

Notices of Intent

NOTICE OF INTENT

Department of Civil Service Civil Service Commission

Civil Service Rule Amendments

The Civil Service Commission will hold a public hearing on March 7, 2001, to consider the amendment of Civil Service Rules 1.9.01, 8.18, 11.5(a), and 17.3 and the adoption of Rule 11.34. The hearing will begin at 9 a.m. and will be held in the Commission Hearing Room, DOTD Annex Building, 1201 Capitol Access Road, Baton Rouge, Louisiana.

Consideration will be given to the following.

Amend Rule 1.9.01

1.9.01 'Commuting Area' means that geographic area in which employees are subject to competition for a layoff. It shall encompass either:

- 1) the parish of the abolished position(s), or
- 2) an expanded area which will be defined by the agency and will consist of the parish of the abolished position(s) plus one or more parishes bordering the parish of the abolished position(s).

Explanation

This amendment would change the present definition of commuting area, which is the geographic area in which an employee can bump another employee in a layoff. The current definition includes the parish of an abolished position and all its bordering parishes. This amendment allows either of the two options listed above. Particularly in large layoffs, bumping offers can be involved and significantly lengthen the period needed to conduct the layoff. This option will allow simplification of the bumping process by permitting the agency to continue to use the current larger area, or a smaller one, at the option of the appointing authority.

Amend Rule 17.3 (a) and (b)

Exemptions and Exceptions to Layoff Avoidance and Layoff Rules

In a layoff, an agency may exempt from displacement a number of employees, the total of which does not exceed 15 percent of the number of positions selected for abolishment. These exemptions must be made for rational business reasons which may include employees who have outstanding performance and/or who possess particular qualifications needed to complete an essential program or to maintain essential services necessary to preserve the life, health, or welfare of the public. Exemptions and reasons must be stated in the layoff plan.

The director may give interim approval to exceptions to these Rules. Such interim approvals are granted subject to ratification by the commission at the next regularly scheduled meeting. The director may, if he so desires, refer exceptions to the commission for approval without giving interim approval.

Explanation

This amendment allows an agency to exempt from being bumped a number of employees, the total of which does not exceed 15 percent of the number of positions selected for abolishment, as long as a rational business reason(s) exists and this is stated in the layoff plan for each such employee.

This provision allows flexibility for the agency to consider factors other than seniority for bumping. These are "exemptions," while any additional such requests to exempt individuals from bumping, as well as other types of exceptions to the regular layoff rules, are "exceptions" as noted in Subsection (b). Exemptions as noted in Subsection (a) do not have to be referred to the Civil Service Commission for approval.

Amend Rule 11.5(a)

11.5 Earning of Annual and Sick Leave.

Annual and sick leave shall be earned by each full-time and each part-time employee who has a regular tour of duty, except that no employee shall earn annual or sick leave while serving on restricted appointment or while using leave from an agency leave pool as defined in Rule 11.34.

Explanation

This amendment would prohibit the earning of annual or sick leave while an employee is using paid leave from a departmental leave pool as proposed in Rule 11.34 below.

Adopt Rule 11.34

Crisis Leave Pool

Subject to the provisions of Rule 11.5(a), a department may establish a policy to implement and administer a pool of shared annual leave which may be used by employees who cannot work due to a crisis situation and who have insufficient appropriate paid leave to cover the absence needed for the crisis situation. An employee using leave from a crisis leave pool shall receive leave in sufficient quantity to ensure his wage replacement is 75 percent of the pay he would receive in a regularly scheduled workweek. A department's policy must have the approval of the Civil Service Commission prior to implementation. At minimum, policies must include the following conditions and elements:

Classified employees must have attained permanent status to be eligible to donate or use leave from the leave pool.

The department's policy shall establish a cap on the amount of annual leave which may be donated by an individual employee. No cap shall exceed 240 hours per employee per calendar year.

The department's policy shall establish a reasonable balance of annual leave that donors are required to retain after the leave donation.

The department's policy shall establish a cap on the amount of leave which may be used by an individual employee. The cap shall not exceed 240 hours during one calendar year.

The department's policy shall establish and clearly define eligibility criteria and the crisis situations which will be covered.

The department's policy shall define a procedure for administering the leave pool.

The department's policy shall establish a prohibition against the use of coercion or pressure to donate leave.

The department may establish other policy elements and conditions as deemed necessary. All additional elements and conditions shall be in compliance with Civil Service Rules.

A department's leave pool may be either: 1) a pool consisting of leave hours donated and used, or 2) a pool consisting of the dollar value of the leave donated and used.

Explanation

This Rule will allow the Civil Service Commission to approve departmental policies to establish and implement a pool of shared leave which will provide temporary and reduced wage replacement to an employee who has exhausted his/her leave and who is involved in a personal or family crisis which temporarily restricts the employee's ability to report to work. The Rule does not require any department to establish a leave pool. This Rule is intended to allow agencies to provide "compassionate" leave which will cover an employee who is faced with a sudden illness or accident affecting himself or a family member, and which is temporary in nature. The Rule is not intended to include a "crisis" which is purely financial in nature, nor is it intended to cover a crisis situation which will be long-term or permanent.

Amend Rule 8.18 and Adopt Rule 8.18(g)

8.18 Noncompetitive Reemployment Based on Prior State Service.

Subject to the provisions of Subsections (d), (e) and (f) hereof and with the approval of the director, a former permanent employee who has been separated from the classified service may, within ten years from separation, be noncompetitively reemployed in any job for which he is qualified and which has the same or lower entrance salary as the current minimum for the job in which he had permanent status. Further, if the job in which an employee or former employee held permanent status undergoes a change in title, other than an upward reallocation of the position after the employee separated from it, or undergoes a change in minimum qualification requirements, he shall not lose his reemployment eligibility for such position or lower position in the same job series, if such exists, except where the qualification lacking is one required by law or under a recognized accreditation program. In this case eligibility remains, even if the entrance pay has moved upward. Further, he shall be eligible to be reemployed in any other job at the same or lower current entrance pay as the job to which his position changed in title, provided he meets the minimum qualification requirements.

(b) - (f) ...

(g) The former employee may be required to provide proof or evidence of his prior employment before being eligible for reemployment under this Rule.

Explanation

Current rules allow for the non-competitive reemployment of a former permanent-status employee within five years of separation. This rule increases the limitation from five years to ten years. The addition of Subsection (g) would place employees on notice that they may be expected to provide proof or evidence of former employment, if needed, before being eligible to be rehired under this rule.

Persons interested in making comments relative to these proposals may do so at the public hearing or by writing to

the Director of Civil Service at Box 94111, Baton Rouge, LA 70804-9111.

If any accommodations are needed, please notify us prior to this meeting.

Allen H. Reynolds
Director

0102#030

NOTICE OF INTENT

Department of Civil Service Civil Service Commission

Probationary Period

The Civil Service Commission will hold a public hearing on March 7, 2001, to consider the amendment of Civil Service Rules 9.1 and 9.2(c). The hearing will begin at 9 a.m. and will be held in the Commission Hearing Room, DOTD Annex Building, 1201 Capitol Access Road, Baton Rouge, Louisiana.

Consideration will be given to the following.

Amend Rule 9.1

9.1 Probationary Period.

(a) Probationary periods of no less than 6 months or more than 24 months shall be served by employees following appointments to:

1. - 3. ...

(b) ...

(c) A permanent or probationary employee who is appointed to another position following certification from an open competitive eligible list is considered a new employee in the new position and shall serve a probationary period no less than 6 months or more than 24 months in such new position.

(d) A probationary employee who is permanently transferred, reassigned, or demoted to another position shall be eligible for permanent status in the new position between the sixth and twenty-fourth month of the probationary period which began prior to the change in position(s).

(e) - (g) ...

Amend Rule 9.2(c)

9.2 Permanent Appointment Action Following Probationary Period.

(a) - (b) ...

(c) The appointing authority shall separate employees who have not been certified as permanent at the end of the 24-month probationary period in accordance with the provisions of Rule 9.1(e).

Explanation

These amendments propose allowing the maximum length of the probationary period to be extended from the present 12 months to 24 months. The probationary period would continue to be a minimum of 6 months, and, at the discretion of the appointing authority, could last as long as 24 months. This would give agencies a longer working test period for employees, if desired.

Persons interested in making comments relative to these proposals may do so at the public hearing or by writing to the Director of State Civil Service at Post Office Box 94111, Baton Rouge, LA 70804-9111.

If any accommodations are needed, please notify us prior to this meeting.

Allen H. Reynolds
Director

0102#039

NOTICE OF INTENT

**Economic Development
Real Estate Commission**

Broker Application Acknowledgment;
Advertisements; Registration of Franchise Name
(LAC 46:LXVII.1903, 2501, and 4501)

Under the authority of the Real Estate License Law, R.S. 37:1430 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Real Estate Commission has initiated procedures to amend LAC 46:LXVII.Chapter 19, Chapter 25, and Chapter 45. The amendments define and interpret to a more full and precise extent the procedures which govern trade names, registration of franchise names, and advertisements by franchise organizations.

Interested parties are invited to submit written comments on the proposed regulations through March 20, 2001 at 4:30 p.m., to Stephanie Boudreaux, Real Estate Commission, Box 14785, Baton Rouge, LA 70898-4785 or to 9071 Interline Avenue, Baton Rouge, LA 70809.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LXVII. Real Estate

Chapter 19. Broker Application Acknowledgment

§1903. Trade names

A. ...

B. All names and/or trade names used by licensees, registrants or certificate holders in advertising and/or written or verbal communications of any kind shall be a name that is a clearly identifiable entity that will distinguish it from other licensees, registrants or certificate holders.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:42; amended, LR 27:

Chapter 25. Advertising

§2501. Advertisements

A. All advertising by any licensee shall include the phone number and the identity of the listing broker or firm through the use of the identical name under which the listing broker or firm is licensed or a registered trade name that is a clearly identifiable entity which will distinguish the listing broker or firm from other licensees, registrants, or certificate holders.

B. The name(s), telephone number(s), and any trade name(s), symbol(s) or trademark(s) registered by salespersons or associate brokers with the secretary of state, may be placed in advertisements; however, the name(s), telephone number(s), trade name(s), symbol(s) or trademark(s) registered by salespersons or associate brokers and placed in the advertisements shall not be larger than or

appear to be larger than the name and telephone number, or any registered trade name, symbol, or trademark, of their licensed sponsoring broker appearing in the same advertisement.

C. Any trade name used by a licensee, registrant or certificate holder in advertising shall be a trade name that is a clearly identifiable entity that will distinguish itself from other licensees, registrants or certificate holders.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:42 (January 2000), amended LR 27:

Chapter 45. Franchise Operations

§4501. Registration of Franchise Name

A. ...

B. Any name or trade name used by a franchisor or franchisee shall be a name or trade name that is a clearly identifiable entity that will distinguish itself from other franchisors or franchisees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:50 (January 2000), amended LR 27:

Family Impact Statement

In accordance with R.S. 49:953(A)(1)(a)(viii) and 972, the following Family Impact Statement is submitted with the Notice of Intent for publication in the February 20, 2001 Louisiana Register.

The proposed rules have no known impact on family formation, stability, or autonomy.

Julius C. Willie
Executive Director

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

**RULE TITLE: Broker Application Acknowledgment;
and Advertisements; Registration of Franchise Name**

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

There are no estimated implementation costs (savings) associated with the proposed rules. The new language serves to define and interpret existing rules and regulations to a more full and precise extent. The affected programs have all been previously implemented.

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

It is anticipated that there will be no effect on revenue collections. Revenue collection is determined by the number of applicants and the time frame within which licenses, certificates, or registrations are obtained and/or renewed. The proposed language will not impact this.

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

In addition to the general public, groups which may be directly affected by the proposed amendments include real estate licensees, registrants, and certificate holders. An inadvertent omission in present language which regulates trade names, advertisements, and advertisements by franchise organizations provides no means in which to clearly distinguish between individual licensees. This omission has created a

circumstance whereby (1) individual brokers who are affiliated with a franchise organization may conduct real estate activities in the identical trade name, and (2) salesperson and associate brokers may advertise in a manner that is leading over that of the sponsoring broker. There is no way to estimate costs to those licensees who will be affected; however, it is assumed that the ability to discern for whom and/or with whom one is working will be a benefit to the general public, the real estate industry, and the market place that will outweigh any costs. The proposed amendments do not affect current registrants or certificate holders; however, these groups have been included in the language so as to prohibit a similar circumstances from occurring within the program(s) that regulate them.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no significant net effect in that all affected persons are treated equally.

Julius C. Willie
Executive Director
0102#048

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
Policy for Louisiana's Public Education Accountability System (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). The proposed changes more clearly explain and refine the existing policy as it pertains to the paired/shared status of schools, the inclusion of alternative education students enrolled in a GED/Skill Option program in school accountability, the awarding of bonus points for all 4 subjects for schools with grade 4 and Option I eighth grade students, growth in subgroups for rewards, and the removal of references to the Graduation Index from 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

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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), (6).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended by the Board of Elementary and Secondary Education LR 26:635 (April 2000), LR 26:1260 (June 2000), LR 26:1260-1261 (June 2000), LR 27

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The Louisiana School and District Accountability System

Indicators for School Performance Scores

2.06.01 A school's School Performance Score shall be determined using a weighted composite index derived from three or four indicators: criterion-referenced tests (CRT), norm-referenced tests (NRT), student attendance for grades K-12, dropout rates for grades 7-12.

Each school shall receive one School Performance Score under one sitecode regardless of its grade structure.

- K-9 schools (excluding grades 10 and 11) shall follow K-8 Accountability Policy
- Schools with grades 10 and 11 shall follow 9-12 SPS calculation policy

Louisiana's 10- and 20-Year Education Goals
[K-8 and 9-12]

2.006.02 Each school shall be expected to reach 10- and 20-Year Goals that depict minimum educational performances.

K-8 Indicators and Weighting			
Indicators and Weighting	Grades Administered	10-Year Goal	20-Year Goal
CRT (60% K-8)	Grades 4, 8	Average student score at BASIC	Average student score at PROFICIENT
NRT (30% K-8)	Grades 3, 5, 6, 7	Average composite standard score corresponding to the 55th percentile rank in the tested grade level	Average composite standard score corresponding to the 75th percentile rank in the tested grade level
Attendance (10% K-6; 5% 7-8)		95% (grades K-8)	98% (grades K-8)
Dropout Rate (5% 7-8)		4% (grades 7-8)	2% (grades 7-8)

Indicator	Weight		Grades Administered	10-Year Goal	20-Year Goal
	Cycle				
	1	2			
CRT — English/ language arts and mathematics	60%	30%	10	Average student score at Basic	Average student score at Proficient
CRT — science and social studies	--	30%	11	Average student score at Basic	Average student score at Proficient
NRT		30%	9	Average composite standard score corresponding to the 55th percentile rank in the tested grade level	Average composite standard score corresponding to the 75th percentile rank in the tested grade level

			percentile rank in the tested grade level	ng to the 75 th percentile rank in the tested grade level
Attendance Rate		5%	93%	96%
Dropout Rate		5%	7%	3%

School Performance Scores

2.006.03 School Performance Scores for K-8

A School Performance Score (SPS) shall be calculated for each school. This score shall range from 0-100 and beyond, with a score of 100 indicating a school has reached the 10-Year Goal and a score of 150 indicating a school has reached the 20-Year Goal. The lowest score that a given school can receive for each individual indicator index and/or for the SPS as a whole is "0."

For the first accountability cycle, the baseline SPS shall be calculated using CRT and NRT scores from spring 1999 and the prior year's attendance and dropout data. The comparison SPS shall be calculated using CRT and NRT scores from spring 2001 and the prior year's attendance and dropout data. Beginning the second cycle, every year of student data shall be used as part of a school's SPS. Calculations of the SPS shall use the following:

- An average of the most recent two year's test data and
- Attendance and dropout rates from the two years prior to the last year of test data used.

For schools entering accountability after 1999, one year's data shall be used for schools formed in mid-cycle years and two years data for other schools. Only spring administration test data shall be used in the School Performance Score.

A baseline School Performance Score shall be calculated in Spring 1999 for Grades K-8.

During the summer of 1999 for K-8 schools, each school shall receive two School Performance Scores as follows:

- A score for regular education students, including gifted, talented, speech or language impaired, and Section 504 students.
- A score including regular education students AND students with disabilities eligible to participate in the CRT and/or NRT tests.
- For the purpose of determining Academically Unacceptable Schools, during the summer of 1999 for K-8 schools, the School Performance Score that includes only regular education students shall be used.

Formula for Calculating an SPS [K-8]

The SPS for a sample school is calculated by multiplying the index values for each indicator by the weight given to that indicator and adding the total scores. In the example, $[(66.0 * 60\%) + (75.0 * 30\%) + (50.0 * 10\%)] = 67.1$

Indicator	Index Value	Weight	Indicator Score
CRT	66.0	60%	39.6
NRT	75.0	30%	22.5
Attendance	50.0	10%	5.0

Dropout	N/A	0%	0
<i>SPS = 67.1</i>			

Criterion-Referenced Tests (CRT) Index Calculations [K-8]

A school's CRT Index score equals the sum of the student totals divided by the number of students eligible to participate in state assessments. For the CRT Index, each student who scores within one of the following five levels shall receive the number of points indicated.

Advanced	200 points
Proficient	150 points
Basic	100 points
Approaching Basic	50 points
Unsatisfactory	0 points

Formula for Calculating a CRT Index for a School [K-8]

1. Calculate the total number of points by multiplying the number of students at each performance level times the points for those respective performance levels, for all content areas.
2. Divide by the total number of students eligible to be tested times the number of content area tests.
3. Zero shall be the lowest CRT Index score reported for accountability calculations.

Option I students: those students failing the 8th grade LEAP 21 that have been

- retained on the 8th grade campus
- must retake all parts of the 8th Grade LEAP 21

If, during spring testing, a repeating fourth grade student or Option I 8th grade student receives a score of Approaching Basic or above on a LEAP 21 test of mathematics, English language arts, science or social studies, for which he/she received a score of Unsatisfactory the previous spring; the retaining school shall receive 50 bonus points per subject in its CRT index. A student may earn a maximum of 200 bonus points for his/her school. (No bonus points will be given for passing parts of tests in the summer school of the year he/she first failed in spring testing.)

Initial Transition Years [K-8]

To accommodate the phase-in of Social Studies and Science tests for K-8 schools, the following CRT scores shall be used for each year:

1999 Baseline CRT Score	1999 Math & English Language Arts (Grades 4 & 8)
2001 Comparison CRT Score	2000 & 2001 Math & English Language Arts (both years averaged for each subject and each grade)
2001 <i>New</i> Baseline CRT Score	2000 & 2001 Math, English, Social Studies, and Science (both years averaged for each subject and each grade)
2003 Comparison CRT Scores	2002 & 2003 Math, English, Social Studies, and Science (both years averaged for each subject and each grade)

This re-averaging shall result in a re-calculated baseline to include science and social studies for K-8 schools in 2001.

Norm-Referenced Tests (NRT) Index Calculations [K-8]

For the NRT Index, standard scores shall be used for computing the SPS. Index scores for each student shall be calculated, scores totaled, and then averaged together to get a school's NRT Index score.

NRT Goals and Equivalent Standard Scores					
Composite Standard Scores Equivalent to Louisiana's 10- and 20- Year goals, by Grade Level*					
Grade					
Goals	Percentile Rank	3	5	6	7
10-Year Goal	55th	187	219	231	243
20-Year Goal	75th	199	236	251	266

NRT Formulas Relating Student Standard Scores to NRT Index [K-8]	
Where the 10-year and 20-year goals are the 55th and 75th percentile ranks respectively and where SS = a student's standard score, then the index for that student is calculated as follows:	
Grade 3:	Index 3rd grade = $(4.167 * SS) - 679.2$ SS = $(\text{Index 3rd grade} + 679.2)/4.167$
Grade 5:	Index 5th grade = $(2.941 * SS) - 544.1$ SS = $(\text{Index 5th grade} + 544.1)/2.941$
Grade 6:	Index 6th grade = $(2.500 * SS) - 477.5$ SS = $(\text{Index 6th grade} + 477.5)/2.500$
Grade 7:	Index 7th grade = $(2.174 * SS) - 428.3$ SS = $(\text{Index 7th grade} + 428.3)/2.174$

Formula for Calculating a School's NRT Index [K-8]
<ol style="list-style-type: none"> Calculate the index for each student, using the grade-appropriate formula relating standard score to NRT Index. Zero shall be the lowest NRT Index score reported for accountability calculations. Compute the total number of index points in all grades in the school. Divide the sum of NRT Index points by the total number of students eligible to be tested.

Attendance Index Calculations [K-8]
An Attendance Index score for each school shall be calculated. The initial year's index shall be calculated from the prior year's attendance rates. Subsequent years indexes shall be calculated using the prior two year's average attendance rates as compared to the state goals.

Attendance Goals		
	10-Year Goal	20-Year Goal
Grades K-8	95%	98%

Attendance Index Formulas	
Grades K-8	Indicator (ATT K-8) = $(16.667 * ATT) - 1483.4$
Where ATT is the attendance percentage, using the definition of attendance established by the Louisiana Department of Education	

Lowest Attendance Index Score
Zero shall be the lowest Attendance Index score reported for accountability calculations.

Dropout Index Calculations [7-8]
A Dropout Index score for each school shall be calculated. The initial year's index shall be calculated from the prior year's dropout rates. Subsequent years' indexes shall be calculated using the prior two year's average dropout rates as compared to the state goals.

Dropout Goals		
	10-Year Goal	20-Year Goal
Grades 7 & 8	4%	2%

The national definition of dropout shall be adhered to, but in certain instances the Louisiana Department of Education shall calculate an "Adjusted Dropout Rate" for accountability purposes.
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Dropout Index Formulas	
Non-Dropout Rate (NDO) = $100 - \text{Dropout Rate (DO)}$ (expressed as a percentage)	
Grades 7 & 8	Dropout Index (7-8) = Indicator (DO Gr 7-8) = $(25 * NDO) - 2300.0$ NDO = $(\text{Indicator DO Gr 7-8} + 2300.0) / 25$

Lowest Dropout Index Score
Zero shall be the lowest Dropout Index score reported for accountability calculations.

School Performance Scores for 9-12

A School Performance Score (SPS) shall be calculated for each high school. This score shall range from 0 - 100 and beyond, with a score of 100 indicating that a school has reached the 10-Year Goal and a score of 150 indicating that a school has reached the 20-Year Goal. The lowest score that a given high school can receive for each individual indicator index and/or for the SPS as a whole is "0."

Every year of student data shall be used as part of a high school's SPS. The school's initial SPS shall be calculated using the most recent year's NRT and CRT test data and the prior year's attendance and dropout rates.

Transition Years [9-12]							
To accommodate the phase-in of the grades 10 and 11 GEE 21 criterion-referenced, the following indicators shall be used for each year:							
Timelines/School Years			Indicators Included				
Cycle	Baseline SPS Data	Growth SPS Data	Grade 9 NRT	Grade 10 CRT	Grade 11 CRT	Attendance	Drop-out
1	2000-01	2002-03	✓	✓		✓*	✓*
2	2001-02 & 2002-03 (avg.)	2003-04 & 2004-05 (avg.)	✓	✓	✓	✓*	✓*

*Indicates use of prior year data for these indexes.

Formula for Calculating an SPS – Accountability Cycle 1 [9-12]
During the first accountability cycle, the SPS for a sample school shall be calculated by multiplying the index values for each indicator by the weight given to the indicator and adding the total scores. The formula is: SPS = $(.60 * \text{Grade 10 CRT Index}) + (.30 * \text{NRT Index}) + (.05 * \text{Dropout Index}) + (.05 * \text{Attendance Index})$
All intermediate results and the final result shall be rounded to the nearest tenth.
The following is an example of how this shall be done: $[(.60 * 66.0) + (.30 * 75.0) + (.05 * 50.0) + (.05 * 87.5)] = 69.0$

Indicator	Index Value	Weight	Indicator Score
CRT—Grade 10	66.0	60%	39.6
NRT	75.0	30%	22.5
Attendance Index	50.0	5%	2.5
Dropout Index	87.5	5%	4.4
SPS			69.0

Formula for Calculating an SPS – Accountability Cycle 2 [9-12]

During the second accountability cycle, the SPS for a sample school shall be calculated by multiplying the index values for each indicator by the weight given to the indicator and adding the total scores. The formula is:

$$\text{SPS} = (.30 * \text{Grade 10 CRT Index}) + (.30 * \text{Grade 11 CRT Index}) + (.30 * \text{NRT Index}) + (.05 * \text{Dropout Index}) + (.05 * \text{Attendance Index})$$

In this example,

$$[(.30 * 66.0) + (.30 * 60.0) + (.30 * 75.0) + (.05 * 50.0) + (.05 * 87.5)] = 67.2$$

Indicator	Index Value	Weight	Indicator Score
CRT—Grade 10	66.0	30%	19.8
CRT—Grade 11	60.0	30%	18.0
NRT	75.0	30%	22.5
Attendance Index	50.0	5%	2.5
Dropout Index	87.5	5%	4.4
SPS			67.2

Norm-Referenced Tests (NRT) Index Calculations [9-12]

For the NRT Index, standard scores shall be used for computing the SPS. Index scores for each student shall be calculated, scores totaled, and then averaged together to get a high school's NRT Index score.

NRT Goals and Equivalent Standard Scores for Grade 9

Goal	Percentile Rank	Grade 9 Composite Standard Score
10-Year Goal	55 th	264
20-Year Goal	75 th	288

NRT Formulas Relating Student Standard Scores to NRT Index [9-12]

Where the 10-Year and 20-Year Goals are the 55th and 75th percentile ranks respectively and where SS = a student's standard score, the index for a grade 9 student is calculated as follows:

$$\text{Index } 9^{\text{th}} \text{ grade} = (2.083 * \text{SS}) - 449.9$$

$$\text{SS} = (\text{Index } 9^{\text{th}} \text{ grade} + 449.9) / 2.083$$

Option II students: those students failing the 8th grade LEAP 21 that have been

- retained and placed on the high school campus
- must take the 9th grade NRT
- must retake only the parts of the 8th grade LEAP 21 they originally failed (English language arts and/or mathematics)

If, during spring testing, a student receives a score of Approaching Basic or above on a LEAP 21 test of mathematics or English language arts for which he/she received a score of Unsatisfactory the previous spring; the high school shall receive 50 bonus points per subject in its accountability index. A student may earn a maximum of 100 bonus points for his/her school.

Criterion-Referenced Tests (CRT) Index Calculations [9-12]

A high school's CRT Index score at each grade equals the sum of the eligible student totals divided by the number of students eligible to participate in state assessments. For the CRT Index, each student who scores within one of the following five levels shall receive the number of points indicated.

Advanced	200 points
Proficient	150 points
Basic	100 points
Approaching Basic	50 points
Unsatisfactory	0 points

Formula for Calculating the NRT and CRT Adjusted Achievement Index for a High School

1. Sum the number of points earned by all students. For the NRT, there shall be one score for each student—the NRT Index calculated from the student's composite standard score. For the CRT, students shall be taking two tests at each grade.

2. Divide by the total number of students eligible to be tested times the

number of content area tests. This provides the raw achievement index for the grade.

3. Multiply the raw index by the product of the non-dropout rates from the previous year for that grade and all the previous grades. This means that the grade 9 NRT Index shall be multiplied by the grade 9 non-dropout rate, the grade 10 CRT Index shall be multiplied by the grade 9 and grade 10 non-dropout rates, and the grade 11 CRT Index shall be multiplied by the grade 9, grade 10 and grade 11 non-dropout rates. This shall yield the Adjusted Achievement Index.

4. Zero shall be the lowest NRT or CRT Adjusted Achievement Index score reported for accountability calculations.

Example 1 – Grade 9:

- Before beginning grade 9, a class has 50 students; by the end of September, 45 remain in the class. The grade 9 dropout rate is:

$$(5/50) = .100$$

- The number of points earned on the NRT is 5000.

- The raw achievement index is:

$$5000/45 = 111.1$$

- The adjusted achievement index is:

$$111.1 * (1 - .100) = 100.0$$

Example 2 – Grade 10:

- Another 5 students drop before October of grade 10. The grade 10 dropout rate is:

$$5/45 = .111$$

- The 40 students remaining in the class earn 10000 points on the two CRT tests. The raw achievement index is:

$$10000/(40 * 2) = 125.0$$

- The adjusted achievement index is:

$$125.0 * (1 - .100) * (1 - .111) = 100.0$$

Attendance Index Calculations for Grades 9-12

An Attendance Index score for each high school shall be calculated. The initial year's index shall be calculated from the prior year's attendance rates. Subsequent years' indexes shall be calculated using the prior two year' average attendance rates as compared to the state goals.

Attendance Goals

	10-Year Goal	20-Year Goal
Grades 9-12	93%	96%

Attendance Index Formula for Grades 9-12

Where the 10-Year and 20-Year Goals are 93% and 96% average attendance respectively and where ATT = attendance percentage using the definition of attendance established by the Department of Education, the attendance index is calculated as follows:

$$\text{Indicator (ATT 9-12)} = (16.667 * \text{ATT}) - 1450.0$$

Example:

- If the average attendance percentage is 94.3%, the Attendance Index would be

$$(16.667 * 94.3) - 1450.0 = 121.7$$

Zero shall be the lowest Attendance Index score reported for accountability calculations.

Dropout Index Calculations for Grades 9-12

A Dropout Index score for each high school shall be calculated. The initial year's index shall be calculated from the prior year's dropout rates. Subsequent years' indexes shall be calculated using the prior two years' average dropout rates as compared to the state goals.

Dropout Goals

	10-Year Goal	20-Year Goal
Grades 9-12	7%	3%

Dropout Index Formula for Grades 9-12

$$\text{Dropout Index} = 187.5 - (12.5 * \text{dropout rate})$$

Example:

- If the dropout rate is 4.5%, the Dropout Index would be

$$187.5 - (12.5 * 4.5) = 131.3$$

Zero shall be the lowest Dropout Index score reported for accountability calculations.

The national definition of dropout shall be adhered to, but in certain instances the Louisiana Department of Education shall calculate an "Adjusted Dropout Rate" for accountability purposes.

Rewards/Recognition

2.006.08 A school shall receive recognition and possible monetary awards when it meets or surpasses its Growth Targets and when it shows growth in the performance of students who are classified as high poverty and special education students.

School personnel shall decide how any monetary awards shall be spent; however, possible monetary rewards shall not be used for salary or stipends. Other forms of recognition shall also be provided for a school that meets or exceeds its Growth Targets.

Pairing/Sharing of Schools with Insufficient Test Data

2.006.15 In order to receive an SPS, a given school must have at least one grade level of CRT testing and at least one grade level of NRT testing. A school that does not meet this requirement must either be paired or shared with another school in the district as described below. For the purpose of the Louisiana Accountability System, such a school shall be defined as a non-standard school.

A school with a grade-level configuration such that it participates in neither the CRT nor in the NRT (e.g., a K, K-1, K-2 school) must be paired with another school that has at least one grade level of CRT testing and one grade level of NRT testing. This pairing means that a single SPS shall be calculated for both schools by averaging both schools attendance and/or dropout data and using the test score data derived from the school that has at least two grade levels of testing.

A school with a grade-level configuration where students participate in either CRT or NRT testing, but not both (e.g., a K-3, 5-6 school), must share with another school that has at least one grade level of the type of testing missing. Both schools shall share the missing grade level of test data. This shared test data must come from the grade level closest to the last grade level in the non-standard school. The non-standard school's SPS shall be calculated by using the school's own attendance, dropout, and testing data AND the test scores for just one grade from the other school.

A district must identify the school where each of its non-standard schools shall be either paired or shared. The paired or shared school must be the one that receives by promotion the largest percentage of students from the non-standard school. In other words, the paired or shared school must be the school into which the largest percentage of students feed. If two schools receive an identical percentage of students from a non-standard school, the district shall select the paired or shared school.

If a school is not paired/shared at the beginning of Cycle 1, it shall not be paired/shared at the end of Cycle 1.

Beginning with Cycle 2, requirements for the number of test units shall be the sum of the test units over a two-year period (not the number of test units in one year). Beginning with Cycle 2, a school's sharing/pairing status at the beginning of the cycle shall be its status at the end of the cycle.

If a school has too few test units to be a standalone school, it may request to be considered standalone.

- It shall receive an SPS that is calculated solely on that school's data, despite the small number of test units.
- The request shall be in writing to the Department from the LEA superintendent.

The school forfeits any right to appeal its growth status based on minimum test unit counts.

Once the identification of paired or shared schools has been made, this decision is binding for 10 years. An appeal to SBESE may be made to change this decision prior to the end of 10 years, when redistricting or other grade configuration and/or membership changes occur.

Inclusion of Alternative Education Students

2.006.17 Each superintendent, in conjunction with the alternative school director, shall choose from one of two options for including alternative education students in the

Louisiana Accountability System for the systems alternative education schools.

Option I The score for every alternative education student at a given alternative school shall be returned to sent back and included in the home-based school's SPS. The alternative school itself shall receive a diagnostic SPS, not to be used for rewards or Corrective Actions, if a statistically valid number of students were enrolled in the school at the time of testing.

Students included in the GED/Skills Option program will be included in School Accountability. They will be required to take the 9th grade Iowa Test or participate in out-of-level testing while enrolled. All programs will be considered Option I for alternative education purposes and student data will be sent back to the sending high schools for attendance, drop out and Iowa Test scores.

Option II The score for every alternative education student shall remain at the alternative school. The alternative school shall be given its own SPS and Growth Target, which makes the alternative school eligible for rewards and Corrective Actions.

In order to be eligible for Option II, an alternative school shall meet all of the following requirements:

- ! The alternative school must have its own site code and operate as a school;
- ! The alternative school must have a required minimum number of students in the tested grade levels. The definition of a required minimum is stated in section 2.006.19, and
- ! At least fifty percent (50%) of the total school population must have been enrolled in the school for the entire school year, October 1 - May 1.

Once an option is selected for an alternative school, it shall remain in that option for at least 10 years. An appeal to SBESE may be made to change the option status prior to the end of 10 years if a school's purpose and/or student eligibility changes.

An alternative school that chooses Option II shall receive an initial baseline SPS during summer of 1999 if the majority of its students are in grades K-8. If the majority of its students are in grades 9-12, an alternative school shall receive its baseline SPS during the summer of 2001.

All students pursuing a regular high school diploma, working in curriculum developed from Louisiana Content Standards, shall be included in the state-testing program, with those scores included in an SPS.

Information on these students, e.g., number receiving a GED, shall be reported in the school's report card as a sub-report.

An alternative school in Corrective Actions II may request some flexibility in obtaining assistance from either a Distinguished Educator (DE) or a team designed to address the special needs of the alternative school population, as long as the total costs for the team do not exceed that for the DE. Sample team members could include the following: social workers, psychologists, educational diagnosticians, and counselors, etc.

Inclusion of Lab Schools and Charter Schools

Such schools shall be included in the Louisiana Accountability System following the same rules that apply to traditional and/or alternative schools. The only exceptions are that Lab Schools and Type 1, 2, and 3 Charter Schools are independent schools and cannot be paired or shared with another school if they do not have at least one CRT and one NRT grade level, and/or if there is no home-based district school to which a given student's scores can be returned if all three conditions for Option II cannot be met. Therefore, if they do not have the required grade levels and/or required minimum number of students, such schools cannot receive an SPS. Instead, the state shall publish the results from pre- and post-test student achievement results, as well as other relevant accountability data, as part of that school's report card. This policy is to be revisited during the year 2001.

For the 1999-2000 academic school year, detention and Department of Corrections facilities shall not receive an SPS.

Interested persons may submit written comments until 4:30 p.m., April 11, 2001, 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 AdministratorsC Policy for Louisiana's Public
Education Accountability System**

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

There are no estimated implementation costs to state governmental units. The proposed changes more clearly explain and refines the existing policy as it pertains to the paired/shared status of schools, the inclusion of alternative education students enrolled in a GED/Skill Option program in school accountability, the awarding of bonus points for all 4 students for schools with grade 4 and Option I 18th grade students, growth in subgroups for rewards, and the removal of rewards, and the removal of references to the Graduation index from policy.

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

There will be no effect on revenue collections by state/local governmental units.

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

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

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

There will be no effect on competition and employment.

Marlyn J. Langley
Deputy Superintendent
Management and Finance
0102#049

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746C Louisiana Standards for State
Certification of School PersonnelC Educational
Technology Facilitation and Educational
Technology Leadership (LAC 28:I.903)

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 746, Louisiana Standards for State Certification of School Personnel, referenced in LAC 28:I.903.A. The proposed amendment establishes certification requirements for teachers who serve as building level technology facilitators and as technology coordinators at the district, state, or regional levels. Additionally, a "grandfather clause" is included, enabling those who have served in these capacities to receive the certification by meeting certain qualifications by August 31, 2002.

**Title 28
EDUCATION**

**Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations, and State Plans
Subchapter A. Bulletins and Regulations**

**§903. Teacher Certification Standards and
RegulationsC Bulletin 746**

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411, LR 27:

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975), amended LR 26:459 (March 2000), LR 26:635-638 (April 2000); LR 26:638-639 (April 2000), LR 27:

**Bulletin 746C Louisiana Standards for State Certification of
School PersonnelC Educational Technology Facilitation and
Educational Technology Leadership
Educational Technology Facilitation**

1. A valid Type B Louisiana Teaching Certificate*
2. A minimum of 9 semester hours of graduate credit in educational technology including:

A. Educational technology coursework	9 semester hours
1. Design and Development of Multimedia Instructional Units	3 semester hours
2. Educational Telecommunications, Networks, and the Internet	3 semester hours
3. Technology Leadership in Schools	3 semester hours
3. Persons who have met requirements 1 and 2 may be issued an Educational Technology Facilitation certification endorsement.

4. Certified teachers who have served as a facilitator of educational technology at the state, regional, district, or building level may petition Certification and Higher Education, Division of Teacher Standards, Assessment, and Certification to be "grandfathered" in with an Educational Technology Facilitation certification endorsement if they meet the following qualifications by August 31, 2002:

A. hold certification in computer literacy and have earned an additional six semester hours in educational technology, and have served as a facilitator of educational technology at the school, district, regional, or state level successfully for the past three years as verified by the employing authority; or

B. have served as a facilitator of educational technology at the school, district, regional, or state level successfully for the past five years as verified by the employing authority.

*Requires three years of teaching experience.

Educational Technology Leadership

1. A valid Type A Louisiana Teaching Certificate*
2. An earned master's degree from a regionally accredited institution of higher education.

- 3. A minimum of 21 semester hours of graduate credit.
 - A. Education Technology coursework 9 semester hours
 - 1. Design and Development of Multimedia Instructional Units 3 semester hours
 - 2. Educational Telecommunications, Networks, and the Internet 3 semester hours
 - 3. Technology Leadership in Schools 3 semester hours
 - B. Educational Technology Leadership coursework 12 semester hours
 - 1. Technology Planning and Administration 3 semester hours
 - 2. Professional Development for K-12 Technology Integration 3 semester hours
 - 3. Educational Technology Research, Evaluation, and Assessment 3 semester hours
 - 4. Advanced Telecommunications and Distance Education 3 semester hours

4. Persons who have met the requirements of 1 and 3-A may be issued a nonrenewable, nonextendable Educational Technology Leadership provisional certificate valid for three years.

5. Persons who have met the requirements of 1 through 3-B may be endorsed for Educational Technology Leadership.

6. Certified teachers who have served as coordinators of educational technology at the district, regional, and/or state levels may petition Certification and Higher Education, Division of Teacher Standards, Assessment, and Certification to be "grandfathered" in with an Educational Technology Leadership certification if they meet the following qualifications by August 31, 2002:

A. hold certification in computer literacy and have earned an additional nine semester hours in educational technology courses, and have served as a coordinator of educational technology above the building level (at the district, regional, or state level) for the past three years as verified by the employing authority; or

B. have served as a coordinator of educational technology above the building level (at the district, regional, or state level) successfully for the past five years as verified by the employing authority.

*Requires five years of teaching experience.

Interested persons may submit comments until 4:30 p.m., April 11, 2001 to Nina 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 746C Louisiana Standards for State Certification of School PersonnelC Educational Technology Facilitation and Educational Technology Leadership

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

The adoption of this policy will cost the Department of Education approximately \$700 (printing and postage) to disseminate the policy.

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

This proposed action will have no effect on revenue collection.

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

As a result of the proposed action, certification standards will be created for add-on endorsements for certified teachers who are building level technology facilitators or technology coordinators at the district, regional, or state level. Additionally, a "grandfather clause" is included, enabling those who have served in these capacities to receive the certification by meeting certain qualifications by 8/31/02.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This policy will create a pool of certified personnel to provide leadership at the classroom, district, regional, and state levels in the area of educational technology.

Marlyn J. Langley
Deputy Superintendent
Management and Finance
0102#015

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746C Louisiana Standards for State Certification of School PersonnelC Elimination of Ancillary Program Evaluator Certification (LAC 28:I.903)

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 746, Louisiana Standards for State Certification of School Personnel, referenced in LAC 28:I.903.A. This amendment repeals ancillary program evaluator certification.

The proposed amendment eliminates the certification of program evaluators, which was established in 1981. Program evaluators are persons employed by state or local education agencies who design, approve, and/or direct program evaluations and research on educational programs, projects, and materials in the state of Louisiana. They are responsible for assuring that evaluation plans are executed and reported according to prescribed requirements and specifications.

The consensus of the members of the Board of Elementary and Secondary Education (SBESE) at the July 1999 meeting was that this certification should not be required for program evaluators, which provides more flexibility in the employment of persons who provide this service.

**Title 28
EDUCATION**

**Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations, and State Plans
Subchapter A Bulletins and Regulations
§903. Teacher Certification Standards and RegulationsC Bulletin 746**

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435,

541 (April, July, September, October, December 1975), amended LR 26:459 (March 2000), LR 26:635-638 (April 2000), LR 26:638-639 (April 2000), LR 27:

Bulletin 746C Louisiana Standards for State Certification of School Personnel

Elimination of Ancillary Program Evaluator Certification
Interested persons may submit comments until 4:30 p.m., April 11, 2001 to Nina 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 746C Louisiana Standards for State Certification of School PersonnelC Elimination of Ancillary Program Evaluator Certification

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

The adoption of this policy will cost the Department of Education approximately \$700 (printing and postage) to disseminate the policy.

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

This policy will have no effect on revenue collections.

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

As a result of the proposed action, certification as a Program Evaluator would no longer be required for employment in that area. Persons who seek employment as a Program Evaluator ad those who employ Program Evaluators would be directly affected by the proposed action since employers would establish their own criteria for employment.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This policy will result in an increase in the number of individuals available for employment as program evaluators in school districts.

Marlyn J. Langley
Deputy Superintendent
Management and Finance
0102#019

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746C Louisiana Standards for State Certification of School PersonnelCK-12 Certification Structure (LAC 28:I.903)

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 746, Louisiana Standards for State Certification of School Personnel, referenced in LAC 28:I.903.A. The new PS-12 teacher certification structure will allow teachers to develop greater in-depth content knowledge and instructional expertise in four targeted focus areas: PS-3, 1-6, 4-8, and 7-12. Particularly beneficial, the new structure allows for

enhanced preparation of teachers for middle school grades. The present teacher certification structure for the state has focus areas of nursery school, kindergarten, grades 1-8, and grades 7-12.

Title 28

EDUCATION

Part I. Board of Elementary and Secondary Education

Chapter 9. Bulletins, Regulations, and State Plans

Subchapter A. Bulletins and Regulations

§903. Teacher Certification Standards and RegulationsC Bulletin 746

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975), amended LR 26:459 (March 2000), LR 26:635-638 (April 2000), LR 26:638-639 (April 2000), LR 27:

Bulletin 746C Louisiana Standards for State Certification of School PersonnelC K-12 Certification Structure

New Certification Structure

A. Recommended Changes

1. Have the universities recommend that teachers be issued Level 1 Teaching Certificates when they have met state certification requirements and hold the universities accountable for the success of the teachers that they recommend for certification.

a. This would eliminate the need for the Department of Education to count hours on transcripts and allow the department to become more involved in providing support to universities to improve the quality of teacher preparation programs.

(Note: The Department of Education would still continue to review transcripts and issue certificates to out-of-state teachers.)

2. Change the certification structure to allow teachers to develop more content knowledge in the grade levels in which they are expected to teach and provide them with more flexible hours to add special education and other grade levels to their certification areas. This would allow new teachers to be certified in one or two areas when completing a 124 credit hour undergraduate degree program.

See B.New Certification Areas and Courses for the areas of certification that are more content specific.

See C.Additional Certifications for requirements to add additional areas of certification.

3. Require all new teachers to receive mentoring during their first year of the Louisiana Teacher Assistance and Assessment Program and have them undergo the assessment during the second year.

4. Require all teachers to pass the teacher assessment and teach for a total of three years before being issued a Level 2 teaching certificate.

5. Require all new teachers to undergo a predetermined amount of professional development during a five year time period in order to have their teaching certificates renewed for five years. Have the Blue Ribbon Commission on Teacher Quality develop the details for the professional development system during 2000-2001.

B. New Certification Areas And Courses

1. Common Elements of Basic Certification for All Grade Levels

a. General Education Coursework. Same general coursework areas and hours (e.g., 54 hours) for Grades 1-6 and 4-8.

b. Knowledge of the Learner and Learning Environment. Same general coursework areas and hours (e.g., 15 hours) for all PK-12 teachers.

c. Teaching Methodology. Varying requirements based upon focus areas.

d. Student Teaching. Same requirements and hours (e.g., 9 hours) for all PK-12 teachers.

2. Differing Elements of Basic Certification. Four new focus areas.

a. Focus Areas

(1) Preschool to Grade 3 (Focus: Greater Depth in Early Childhood, Reading/Language Arts, and Mathematics)

(2) Grades 1-6 (Focus: Greater Depth in Reading/Language Arts and Mathematics)

(3) Grades 4-8 (Focus: Greater Depth in Content C Generic or Two In-depth Teaching Areas)

Primary Teaching Area C Preservice teachers must complete at least 31 credit hours in a specific content area (e.g., English, Mathematics, etc.).

and

Secondary Teaching Area C Preservice teachers must complete at least 19 credit hours in a second content area (e.g., Science, Social Studies, etc.).

b. Flexible University Hours. Flexible hours that may be used by the universities to create quality teacher preparation programs.

3. Additional Certifications. Additional grade level certifications that would require approximately 12-15 credit hours. Universities could create programs that would allow teachers to obtain more than one type of certification within the 124 total hours by using the flexible hours to add additional grade level or special education certifications.

Areas		Grades PK - 3 Basic Certification (Focus: Greater Depth In Early Childhood, Reading/Language Arts, And Mathematics)		Grades 1-6 Basic Certification (Focus: Greater Depth In Reading/Language Arts And Mathematics)		Grades 4-8 Basic Certification (Focus: Greater Depth In Content C Generic Or Two In-Depth Teaching Areas)				Grades 7-12 Basic Certification (Focus: Greater Depth In Content C Primary Teaching Area And Secondary Teaching Area)	
General Education Course-Work	English	12 Hours		12 hours		12 hours				6 hours	
	Mathematics	9 Hours		12 hours		12 hours				6 hours	
	Sciences	9 Hours		15 hours		15 hours				9 hours	
	Social Studies	6 Hours		12 hours		12 hours				6 hours	
	Arts	3 Hours		3 hours		3 hours				3 hours	
Focus Areas		Young Child		Reading/Language Arts and Mathematics		Generic or Two In-depth Teaching Areas				Primary Teaching Area and Secondary Teaching Area	
						Generic		Two In-depth Teaching Areas			
		Nursery School and Kindergarten	12 hours	Reading/ Language Arts (Additional Content and Teaching Methodology)	12 hours	Additional Content:		In-depth Teaching Area #1		Primary Teaching Area	22 or more hours if in Science or 25 or more hours if in English, Social Studies, or Math. or 31 or more hours if in other areas
		Reading/ Language Arts (Additional Content and Teaching Methodology)	12 Hours			English	3 hours	English/ Social Studies/ Mathematics or Science	7 or more hours		
		Mathematics (Additional Content and Teaching Methodology)	9 hours			Mathematics	3 hours	General Education and Focus Area hours should equal 19 total hours.	4 or more hours		
						Science	3 hours				
						Social Studies	3 hours				

			Mathematics (Additional Content and Teaching Methodology)	9 hours			In-depth Teaching Area #2: English/Social Studies/Mathematics or Science General Education and Focus Area hours should equal 19 total hours.	7 or more hours 4 or more hours	Secondary Teaching Area General Education (if applicable) and Focus Area hours should equal 19 total hours.	13 or more hours if in English, Social Studies, or Math or 10 or more hours if in Science or 19 or more hours if in other areas
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New Certification Areas and Courses

Areas		Grades PK - 3 Certification (Focus: Greater Depth In Early Childhood, Reading/Language Arts, And Mathematics)	Grades 1 -6 Certification (Focus: Greater Depth In Reading/Language Arts And Mathematics)	Grades 4 -8 Certification (Focus: Greater Depth In ContentC Generic Or Two In-Depth Teaching Areas)		Grades 7 -12 Certification (Focus: Greater Depth In ContentC Primary Teaching Area And Secondary Teaching Area)
Knowledge Of Learner And The Learning Environment <i>(These hours may be integrated into other areas when developing new courses.)</i>	Child/Adolescent Development/Psychology, Educational Psychology, The Learner with Special Needs, Classroom Organization and Management, Multicultural Education (Note: All of these areas should address the needs of the regular and exceptional child.)	15 hours Emphasis Upon Early Childhood	15 hours Emphasis Upon Elementary School Student	15 hours Emphasis Upon Middle School Student		15 hours Emphasis Upon Middle and High School Student
Methodology And Teaching	Reading			6 hours		3 hours
	Teaching Methodology	6 hours	6 hours	9 hours		6 hours
	Student Teaching**	9 hours	9 hours	9 hours		9 hours
Flexible Hours For The University's Use		22 hours***	19 hours	Generic	Two In-depth Teaching Areas	17-26 hours
				19 hours	17-20 hours	
Total Hours****		124 hours	124 hours	124 hours		124 hours

* If students do not possess basic technology skills, they should be provided coursework or opportunities to develop those skills early in their program.

**Students must spend a minimum of 270 clock hours in student teaching with at least 180 of such hours spent in actual teaching. A substantial portion of the 180 hours of actual student teaching shall be on an all-day basis.

*** Three of the flexible hours must be in the "humanities." This must occur to meet General Education Requirements for the Board of Regents.

*** In addition to the student teaching experience, students should be provided actual teaching experience (in addition to observations) in classroom settings during their sophomore, junior, and senior years within schools with varied socioeconomic and cultural characteristics. It is recommended that preservice teachers be provided a minimum of 180 hours of direct teaching experience in field-based settings prior to student teaching.

Notes: Minimum credit hours have been listed. Programs may use the flexible hours to add more content hours to the various elements of the program.

The Board of Regents defines a "major" as being 25% of the total number of hours in a degree program; thus, 25% of 124 credit hours is 31 credit hours.

The Board of Regents defines a "minor" as being 15% of the total number of hours in a degree program; thus 15% of 124 credit hours is 19 credit hours.

C. Additional Certifications. It is recommended that universities consider using their flexible hours to provide preservice teachers opportunities to select additional areas to add to their certification, either special education or extended grade level certifications, when they obtain their

Bachelor degree. The additional hours would provide preservice teachers with the necessary core knowledge to teach the additional content necessary for the new certification areas.

Basic Certifications	Add-On Certifications		Total Hours
	New Certifications	Additional Courses And Hours	
Grades PK - 3	Grades 1-6	Content Emphasis: Sciences 6 Hours Social Studies 6 Hours Mathematics 3 Hours	15 Hours
Grades 1-6	Grades PK - 3	Content Emphasis: Nursery School and Kindergarten 12 Hours	12 Hours
Grades 1-6	Grades 4-8 (Generic)	Content Emphasis: English 3 Hours Mathematics 3 Hours Science 4 Hours Social Studies 3 Hours	13 Hours
Grades 4-8	Grades 1-6	Reading/Language Arts and Math Emphasis: Reading/Language Arts 9 Hours Mathematics 3 Hours	12 Hours
Grades 1-6, Grades 4-8, Or Grades 7-12	Mild/Moderate Special Education	Special Education Emphasis*: Methods and Materials for Mild/Moderate Exceptional Children, Assessment and Evaluation of Exceptional Learners, Behavioral Management of Mild/Moderate Exceptional Children, and Vocational and Transition Services for Students with Disabilities 12 Hours Practicum in Assessment and Evaluation of Mild/Moderate Exceptional Children 3 Hours (Note: This should not be required if students participate in student teaching that combines regular and special education teaching experiences.) * General knowledge of exceptional students and classroom organization should be addressed in the curriculum for all teachers under "Knowledge of Learner and the Learning Environment."	12 Hours (Additional 3 Hour Practicum if not Integrated Into Other Field-Based Experiences and Student Teaching)

Interested persons may submit comments until 4:30 p.m., April 11, 2001 to Nina 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 746C Louisiana Standards for
State Certification of School PersonnelC K-12
Certification Structure**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
The adoption of this policy will cost the Department of Education approximately \$700 (printing and postage) to disseminate the policy.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This policy will have no effect on revenue collections.

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

There will be no added costs or economic benefits as a result of this policy revision.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This will have no impact on competition and employment in the public and private sector.

Marlyn J. Langley
Deputy Superintendent
Management and Finance
0102#017

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746C Louisiana Standards for State Certification of School PersonnelC Practitioner Teacher Program
(LAC 28:I.903)

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 746, Louisiana Standards for State Certification of School Personnel, referenced in LAC 28:I.903.A. This Practitioner Teacher policy provides for a streamlined alternate certification option that allows individuals to become certified with a Type B certificate after three years of full-time teaching and combined coursework, if they demonstrate required content knowledge, instructional expertise, and classroom management skills. Practitioner teachers who complete the required course requirements (or equivalent contact hours) and demonstrate proficiency during their first year of teaching can obtain a Level B Professional License after successfully completing all requirements of the Practitioner Teacher Program (which includes successful completion of the Louisiana Assistance and Assessment Program and passing scores on the PRAXIS) and completing a total of three years of teaching.

**Title 28
EDUCATION**

**Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations, and State Plans**

Subchapter A. Bulletins and Regulations

§903. Teacher Certification Standards and Regulations C Bulletin 746

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975), amended LR 26:459 (March 2000), LR 26:635-638 (April 2000), LR 26:638-639 (April 2000), LR 27:

**Bulletin 746C Louisiana Standards for
State Certification of School Personnel
Practitioner Teacher Program**

A. Major Components of the Practitioner Teacher Program

1. Universities, school districts, or private providers (e.g., Teach for America) will be able to offer a Practitioner Teacher Program.

2. Individuals will be considered for admission to a Practitioner Teacher Program if they possess a baccalaureate degree from a regionally accredited university with a 2.5 or higher GPA* and already possess the content knowledge to teach the subject area(s). To demonstrate knowledge of subject area(s), all individuals (with the exception of those who already possess a graduate degree) will be required to pass the Pre-Professional Skills Test (e.g., reading, writing, and mathematics) for the PRAXIS. Teachers of grades 1-6 (regular and special education) must pass the *Elementary School: Content Area* specialty examination on the PRAXIS, and teachers of grades 4-8 (regular and special education) must pass the *Middle School Content Area* specialty examination. Teachers of grades 7-12 (regular and special education) must pass the *specialty examination* on the PRAXIS in the content area(s) (e.g., English, Mathematics, Science, Social Studies, etc.) in which they intend to be certified. (*Appropriate, successful work experience can be substituted for the required GPA, at the discretion of the program provider.)

3. All individuals admitted to the Practitioner Teacher Program, who intend to be certified to teach grades 1-6, 4-8, or 7-12, must successfully complete 9 credit hours (or 135 contact hours) of instruction during the summer prior to the first year of teaching. Practitioner teachers will be exposed to teaching experiences in field-based schools while involved in course work.

4. All practitioner teachers will teach during the regular school year in the area(s) in which they are pursuing certification and participate in 9 credit hours (or 135 contact hours) of seminars and supervised internship during the fall and spring that will address their immediate needs. Practitioner teachers will be observed and provided feedback about their teaching from the program provider. In addition, practitioner teachers will be supported by school-based mentors from the Louisiana Assistance and Assessment Program and principals.

5. Practitioner teachers who complete the required course requirements (or equivalent contact hours) with a 2.5 or higher GPA and demonstrate *proficiency* during their first year of teaching can obtain a Level B Professional License after successfully completing all requirements for the Practitioner Teacher Program (which includes successful completion of the Louisiana Assistance and Assessment Program and passing scores on the PRAXIS) and completing a total of three years of teaching.

Practitioner teachers who complete the required courses (or equivalent contact hours) and demonstrate *weaknesses* during their first year of teaching will be required to complete from 1 to 12 additional credit hours/equivalent contact hours. A team composed of the program provider, school principal, mentor teacher, and practitioner teacher will determine the types of courses and hours to be completed. Number of hours will be based upon the extent of the practitioner teachers' needs and must be completed within the next two years. The team will also determine when the practitioner teachers should be assessed for the Louisiana Assistance and Assessment Program during the next two year time period. The practitioner teachers must successfully complete all requirements for the Practitioner Teacher Program (which includes successful completion of the Louisiana Assistance and Assessment Program and passing scores on the PRAXIS in the specialty areas) and teach for a total of three years before receiving a Level B Professional License.

7. The state's new Teacher Preparation Accountability System will be used to evaluate the effectiveness of all Practitioner Teacher Programs.

**B. Structure for a Practitioner Teacher Program
Program Providers**

Practitioner Teacher Programs may be developed and administered by:

- universities;
- school districts; and
- other agencies (e.g., Teach for America, Troops for Teachers, Regional Service Centers, etc.).

The same state Teacher Preparation Accountability System will be utilized to assess the effectiveness of the Practitioner Teacher Programs provided by universities, school districts, and other agencies.

Program Process

Areas	Course/Contact Hours	Activities	Support
1. Admission to Program (Spring and Early Summer)		<p>Program providers will work with district personnel to identify Practitioner Teacher Program candidates who will be employed by districts during the fall and spring.</p> <p>To be admitted, individuals must:</p> <ol style="list-style-type: none"> a. Possess a baccalaureate degree from a regionally accredited university. b. Have a 2.5 GPA on undergraduate work. (*Appropriate, successful work experience can be substituted for the required GPA, at the discretion of the program provider.) c. Pass the Pre-Professional Skills Test (e.g., reading, writing, and mathematics) on the PRAXIS. (Individuals who already possess a graduate degree will be exempted from this requirement.) d. Pass the content specific examinations for the PRAXIS: <ol style="list-style-type: none"> (1) Practitioner candidates for Grades 1-6 (regular and special education): Pass the Elementary School Content Knowledge examination; (2) Practitioner candidates for Grades 4-8 (regular and special education): Pass the Middle School Content Knowledge examination; (3) Practitioner candidates for Grades 7-12 (regular and special education): Pass the content specialty examination(s) (e.g., English, Mathematics, etc.) on the PRAXIS in the content area(s) in which they intend to teach. e. Meet other non-course requirements established by the program providers. 	
2. Teaching Preparation (Summer)	9 credit hours or 135 equivalent contact hours (5-8 weeks)	<p>All teachers will participate in field-based experiences in school settings while completing the summer courses (or equivalent contact hours).</p> <p>Grades 1-6, 4-8 and 7-12 practitioner teachers will complete courses (or equivalent contact hours) pertaining to child/adolescent development/psychology, the diverse learner, classroom management/organization, assessment, instructional design, and instructional strategies before starting their teaching internships.</p> <p>Mild/moderate special education teachers will take courses (or equivalent contact hours) that focus upon the special needs of the mild/moderate exceptional child, classroom management, behavioral management, assessment and evaluation, methods/materials for mild/moderate exceptional children, and vocational and transition services for students with disabilities.</p>	Program Providers
3. Teaching Internship and First Year Support (Fall and Spring)	9 credit hours or 135 equivalent contact hours throughout the year. (Note: No fewer than 45 contact hours should occur during the fall.)	Practitioner teachers will assume full-time teaching positions in districts. During the school year, these individuals will participate in two seminars (one seminar during the fall and one seminar during the spring) that address immediate needs of the Practitioner Teacher Program teachers and receive one-on-one supervision through an internship provided by the program providers. The practitioner teacher will also receive support from school-based mentor teachers (provided by the Louisiana Teacher Assistance and Assessment Program) and principals.	Program Providers, Principals and Mentors
4. Teaching Performance Review (End of First Year)		<p>Program providers, principals, mentors, and practitioner teachers will form teams to review the first year teaching performance of practitioner teachers and determine the extent to which the practitioner teachers have demonstrated teaching proficiency. If practitioner teachers demonstrated proficiency, they will enter into the assessment portion of the Louisiana Teacher and Assessment Program during the next fall.</p> <p>If weaknesses are cited, the teams will identify additional types of instruction needed to address the areas of need. Prescriptive plans that require from 1 to 12 credit hours (or 1-180 equivalent contact hours) of instruction will be developed for practitioner teachers. In addition, the teams will determine if the practitioner teachers should participate in the new teacher assessment during the fall or if the practitioner teachers should receive additional mentor support and be assessed after the fall.</p>	
5. Prescriptive Plan Implementation (Second Year)	1-12 credit hours (or 15-180 equivalent hours)	Practitioner teachers who demonstrate areas of need will complete prescriptive plans.	Program Providers

6. Louisiana Assessment Program (Second Year)		Practitioner teachers will be assessed during the fall or later depending upon their teaching proficiencies.	Program Providers
7. Praxis Review (Second Year)		Program providers will offer review sessions to prepare practitioner teachers to pass remaining components of the PRAXIS.	Program Providers
8. Certification Requirements (Requirements must be met within a 3-year time period. A practitioner teacher's license will not be renewed if all course requirements are not met within these three years.)		<p>Program providers will submit signed statements to the Louisiana Department of Education which indicate that the practitioner teachers completed Practitioner Teacher Programs and met the following requirements within a three year time period:</p> <ol style="list-style-type: none"> 1. Passed the PPST components of the PRAXIS. (Note: This test was required for admission.) 2. Completed the Teaching Preparation and Teaching Internship segments of the program with a 2.5 or higher GPA. 3. Passed the Louisiana Teacher Assistance and Assessment Program. 4. Completed prescriptive plans (if weaknesses were demonstrated). 5. Passed the specialty examination (PRAXIS) for their area(s) of certification. <ol style="list-style-type: none"> a. Grades 1-6: Elementary School Content Knowledge (Note: This test was required for admission) b. Grades 4-8: Middle School Content Knowledge (Note: This test was required for admission.) c. Grades 7-12: Specialty content test in areas to be certified. (Note: This test was required for admission.) d. Mild/Moderate Special Education: Special Education 6. Passed the Principals of Learning and Teaching examination (PRAXIS) <ol style="list-style-type: none"> a. Grades 1-6: Principles of Learning and Teaching; b. Grades 4-8: Principles of Learning and Teaching; c. Grades 7-12: Principles of Learning and Teaching. 	
9. Ongoing Support (Second and Third Year)		Program providers will provide support services to practitioner teachers during their second and third years of teaching. Types of support may include on-line support, Internet resources, special seminars, etc.	Program Providers
10. Practitioner Certificate to Type B Professional License		Practitioner teachers will be issued a Practitioner Certificate when they enter the program. They will be issued a Level B Professional License once they complete the Practitioner Teacher Program and have a total of 3 years of teaching.	

Undergraduate/Graduate Courses and Graduate Programs

Universities may offer the courses at undergraduate or graduate levels. Efforts should be made to allow students to use graduate hours as electives if pursuing a graduate degree.

Interested persons may submit comments until 4:30 p.m., April 11, 2001 to Nina Ford, State 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 746C Louisiana Standards for State Certification of School Personnel Practitioner Teacher Program

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

The adoption of this policy will cost the Department of Education approximately \$700 (printing and postage) to disseminate this policy.

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

This policy will have no effect on revenue collections.

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

This policy provides for a streamlined alternate certification option that allows individuals to become certified with a Type B certificate after three years of full-time teaching and combined coursework, if they demonstrated required content knowledge, instructional expertise, and classroom management skills.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This policy should result in an increase in the number of certified teachers available to teach grades K-12 in Louisiana.

Marlyn J. Langley
Deputy Superintendent
Management and Finance
0102#018

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746C Louisiana Standards for State Certification of School Personnel School Social Worker Certification (LAC 28:1.903)

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 746, Louisiana Standards for State Certification of School Personnel, referenced in LAC 28:I.903.A. The proposed amendment revises the certification requirements for School Social Workers to comply with Act 1309 of the 1999 Regular Session of the Legislature which amended the Louisiana Social Work Practice Act.

Title 28

EDUCATION

Part I. Board of Elementary and Secondary Education

Chapter 9. Bulletins, Regulations, and State Plans

Subchapter A. Bulletins and Regulations

§903. Teacher Certification Standards and Regulations C Bulletin 746

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975), amended LR 26:459 (March 2000), LR 26:635-638 (April 2000), LR 26:638-639 (April 2000), LR 27:

Bulletin 746C Louisiana Standards for State Certification of School Personnel C School Social Worker Certification

D. Social Worker

Provisional Certificate in School Social Work C (Valid for three years, nonrenewable)

Individual holds a Provisional Graduate Social Work Certificate (GSW) issued under R.S. 37:2701 et. seq. and must work under the supervision of a Licensed Clinical Social Worker (LCSW), if providing clinical social work services. The supervision is for a minimum of one hour per week.

Qualified School Social Worker C (Valid provided the holder maintains current licensure as a Social Worker)

1. Individual holds a license as a Licensed Clinical Social Worker (LCSW) in accordance with R.S. 37:2701 et. seq.

or

2. Individual holds a certificate as a Graduate Social Worker (GSW) in accordance with R.S. 37:2701, et. seq. and receives a minimum of one hour per week supervision by a LCSW, if providing clinical social work services.

and

a. Work experience in one or more of the following social work practice settings within the past five years:

- (1) School setting
- (2) Mental Health setting
- (3) Corrections setting
- (4) Family/Child/Community Service Agency
- (5) Medical Social Services in which social services were delivered to families and children

(6) Private Clinical practice in which social work services were delivered to adults, children, and families

or

b. Graduate Social Worker field experience in the above social work practice settings plus two years of work experience is to be judged by the Board of Certified Social Work Examiners.

Interested persons may submit comments until 4:30 p.m., April 11, 2001 to Nina 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 746C Louisiana Standards for State Certification of School Personnel C School Social Worker Certification

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

The adoption of this policy will cost the Department of Education approximately \$700 (printing and postage) to disseminate the policy.

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

This policy will have no effect on revenue collections.

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

There are no additional costs or economic benefits for directly affected persons or nongovernmental groups anticipated as a result of this action.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition and employment is anticipated as a result of this action.

Marlyn Langley
Deputy Superintendent
Management and Finance
0102#016

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746C Louisiana Standards for State Certification of School Personnel C Temporary Employment Permit (LAC 28:I.903)

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 746, Louisiana Standards for State Certification of School Personnel, referenced in LAC 28:I.903.A. A temporary employment permit, valid for one school year, will be granted to those candidates who meet all requirements for a Type C certificate except the NTE/PRAXIS and who have the appropriate scores on the NTE/PRAXIS in all but one of the tests required, with an aggregate score that is equal to or above the total qualifying score on all the tests required for standard certification.

To employ an individual on a temporary employment permit, a local superintendent must verify that no regularly certified teacher is available for employment. Names of the individuals employed on a temporary employment permit are to be listed on the addendum to the Annual School

Report with verification that no regularly certified teacher is available.

**Title 28
EDUCATION**

**Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations, and State Plans
Subchapter A. Bulletins and Regulations
§903. Teacher Certification Standards and
Regulations C Bulletin 746**

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975); amended LR 26:459 (March 2000); LR 26:635-638 (April 2000); LR 26:638-639 (April 2000), LR 27:

**Bulletin 746C Louisiana Standards for State
Certification of School Personnel C Temporary
Employment Permit**

A temporary employment permit, valid for one school year, will be granted to those candidates who meet all requirements for a Type C certificate except the NTE/PRAXIS and who have the appropriate scores on the NTE/PRAXIS in all but one of the tests required, with an aggregate score that is equal to or above the total qualifying score on all the tests required for standard certification.

To employ an individual on a temporary employment permit, a local superintendent must verify that no regularly certified teacher is available for employment. Names of the individuals employed on a temporary employment permit are to be listed on the addendum to the Annual School Report with verification that no regularly certified teacher is available.

An individual can be reissued a permit three times under the Board policy, only if evidence is presented to the Department of Education that the NTE/PRAXIS has been retaken within one year from the date the permit was last issued. Beginning with the fifth year, to receive a Temporary Employment Permit, an individual must present the following:

1. Evidence that the NTE/PRAXIS has been taken within one year from the date the permit was last issued.
2. Verification from the employing superintendent that the individual is applying for employment in a specific teaching position for which there is no regularly certified teacher available.
3. A recommendation from the employing superintendent.
4. Verification of successful local evaluations for the previous four years.

Temporary employment permits will be issued at the request of individuals who meet all requirements for regular certification with the exception of the NTE/PRAXIS scores. When applying for issuance of a temporary employment permit, an individual must submit to Teacher Certification and Higher Education all application materials required for issuance of a regular certificate.

Interested persons may submit comments until 4:30 p.m., April 11, 2001 to Nina 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 746C Louisiana Standards for
State Certification of School Personnel C Temporary
Employment Permit**

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

The adoption of this policy will cost the Department of Education approximately \$700 (printing and postage) to disseminate the policy.

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

This policy will have no effect on revenue collections.

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

This policy provides individuals who have completed the PRAXIS exam an option to receive a Temporary Employment Permit if they have not achieved required scores on all but one of the exams.

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

This policy should result in a decrease of individuals employed on the Interim Emergency Policy and increase the number of individuals available to teach K-12 in Louisiana school systems.

Marlyn J. Langley
Deputy Superintendent
Management and Finance
0102#014

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) (LAC 28:IV. 703)

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., March 20, 2001, 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)**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
No charge in cost to the program is anticipated to result from these revisions.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No impact on revenue collections is anticipated to result from these rule changes.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
TOPS applicants may take "Integrated Science" as an equivalent for "Physical Science" to complete requirements of the TOPS core curriculum.
- 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
0102#043

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Economic Development
Auctioneers Licensing Board**

Licensing of Auction Businesses and Requirement of Bonds
(LAC 46:III.Chapters 1, 11,12, 25, and 27)

Under the authority of the Louisiana Auctioneers Licensing Law, R.S. 37:3103 et seq., and in accordance with the provisions of the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Louisiana Auctioneers Licensing Board has initiated procedures to amend and add LAC 46:III, Auctioneers Licensing, Chapters 1, 11, 12, 25, and 27.

The amendments define and interpret to a more full and precise extent the licensing of auction businesses, and the requirement of bonds.

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part III. Auctioneers

Chapter 1. Description of Organization

§105. Election and Term of Office

A. The chairman and vice-chairman shall hold office as board members so long as they hold their respective positions as elective officers of the board. Each appointed member shall serve at the pleasure of the governor for a term concurrent to the term of office of the governor appointing him except that each member shall serve until his successor has been appointed and begins serving. Each appointment by the governor shall be submitted to the Senate for confirmation. In the event of the death, resignation, or disability of a member of the board, the governor shall fill the vacancy by appointing a qualified person for the remainder of the unexpired term.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3111 and R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:335 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:782 (November 1988), LR 27:

**Chapter 11. License of Auctioneer
§1101. Qualifications for Applicant**

A. The board shall base determination of satisfactory minimum qualifications for licensing as follows:

- 1. be of good moral character;
- 2. be a citizen, or a legal resident of the United States or legal a resident of the state of Louisiana;

A.3. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3111 and R.S. 37:3113.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:336 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:784 (November 1988), LR 27:

§1103 Licensing Procedure

A. - B.3. ...

4. voter's registration or other satisfactory proof of citizenship in this state or other reciprocal state; in the alternative, a proof of resident alien status;

5. a good and sufficient surety bond executed by the applicant as principal and by a surety company qualified to do business in the state of Louisiana as surety in the amount of \$10,000;

6. cashier's check, money order or cash (no checks will be accepted) in the sum of \$300 for all fees covered in the initial licensing procedure;

7. oath of office as a Louisiana Auctioneer;

8. irrevocable consent (if applicable);

9. current letter of good standing from other state, if applicable;

10. educational background;

11. three references, including their business addresses, who attest to the applicant's reputation and adherence to ethical standards;

12. previous occupational experience as an auctioneer;

13. copies of all current auctioneers licenses, if any;

14. Louisiana sales tax number;

15. tax identification number.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112 and R.S. 37:3113.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:337 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:784 (November 1988), LR 27:

§1107. Change of Address

A. All licensees shall notify the board in writing of each change of address within 30 days of that change.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112 and R.S. 37:3113.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:337 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:784 (November 1988), LR 27:

§1109. Examination Procedure

A. - B. ...

C. The board shall give examinations for licensure at least six times per year.

D. - G ...

H. Examinations for persons with disabilities will be provided without discrimination based upon current law and upon the individual's disability.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112 and R.S. 37:3113.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:337 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:784 (November 1988), LR 27:

§1113. Fees

A. - A.3. ...

- | | |
|---|-------|
| 4. Initial license fee for an auctioneer | \$150 |
| 5. Annual renewal license fee for an auctioneer | \$150 |
| 6. Restoration fee of a license | \$100 |
| 7. Replacement fee of a lost, destroyed, or mutilated license | \$25 |
| 8. Delinquent renewal fee | \$75 |
| 9. Apprentice fee | \$100 |
| 10. Annual certification of a licensed auctioneer school or a school offering auctioneering courses | \$150 |
| 11. Initial license fee for an auction business | \$300 |
| 12. Annual license renewal fee for an auction business | \$300 |
| 13. Replacement fee of lost, destroyed or mutilated identification card | \$5 |

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3116.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:337 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:784 (November 1988), LR 27:

§1117. Qualification for Licensing Apprentice Auctioneers

A. Must be at least 18 years of age.

B. Must submit the following:

1. application for licensing;
2. oath of office;
3. a good and sufficient surety bond executed by the applicant as principal and by a surety company qualified to do business in the state of Louisiana as surety in the amount of \$10,000, which shall be delivered to the board at the time of the initial license application (see Section 1201);
4. irrevocable consent form (out-of-state applicants only);
5. copy of voter registration;
6. a certified check, money order, or cash in the sum of \$100;
7. a form signed by the supervising Louisiana resident licensed auctioneer stating that the apprentice will be serving under him for the term of one year;
8. a copy of the rules and regulations signed by both the apprentice and the supervising auctioneer (see Subsection D).

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3118.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:338 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:786 (November 1988), LR 27:

§1119. Apprentice Auctioneer Licensing

A. - G ...

H. Upon completion of the one-year apprentice program, the apprentice auctioneer may apply to take the Louisiana auctioneer's examination and become licensed in the state of Louisiana. He must submit the following in order to be considered for administration of the test:

1. a completed application for license as an auctioneer;
2. oath of office;
3. posting of a \$10,000 surety bond, made payable to the Louisiana Auctioneers Licensing Board (see Section 1201);
4. irrevocable consent form (out-of-state applicants only);
5. certified copy of voter registration showing present residence;
6. certified check, money order, or cash in the amount of \$300. (This includes the \$150 license fee, the \$75 application fee, and \$75 examination fee);
7. a form signed by the supervising Louisiana licensed auctioneer stating that the apprentice did serve under him for the term of one year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:338 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:786 (November 1988), LR 27:

§1121. Causes for Nonissuance, Suspension, Revocation or Restriction; Fine, Reinstatement

A. The board may refuse to issue or may suspend, revoke or impose probationary or other restrictions of any license issued under this statute and rules for any of the following causes:

1. - 10. ...
11. false, deceptive or misleading advertising;
12. failure to notify the board within 30 days, of any administrative action taken by another licensing authority, board or commission;
13. failure to comply with all local, city, parish/county, or state laws.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3121.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:338 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:787 (November 1988), LR 27:

§1201. Bonds

A. Each applicant for licensure as a resident auctioneer, apprentice auctioneer, or auction business shall deliver to and deposit with the board at the time of application either the sum of \$10,000 in cash or a surety bond in the amount of \$10,000. Such bond shall:

1. be executed by the applicant as principal and by a surety company qualified to do business in the state as a surety;
2. be in a form approved by the board;
3. be conditioned upon compliance by the applicant with the conditions of any written auctioneer's contract made by such applicant in connection with a sale or auction in which he is a party;
4. be conditioned upon the assurance that the applicant shall not violate any provision of this Chapter or state law in the conduct of the business for which he is licensed;
5. be made payable to the board for the use, benefit, and indemnity of any person who suffers any loss as a result of a violation of this Chapter and for the proper disposition of all funds, taxes and registration fees;
6. be for the period of licensure.

B. The bond shall be maintained throughout the period of licensure. If the bond is canceled for any reason, the license shall be revoked as of the date of cancellation unless a new bond is furnished prior to that date.

C. A new bond or proper continuation certificate shall be delivered to the board at the beginning of each period of licensure. However, the aggregate liability of the surety in any one year shall not exceed the sum of the bond.

D. A licensed resident auctioneer shall not be required to deposit with the board an additional cash amount or an additional surety bond upon application for licensure as an auction business.

E. The board may promulgate rules to require a cash deposit or surety bond not to exceed \$10,000 as a condition of reinstatement of a license revoked, canceled, suspended, or otherwise restricted pursuant to R.S. 37:3121.

F. The board may promulgate rules to require a cash deposit or surety bond not to exceed \$10,000 of a nonresident auctioneer either licensed in or conducting an auction in Louisiana under the reciprocity provisions of R.S. 37:3117 if a bond is required of a Louisiana auctioneer for licensure or the conduct of an auction in the licensing jurisdiction of such nonresident auctioneer.

G. An auction business which is owned by a nonresident auctioneer shall, prior to being licensed by the board, post a surety bond in the amount which shall be the greater or either:

1. \$10,000;
2. the amount of the bond required of an auction business owned by an auctioneer licensed in Louisiana in the licensing jurisdiction of such nonresident auctioneer.

H. Such bond shall name the board as beneficiary.

1. In the case of a cash deposit, the auctioneer or auction business making the cash deposit shall deposit funds in a recognized state depository with the account or certificate pledged to the Louisiana Auctioneer Licensing Board under the same requirements as a surety bond. The funds shall be maintained in this depository for a period of one calendar year past the expiration date of the license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 27:

§1203. Auctioneer Recovery Fund

A. Funds remaining in the auctioneers recovery fund shall be deposited into the general fund of the Auctioneer Licensing Board with the following provisions.

1. A percentage of the funds shall be designated for a specified number of years to cover those incidents, which occurred while the fund was in existence. All civil judicial proceedings must be exhausted prior to filing a claim against the funds.

- a. Only those claims, which are filed within one year of the termination of the fund, will be considered to be filed in a timely manner against the fund.

2. A percentage of the funds shall be designated by the board for educational and administrative use, to cover the cost of continuing education for Louisiana residential auctioneers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 27:

Chapter 13. Cease and Desist; Injunctions

§1301. Cease and Desist; Injunctions

A. - C. ...

D. Those who hold auction licenses who are found in violation of the statutes or regulations shall be responsible for reasonable attorney fees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3122.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:338 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:787 (November 1988), LR 27:

Chapter 15. Violations and Penalties

§1501. Violations and Penalties

A. - B. ...

C. Any person who fails to comply with any order issued by the board or its designee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3123.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:338 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:786 (November 1988), LR 27:

Chapter 17. Responsibilities of Licensed Auctioneers

§1703. Conduct in Professional Manner

A. A licensee shall conduct his professional activities in a professional manner that will reflect credit upon him, the auction profession and auctioneers.

B. - B.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:338 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:787 (November 1988), LR 27:

Chapter 23. Transfer of Boards, Commissions, Departments and Agencies to the Department of Commerce

§2301. Transferred as Provided in R.S. 36:803

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3120.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:339 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:788 (November 1988), repealed LR 27:

Chapter 25. Auctioneer Business

§2501. Licensing of Auctioneer Business

A. - D. ...

E. Application Information. Each applicant shall submit the following information on the designated application form:

1. the name of each owner of the entity and the length of time each such person has been an owner;
2. each business address of the entity;
3. each auctioneer licensed by the date of application who has been employed by the business for more than one auction in the previous calendar year;
4. the nature of the business and the product to be sold;
5. two references who shall be auctioneers currently licensed in this state in good standing with the board;
6. tax identification number;
7. Louisiana sales tax number;
8. all related business entities or individuals, such as co-owners, holding companies, sister companies, etc.;
9. a good and sufficient surety bond executed by the applicant as principal and by a surety company qualified to do business in the state of Louisiana as surety in the amount of \$10,000.

F. If, in the opinion of the board, the applicant provided inadequate information to allow the board to ascertain whether the applicant satisfies the qualifications for licensing, the applicant shall be required to provide additional information for purposes of the application or may be required to present himself for an interview for this purpose.

G. - N. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3119

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Auctioneers Licensing Board, LR 20:1367 (December 1994), LR 27:

Chapter 27. Continuing Education

§2701. Continuing Education

A. In an effort to improve the quality of the service provided by auctioneers in the state of Louisiana, the board has determined that continuing education shall be required of all auctioneers. Effective January 1, 2002, each auctioneer licensed in the state of Louisiana shall be required to have obtained six hours of continuing education, related to the business of auctioneering, in order to be eligible for renewal, and shall obtain six hours each year thereafter to maintain eligibility for renewal. Under the regulation, each credit hour shall consist of no less than 50 minutes of lecture or instruction time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 27:

§2703. Providers

A. In order to be considered a provider of continuing education, the provider must satisfy one of the following criteria:

1. be a recognized school of auctioneering approved by the board;
2. be a state regulatory board or commission;
3. be a recognized national or state association;
4. be a certified instructor in a field related to auctioneering;
5. be a recognized expert in a field related to auctioneering either through accreditation or years of experience;
6. be a licensed professional in their field.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 27:

§2705. Application Process and Provider Responsibilities

A. Effective (the date these rules become effective), the provider of any continuing education program shall apply to the board for approval of such program by supplying the board with the following information:

1. the name, address, and phone number of the provider seeking approval;
2. a listing of courses offered that pertain to the business of auctioneering;
3. an outline and brief description of each course to be approved including the number of credits for each course;
4. a list of instructors and their credentials;
5. the location and dates, if available, for courses to be approved.

B. Each approved provider shall submit, within 30 days of course completion, a list of all licensees completing the course. This list shall contain the following information:

1. the full name of the licensee;
2. the Louisiana auctioneer's license number;
3. the name of the course taken;
4. the provider course number;
5. the location of the course;
6. the number of credit hours;
7. the date the course was taken;
8. the name of the instructor for that course.

C. The provider shall be required to assure complete attendance of courses prior to issuing credit, through a system of signed attendance sheets showing each licensee's name and license number and the times of each attendee's presence at the course. No course credit shall be given to any attendee who fails to attend the full session. Certificates of attendance, if utilized, shall be issued at the end of the course.

D. Each credit hour shall consist of 50 minutes of instruction or lecture time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 27:

§2707. Revocation of Provider Status

A. The board shall have the authority to suspend or revoke approval of any provider who fails to adhere to the rules set forth in this Chapter, or who knowingly falsifies or aids anyone in falsifying records pertaining to course credits received.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 27:

§2709. Auctioneer Responsibilities

A. It shall be the responsibility of the auctioneer to obtain six credit hours of continuing education each year, prior to the license renewal date, in order to maintain eligibility to renew a license. Each licensee shall be required to do the following:

1. attend and complete board approved continuing education seminars, totaling six hours, in courses approved by this board;
2. complete the required six hours of coursework prior to the renewal period of the upcoming year;
3. supply the provider of continuing education, their full name and Louisiana license number, on the providers form in order to receive credit for the course.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 27:

Interested parties are invited to submit written comments on the proposed regulations through March 20, 2001 at 4:30 p.m., to Sherrie Wilks, Louisiana Auctioneers Licensing Board, 8017 Jefferson Hwy, Suite A-2, Baton Rouge, LA, 70809.

Sherri Wilks
Executive Assistant

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Licensing of Auction Businesses and Requirement of Bonds

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

There are no implementation costs or savings to local government units as a result of this rule. State government should experience no savings; however, costs to state government should be approximately \$10,400 to implement the Continuing Education Program. These funds are available from the Auctioneer Recovery Fund that is being eliminated.

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

There is no effect on revenue collections to local government units as a result of this rule. However, there will be an increase in revenue collections to the State. It has been estimated that there will be an increase in collection of approximately \$16,000. This is based on approximately 53 auctioneer licenses either being issued or renewed each year at a rate of \$300 per license. Additional revenue may also be collected in the form of delinquent renewal fees that may be imposed and also fees for replacement identification cards. However, an estimate of the amount of revenue that will be generated from these sources cannot be quantified.

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

The estimated costs to directly affected persons as a result of this rule is \$300 per year for a new or renewed license fee. There may also be additional costs of \$5 for a replacement identification card and \$75 for delinquent renewal fees if applicable.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition or employment as a result of these rules.

Sherri Wilks
Executive Assistant
0102#012

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Division of Administration
Board of the Trustees of the
State Employees Group Benefits Program**

EPO Plan of Benefits C Emergency Room
Deductible C Non-EPO Facility
(LAC 32:V.701)

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 42:871(C) and 874(B)(2), vesting the Board of Trustees with the responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, the board finds that it is necessary to revise and amend provisions of the EPO Plan Document to increase the emergency room deductible applicable to services at a non-EPO facility. The reason for this action is to avoid adverse financial impact that would affect fiscal solvency of the State Employees Group Benefits Program and the availability of services necessary to maintain the health and welfare of the covered employees and their dependents, which is crucial to the delivery of vital services to the citizens of the state.

Accordingly, the board hereby gives Notice of Intent to adopt the following Rule to become effective July 1, 2001.

Title 32

EMPLOYEE BENEFITS

**Part V. Exclusive Provider (EPO) Plan of Benefits
Chapter 7. Schedule of Benefits C EPO
§701. Comprehensive Medical Benefits**

A. Eligible expenses for professional medical services are reimbursed on a fee schedule of maximum allowable charges. All eligible expenses are determined in accordance with plan limitations and exclusions.

1. Deductibles

	PPO/non-participating provider	EPO
Emergency room charges for each visit unless The Covered person is hospitalized immediately Following emergency room treatment (prior to And in addition to Calendar Year deductible)	\$150	0

A.2. - G ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:871(C) and 874(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Trustees of the State Employees Group Benefits Program, LR 25:1823 (October 1999), amended LR 27:

Interested persons may present their views, in writing, to A. Kip Wall, Chief Executive Officer, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m. on Wednesday, March 28, 2001.

A public hearing will be held from 6:30 p.m. until 8 p.m. on Wednesday, March 28, 2001 at the Louisiana Department of Transportation and Development (DOTD) Auditorium, 1201 Capitol Access Road, Baton Rouge, LA 70802. Interested persons may appear and present their views at that time.

A. Kip Wall
Chief Executive Officer

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: EPO Plan of Benefits C Emergency Room
Deductible C Non-EPO Facility**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
It is estimated by SEGBP's consulting actuary of Milliman & Robertson that this benefit modification will save the Program approximately \$1,276,000 during FY 01-02; FY 02-03 and FY 03-04. It is anticipated there will be \$3,000 in printing and postage costs associated with the implementation of this rule change.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Revenue collections of state and local governmental units will not be affected.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
This rule will increase the emergency room deductible for all EPO participants from \$100 to \$150 per visit, if the emergency room visit is at a non-EPO facility. This deductible will be waived if the patient is admitted to the hospital.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
Competition and employment will not be affected.

A. Kip Wall
Chief Executive Officer
0102#056

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Division of Administration
Board of the Trustees of the
State Employees Group Benefits Program**

EPO Plan of Benefits C Glucometers
(LAC 32.V:317 and 325)

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 42:871(C) and 874(B)(2), vesting the Board of Trustees with the responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, the board finds that it is necessary to revise and amend provisions of the EPO Plan Document to exclude coverage of glucometers.

The reason for this action is to avoid adverse financial impact that would affect fiscal solvency of the State Employees Group Benefits Program and the availability of services necessary to maintain the health and welfare of the covered employees and their dependents, which is crucial to the delivery of vital services to the citizens of the state.

Accordingly, the board hereby gives Notice of Intent to adopt the following Rule to become effective July 1, 2001.

Title 32

EMPLOYEE BENEFITS

Part V. Exclusive Provider (EPO) Plan of Benefits

Chapter 3. Medical Benefits

§317. Exceptions and Exclusions for All Medical Benefits

A. No benefits are provided under this plan for:

1. - 40. ...

41. Glucometers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:871(C) and 874(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Trustees of the State Employees Group Benefits Program, LR 25:1813 (October 1999), amended LR 26:487 (March 2000), LR 27:

§325. Prescription Drug Benefits

A. ...

B. The following drugs, medicines, and related services are not covered:

1. - 11. ...

12. Glucometers.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:871(C) and 874(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Trustees of the State Employees Group Benefits Program, LR 25:1815 (October 1999), amended LR 27:

Interested persons may present their views, in writing, to A. Kip Wall, Chief Executive Officer, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m. on Wednesday, March 28, 2001.

A public hearing will be held from 6:30 p.m. until 8 p.m. on Wednesday, March 28, 2001 at the Louisiana Department of Transportation and Development (DOTD) Auditorium, 1201 Capitol Access Road, Baton Rouge, LA 70802. Interested persons may appear and present their views at that time.

A. Kip Wall
Chief Executive Officer

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: EPO Plan of Benefits C Glucometers**

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

It is estimated by SEGBP's consulting actuary, Milliman & Robertson, this benefit modification will save the Program approximately \$751,000 during FY 01-02; \$803,600 during FY 02-03; and \$859,800 during FY 03-04. It is anticipated there will be \$3,000 in printing and postage costs associated with the implementation of this rule.

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

Revenue collections of state and local governmental units will not be affected.

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

This rule will exclude payment for glucometers for all EPO participants.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be affected.

A. Kip Wall
Chief Executive Officer
0102#058

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Division of Administration
Board of the Trustees of the
State Employees Group Benefits Program**

EPO Plan of Benefits C New Employees C Pre-Existing
Condition Limitation (LAC 32:V.101)

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 42:871(C) and 874(B)(2), vesting the Board of Trustees with the responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, the board finds that it is necessary to revise and amend provisions of the EPO Plan Document to implement a pre-existing condition limitation for new employees. The reason for this action is to avoid adverse financial impact that would affect fiscal solvency of the State Employees Group Benefits Program and the availability of services necessary to maintain the health and welfare of the covered employees and their dependents, which is crucial to the delivery of vital services to the citizens of the state.

Accordingly, the board hereby gives Notice of Intent to adopt the following Rule to become effective July 1, 2001.

Title 32

EMPLOYEE BENEFITS

Part V. Exclusive Provider (EPO) Plan of Benefits

Chapter 1. Eligibility

§101. Persons to be Covered

Eligibility requirements apply to all participants in the Program, whether in the PPO Plan, the EPO Plan or an HMO plan.

A. Employee Coverage

1. - 7. ...

8. Pre-Existing Condition (PEC) C New Employees (on and after July 1, 2001)

a. The terms of the following paragraphs apply to all eligible employees whose employment with a participant employer commences on or after July 1, 2001, and to the dependents of such employees.

b. The program may require that such applicants complete a "Statement of Physical Condition" and an "Acknowledgement of Pre-existing Condition" form.

c. Medical expenses incurred during the first 12 months that coverage for the employee and/or dependent is in force under the plan will not be considered as covered medical expenses if they are in connection with a disease,

illness, accident or injury for which medical advice, diagnosis, care, or treatment was recommended or received during the six-month period immediately prior to the effective date of coverage. The provisions of this section do not apply to pregnancy.

d. If the covered person was previously covered under a Group Health Plan, Medicare, Medicaid or other creditable coverage as defined in the Health Insurance Portability and Accountability Act of 1996 (HIPAA), credit will be given for previous coverage that occurred without a break of 63 days or more for the duration of prior coverage against the initial 12-month period. Any coverage occurring prior to a break in coverage 63 days or more will not be credited against a pre-existing condition exclusion period.

B. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:871(C) and 874(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Trustees of the State Employees Group Benefits Program, LR 25:1804 (October 1999), amended LR 27:

Interested persons may present their views, in writing, to A. Kip Wall, Chief Executive Officer, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m. on Wednesday, March 28, 2001.

A public hearing will be held from 6:30 p.m. until 8 p.m. on Wednesday, March 28, 2001 at the Louisiana Department of Transportation and Development (DOTD) Auditorium, 1201 Capitol Access Road, Baton Rouge, LA 70802. Interested persons may appear and present their views at that time.

A. Kip Wall
Chief Executive Officer

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

**RULE TITLE: EPO Plan of Benefits C New
Employees C Pre-Existing Condition Limitation**

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

This benefit modification was reviewed by the Program's consulting actuary, Milliman & Robertson, and the fiscal impact was unknown. While it was agreed there would definitely be a savings associated with this rule change, there was insufficient data to perform a thorough actuarial review. It is anticipated there will be \$3,000 in printing and postage costs associated with the implementation of this rule.

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

Revenue collections of state and local governmental units will not be affected.

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

This rule change will impose a 12 month pre-existing condition period for all employees that enroll into the SEGBP and do not qualify for an exemption from this clause under provisions of Health Insurance Portability and Accountability Act (HIPAA). The total impact of this rule change is unknown.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be affected.

A. Kip Wall
Chief Executive Officer
0102#057

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT
Office of the Governor
Division of Administration
Board of the Trustees of the
State Employees Group Benefits Program

EPO Plan of Benefits C Prescription Drug Benefits
(LAC 32:V.325, 601, and 701)

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 42:871(C) and 874(B)(2), vesting the Board of Trustees with the responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, the board finds that it is necessary to revise and amend provisions of the EPO Plan Document relative to prescription drug benefits. The reason for this action is to avoid adverse financial impact that would affect fiscal solvency of the State Employees Group Benefits Program and the availability of services necessary to maintain the health and welfare of the covered employees and their dependents, which is crucial to the delivery of vital services to the citizens of the state.

Accordingly, the board hereby gives Notice of Intent to adopt the following Rule to become effective July 1, 2001.

Title 32

EMPLOYEE BENEFITS

Part V. Exclusive Provider (EPO) Plan of Benefits

Chapter 3. Medical Benefits

§325. Prescription Drug Benefits

A. This plan allows benefits for drugs and medicines approved by the Food and Drug Administration or its successor, requiring a prescription, and dispensed by a licensed pharmacist or pharmaceutical company, but which are not administered to a covered person as an inpatient hospital patient or an outpatient hospital patient, including insulin, Retin-A dispensed for covered persons under the age of 26, Vitamin B12 injections, prescription Potassium Chloride, and over-the-counter diabetic supplies including, but not limited to, strips, lancets and swabs.

B. The following drugs, medicines, and related services are not covered:

1. - 10. ...
11. Drugs for Treatment of impotence, except following surgical removal of the prostate gland; and
12. Glucometers.

C. ...

1. Upon presentation of the Group Benefits Program Health Benefits Identification Card at a network pharmacy, the Plan Member will be responsible for payment of 50 percent of the cost of the drug, up to a maximum of \$50 per prescription dispensed. The plan will pay the balance of the eligible expense for prescription drugs dispensed at a network pharmacy.

2. ...

3. If the plan member obtains a prescription drug from a non-network pharmacy in state, reimbursement will be limited to 50 percent of the amount that would have been paid if the drug had been dispensed at a network pharmacy. If the plan member obtains a prescription drug from a non-network pharmacy out of state, benefits will be limited to 80

percent of the amount that would have been paid if the drug had been dispensed at a network pharmacy.

4. Regardless of where the prescription drug is obtained, eligible expenses for brand name drugs will be limited to the prescription benefits manager's maximum allowable charge for the drug dispensed.

5. Prescription drug dispensing and refills will be limited in accordance with protocols established by the prescription benefits manager, including the following limitations:

- a. up to a 34-day supply of drugs may be dispensed at one time; and
- b. refills will be available only after 75 percent of drugs previously dispensed should have been consumed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:871(C) and 874(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Trustees of the State Employees Group Benefits Program, LR 25:1815 (October 1999), amended LR 27:

Chapter 7. Schedule of Benefits C EPO
§701. Comprehensive Medical Benefits

A. ...

1. - 3. ...

4. Prescription Drugs (Not subject to deductible)

Network Pharmacy	Member pays 50% of drug costs at point of purchase
Maximum co-payment	\$50 per prescription dispensed
Non-network pharmacy	Plan pays balance of Eligible Expense
In-state	Member pays full drug costs at point of purchase
Out-of-state	Reimbursement limited to 50% of amount payable by Plan at Network Pharmacy
	Reimbursement limited to 80% of amount payable by Plan at Network Pharmacy

B. - G ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:871(C) and 874(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Trustees of the State Employees Group Benefits Program, LR 25:1823 (October 1999), amended LR 26:487 (March 2000), LR 27:

Interested persons may present their views, in writing, to A. Kip Wall, Chief Executive Officer, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m. on Wednesday, March 28, 2001.

A public hearing will be held from 6:30 p.m. until 8 p.m. on Wednesday, March 28, 2001 at the Louisiana Department of Transportation and Development (DOTD) Auditorium, 1201 Capitol Access Road, Baton Rouge, LA 70802. Interested persons may appear and present their views at that time.

A. Kip Wall
Chief Executive Officer

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

RULE TITLE: EPO Plan of Benefits C
Prescription Drug Benefits

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

It is estimated by SEGBP's consulting actuary, Milliman & Robertson, that this benefits modification will save the Program \$10.6 million during FY 01-02; FY 02-03 and FY 03-04. It is

anticipated there will be \$3,000 in printing and postage costs associated with the implementation of this rule.

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

Revenue collections of state and local governmental units will not be affected.

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

This rule change will change the current 3-tier co-payment structure for prescription drugs into a 50% coinsurance plan with the member paying for 50% of any given drug up to a maximum of \$50/prescription.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be affected.

A. Kip Wall
Chief Executive Officer
0102#059

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Division of Administration
Board of the Trustees of the
State Employees Group Benefits Program**

A. Kip Wall
Chief Executive Officer

PPO Plan of Benefits C Annual Deductible (LAC 32:III.701)

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 42:871(C) and 874(B)(2), vesting the Board of Trustees with the responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, the board finds that it is necessary to revise and amend provisions of the PPO Plan Document to increase the annual deductible for employees and dependents of employees. The reason for this action is to avoid adverse financial impact that would affect fiscal solvency of the State Employees Group Benefits Program and the availability of services necessary to maintain the health and welfare of the covered employees and their dependents, which is crucial to the delivery of vital services to the citizens of the state.

Accordingly, the board hereby gives Notice of Intent to adopt the following Rule to become effective July 1, 2001.

Title 32

EMPLOYEE BENEFITS

Part III. Preferred Provider (PPO) Plan of Benefits

Chapter 7. Schedule of Benefits C PPO

§701. Comprehensive Medical Benefits

A. ...

1. Deductibles

Inpatient deductible per day, maximum of 5 days per admission (waived for admissions at PPO Hospitals) ...

Emergency room charges for each visit unless the Covered Person is hospitalized immediately following emergency room Treatment (prior to and in addition to Calendar Year deductible) ...

Professional and other eligible expenses,
Employees and Dependents of Employees, \$ 500
Per person, per Calendar Year

Professional and other eligible expenses, Retirees and Dependents of Retirees, Per person, per Calendar Year \$ 300

Family Unit maximum (3 individual deductibles)

A.2. - G ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:871(C) and 874(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Trustees of the State Employees Group Benefits Program, LR 25:1843 (October 1999), amended LR 26:488 (March 2000), LR 27:

Interested persons may present their views, in writing, to A. Kip Wall, Chief Executive Officer, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m. on Wednesday, March 28, 2001.

A public hearing will be held from 6:30 p.m. until 8 p.m. on Wednesday, March 28, 2001 at the Louisiana Department of Transportation and Development (DOTD) Auditorium, 1201 Capitol Access Road, Baton Rouge, LA 70802. Interested persons may appear and present their views at that time.

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: PPO Plan of Benefits C
Annual Deductible**

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

It is estimated by SEGBP's consulting actuary of Milliman & Robertson that this benefit modification will save the Program approximately \$6.5 million during FY 01-02; FY 02-03 and FY 03-04. It is anticipated there will be \$3,000 in printing and postage costs associated with the implementation of this rule change..

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

Revenue collections of state and local governmental units will not be affected.

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

This rule will increase the annual deductible for all PPO participants that are still actively employed from \$300 to \$500 annually. This will require these participants to pay for the first \$500 in allowable medical charges before the Program starts paying a benefit. This will affect all actively employed PPO participants that incur greater than \$300 in medical costs annually.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be affected.

A. Kip Wall
Chief Executive Officer
0102#060

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT
Office of the Governor
Division of Administration
Board of the Trustees of the
State Employees Group Benefits Program

PPO Plan of Benefits C Emergency Room Deductible
(LAC 32:III.701)

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 42:871(C) and 874(B)(2), vesting the Board of Trustees with the responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, the board finds that it is necessary to revise and amend provisions of the PPO Plan Document to increase the emergency room deductible. The reason for this action is to avoid adverse financial impact that would affect fiscal solvency of the State Employees Group Benefits Program and the availability of services necessary to maintain the health and welfare of the covered employees and their dependents, which is crucial to the delivery of vital services to the citizens of the state.

Accordingly, the board hereby gives Notice of Intent to adopt the following Rule to become effective July 1, 2001.

Title 32

EMPLOYEE BENEFITS

Part III. Preferred Provider (PPO) Plan of Benefits

Chapter 7. Schedule of Benefits C PPO

§701. Comprehensive Medical Benefits

A. ...

1. Deductibles

Inpatient deductible per day, maximum of 5 days per admission (waived for admissions at PPO Hospitals)	...
Emergency room charges for each visit unless the Covered Person is hospitalized immediately following emergency room treatment (prior to and in addition to Calendar Year deductible)	\$150
Professional and other eligible expenses, Employees and Dependents of Employees, per person, per Calendar Year	...
Professional and other eligible expenses, Retirees and Dependents of Retirees, per person, per Calendar Year	...

Family Unit maximum (3 individual deductibles)

A.2. - G ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:871(C) and 874(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Trustees of the State Employees Group Benefits Program, LR 25:1843 (October 1999), amended LR 26:488 (March 2000), LR 27:

Interested persons may present their views, in writing, to A. Kip Wall, Chief Executive Officer, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804, until 4:30 on Wednesday, March 28, 2001.

A public hearing will be held from 6:30 p.m. until 8 p.m. on Wednesday, March 28, 2001 at the Louisiana Department of Transportation and Development (DOTD) Auditorium,

1201 Capitol Access Road, Baton Rouge, LA 70802. Interested persons may appear and present their views at that time.

A. Kip Wall
Chief Executive Officer

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: PPO Plan of Benefits C
Emergency Room Deductible

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

It is estimated by SEGBP's consulting actuary of Milliman & Robertson, that this benefit modification will save the program approximately \$424,000 during FY 01/02; FY 02/03; and FY 03/04. It is anticipated there will be approximately \$3,000 in printing and postage costs associated with the implementation of this rule change.

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

Revenue collections of state and local governmental units will not be affected.

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

This rule change will increase the emergency room deductible for all PPO participants from \$100 to \$150 per visit. This deductible will be waived if the patient is admitted to the hospital.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be affected.

A. Kip Wall
Chief Executive Officer
0102#052

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor
Division of Administration
Board of the Trustees of the
State Employees Group Benefits Program

PPO Plan of Benefits C Glucometers
(LAC 32:III.317 and 323)

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 42:871(C) and 874(B)(2), vesting the Board of Trustees with the responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, the board finds that it is necessary to revise and amend provisions of the PPO Plan Document to exclude coverage for glucometers. The reason for this action is to avoid adverse financial impact that would affect fiscal solvency of the State Employees Group Benefits Program and the availability of services necessary to maintain the health and welfare of the covered employees and their dependents, which is crucial to the delivery of vital services to the citizens of the state.

Accordingly, the board hereby gives Notice of Intent to adopt the following Rule to become effective July 1, 2001.

**Title 32
EMPLOYEE BENEFITS**

Part III. Preferred Provider (PPO) Plan of Benefits

Chapter 3. Medical Benefits

§317. Exceptions and Exclusions for All Medical Benefits

A. No benefits are provided under this Plan for:

1. - 40. ...

41. Glucometers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:871(C) and 874(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Trustees of the State Employees Group Benefits Program, LR 25:1834 (October 1999), amended LR 26:488 (March 2000), LR 27:

§323. Prescription Drug Benefits

A. ...

B. The following drugs, medicines, and related services are not covered:

1. - 11. ...

12. Glucometers.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:871(C) and 874(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Trustees of the State Employees Group Benefits Program, LR 25:1835 (October 1999), amended LR 27:

Interested persons may present their views, in writing, to A. Kip Wall, Chief Executive Officer, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m. on Wednesday, March 28, 2001.

A public hearing will be held from 6:30 p.m. until 8 p.m. on Wednesday, March 28, 2001 at the Louisiana Department of Transportation and Development (DOTD) Auditorium, 1201 Capitol Access Road, Baton Rouge, LA 70802. Interested persons may appear and present their views at that time.

A. Kip Wall
Chief Executive Officer

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

RULE TITLE: PPO Plan of Benefits C Glucometers

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

It is estimated by SEGBP's consulting actuary of Milliman & Robertson, this benefit modification will save the program approximately \$249,000 during FY 01/02; \$266,000 during FY 02/03; and \$285,000 during FY 03/04. It is anticipated there will be \$3,000 in printing and postage costs associated with the implementation of this rule change.

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

Revenue collections of state and local governmental units will not be affected.

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

This rule change will result in a savings to SEGBP by excluding payment for glucometers for all PPO participants.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be affected.

A. Kip Wall
Chief Executive Officer
0102#054

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Division of Administration
Board of the Trustees of the
State Employees Group Benefits Program**

**PPO Plan of Benefits C New Employees C Pre-Existing
Condition Limitation (LAC 32.III:101)**

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 42:871(C) and 874(B)(2), vesting the Board of Trustees with the responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, the board finds that it is necessary to revise and amend provisions of the PPO Plan Document to implement a pre-existing condition limitation for new employees. The reason for this action is to avoid adverse financial impact that would affect fiscal solvency of the State Employees Group Benefits Program and the availability of services necessary to maintain the health and welfare of the covered employees and their dependents, which is crucial to the delivery of vital services to the citizens of the state.

Accordingly, the board hereby gives Notice of Intent to adopt the following Rule to become effective July 1, 2001.

**Title 32
EMPLOYEE BENEFITS**

Part III. Preferred Provider (PPO) Plan of Benefits

Chapter 1. Eligibility

§101. Persons to be Covered

Eligibility requirements apply to all participants in the program, whether in the PPO Plan, the EPO Plan or an HMO plan.

A. Employee Coverage

1. - 7. ...

8. Pre-Existing Condition (PEC) C New Employees (on and after July 1, 2001)

a. The terms of the following paragraphs apply to all eligible employees whose employment with a participant employer commences on or after July 1, 2001, and to the dependents of such employees.

b. The program may require that such applicants complete a "Statement of Physical Condition" and an "Acknowledgement of Pre-existing Condition" form.

c. Medical expenses incurred during the first 12 months that coverage for the employee and/or dependent is in force under the plan will not be considered as covered medical expenses if they are in connection with a disease, illness, accident or injury for which medical advice, diagnosis, care, or treatment was recommended or received during the six-month period immediately prior to the effective date of coverage. The provisions of this section do not apply to pregnancy.

d. If the covered person was previously covered under a Group Health Plan, Medicare, Medicaid or other creditable coverage as defined in the Health Insurance

Portability and Accountability Act of 1996 (HIPAA), credit will be given for previous coverage that occurred without a break of 63 days or more for the duration of prior coverage against the initial 12-month period. Any coverage occurring prior to a break in coverage 63 days or more will not be credited against a pre-existing condition exclusion period.

B. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:871(C) and 874(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Trustees of the State Employees Group Benefits Program, LR 25:1825 (October 1999), amended LR 27:

Interested persons may present their views, in writing, to A. Kip Wall, Chief Executive Officer, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m. on Wednesday, March 28, 2001.

A public hearing will be held from 6:30 p.m. until 8 p.m. on Wednesday, March 28, 2001 at the Louisiana Department of Transportation and Development (DOTD) Auditorium, 1201 Capitol Access Road, Baton Rouge, LA 70802. Interested persons may appear and present their views at that time.

A. Kip Wall
Chief Executive Officer

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: PPO Plan of Benefits C New Employees C Pre-Existing Condition Limitation

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

This benefit modification was reviewed by the program's consulting actuary, Milliman & Robertson, and the fiscal impact was unknown. While it was agreed there would definitely be a savings associated with this rule change, there was insufficient data to perform a thorough actuarial review. It is anticipated there will be \$3,000 in printing and postage costs associated with the implementation of this rule.

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

Revenue collections of state and local governmental units will not be affected.

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

This rule change will impose a 12-month pre-existing condition period for all employees that enroll into the SEGBP and do not qualify for an exemption from this clause under provisions of Health Insurance Portability and Accountability Act (HIPAA). The total impact of this rule change is unknown.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be affected.

A. Kip Wall
Chief Executive Officer
0102#053

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor Division of Administration Board of the Trustees of the State Employees Group Benefits Program

PPO Plan of Benefits C Prescription Drug Benefits (LAC 32:III.323, 601, and 701)

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 42:871(C) and 874(B)(2), vesting the Board of Trustees with the responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, the board finds that it is necessary to revise and amend provisions of the PPO Plan Document relative to prescription drug benefits. The reason for this action is to avoid adverse financial impact that would affect fiscal solvency of the State Employees Group Benefits Program and the availability of services necessary to maintain the health and welfare of the covered employees and their dependents, which is crucial to the delivery of vital services to the citizens of the state.

Accordingly, the board hereby gives Notice of Intent to adopt the following Rule to become effective July 1, 2001.

Title 32

EMPLOYEE BENEFITS

Part III. Preferred Provider (PPO) Plan of Benefits

Chapter 3. Medical Benefits

§323. Prescription Drug Benefits

A. This plan allows benefits for drugs and medicines approved by the Food and Drug Administration or its successor, requiring a prescription, and dispensed by a licensed pharmacist or pharmaceutical company, but which are not administered to a covered person as an inpatient hospital patient or an outpatient hospital patient, including insulin, Retin-A dispensed for covered persons under the age of 26, Vitamin B12 injections, prescription Potassium Chloride, and over-the-counter diabetic supplies including, but not limited to, strips, lancets and swabs.

B. The following drugs, medicines, and related services are not covered:

1. - 10. ...

11. drugs for treatment of impotence, except following surgical removal of the prostate gland; and

12. glucometers.

C. ...

1. Upon presentation of the Group Benefits Program Health Benefits Identification Card at a network pharmacy, the Plan Member will be responsible for payment of 50 percent of the cost of the drug, up to a maximum of \$50 per prescription dispensed. The plan will pay the balance of the eligible expense for prescription drugs dispensed at a network pharmacy.

2. ...

3. If the plan member obtains a prescription drug from a non-network pharmacy in state, reimbursement will be limited to 50 percent of the amount that would have been paid if the drug had been dispensed at a network pharmacy. If the plan member obtains a prescription drug from a non-network pharmacy out of state, benefits will be limited to 80

percent of the amount that would have been paid if the drug had been dispensed at a network pharmacy.

4. Regardless of where the prescription drug is obtained, eligible expenses for brand name drugs will be limited to the prescription benefits manager's maximum allowable charge for the drug dispensed.

5. Prescription drug dispensing and refills will be limited in accordance with protocols established by the prescription benefits manager, including the following limitations:

a. up to a 34-day supply of drugs may be dispensed at one time; and

b. refills will be available only after 75 percent of drugs previously dispensed should have been consumed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:871(C) and 874(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Trustees of the State Employees Group Benefits Program, LR 25:1835 (October 1999), amended LR 27:

Chapter 7. Schedule of Benefits C PPO

§701. Comprehensive Medical Benefits

A. ...

1. - 3. ...

4. Prescription Drugs (Not subject to deductible)

Network Pharmacy	Member pays 50% of drug costs at point of purchase
Maximum co-payment	\$50 per prescription dispensed
Non-network pharmacy	Plan pays balance of Eligible Expense
In-state	Member pays full drug costs at point of purchase
Out-of-state	Reimbursement limited to 50% of amount payable by Plan at Network Pharmacy
	Reimbursement limited to 80% of amount payable by Plan at Network Pharmacy

B. - G ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:871(C) and 874(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Trustees of the State Employees Group Benefits Program, LR 25:1843 (October 1999), amended LR 26:488 (March 2000), LR 27:

Interested persons may present their views, in writing, to A. Kip Wall, Chief Executive Officer, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m. on Wednesday, March 28, 2001.

A public hearing will be held from 6:30 p.m. until 8 p.m. on Wednesday, March 28, 2001 at the Louisiana Department of Transportation and Development (DOTD) Auditorium, 201 Capitol Access Road, Baton Rouge, LA 70802. Interested persons may appear and present their views at that time.

A. Kip Wall
Chief Executive Officer

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: PPO Plan of Benefits C Prescription Drug Benefits

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

It is estimated by SEGBP's consulting actuary of Milliman & Robertson, this benefit modification will save the program \$19.2 million during FY 01-02; FY 02-03 and FY 03-04. It is anticipated there will be \$3,000 in printing and postage costs associated with the implementation of this rule.

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

Revenue collections of state and local governmental units will not be affected.

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

This rule change will change the current 3-tier co-payment structure for prescription drugs into a 50% coinsurance plan with the member paying for 50% of any given drug to a maximum of 50% prescription.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be affected.

A. Kip Wall
Chief Executive Officer
0102#055

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Division of Administration
Board of the Trustees of the
State Employees Group Benefits Program**

**PPO Plan of Benefits C Stop Loss Threshold
(LAC 32:III.321 and 701)**

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 42:871(C) and 874(B)(2), vesting the Board of Trustees with the responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, the board finds that it is necessary to revise and amend provisions of the PPO Plan Document relative to the stop loss threshold. The reason for this action is to avoid adverse financial impact that would affect fiscal solvency of the State Employees Group Benefits Program and the availability of services necessary to maintain the health and welfare of the covered employees and their dependents, which is crucial to the delivery of vital services to the citizens of the state.

Accordingly, the board hereby gives Notice of Intent to adopt the following Rule to become effective July 1, 2001.

Title 32

EMPLOYEE BENEFITS

**Part III. Preferred Provider (PPO) Plan of Benefits
Chapter 3. Medical Benefits**

§321. Preferred Provider Program

A. ...

1. If a Covered Person obtains medical services or Hospital services from an eligible provider who has agreed to provide the services at a mutually agreed upon discount from the maximum medical Fee Schedule or at a per diem or discounted rate from a Hospital, the Program will pay, following satisfaction of all applicable deductibles, 90 percent of the first \$10,000 of eligible expenses and 100 percent of eligible expenses, except prescription drugs, in

excess of \$10,000 for the remainder of the Calendar Year subject to the maximum amount as specified in the Schedule of Benefits.

2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:871(C) and 874(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Trustees of the State Employees Group Benefits Program, LR 25:1835 (October 1999), amended LR 27:

Chapter 7. Schedule of Benefits C PPO

§701. Comprehensive Medical Benefits

A. ...

1. ...

2. Percentage Payable after Satisfaction of Applicable Deductibles

Eligible expenses incurred at a PPO	90% of negotiated rate
Eligible expenses incurred at a non-PPO when one is available in the PPO Region	50%
Eligible expenses incurred at a non-PPO when not available at a PPO or out of state	80%
Eligible expenses incurred when Medicare or other group health plan is primary, and after Medicare reduction	80%
Eligible expenses in excess of \$10,000 per Calendar Year per person	100%

A.3. - G ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:871(C) and 874(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Trustees of the State Employees Group Benefits Program, LR 25:1843 (October 1999), amended LR 26:488 (March 2000), LR 27:

Interested persons may present their views, in writing, to A. Kip Wall, Chief Executive Officer, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m. on Wednesday, March 28, 2001.

A public hearing will be held from 6:30 p.m. until 8 p.m. on Wednesday, March 28, 2001 at the Department of Transportation and Development (DOTD) Auditorium, 1201Capitol Access Road, Baton Rouge, LA 70802. Interested persons may appear and present their views at that time.

A. Kip Wall
Chief Executive Officer

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: PPO Plan of Benefits C Stop Loss Threshold

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

It is estimated by SEGBP's consulting actuary, Milliman & Robertson, this benefit modification will save the program approximately \$3.5 million during FY 01/02; FY 02/03; and FY 03/04. It is anticipated there will be \$3,000 in printing and postage costs associated with the implementation of this rule change.

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

Revenue collections of state and local governmental units will not be affected.

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

This rule change will increase the stop loss threshold from \$500 to \$1,000. The program will pay, following the satisfaction of all applicable deductibles, 90 per cent of the first \$10,000 of eligible expenses and 100 per cent of eligible expenses, except prescription drugs, in excess of \$10,000 for the remainder of the calendar year to the maximum amount specified in the Schedule of Benefits.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be affected.

A. Kip Wall
Chief Executive Officer
0102#051

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Examiners of Psychologists**

Reciprocity (LAC 46:LXIII.201)

Notice is hereby given in accordance with R.S. 49:950 et seq., that the Board of Examiners of Psychologists intends to amend the following rule related to the licensure of psychologists through reciprocity.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXIII. Psychologists

Chapter 2. Reciprocity

§201. Licensure of Psychologists through Reciprocity

A. Upon application thereof, accompanied by such fee as determined by the board, the board shall issue a license to any person who furnishes, upon a form and in such manner as the board prescribes, evidence satisfactory to the board that:

1. he/she meets all of the following:

a. is licensed as a psychologist by another member jurisdiction of the Association of State and Provincial Psychology Boards (ASPPB) if the requirements for such licensure in that jurisdiction are the substantial equivalent of those required by Chapter 3 of the LAC, and if that jurisdiction has entered into a similar agreement with this board providing for the licensure of Louisiana psychologists in that jurisdiction by reciprocity; and

b. has met the requirements of such board including five years of satisfactory professional licensed experience in psychology; and

c. has successfully passed written and oral examinations administered by such board; and

d. his/her doctoral program involved at least one continuous academic year of full-time residency on the campus of the institution at which the degree was granted; and

e. he/she has not been subject to any disciplinary action by a professional board, and does not have any pending complaints against him/her; or

2. that he/she is a psychologist licensed in another state or territory of the U.S. or a Canadian province who has met the requirements for and holds a current Certificate of

Professional Qualification in Psychology (CPQ) issued by the Association of State and Provincial Psychology Boards (ASPPB).

B. Applicants for reciprocal licensing must pass the Louisiana Jurisprudence Examination prior to the issuance of a Louisiana license, and the Louisiana board may require a meeting with the applicant to review and verify his/her satisfactory character, current fitness, plans to practice, and specialty declaration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 27:

Interested persons may submit data, views, arguments, information or comments on the proposed Rule, in writing, to Brenda Ward, Executive Director, Board of Examiners of Psychologists, 8280 YMCA Plaza Drive, Building 8-B, Baton Rouge, LA 70810, within 20 days of the date of this notice.

John A. Brun, Ph.D.
Chairman

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

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

The only cost anticipated to implement this rule is the \$80 cost of publishing in the Louisiana Register. The Louisiana State Board of Examiners of Psychologists (LSBEP) publishes a newsletter which is distributed to all Louisiana licensed psychologists. This proposed rule change has been published in the current edition of that newsletter. No adjustment is necessary in the workload or printing of this rule in that publication.

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

This proposed rule will have no financial effect upon state or local governmental units.

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

It is anticipated that the proposed rule will have no significant effect on costs and/or economic benefits to directly affected persons, or nongovernmental groups.

Applicants for licensure as psychologists in Louisiana who hold a current CPQ in psychology issued by the ASPPB may be licensed in Louisiana based upon verification of the CPQ. Candidates would still be required to pay the licensure fee, but may or may not be required to sit for an oral.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the proposed rule will have no effect on competition and employment in the public and/or private sectors.

Brenda C. Ward
Executive Director
0102#086

H. Gordon Monk
Staff Director
Legislative fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Bureau of Health Services Financing**

Adult Denture Program Service Locations

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 pursuant to Title XIX of the Social Security Act. 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 provides coverage under the Medicaid Program for dentures and denture related services rendered to recipients age 21 years and older. The Board of Dentistry adopted a rule that addressed the provision of dental services in locations other than the dentist's office. The Rule requires certification of written agreements for emergency follow-up care for patients treated at these locations, including identification of and arrangements for treatment in a dental facility which is permanently established in the immediate area [LR 25:514 (March 1999)]. Adult Denture Program providers frequently provide services to recipients in locations other than their offices, especially recipients who live in long term care facilities. The bureau now proposes to establish additional requirements for Medicaid reimbursement paid to Adult Denture Program providers who conduct business at locations other than their principal place of practice. Adult Denture Program providers will be required to provide the physical address and business telephone number of their principal place of practice to the Provider Enrollment Unit and DHH dental consultants (LSU School of Dentistry). This location must consist of a dental office suitable for treating dental patients. Records documenting the services provided shall be maintained at this location. To be eligible for reimbursement under the Adult Denture Program, the service must be performed in either the parish where the provider's principal place of practice is located, any surrounding parish with a contiguous land border of at least one mile, or any parish with a land border of at least one mile contiguous with those parishes.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing establishes requirements for Adult Denture Program providers reimbursed under the Medicaid Program and conducting business at locations other than their principal place of practice. Adult Denture Program providers shall provide the physical address and business telephone number of their principal place of practice to the Provider Enrollment Unit and DHH dental consultants (LSU School of Dentistry). This location must consist of a dental office suitable for treating dental patients. Records documenting the services provided shall be maintained at this location. To be eligible for reimbursement under the Adult Denture Program, the service must be performed in either the parish where the provider's principal place of practice is located, any surrounding parish with a contiguous land border of at least one mile, or any

parish with a land border of at least one mile contiguous with those parishes.

Interested persons may submit written comments Ben A. Bearden, Bureau of Health Services Financing, 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 Thursday, March 29, 2001 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.

Family Impact Statement

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.

David W. Hood
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Adult Denture Program
Service Locations**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
It is anticipated that the implementation of this proposed rule will have no programmatic fiscal impact for SFY 2000-01, 2001-02, and 2002-03. It is anticipated that \$160 (\$80 SGF and \$80 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 not impact federal revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
Providers wishing to participate in the Adult Denture Program would have to meet the new requirements in order to receive reimbursement under the Medicaid Program.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no known effect on competition and employment.

Ben A. Bearden
Director
0102#075

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Bureau of Health Services Financing**

Home Health Program Rehabilitation Services

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 pursuant to Title

XIX of the Social Security Act. 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 currently provides coverage under the Medicaid Program for skilled nursing visits, home health aide visits and physical therapy services provided by home health agencies. Reimbursement for these services is made at a prospective rate established by the bureau (*Louisiana Register*, Volume 22, Number 3). As a result of a court order, the bureau expanded the Home Health Program to include coverage of occupational therapy and speech therapy. In addition, the bureau amended the March 20, 1996 Rule to establish new rates for home health rehabilitation services that are the same as the rates paid for outpatient hospital rehabilitation services (*Louisiana Register*, Volume 26, Number 9). Home health rehabilitation services include physical, occupational and speech therapies. All home health rehabilitation services must be prior authorized through the fiscal intermediary's Prior Authorization Unit in order to receive payment. The bureau now proposes to adopt a rule to continue the provisions contained in the September 21, 2000 Emergency Rule.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing expands home health services under the Medicaid Program to include coverage of occupational therapy and speech therapy. In addition, the bureau amends the March 20, 1996 rule governing reimbursement for home health services to establish new reduced rates for home health rehabilitation services that are the same as the rates paid for outpatient hospital rehabilitation services. Home health rehabilitation services include physical, occupational and speech therapies. All home health rehabilitation services must be prior authorized through the fiscal intermediary's Prior Authorization Unit in order to receive payment.

Family Impact Statement

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.

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, 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 Thursday, March 29, 2001 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: Home Health ProgramC
Rehabilitation Services**

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

It is anticipated that the implementation of this proposed rule will increase state program costs by approximately \$29,911 for SFY 2000-01, \$39,860 for SFY 2001-02, and \$41,057 for SFY 2002-03. It is anticipated that \$80 (\$40 SGF and \$40 FED) will be expended in SFY 2000-2001 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 increase federal revenue collections by approximately \$71,357 for SFY 2000-01, \$94,622 for SFY 2001-02, and \$97,460 for SFY 2002-03.

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

Implementation of this proposed rule will increase Medicaid payments to Home Health providers for rehabilitation services by approximately \$101,188 for SFY 2000-01, \$134,482 for SFY 2001-02, and \$138,517 for SFY 2002-03.

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

There is no known effect on competition and employment.

Ben A. Bearden
Director
0102#076

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Bureau of Health Services Financing**

**Public Nursing Facilities
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 pursuant to Title XIX of the Social Security Act. 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 coverage under the Medicaid Program for nursing facility services. Payments for nursing facility services are made in accordance with the prospective reimbursement methodology adopted effective August 1, 1984 (*Louisiana Register*, Volume 10, Number 6). This Rule was subsequently amended by a Rule adopted to discontinue the practice of automatically applying an inflation adjustment to the reimbursement rates in those years when the rates are not rebased (*Louisiana Register*, Volume 25, Number 6). As a result of a budgetary shortfall, an Emergency Rule was adopted to reduce the prospective per diem rates for private nursing facilities by 7 percent (*Louisiana Register*, Volume 26, Number 2). The March 1, 2000 Emergency Rule was later replaced by an Emergency Rule to restore the 7 percent reduction previously made to

the prospective per diem rates for private nursing facilities (*Louisiana Register*, Volume 26, Number 8).

In compliance with the provisions of Act 143 of 2000 First Extraordinary Session of the Louisiana Legislature, the bureau amended the reimbursement methodology for parish-owned nursing facilities in order to increase reimbursement to these facilities in proportion to their share of Medicaid days provided during the reporting period used to set rates. The bureau now proposes to adopt a rule to continue the provisions contained in the October 13, 2000 Emergency Rule.

Proposed Rule

The Department of Health and Hospitals, Bureau of Health Services Financing creates an enhanced payment pool for qualifying nursing facilities, subject to the availability of funds and to the payment limits as set forth in 42 CFR 447.272.

Qualifying nursing facilities are parish-owned nursing facilities that meet the following criteria: 1) have an annual Medicaid occupancy level at or above 60 percent; 2) provide 12,000 or more Medicaid days of care annually; and 3) have entered into, or be part of a parish government that has entered into, a transfer agreement with the department to provide for an intergovernmental transfer of funds.

The nursing facility payment differential for any year shall be the difference between the upper limit of aggregate payments to nursing facilities as defined in 42 CFR §447.272 and the aggregate Medicaid per diem reimbursement paid to nursing facilities for the year. This is determined for all nursing facilities participating in the state's Medicaid Program, or for a subset of these facilities that includes parish-owned nursing facilities for which a separate upper payment limit calculation is in effect in that year as required by 42 CFR §447.272.

Total payments from the pool in any year shall not exceed a percentage of the nursing facility payment differential that will be determined by the department for each payment year. The enhancement pool payment amount shall be distributed to qualifying parish-owned nursing facilities based on their pro-rata share of the total annual Medicaid days of care of all qualifying parish-owned nursing facilities. Determination of annual Medicaid occupancy level and Medicaid days of care shall be based on the most recently filed cost reports on file with the department. Implementation of this Rule is subject to approval by the United States Department of Health and Human Services, Health Care Financing Administration.

Family Impact Statement

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.

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, 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 Thursday, March 29, 2001 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: Public Nursing Facilities
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 increase state program costs by approximately \$149,502,169 for SFY 2000-01 and \$208,467,234 for SFY 2001-02 and \$53,680,313 for SFY 2002-03. It is anticipated that \$120 (\$60 SGF and \$60 FED) will be expended in SFY 2000-2001 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 increase federal revenue collections by approximately \$356,941,493 for SFY 2000-01, \$494,863,515 for SFY 2001-02 and \$127,427,355 for SFY 2002-03.

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

It is anticipated that implementation of this proposed rule will increase Medicaid payments to public nursing facilities by approximately \$506,408,542 for SFY 2000-01, \$703,260,749 for SFY 2001-02 and \$181,072,668 for SFY 2002-03 (Recent changes in federal regulations will significantly reduce FFP available for intergovernmental transfers in FY 2002-03). All funds, except for an administrative fee (2 of 1%), as approved by the Joint Legislative Committee on the Budget, will be returned to the State Treasury for deposit in the Medicaid Trust Fund for the Elderly. This estimate is based on actual costs for services utilized in these facilities and is subject to change upon completion of the final calculation of the Medicare upper payment limit.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Ben A. Bearden
Director
0102#079

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Bureau of Health Services Financing**

Private Hospitals COutlier Payments

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 pursuant to Title XIX of the Social Security Act. 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 reimburses disproportionate share hospitals for catastrophic costs

associated with providing medically necessary services to children under six years of age. The bureau also reimburses all acute care hospitals for catastrophic costs associated with providing medically necessary services to infants one year of age or under. To qualify for an outlier payment, the covered charges for the case must exceed both \$150,000 and 200 percent of the prospective payment. Outlier cases qualifying under these criteria are reimbursed the marginal cost associated with the excess cost above the prospective payment amount. Marginal cost is considered to be 55 percent of cost (*Louisiana Register*, Volume 22, Number 2). The bureau now proposes to amend the outlier reimbursement qualifications contained in the February 20, 1996 Rule by increasing the qualifying charges threshold per case from \$150,000 to \$300,000. In addition, the bureau proposes to establish a deadline of one year subsequent to the date of service for filing for outlier payments.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the February 20, 1996 Rule which governs the reimbursement methodology and qualifications for outlier payments to disproportionate share hospitals for catastrophic costs associated with medically necessary services provided to children under six years of age and to acute care general hospitals for the catastrophic costs for medically necessary services provided to infants one year of age or under. To qualify for an outlier payment, the covered charges per case must exceed \$300,000. In addition, a deadline of one year subsequent to the date of service is established for filing for outlier payments.

Family Impact Statement

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.

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, 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 Thursday, March 29, 2001 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 Hospitals COutlier Payments**

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 (\$157,380) for SFY 2000-01, (\$976,934) for SFY 2001-02, and (\$1,006,242) for SFY 2002-03. 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 (\$375,833) for SFY 2000-01, (\$2,319,064) for SFY 2001-02, and (\$2,388,636) for SFY 2002-03.

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

Implementation of this proposed rule will reduce the outlier payments to private hospitals. This proposed rule will decrease reimbursement by approximately (\$533,333) for SFY 2000-01, (\$3,295,998) for SFY 2001-02, and (\$3,394,878) for SFY 2002-03.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Ben A. Bearden
Director
0102#078

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Bureau of Health Services Financing**

Professional Services Program
Physician Services

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt the following Rule in the Medical Assistance Program as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act. 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 professional services in accordance with an established fee schedule for Physicians= Current Procedural Terminology (CPT) codes, locally assigned codes and Health Care Financing Administration Common Procedure Codes (HCPCs). Reimbursement for these services is a flat fee established by the bureau minus the amount which any third party coverage would pay. As a result of a budgetary shortfall, the bureau determined it was necessary to reduce the reimbursement paid to physicians for specific procedure codes by 7 percent (*Louisiana Register*, Volume 26, Number 2). Reimbursement was reduced for selected locally-assigned HCPCs and the following CPT procedure codes: surgery codes (10040-69979), medicine codes (90281-99199), evaluation and management codes (99201-99499), radiology codes (70010-79999) and pathology and laboratory codes (80048-89399).

As a result of the allocation of additional funds by the Legislature during the 2000 Second Extraordinary Session, the bureau determined it was necessary to restore the 7 percent reduction that was previously made to the fees paid to physicians for specific procedure codes. In addition, the reimbursement fees for certain designated procedure codes were increased (*Louisiana Register*, Volume 26, Number 7).

The bureau now proposes to adopt a Rule to continue the provisions contained in the July 1, 2000 Emergency Rule.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing restores the 7 percent reduction that was previously made to the reimbursement fees paid to physicians for selected locally-assigned HCPCs and the following CPT procedure codes: surgery codes(10040-69979), medicine codes (90281-99199), evaluation and management codes (99201-99499), radiology codes (70010-79999) and pathology and laboratory codes (80048-89399). In addition, the reimbursement fees for certain designated procedure codes is increased to the following rates:

	Evaluation and Management		
99212C	\$30.13	99213C	\$36.13
99215C	\$49.63	99283C	\$35.23
		99214C	\$41.13

	Follow-up Prenatal Visit	
Z9005C	\$33.43 (03*)	\$36.13 (09*)

* type of service

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, 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 Thursday, March 29, 2001 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: Professional Services Program
Physician Services**

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

It is anticipated that the implementation of this proposed rule will increase state program costs by approximately \$9,664,736 for SFY 2000-01, \$9,995,083 for SFY 2001-02, and \$10,294,936 for SFY 2002-03. It is anticipated that \$120 (\$60 SGF and \$60 FED) will be expended in SFY 2000-2001 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 increase federal revenue collections by approximately \$23,074,803 for SFY 2000-01, \$23,726,519 for SFY 2001-02, and \$24,438,314 for SFY 2002-03.

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

Implementation of this proposed rule will increase Medicaid payments to physicians by approximately \$32,739,419 for SFY 2000-01, \$33,721,602 for SFY 2001-02, and \$34,733,250 for SFY 2002-03.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)

There is no known effect on competition and employment.

Ben A. Bearden
Director
0102#077

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Revenue
Office of the Secretary**

Payment of Taxes by Electronic Funds Transfer;
Credit or Debit Cards; Other
(LAC 61:III.7501)

Under the authority of R.S. 47:1519(C) and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Office of the Secretary, proposes to adopt LAC 61:III.7501 to provide for the payment of taxes by electronic funds transfer, credit or debit cards, or bank drafts.

The secretary of revenue is mandated by R.S. 47:1519(C) to adopt rules and regulations necessary to allow for the payment of all taxes, penalties, interest, fees, and payments due under any state law for which the authority to collect has been delegated to the secretary, by electronic funds transfer, credit or debit cards, or bank drafts. LAC 61:III.7501 is proposed to address the payment alternatives and the procedures for returning erroneous payments and duplicate payments.

Title 61

REVENUE AND TAXATION

**Part III. Department of Revenue; Administrative
Provisions and Miscellaneous**

Chapter 75. Return of Funds

**§7501. Payment of Taxes by Electronic Funds Transfer;
Credit or Debit Cards; Other**

A. Payments Accepted. As authorized by R.S. 47:1519, the secretary will accept cash, bank draft, cashier's check, teller's check, certified check, personal check, money order, electronic funds transfer, or credit or debit card from a nationally recognized institution for the payment of taxes, penalties, interest, fees, and payments due under any state law which the authority to collect has been delegated to the secretary.

B. Definitions. For the purposes of this Section, the following terms are defined.

Duplicate Payments—payments remitted by cash, bank draft, cashier's check, teller's check, certified check, personal check, money order, electronic funds transfer, or credit or debit card from a nationally recognized institution for the same liability.

Erroneous Payment—a payment remitted by cash, bank draft, cashier's check, teller's check, certified check, personal check, money order, electronic funds transfer, or credit or debit card from a nationally recognized institution, in which the amount remitted differs from the amount shown to be due on the face of the tax return, voucher, report, bill, or assessment submitted at the time of payment; or any error made in the act of making an electronic funds transfer.

Payment—any amount paid to the Department of Revenue representing a tax, fee, interest, penalty, or other amount.

C. Return of Funds. The secretary is authorized to return funds to a taxpayer when the taxpayer has remitted an erroneous payment or duplicate payments.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1519.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of the Secretary, LR 27:

Family Impact Statement

As required by Act 1183 of the 1999 Regular Session of the Louisiana Legislature the following Family Impact Statement is submitted to be published with the notice of intent in the Louisiana Register. A copy of this statement will also be provided to our legislative oversight committees.

1. The effect of these rules on the stability of the family. Implementation of this proposed rule will have no effect on the stability of the family.

2. The effect on the authority and rights of parents regarding the education and supervision of their children. Implementation of this proposed rule will have no 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. Implementation of this proposed rule will have no effect on the functioning of the family.

4. The effect on family earnings and family budget. Implementation of this proposed rule will have no effect on family earnings and family budget.

5. The effect on the behavior and personal responsibility of children. Implementation of this proposed rule will have no effect on the behavior and personal responsibility of children.

6. The ability of the family or a local government to perform the function as contained in the proposed rule. Implementation of this proposed rule will have no effect on the ability of the family or a local government to perform this function.

Interested persons may submit data, views, or arguments, in writing to Susan Dunham, Assistant Secretary, Office of Legal Affairs, 330 North Ardenwood Drive, Baton Rouge, LA 70806 or by fax to (225) 925-6612. All comments must be submitted by 4:30 p.m., March 28, 2001. A public hearing will be held on March 29, 2001, at 9:30 a.m. in the Secretary's Conference on the second floor of 330 North Ardenwood Drive, Baton Rouge, LA 70806.

Cynthia Bridges
Secretary

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

**RULE TITLE: Payment of Taxes by
Electronic Funds Transfer;
Credit or Debit Cards; Other**

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

Implementation of this proposed regulation, which allows the Department of Revenue to return duplicate payments and erroneous payments to taxpayers, will have no impact on the agency's costs.

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

Although the implementation of this rule will allow the department to return additional funds of approximately \$2,000,000 annually from current collections, existing procedures already provide for this money to be returned to taxpayers through legislative appropriation. To the extent these payments are eventually returned to taxpayers through the existing procedures, there is no overall fiscal impact on the state from a multi-year perspective.

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

Implementation of this proposed regulation will allow taxpayers to have monies paid to Department of Revenue in error returned to them sooner and without the expense of filing with the Board of Tax Appeals. The actual financial benefit to the taxpayer in terms of cash flow and legal expenses is unknown.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed regulation should have no effect on competition or employment.

Cynthia Bridges
Secretary
0102#045

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Social Services
Office of Community Services**

**Reimbursement Rates for Residential Facilities
(LAC 67:V.3503)**

The Department of Social Services, Office of Community Services, proposes to amend the rule LAC 67:V.3503.A - D. This Notice of Intent supersedes the notice published in the *Louisiana Register*, Vol. 26, No. 11, November 20, 2000. An Emergency Rule was published January 20, 2001. It became effective February 1, 2001.

Title 67

SOCIAL SERVICES

Part V. Office of Community Services

Subpart 5. Foster Care

Chapter 35. Payments, Reimbursables and Expenditures

§3503. Reimbursement Rates for Residential Facilities

A. Office of Community Services (OCS) will implement a competitive solicitation process as a means to select all private residential facility-based programs to serve foster children and to establish per diem rates for that residential service. The department's published Prospective Provider Procedure will be followed.

B. Individuals and/or agencies currently providing residential services to OCS foster children and those that contact the Department of Social Services, Office of Community Services (OCS) wishing to provide residential services to foster children funded by OCS are placed on a prospective provider list. All persons and agencies on the list will be notified at the time that the office seeks to develop residential services for foster children in a specific geographic area. The current and prospective residential providers will be mailed a full description of the type and

scope of programs sought in geographic areas along with an invitation to submit to OCS a proposal for that service. The notification will include a list of other materials that providers may request/need to assist proposers in preparation of their proposals. The name and telephone number of an OCS representative will be given to prospective providers to contact for more information.

1. A committee of professionals from OCS will evaluate the proposals according to criteria included in the packet of materials. The committee will select the program(s) most fitting the needs of the foster care program.

C. Each proposal will include a submitted per diem cost bid with a budget in accordance with the instructions for the solicitation. This competitive process, resulting selections and final negotiations constitutes OCS= rate setting process as rates will be based on market economy and proposers' fiscal projections for programs. The final rate for each provider can be negotiated down from the bid rate, but in no case will be higher than the bid rate. The use of the residential beds at the rate set through this process will be done on a case-by-case basis by the OCS case worker(s) as the need arises. There are no guarantees of specific sums of monthly or annual payments or referrals of clientele.

D. The department reserves the right to cancel the solicitation if the expenditures for the aggregatedly selected proposals would result in OCS exceeding available funds. In the event the department cancels the solicitation process, the department will freeze the rates for the current programs at the current amount. For rates issued for the 2000/2001 rate year, the department continues freezing the rates at the 1999/2000 amount.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1084.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 14:542 (August 1988), amended LR 20:898 (August 1994), LR 25:1144 (June 1999), LR 25:1609 (September 1999), LR 26:24 (January 2000), LR 26:1342 (June 2000), LR 26:2665 (November 2000), LR 27:

J. Renea Austin-Duffin
Secretary

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

RULE TITLE: Reimbursement Rates for Residential Facilities

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

It is estimated that the costs to publish this rule will be \$80 which will be paid out of current year funds in the Office of Community Services (OCS). There will be no increased cost as a result of implementation of the proposed rule.

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

There will be no effect on revenue collections as a result of implementation of the proposed rule.

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

The use of a competitive solicitation process for selection of residential providers may result in losing some current and adding some new residential providers. Current residential facilities selected through the solicitation process and reimbursed under the rate setting system will experience

changes in their currently frozen rates as a result of the implementation of this rule. Their new per diem rates will be set through a solicitation for services process. New providers selected through the solicitation process also will have rates set by the solicitation process. Current providers not selected through the solicitation process will cease providing residential services to foster children for the department. Their income from residential care of foster children will essentially cease.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No impact on employment is expected from the proposed rule. The proposed rule will increase the competition for selection of and per diem rates for residential services providers.

Debra Johnson
Budget Manager
0102#042

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

**FITAPC Income-Producing Property
(LAC 67:III.1235)**

The Department of Social Services, Office of Family Support, proposes to amend the Louisiana Administrative Code, Title 67, Part III, Subpart 2, the Family Independence Temporary Assistance Program (FITAP).

Pursuant to the authority granted to the Department by the Louisiana Temporary Assistance to Needy Families (TANF) Block Grant, the agency proposes to amend §1235 to add real property which annually produces income consistent with its fair market value as an exclusion from resources for purposes of determining eligibility. The income from the property will continue to be counted in determining eligibility. This action is being taken to align the FITAP regulation with the federal Food Stamp Program regulation. Under the federal TANF Block Grant, the state is allowed to take such action without loss of grant funding.

Title 67

SOCIAL SERVICES

Part III. Office of Family Support

Subpart 2. Family Independence Temporary Assistance Program (FITAP)

Chapter 12. Application, Eligibility, and Furnishing Assistance

Subchapter B. Conditions of Eligibility

§1235. Resources

A. Assets are possessions which a household can convert to cash to meet needs. The maximum resource allowable for an assistance unit is \$2,000. All resources are considered except:

1. - 21. ...

22. real property which annually produces income consistent with its fair market value, even if only used on a seasonal basis. Such property includes rental homes and vacation homes.

B. ...

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

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2451 (December 1999), amended LR 27:

Interested persons may submit written comments by March 30, 2001, to Vera W. Blakes, Assistant Secretary, Office of Family Support, Box 94065, Baton Rouge, LA, 70804-9065. She is responsible for responding to inquiries regarding this proposed Rule.

Family Impact Statement

This rule will have no impact on the stability and functioning of the family or on parental rights. It could have a positive impact on a small number of families' eligibility for FITAP assistance which would improve the budget of the affected family.

J. Renea Austin-Duffin
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: FITAPC Income-Producing Property**

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

The additional resource exclusion at '1235 may increase state costs by making more applicants eligible. However, the number would be expected to be very low and any associated Family Independence Temporary Assistance Program (FITAP) benefits would be paid from the Louisiana Temporary Assistance for Needy Families (TANF) Block Grant which is federally funded. The minimal cost of publishing the rule and printing policy changes is routinely included in the agency's budget.

There will be no costs to local governmental units.

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

There will be no impact on revenue collections for state or local governmental units.

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

A small number of applicants may be eligible for FITAP benefits as a result of the exclusion at '1235. Since this is a new resource exclusion, neither the number nor the economic benefit can be estimated. There are no costs to any persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will have no impact on competition and employment.

Vera W. Blakes
Assistant Secretary
0102#040

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Treasury
Teachers' Retirement System**

**Optional Retirement Plan (ORP)
(LAC 58:III.1501)**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Trustees of Teachers' Retirement System of Louisiana

approved a policy governing the marketing of the Optional Retirement Plan (ORP) to eligible members.

Title 58

RETIREMENT

Part III. Teachers' Retirement System of Louisiana

Chapter 15. Optional Retirement Plan (ORP)

§1501. Marketing Guidelines

A. The objective of these guidelines is to provide eligible employees a clear understanding of the ORP and TRSL retirement plans through a fair and balanced presentation.

B. In order to assure that eligible employees have all the information needed to make informed and unbiased decisions, they should be encouraged by their employers to talk to all three ORP carriers.

C. Each carrier should be provided the names of all newly eligible employees and their addresses at least once every semester. After these new employees have been counseled by the employer's personnel office staff on TRSL and other benefits, each carrier will then be permitted to initially contact the eligible employee at work, by phone, or by mail, to request a mutually agreed upon time for a personal presentation, if the eligible employee desires such a meeting. No high-pressure sales methods or multiple contacts may be used by the ORP sales representatives. All presentation materials presented to eligible employees by the ORP carriers will have to be reviewed and approved by TRSL prior to their distribution. This is to include all sales material and video presentations.

D. During any individual presentations, the carriers may provide the eligible employee with written comparative material from the carrier as well as a computer comparison of the ORP and TRSL retirement plans. This computer comparison will project the value of the ORP at retirement assuming realistic returns based on input variables agreed upon by the employee and the representative from the ORP carrier. The projection of ORP value can then be compared to the retirement value of TRSL for the same employment period.

E. All NASD required disclosures for the various investment vehicles shall be made by the ORP providers.

F. The registered ORP representatives will work within the following marketing guidelines set forth by TRSL.

1. TRSL has authority over ORP marketing effort of the approved companies.

2. Each eligible employer will provide the ORP carriers with the name(s) of an employer contact person(s). In turn, the carriers will provide the employer contacts with the name of their respective ORP representative(s). At least once a semester, each participating institution shall provide the ORP carriers with the names, addresses, and phone numbers of newly eligible employees.

3. Once new employees have received TRSL/benefit orientation by their employer, authorized ORP carrier representatives may contact newly eligible employees through brochure distribution in personnel offices, at employer-sponsored new employee orientation meetings, or through one introductory mailing or telephone call to request an appointment to illustrate and explain both TRSL and ORP benefits. There is otherwise to be no solicitation (including phone calls) on or off campus.

4. No gifts, other monetary awards or gratuities may be paid to any ORP member or any third party because of the ORP enrollment of any person.

5. No products other than TRSL-authorized ORP products may be sold by company representatives to eligible ORP participants, unless the ORP provider has a separate contract with that employer to sell other products, such as 403(b) annuities, life insurance, etc.

6. TRSL must approve all ORP sales literature and explanatory materials before any such materials may be distributed to employees in any way.

7. Each employer will make available to eligible employees the approved ORP information and the names and telephone numbers of the contact representative(s) for each ORP carrier.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:921-929.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Teachers' Retirement System of Louisiana, LR 27:

Interested persons may comment on the proposed rule in writing until 4:30 p.m., April 25, 2001, to Bonita B. Brown, Assistant Director, Teachers' Retirement System of Louisiana, Box 94123, Baton Rouge, LA 70804-9123.

James P. Hadley, Jr.
Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Optional Retirement Plan (ORP)

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

There are no costs or savings to state or local governmental units. Contacts with new eligible employees by ORP carriers will be governed by this rule.

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

There will be no effect.

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

Employees eligible for the ORP will be assured of receiving balanced, reasonable information to help them make a decision about entering ORP.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

All ORP carriers will operate under the same marketing guidelines at all institutions of public higher education in Louisiana.

James P. Hadley, Jr.
Director
0102#033

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

St. Martin-Lafayette Fish and Game Preserve
(LAC 76:III.333)

The Wildlife and Fisheries Commission and Department of Wildlife and Fisheries hereby gives notice of intent to establish a rule for Lake Martin, St. Martin Parish.

Title 76

WILDLIFE AND FISHERIES

Part III. State Game and Fish Preserves and Sanctuaries Chapter 3. Particular Game and Fish Preserves and Commissions

§333. St. Martin-Lafayette Fish and Game Preserve

A. That portion of the St. Martin-Lafayette Fish and Game Preserve, particularly the following described portion of Lake Martin, St. Martin Parish is hereby closed to all boating traffic, both motorized and non-motorized, said closure to remain in effect each year from February 15 through July 31 inclusive. The closed zone is described as follows:

1. All that certain property containing 131.94 acres more or less located in Section 31, Township 9 South, Range 6 East and Section 6, Township 10 South, Range 6 East, St. Martin Parish, Louisiana described as follows: Beginning at a point on the lake's edge located N 1 degree 59 minutes E a distance of 330 ft from a 4" x 4" concrete post, the post having State Plane Coordinates Louisiana South of X=1819303.09 ft, Y=561651.02 ft; thence N 1 degree 59 minutes E a distance of 1100 ft; thence S 88 degrees 1 minute E a distance of 2320 ft; thence S 36 degrees 54 minutes 58 seconds E a distance of 500 ft; thence S 1 degree 59 minutes W a distance of 2350 ft; thence N 88 degrees 1 minute W a distance of 660 ft; thence S 1 degree 59 minutes W a distance of 1320 ft; thence N 88 degrees 1 minute W a distance of 660 ft; thence N 1 degree 59 minutes E a distance of 2970 ft; thence N 88 degrees 1 minute W a distance of 1320 ft to the point of beginning.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:610C and R.S. 56:1861 et seq.

HISTORICAL NOTE: Promulgated by 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 comments relative to the proposed Rule to Gary Lester, Natural Heritage Section, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, prior to Thursday, April 5, 2001.

Family Impact Statement

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).

Dr. H. Jerry Stone
Chairman

James H. Jenkins, Jr.
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE:

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

Implementation of the proposed rule will be carried out using existing staff and funding levels. Local governmental units will not be impacted.

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

There will be no effect on revenues to state or local governmental units from the proposed rule.

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

The proposed rule will affect a few local commercial entrepreneurs who provide and anglers who participate in recreational related activities at this location during the birds' nesting season. The overall impact to these individuals or groups is expected to be minimal.

In the short run, the magnitude of impact on receipts and/or income to local entrepreneurs resulting from this rule will depend upon the types of recreational activities provided to the public for revenue and the importance of those activities to their businesses. For example, income from fishing activities may not be impacted since Lake Martin is a large body of water and there are many areas to fish. However, tour boat operators that provide bird watching activities during the birds' nesting season could be affected and may have to provide alternative means of transportation for observing this rookery.

In the long run, protection of this resource will ensure a sustained, if not increased, source of revenue to the entire community of Breaux Bridge and other entities in Acadiana involved in tourism activities. If the rookery is not protected through this rule, it is highly likely that it will soon be severely diminished, thus having a significant negative impact on local tourism dollars.

No additional costs, workload or paperwork will be incurred from the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be little or no effect on competition or employment in the public or private sector.

James L. Patton
Undersecretary
0102#063

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office