on competition and employment. The proposed rules simply promulgate state regulations which adopt federal regulations already in effect nationwide. Any manufacturers of motorcycle helmets, motorcycle goggles and motorcycle safety glasses should already be following these same guidelines when producing these products and should be

The Department of Social Services, Office of Family Support, proposes to amend the Louisiana Administrative Code, Title 67, Part III, Subpart 4, Support Enforcement Services (SES), the child support enforcement program.

Subsequent to "welfare reform" changes in Public Law 104-193 (1996) and Public Law 105-33 (1997), child support collected through interception of a state tax refund must now be strictly distributed according to new federal guidelines. This distribution process begins with the current monthly support obligation on cases which formerly received financial assistance being paid to the family. Any remaining collection is paid to the family for past due support not previously assigned to the state and then to repayment of federal and state financial assistance. Therefore, it is necessary to revise and delete language in §2529 and §2531 since state tax refunds were previously used first to reimburse financial assistance programs.

Title 67

SOCIAL SERVICES

Part III. Office of Family Support

Subpart 4. Support Enforcement Services

Chapter 25. Support Enforcement

Subchapter I. Tax Refund Offset

§2529. State Tax Refunds

A. SES will request withholding of any state income tax refunds due to individuals who have child support arrearages in excess of \$50. Support payments received through state tax intercept will be distributed in accordance with federal regulations.

B. SES will charge a \$2.75 fee to non-FITAP custodial parents for each successful state tax refund offset of \$4 or more. This fee will reimburse SES for intercept fees paid to the Department of Revenue and Taxation. The fee charged for the state tax offset will be deducted from the child support checks issued by SES. The noncustodial parent will be given credit for the amount of the check before the fee deduction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:299.1 et seq., 45 CFR 303.102, P.L. 104-193 and P.L. 105-33.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 10:916 (November 1984), amended by the Department of Social Services, Office of Family Support, LR 17:388 (April 1991), LR 27:

§2531. Advance Notice of State Tax Refund Interception

A. SES will send an advance notice to each noncustodial parent owing past-due child support whose name is submitted for interception of state tax refund. This notice will advise the noncustodial parent of the right to administrative review if the state tax information is contested.

AUTHORITY NOTE: Promulgated in accordance 45 CFR 303.102, P.L.104-193 and P.L. 105-33.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 11:1152 (December 1985), amended by the Department of Social Services, Office of Family Support, LR 27:

All interested persons may submit written comments through November 22, 2000 to Vera W. Blakes, Assistant Secretary, Office of Family Support, P.O. Box 94065, Baton Rouge, LA 70804-9065.

Family Impact Statement

I. What effect will this rule have on the stability of the family? The proposed rule will not affect the stability of the family.

II. What effect will this have on the authority and rights of persons regarding the education and supervision of their children? The proposed rule will not affect the authority and rights of persons regarding the education and supervision of their children.

III. What effect will this have on the functioning of the family? This rule will not affect the functioning of the family.

IV. What effect will this have on family earnings and family budget? This rule may improve the family budget of certain child support recipients as they may receive support which previously would have been applied to reimbursement.

V. What effect will this have on the behavior and personal responsibility of children? This rule will not affect the behavior or personal responsibility of children.

VI. Is the family or local government able to perform the function as contained in this proposed rule? SES is the sole state agency governing support collected through intercepts.

J. Renea Austin-Duffin
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Support Enforcement ServicesC
Tax Refund Offset**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The only immediate cost to state government is the minimal cost of printing policy revisions, publishing the rule, and programming; these costs are routinely included in the agency's annual budget. No savings to the state is anticipated, and there are no anticipated costs or savings to local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This rule will result in a decrease in revenue (reimbursements) to Support Enforcement Services because collections from state tax refunds must now be paid first to the custodial family. Previously, 29.68% of this type of collection was used first as reimbursement to the state. This amount is

estimated to be \$65,524 per year in decreased revenue collections. There is no effect on revenue collections of any local governmental unit.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Families receiving child support services could benefit by receiving payments of current and/or past-due support prior to reimbursement to the state for previous assistance received. There is no cost to any persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated impact on competition and employment.

Vera W. Blakes
Assistant Secretary
0010#061

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

**Nonresident Hunting License Fees
(LAC 76:V.101 and 501)**

The Wildlife and Fisheries Commission hereby advertises its intent to repeal LAC 76:V.101 relative to bow hunting licenses and to amend nonresident hunting fees as follows.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 1. Wild Quadrupeds

§101. Bow Hunting License

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:105.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 4:405 (October 1978), repealed LR 27:

Chapter 5. Licenses and License Fees

§501. Nonresident Hunting License Fees

The basic hunting license fee shall be \$150 for the entire season or \$100 for five consecutive days. The nonresident big game license fee shall be \$150 for the entire season or \$75 for five consecutive days. A fee of \$26 shall be charged a nonresident for the issuance of a special muzzleloader license; and a fee of \$26 shall be charged a nonresident for a special bow license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(28).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 27:

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent and the final Rule, including, but not limited to, the filing of the fiscal and economic impact statements, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit written comments on the proposed rule to Janis Landry, Licensing Manager, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA, 70898 prior to Wednesday, December 6, 2000.

In accordance with Act 1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Thomas M. Gattle, Jr.
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Nonresident Hunting License Fees**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
Implementation of this rule will result in minimal cost for programming the affected license fees into the automated license system; this cost is estimated to be about \$3,800 and it will be absorbed by the existing budget.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of this rule will result in a possible increase in revenue of about \$90,000 to the state (Department of Wildlife and Fisheries). The reduction in fees may cause an increase in the number of licenses sold resulting in additional revenue to the department and in economic benefits to the state in the form of sales taxes from the recreational activities.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
Nonresidents purchasing these licenses will pay a lesser amount for them.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition and employment.

James L. Patton Undersecretary 0010#044	Robert E. Hosse General Government Section Director Legislative Fiscal Office
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**NOTICE OF INTENT
Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

Three Day Basic and Saltwater Nonresident Recreational Fishing License Fees (LAC 76:VII.407)

The Wildlife and Fisheries Commission hereby advertises its intent to set a \$15 fee on a Louisiana nonresident three-day trip basic recreational sport fishing license, by repealing LAC 76:VII.407.D and amending LAC 76:VII.407.A as follows.

**Title 76
WILDLIFE AND FISHERIES
Part VII. Fish and Other Aquatic Life
Chapter 4. License and License Fees
§407. Three-Day Basic and Saltwater Nonresident Recreational Fishing License Fees**

A. In lieu of the basic recreational fishing license, a nonresident may purchase a three-day basic recreational

sport fishing license for a fee of \$15 which shall be valid for three consecutive days.

- B. - C. ...
- D. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(28).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 24:710 (April 1998), amended LR 27:

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit comments relative to the proposed Rule to Janis Landry, License Section, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, prior to Wednesday, December 6, 2000.

In accordance with Act 1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Thomas M. Gattle, Jr.
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Three-Day Basic and Saltwater Nonresident Recreational Fishing License Fees**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
Implementation of this rule will result in minimal costs for programming the affected license fees into the automated license system; this cost is estimated to be about \$3800 and it will be absorbed by existing budget.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of this rule will result in a possible decrease in revenue of about \$312,000 to the state (Department of Wildlife and Fisheries). Even though more licenses may be sold, we project a net decrease to revenue due to the absolute reduction to license price.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
Nonresidents purchasing these licenses will pay a lesser amount for them.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition and employment.

James L. Patton Undersecretary 0010#043	H. Gordon Monk Staff Director Legislative Fiscal Office
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