

Rules

RULE

Department of Agriculture and Forestry Office of the Commissioner

Diseases of Animals
(LAC 7:XXI.Chapter 3)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, Office of the Commissioner amends regulations governing livestock auction market requirements.

Currently, there are about 80,000 calves vaccinated yearly at Louisiana livestock auctions. These vaccinations cost the state about \$32,000 a year (\$0.40 per calf). Under the proposed Rule there will be a 90 percent reduction in vaccinations. About 8,000 calves will be vaccinated at a cost \$3,200. This results in an estimated reduction of costs of \$28,800 to state governmental units.

These Rules comply with and are enabled by R.S. 3:2093, R.S. 3:2221, and R.S. 3:2228.

Title 7

AGRICULTURE AND ANIMALS Part XXI. Diseases of Animals

Chapter 3. Cattle

§305. Brucellosis Vaccination and Fee

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2221 and R.S. 3:2223.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 15:75 (February 1989), amended LR 22:960 (October 1996), LR 24:1677 (September 1998), repealed by the Office of the Commissioner, LR 27:182 (February 2001).

§307. Livestock Auction Market Requirements

A. - A.1.d. Y

i. All nonvaccinated heifer calves, between 4 and 12 months of age are to be vaccinated with USDA-approved brucellosis vaccine prior to being sold or at the first point of sale, but in no case shall any heifer calf 4 to 12 months of age remain unvaccinated for brucellosis more than 15 days after the date of sale. Exceptions to this Clause are heifer calves 4 to 12 months of age which are transported out of the state within 15 days of the date of their sale.

A.1.d.ii. - A.1.g.ii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093, R.S. 3:2221, and R.S. 3:2228.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:237 (March 1985), amended LR 11:651 (June 1985), amended by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 12:501 (August 1986), LR 12:598 (September 1986), LR 13:556 (October 1987), LR 14:220 (April 1988), LR 14:695 (October 1988), LR 15:813 (October 1989), LR 17:30 (January 1991), LR 18:837 (August 1992), LR 22:960 (October 1996), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:1677 (September 1998), LR 27:182 (February 2001).

§309. Governing the Sale of Cattle in Louisiana by Livestock Dealers

All cattle which are sold or offered for sale by livestock dealers, must meet the general requirements of LAC 7:XXI.115 and the following specific requirements:

A. - A.2.b.ii. ...

3.a. All heifer calves between 4 and 12 months of age are to be vaccinated with USDA-approved brucellosis vaccine prior to being sold or at the first point of sale but in no case shall any heifer calf 4 to 12 months of age remain unvaccinated for brucellosis more than 15 days after the date of sale. Exceptions to this paragraph are heifer calves 4 to 12 months of age which are transported out of the state within 15 days of the date of their sale.

A.3.b. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093, R.S. 3:2221, and R.S. 3:2228.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:237 (March 1985), amended LR 11:651 (June 1985), amended LR 12:502 (August 1986), LR 13:558 (October 1987), LR 14:221 (April 1988), LR 17:31 (January 1991), LR 18:838 (August 1992), LR 22:960 (October 1996), LR 17:30 (January 1991), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:1678 (September 1998), LR 27:182 (February 2001).

§311. Governing the Sale of Purchase, within Louisiana, of all Livestock not Governed by Other Regulations (Brucellosis Requirements)

A. It is a violation of this regulation to sell or purchase cattle, not governed by other regulations of the Livestock Sanitary Board, in Louisiana, for any purpose other than immediate slaughter, unless they meet one of the following requirements:

1.a. Heifers 4 to 12 months of age, are to be official brucellosis calfhood vaccinates prior to being sold or be vaccinated at the first point of sale but in no case shall any heifer 4 to 12 months of age remain unvaccinated for brucellosis more than 15 days after the date of sale. Exceptions to this Paragraph are:

i. heifers sold to move directly to slaughter;
ii. heifers sold to be moved directly to a quarantine feed lot;
iii. heifers which are transported out of Louisiana within 15 days of the date of their sale.

b. Any person found in violation of Paragraph 1.a. of this regulation shall be fined no less than \$1,000 or more than \$5,000 for each count. Each nonvaccinated heifer shall be considered a separate violation and each day on which the violation occurs shall be considered a separate count.

c. Any person who has knowledge of and does not report to the LDAF any violation of Subparagraph 1.a. of this regulation shall be considered in violation of this regulation and subject to the same penalties as stated in Subparagraph 1.b. of this regulation.

A.2. - A.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093, R.S. 3:2221 and R.S. 3:2228.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:238 (March 1985), LR 11:615 (June 1985), amended 12:502 (August 1986), LR 13:559 (October 1987), LR 17:31 (January 1991), LR 18:837 (August 1992), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:1678 (September 1998), LR 27:182 (February 2001).

Bob Odom
Commissioner

0102#068

RULE

Department of Economic Development Board of Examiners of Certified Shorthand Reporters

Examinations (LAC 46:XXI.Chapter 3)

In accordance with the Administrative Procedure Act, R. S. 49:950 et seq. the Louisiana Board of Examiners of Certified Shorthand Reporters, has adopted changes made to the examination grading procedure.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXI. Certified Shorthand Reporters

Chapter 3. Examinations

§301. Applications for Examinations

A. Examinations shall be held at such times and places as the board may designate.

B. Applications must be received by the board at least 30 days prior to the examination date.

C. Applicant must furnish a diploma, official transcript or certificate from a licensed court reporting school that he has passed a qualifying test consisting of five minutes of two-voice Q & A at 225 wpm with 95 percent accuracy within one year prior to application to the board for examination; or a CSR certificate from another state issued with a minimum requirement of 225 wpm; or participate in an equivalent qualifying test administered by the board on a date designated by the board. An applicant who has passed at least one segment of the skills portion of the test is exempt for two years thereafter from complying with the foregoing requirements.

1. An application fee of \$25 shall be paid to the board by the applicant participating in a qualifying test administered by the board, which fee shall be refundable to the applicant upon completion of the qualifying test. An applicant who fails to timely appear for the qualifying examination by the board shall be deemed to have abandoned the application and shall forfeit the application fee for said qualifying test. Proof of passing said qualifying test must accompany the application for examination.

D. Applicants who have been found to be qualified for the examination shall be notified in writing of the time and place of their assigned examination.

E. An applicant who fails to timely appear for examination after being notified of eligibility shall be deemed to have abandoned the application and shall forfeit the application fee. In order again to become eligible for an examination, such person shall file a new application and otherwise comply in all respects with the provisions of the

Act and these regulations in the same manner as required of an original applicant.

F. An applicant who commences but does not finish the examination or who otherwise fails such examination shall not be eligible for any future examination except upon complying in all respects with the provisions of the Act and these regulations.

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:2554.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters, LR 9:678 (October 1983), amended by the Department of Economic Development, Board of Examiners of Certified Shorthand Reporters, LR 14:530 (August 1988), LR 16:393 (May 1990), LR 17:578 (June 1991), LR 19:1537 (December 1993), LR 27:183 (February 2001).

§303. Examination to be Under Direction of the Board

A. The examination shall be under the direction and control of the board, but the board may employ assistants to prepare the questions, conduct the examination and submit recommended grades.

B. Examination questions together with the answers or keys, shall not be disclosed prior to the announced results of the examinations.

C. The identity of each candidate shall be and remain unknown to the board until after the final results are announced. Before the commencement of the examination an identifying number shall be assigned to each candidate, who shall enter such number on each group of papers used in the examination and shall not enter his name at any place on the examination papers.

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:2554.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters, LR 9:678 (October 1983), LR 27:183 (February 2001).

§307. Content of Examination

A. The examination shall consist of:

1. written knowledge test;
2. dictated tests at the following speeds:
 - a. 5 minutes at 180 WPM (literary, one voice);
 - b. 5 minutes at 200 WPM (jury charge, one voice);
 - c. 5 minutes at 225 WPM (Q & A, two voices).

B. The written knowledge test will consist of 100 multiple choice questions which will include 50 questions on English, grammar, spelling and word comprehension, 25 questions on medical terms and 25 questions on legal terms. The use of reference material will not be allowed.

C. Completion time for the written knowledge test is one and one-half hours. Four hours are allowed for transcribing the three segments of the dictated test. The time allocated for an applicant taking fewer than three segments of the dictated test shall be reduced proportionately. Transcripts must be typed.

D. Candidates may be required to read aloud any part of the dictated matter required by the board.

E. No candidate will be allowed to use electronic recording equipment, except stenomask during the examination.

F. Upon completion of the examination all shorthand notes, stenomask tapes, transcripts, and other examination materials shall become the property of the board.

G. Stenomask applicants will also be tested according to NVRA standards for silence.

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:2554.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters, LR 9:678 (October 1983), amended by the Department of Economic Development, Board of Examiners of Shorthand Reporters, LR 14:529 (August 1988), LR 16:394 (May 1990), LR 27:183 (February 2001).

§309. Grading of Examination

A. Each candidate's examination will be graded on the basis of his ability to accurately transcribe his notes, the time occupied in the transcription, his knowledge of court reporting procedure, and its related terminology, spelling, and punctuation, and the general style of the transcript.

B. Seventy-five percent accuracy is required on the written knowledge test with a maximum of 25 errors.

C. The maximum number of errors allowed to pass the dictated and transcribed portions of the skills test is 57 errors on the Q&A portion; 50 errors on the jury charge portion; and 45 errors on the literary portion.

D. If the examinee passes the written knowledge portion of the test but fails the dictated and transcribed portions; he will be exempt from taking the written knowledge portion of all subsequent tests.

E. If an examinee passes any segment of the dictated and transcribed portion of the test, the remainder of the dictated and transcribed segments may be taken at subsequent tests within two years and, if the remaining segments are passed, will satisfy the skills portion of the examination requirement.

F. For the purpose of grading stenotype tests, errors will be assessed in accordance with the guidelines accepted by the National Court Reporters Association. For the purpose of grading stenomask tests, errors will be assessed in accordance with guidelines accepted by the National Verbatim Reporters Association.

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:2554.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters, LR 9:678 (October 1983), amended by the Department of Economic Development, Board of Examiners of Certified Shorthand Reporters, LR 14:530 (August 1988), LR 16:393 (May 1990), LR 19:1010 (August 1993), LR 19:1537 (December 1993), LR 27:184 (February 2001).

§317. National Examinations

A. The board will accept as an examination from any reporter domiciled in Louisiana under Section 2554 (A) an NCRA-RPR and/or CM examination or an NVRA examination with the equivalent or current standards of the CCR examination requirement in Louisiana. Upon proper application, and upon satisfactory proof that applicant has passed such an examination, a certificate shall be issued.

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:2554.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters, LR 9:678 (October 1983), amended by the Department of Economic Development, Board of Examiners of Certified Shorthand Reporters, LR 14:531 (August 1988), LR 21:931 (September 1995), LR 27:184 (February 2001).

Merrell Long
Examination Committee Chairman

0102#003

RULE

Board of Elementary and Secondary Education

Nonpublic Bulletin 741C Louisiana Handbook For School Administrators C Computer/Technology Education (LAC 28:1.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended Bulletin 741, referenced in LAC 28:1.901.A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). The proposed amendment makes the following changes to the computer education program of studies for nonpublic schools, aligning them with those of public schools:

(1) the title of the Computer Education secondary program of studies ~~Computer/Technology Education@~~,

(2) adds nine additional computer/technology electives to the Computer Education program of studies; and

(3) changes the title of Computer Literacy to ~~Computer/Technology Literacy.@~~

The new courses are to provide instruction necessary to keep up with advances in computer technology and to prepare students for future technologies.

**Title 28
EDUCATION**

Part I. Board of Elementary and Secondary Education

Chapter 9. Bulletins, Regulations, and State Plans

Subchapter A. Bulletins and Regulations

' 901. School Approval Standards and Regulations

A. Bulletin 741

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A) (10), (11), (15); R.S. 17:7 (5), (7), (11); R.S. 17:10, 11; R.S. 17:22 (2), (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); 26:1260 (June 2000), LR 26:1260-1261 (June 2000), LR 27:184 (February 2001).

Bulletin 741C Louisiana Handbook for School Administrators C Computer/Technology Education
6.105.02 Computer/technology education course offerings shall be as follows:

Course Title	Unit(s)
Computer Applications	1
Computer Architecture	1
Computer Science I	1
Computer Science II	1
Computer Systems and Networking I	1
Computer Systems and Networking II	1
Computer/Technology Literacy	½
Desktop Publishing	½
Digital Graphics & Animation	½
Multimedia Productions	1
Web Mastering	½
Independent Study in Technology Applications	1

Weegie Peabody
Executive Director

0102#023

RULE

Board of Elementary and Secondary Education

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

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

Title 28 EDUCATION

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

' 901. School Approval Standards and Regulations

A. Bulletin 741

* * *

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended LR 26:1260 (June 2000), LR 27:185 (February 2001).

Bulletin 741C Louisiana Handbook for School Administrators

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Weegie Peabody
Executive Director

0102#021

RULE

Board of Elementary and Secondary Education

Bulletin 741C Louisiana Handbook For School Administrators C High School Credit for Elementary Students (LAC 28:I.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended 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

revisions to Standards 2.102.01, 2.105.04, and 2.105.17 were made to be consistent with LEAP for the 21st Century High Stakes Testing Policy. The changes include:

(1) eighth grade LEAP 21 shall be in lieu of a required credit exam for Option 1 and Option 2 students;

(2) students must score at an achievement level of *Approaching Basic* on the mathematics components of eighth grade LEAP 21 before enrolling in courses in the secondary program of studies for mathematics;

(3) students must score at an achievement level of *Approaching Basic* on the English language arts components of eighth grade LEAP 21 before enrolling in courses in the secondary program of studies for English.

Title 28

EDUCATION

Part I. Board of Elementary and Secondary Education

Chapter 9. Bulletins, Regulations, and State Plans

Subchapter A. Bulletins and Regulations

§901. School Approval Standards and Regulations

A. Bulletin 741

* * *

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended by the Board of Elementary and Secondary Education, LR 26:1260 (June 2000), LR 27:186 (February 2001).

Bulletin 741C Louisiana Handbook for School Administrators

(Proposed Policy: Page 96 High School Credit for Elementary Students)

An elementary student shall be eligible to receive high school credit in a course listed in the program of studies provided that:

- the time requirement for the awarding of a Carnegie unit is met;
- the teacher is certified at the secondary level in the course taught; and
- the student has mastered the set standards of the course taken.

The school system may grant credit on either a letter grade or a Pass or Fail (P/F) basis, provided there is consistency system-wide. The course title, year taken, P/F (Pass or Fail) or the letter grade, and unit of credit shall be entered on the *Certificate of High School Credits* (transcript). H.S.C. (High School Credit) must be indicated in the remarks column.

or

The student has passed the credit examination in the subject taken, mastering the set standards for the course.

Credit shall be granted on a Pass or Fail (P/F) basis only. The course title, year taken, P/F (Pass or Fail) or the letter grade, and unit of credit shall be entered on the *Certificate of High School Credits* (transcript). C.E. (Credit Examination) must be indicated in the remarks column.

The eighth grade LEAP 21 shall be administered in lieu of a required credit exam for students who

- scored *Unsatisfactory* on the Mathematics or English Language Arts components of eighth grade LEAP 21; and
- successfully complete a specially designed elective for eighth grade LEAP 21 remediation.

Students meeting the above criteria who score at or above the *Basic* achievement level upon retaking eighth grade LEAP 21 may earn a maximum of one Carnegie unit of elective credit toward graduation.

Credit or Credit Examinations may be given in the following subjects: Computer Literacy, Computer Science I-II, English I-IV, Advanced Mathematics, Algebra I-II, Calculus, Geometry, Trigonometry, Keyboarding/Keyboarding Applications, and Health Education. Additionally, credit may be given in all courses listed in the Program of Studies in foreign languages, science, and social studies. Exceptions may be made by the Division of Student Standards and Assessments upon request of the local superintendent.

If a credit examination has not been developed in a subject area, the school may submit a locally developed examination to the Division of Student Standards and Assessments for approval.

(Page 100 English)

Four units of English shall be required for graduation. They shall be English I, II, and III, in consecutive order, and English IV or Business English.

An achievement level of *Approaching Basic* on the English Language Arts component of eighth grade LEAP 21 is a prerequisite for enrollment in English I. The English course offerings shall be as follows:

Course Title	Unit
English I, II, III, IV	1 each
Business English	1
Reading I	1
Reading II	1
English as a Second Language (ESL) I, II, III, IV	1 each

(Page 104 Mathematics)

Effective for 1997-98, incoming freshmen and thereafter, three units of mathematics shall be required for graduation. They shall be selected from the following courses and may include a maximum of two entry level courses (designated by E): Introductory Algebra/Geometry (E), Algebra I-Part 1 (E), Algebra I-Part 2, Integrated Mathematics (E), Integrated Mathematics II, Integrated Mathematics III, Applied Mathematics I (E), Applied Mathematics II, Applied Mathematics III, Algebra I (E), Geometry, Algebra II, Financial Mathematics, Advanced Mathematics I, Advanced Mathematics II, Pre-calculus, Calculus, Probability and Statistics, and Discrete Mathematics.

An achievement level of *Approaching Basic* on the Mathematics component of eighth grade LEAP 21 is a prerequisite for enrollment in any secondary mathematics course listed in the High School Program of Studies.

Course Title	Unit
Advanced Mathematics	1 each
Advanced Mathematics II	1
Algebra I	1
Algebra I-Part I	1
Algebra II	1
Applied Mathematics I	1
Applied Mathematics II	1
Applied Mathematics III	1
Calculus	1
Discrete Mathematics	1
Financial Mathematics	1
Geometry	1
Introductory Algebra/Geometry	1
Integrated Mathematics I	1
Integrated Mathematics II	1
Integrated Mathematics III	1
Pre-Calculus	1
Probability and Statistic	1

Financial Mathematics may be taught by teachers certified in Business Education

Weegie Peabody
Executive Director

0102#025

RULE

Board of Elementary and Secondary Education

Bulletin 741C Louisiana Handbook for School Administrators
School Approval Standards and Regulations (LAC 28:I.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended 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 amendment to Standard 1.087.00 reflects the legislative intent of R.S. 17:282.2(F), making parallel the language between statute and SBESE policy.

**Title 28
EDUCATION**

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

§901. School Approval Standards and Regulations

A. Bulletin 741

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A) (10), (11), (15); R.S. 17:7 (5), (7), (11); R.S. 17:10, 11; R.S. 17:22 (2), (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 (June 2000), LR 27:187 (February 2001).

**Bulletin 741C Louisiana Handbook
for School Administrators**

1.087.00 The school system shall plan and implement a continuous program of skills, concepts, and instruction in a learning environment designed to promote excellence in order that every individual may be afforded an equal opportunity to develop to his/her full potential.

The school system shall develop a nonsectarian character education philosophy and implementation plan consistent with locally developed curriculum. Refer to R.S.17:282.2(F).

Weegie Peabody
Executive Director

0102#024

RULE

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

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

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

**Title 28
EDUCATION**

**Part XXV. Bulletin 1213C Minimum Standards for
School Buses in Louisiana**

Chapter 3. General Provisions

§303. Used School Buses

A. Any used school bus purchased for use in Louisiana by or for a school system shall meet current legal requirements of the Louisiana Revised Statutes for motor vehicles and shall meet Louisiana specifications for school buses that were in effect on the date the vehicle was manufactured. No vehicle with rated capacity of 10 or more passengers shall be classified as a school bus and thereby used to transport students to and from school and school-related activities unless said vehicle originally was manufactured and certified as a school bus and maintained the certification as a school bus all in accordance with federal and state requirements throughout the life of the vehicle.

B. - C. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:644 (April 1999), amended LR 27:187 (February 2001).

Weegie Peabody
Executive Director

0102#020

RULE

Board of Elementary and Secondary Education

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

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the State Board of Elementary and Secondary

Education amended Bulletin 1566, Guidelines for Pupil Progression, referenced in LAC 28:1.907.A. The Guidelines for Pupil Progression incorporate the High Stakes Testing Policy that was approved by the Board of Elementary and Secondary Education in January, 1999 and revised in May, 2000 as well as other policies related to the promotion and retention of students. The revisions changed current policy by allowing eighth grade students the ability to earn a maximum of one Carnegie unit of credit toward graduation for remedial courses. Prior to this revision, these eighth grade students were required to take non-credit remedial courses in the areas in which they scored at the "unsatisfactory" achievement level on LEAP 21. The policy was also revised to include a retention limit at the 4th grade, a double jeopardy clause, information relative to the earning of Carnegie units by eighth grade students on an elementary campus, implementation of instructional options for students retained, override guidelines, and a classification of Option 1 and 2 for 8th grade students.

**Title 28
EDUCATION**

Part XXXIX. Bulletin 1566C Guidelines for Pupil Progression

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

§305. Public Notice

A. ...

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

C. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2171 (November 1999), amended LR 27:188 (February 2001).

Chapter 5. Placement Policies; State Requirements

§503. Regular Placement¹

A. Promotion Grades K-12

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

a. - b.i. ...

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

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

(ii). Retention Limit. The decision to retain a student in the fourth grade more than once as a result of failure to score at or above the *Approaching Basis*

achievement level in English Language Arts and/or Mathematics on the LEAP 21 shall be made by the LEA in accordance with the local Pupil Progression Plan. Students retained in the 4th grade shall retake all four components of the LEAP 21. For promotional purposes, a student must score at or above the *Approaching Basic* achievement level on the English language arts and mathematics components of the LEAP 21 only one time.

(iii). Waiver for students with disabilities eligible under the Individuals with Disabilities Education Act (IDEA). For the 1999/2000 school year only if a student with disabilities (excluding students with only a Speech or Language Impairment) participates in on-level testing, the local school system may consider a waiver only if the student has participated in the summer remediation program and retest offered by the LEA. If a student with disabilities (excluding students with only a speech or language impairment) participates in out-of-level testing, promotion decisions shall be determined by the local Pupil Progression Plan. If a student with disabilities participates in an alternative assessment, promotion decisions shall be determined by the local Pupil Progression Plan for the 2000 school year and beyond. Students with disabilities will be promoted in grades four and eight in accordance with SBESE adopted policies.

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

iii. School systems shall design and implement additional instructional program options for these fourth and eighth grade students being retained

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

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

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

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

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

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

v. School systems must develop and implement non-discriminatory criteria to determine placement of eighth

grade students who have not scored "approaching basic" or above on the LEAP 21 into Options 1 or 2.

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

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

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

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

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

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

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

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

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

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

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

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

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2171 (November 1999), amended LR 27:188 (February 2001).

§505. ProgressionC Students Participating in Alternate Assessment

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

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2172 (November 1999), amended LR 27:189 (February 2001).

§507. Alternatives to Regular Placement

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2172 (November 1999), amended LR 27:189 (February 2001).

§509. Alternative Schools/Programs/Settings

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

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2172 (November 1999), amended LR 27:189 (February 2001).

§513. Policies on Records and Reports

A. - B.7. ...

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

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2172 (November 1999), amended LR 27:189 (February 2001).

§515. Policies on Due Process

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

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2173 (November 1999), amended LR 27:189 (February 2001).

Chapter 9. Regulations for the Implementation of Remedial Education Programs Related to the LEAP/CRT Program

§911. Criteria for State Approval

A. Student Eligibility

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

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

B. - D.4. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1775 (November 1999), amended LR 27:189 (February 2001).

§913. Local Program Development and Evaluation

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

B. - K. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2175 (November 1999), amended LR 27:190 (February 2001).

Chapter 11. Appendix A

§1101. Definition of Terms

A. - A.1. ...

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

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

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

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

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

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

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

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

*Remediation*Csee *Remedial Programs*.

*Retention*Cnonpromotion of a pupil from a lower to a higher grade.

2. - 2.a. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2176 (November 1999), amended LR 27:190 (February 2001).

Weegie Peabody
Executive Director

0102#022

RULE

**Tuition Trust Authority
Office of Student Financial Assistance**

Authority Bylaws (LAC 28:VI.209)

The Louisiana Tuition Trust Authority (LATTA), the statutory body created by R.S. 17:3091-3099.2 in compliance with §952 of the Administrative Procedure Act, hereby announces revision of its governing bylaws.

Title 28

EDUCATION

Part VI. Tuition Trust Authority

Chapter 2. Bylaws

§209. Committees

A. - A.3. ...

4. planning committee; and

5. rules committee.

B. - B.2. ...

3. The vice chairman of the authority shall be chairman of the rules committee.

4. The term of committee appointments shall be one year.

5. Vacancies occurring among the appointive members of any committees, however arising, shall be filled by the chairman of the authority for the remainder of the unexpired term.

C. - F.3. ...

4. The executive committee shall consider such matters as shall be referred to it by the authority and shall execute such orders and resolutions as shall be assigned to it at any meeting of the authority.

5. However, the authority may not delegate to the executive committee the final determination of the rate of interest to be paid on education savings accounts of record at the close of the calendar year.

6. All official actions of the executive committee shall require a majority vote of the quorum present at the meeting.

7. The executive committee shall also approve all budget adjustments prior to submission to the appropriate authority.

8. In the event that an emergency requiring immediate authority action shall arise between authority meetings, it shall be the duty of the executive committee to meet in emergency session to take such action as may be necessary and appropriate.

9. The executive committee shall report the actions it takes in emergency session to the authority for ratification at the authority's next meeting.

G. - H.3.d. ...

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

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

K. Special Committees

1. As the necessary therefore arises, the chairman may, with the concurrence of the authority, create special committees with such functions, powers and authority as may be delegated.

2. The chairman may appoint ad hoc committees for special assignments for limited periods of existence not to exceed the completion of the assigned task.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3093 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:1655 (December 1997), amended LR 27:190 (February 2001).

Mark S. Riley
Assistant Executive Director

0102#002

RULE

Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division

Correct Organization Citations
Resulting From Reengineering of DEQ
(LAC 33:XI.2609)(OS036)

Editor's Note: The following Section of OS036, which was published as a Rule on pages 2439-2608 of the November 20, 2000 Louisiana Register, is being published to correct a typographical error in the "see prior text" explanations.

Title 33

ENVIRONMENTAL QUALITY

Part XI. Water Quality Regulations

Chapter 23. The LPDES Program

Subchapter R. Toxic Pollutant Effluent Standards and Prohibitions

Chapter 26.

§2609. Compliance

A.1. Within 60 days from the date of promulgation of any toxic pollutant effluent standard or prohibition each owner or operator with a discharge subject to that standard or prohibition must notify the Office of Environmental Services, Permits Division of such discharge. Such notification shall include such information and follow such procedures as the state administrative authority may require.

* * *

[See Prior Text In A.2. - G.]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2555 (November 2000), repromulgated LR 27:191 (February 2001).

James H. Brent, Ph.D.
Assistant Secretary

0102#066

RULE

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

Emissions Control from Motor Vehicles and Related Fees
(LAC 33:III.223; 1901-1935)(AQ200)

Editor's Note: The following Section of AQ200, which was published as a Rule on pages 1605-1607 of the August 20,

2000 *Louisiana Register*, is being republished to correct typographical errors in the first and last "see prior text" explanations.

**Title 33
ENVIRONMENTAL QUALITY**

Part III. Air

**Chapter 2. Rules and Regulations for the Fee System
of the Air Quality Control Programs**

§223. Fee Schedule Listing

Fee Schedule Listing						
Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application	Modified Permit Fees	
					Major	Minor
* * *						
[See Prior Text in Fee No. 0010-1722]						

Additional Fees		
Fee Number	Fee Description	Amount
* * *		
[See Prior Text in Fee No. 2000-2300]		
2400	An application approval fee for Stage II Vapor Recovery	100.00
	An annual facility inspection fee for Stage II Vapor Recovery	150.00
2600 *NOTE 16*	Accident Prevention Program Annual Maintenance Fee: Program 1	200.00
* * *		
[See Prior Text in Fee No. 2620-2914]		

Explanatory Notes for Fee Schedule

* * *

[See Prior Text in Notes 1-17]

Note 18. Reserved.

* * *

[See Prior Text in Notes 19 – 20]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054, 30:2341 and 30:2351 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:613 (September 1988), LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1205 (December, 1991), repromulgated LR 18:31 (January 1992), amended LR 18:706 (July 1992), LR 18:1256 (November 1992), LR 19:1373 (October 1993), LR 19:1420 (November 1993), LR 19:1564 (December 1993), LR 20:421 (April 1994), LR 20:1263 (November 1994), LR 21:22 (January 1995), LR 21:782 (August 1995), LR 21:942 (September 1995), repromulgated LR 21:1080 (October 1995), amended LR 21:1236 (November 1995), LR 23:1496 (November 1997), LR 23:1499 (November 1997), LR 23:1662 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:267 (February 2000), LR 26:485 (March 2000), LR 26:1605 (August 2000), repromulgated LR 27:192 (February 2001).

James H. Brent, Ph.D.
Assistant Secretary

0102#065

RULE

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

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

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Air Quality regulations, LAC 33:III.2131 (Log #AQ209).

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

Title 33
ENVIRONMENTAL QUALITY

Part III. Air

Chapter 21. Control of Emission of Organic Compounds

Subchapter F. Gasoline Handling

§2131. Filling of Gasoline Storage Vessels

* * *

[See Prior Text in A - D.2]

3. Any gasoline outlet in the parishes of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee and West Baton Rouge whose throughput is less than 120,000 gallons (454,200 liters) per year or any gasoline outlet in the parishes of Beauregard, Bossier, Caddo, Grant, Jefferson, Lafayette, Lafourche, Orleans, St. Bernard, St. Charles, St. James, St. John the Baptist, and St. Mary whose throughput is less than 500,000 gallons (1,892,700 liters) per year. Once the rolling 30-day average throughput exceeds 10,000 gallons for a facility in the parishes of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee and West Baton Rouge or 42,000 gallons for a facility in the parishes of Beauregard, Bossier, Caddo, Grant, Jefferson, Lafayette, Lafourche, Orleans, St. Bernard, St. Charles, St. James, St. John the Baptist, and St. Mary that facility becomes an affected facility and does not revert to an exempted facility when the throughput drops back below the throughput exemption level.

* * *

[See Prior Text in D.4 - G]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 16:609 (July 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:654 (July 1991), LR 18:1123 (October 1992), LR 19:1564 (December 1993), LR 22:1212 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning, LR 27:193 (February 2001).

James H. Brent, Ph.D.
Assistant Secretary

0102#064

RULE

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

Definition of Electrologist Technician; Exceptions and Rights; Licensure of Electrologists and Instructors, Sanitary Requirements; License Renewal
(LAC 46:XXXV.103, 105, 903, 905, 1303,
1401 - 1409 and 1503)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq. and of R.S. 37:74, the Board of Louisiana Electrolysis Examiners gives notice of its intent to revise Title 46, Part XXXV. The objective of this action is to adopt, amend and repeal Rules in response to changes in the 1999 regular session, Act 530

of 1999, enacted on June 14, 1999. Rules are being changed for the requirements for licensure of instructors of electrology; licensure of electrologists technicians; to provide for the use of sterilized disposable equipment, and to establish continuing education. Implementation of the proposed Rules will have no known effect upon family stability, functioning, earnings, budgeting, the responsibility and behavior of children, or parental rights and authority, as set forth in R.S. 49:972.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XXXV. Electrologists

Chapter 1. General Provisions

§103. General Definitions

A. ...

* * *

Electrologist Technician Any person who for compensation practices electrolysis for the permanent removal of hair under the direct supervision of a licensed electrologist and has completed a 200-hour course of instruction.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3051.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Electrolysis Examiners, LR 10:329 (April 1984), repromulgated LR 11:534 (May 1985), amended LR 17:778 (August 1991), LR 19:1144 (September 1993), LR 27:193 (February 2001).

§105. Exceptions and Rights

A. - C. ...

D. A new unopened presterile disposable type probe shall be used for each client treatment. Techniques of sterilization of other instruments shall be the same as is used in hospitals, using pressure heat, dry heat, or any other method of sterilization deemed appropriate by the board.

E. Operation of Other Business or Trade

1. No other business or trade shall be allowed in treatment rooms while electrolysis is being performed, however, a licensed physician may perform electrolysis in his private office or clinic.

2. If a person or business conducting electrolysis before July 1, 1983, moves to a different location, that person or business shall be required to comply with the terms of this Subsection.

3. Further, any person or person conducting electrolysis that accedes to the common office suites, treatment rooms, and reception or waiting rooms used for the performance of any other business or trade, including schools of electrology and apprenticeship programs, shall be required to comply with the terms of the Subsection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3051.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Electrolysis Examiners, LR 10:329 (April 1984), repromulgated LR 11:534 (May 1985), amended by the Department of Health and Hospitals, Board of Electrolysis Examiners, LR 17:778 (August 1991), LR 19:1144 (September 1993), LR 27:193 (February 2001).

Chapter 9. Licensure of Electrologists and Instructors

§903. Licensure of Electrologists

A. The board shall license and issue an appropriate certificate to any person who files a verified application, accompanied by the appropriate application fee, with evidence, verified under oath and satisfactory to the board, that he is at least 18 years of age, of good moral character, has graduated from an accredited high school or equivalent (has submitted proof of G.E.D.), and has successfully completed a course in practical training of electrolysis in a school of electrology which maintains the standards established and approved by the board or that he has completed a like number of hours in the subject areas specified in an apprenticeship program approved by the board; at the time of certification is free of any infectious disease; has successfully completed the written and practical test, and is current with all fees owed to the board, and has completed at least 450 hours of clinical experience, 150 hours of academic study in a board approved school or apprenticeship program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3051, et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Electrolysis Examiners, LR 10:333 (April 1984), amended LR 11:534 (May 1985), LR 17:778 (August 1991), LR 19:1144 (September 1993), LR 27:194 (February 2001).

§905. Licensure of Instructor

A. The board may issue a license to any person as an instructor of electrology, subject to the restrictions provided herein and rules promulgated pursuant to R.S. 37:3051-3077. No person shall teach or instruct electrology or its allied courses who does not hold both a valid license to practice electrology and a valid instructor's license issued by the board in accordance with the provisions of R.S. 3051-3077.

B. The board shall not license as an instructor of electrology any person who does not file with it a verified application thereof, accompanied by the appropriate application fee required, together with evidence verified by oath and satisfactory to the board, that the applicant:

1. meets all the requirements to practice electrology in this state and holds a current license to practice electrology in this state;

2. has practiced as a licensed electrologist for at least five years.

C. The board shall not issue an instructor's license to any person seeking initial licensure on or after August 1, 1999, who does not possess the following qualifications:

1. possesses the applicant qualifications required in §905.A and §905.B.1 and 2;

2. has successfully completed the curriculum for instructor training in electrolysis in an instructor training program that maintains the standards established and approved by the board and is part of either an approved school of electrology or an approved apprenticeship program. Such curriculum shall be under the supervision of a licensed instructor of electrology, shall include a course of study and practice over no less than a five-month period, and shall include at least 175 hours on the science of teaching, 150 hours of teacher assistance/observations, and 175 hours of clinic-supervised practice teaching;

3. successfully achieves a minimum test score on an examination administered and approved by the board. The examination shall be given annually at such time and place and under such supervision as the board determines and specifically at such other times as in the opinion of the board the number of applicants warrants. The board shall designate the date, time, and place of examination and give public notice thereof and, in addition, shall notify each person who has made application for examination to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3051.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Electrolysis Examiners, LR 10:333 (April 1984), amended LR 11:534 (May 1985), amended by the Department of Health and Hospitals, Board of Electrolysis Examiners, LR 17:778 (August 1991), LR 19:1144 (September 1993), LR 27:194 (February 2001).

Chapter 13.

§1303. Sanitary Requirements for Schools, Apprenticeship Programs, and Electrology Offices

A. ...

B. In compliance with recommendations of the Centers for Disease Control (CDC), all electrology schools, apprenticeship programs, and electrology offices shall be equipped with either a dry heat sterilizer or steam heat autoclave to be used in accordance with the manufacturer's instructions. A new unopened presterile disposable type probe shall be used for each client treatment. Techniques of sterilization of other instruments shall be the same as is used in hospitals, using pressure heat, dry heat, or any other method of sterilization deemed appropriate by the board. All other instruments must be thoroughly cleansed with soap and water and then wiped clean with 70 percent alcohol solution before being placed in one of the following sterilization units. The instruments must then be sterilized following the manufacturer's proper sterilization procedures. These temperatures must be maintained during the complete sterilization cycle:

1. saturated steam, 250°F, 15 psi, 30 minutes; and

2. dry heat, 340°F for 60 minutes or 320°F for 120 minutes.

C. All probes must be discarded in a Contamination Waste Box (red box), then discarded or collected in accordance with State Biomedical Hazardous Waste Disposal Procedures.

D. Vinyl or latex protective gloves shall be used while attending electrology procedures. Hands shall be thoroughly washed with soap and water after removal of gloves. Unused gloves shall be used for each patient procedure and discarded after each use or if practitioner leaves patient's side or touches anything.

E. Clean tissues, paper towels or freshly laundered towels shall be used for each patient. Before any patient is permitted to recline in a chair or on a table, said object shall be covered with a clean professional size towel or drape or a clean professional type tissue and shall be disposed of or laundered after each use.

F. The skin area to be treated must first be cleaned with 70 percent alcohol.

G. Every patient must be treated on a professional treatment table or chair, which shall be used for the purpose of electrolysis treatment only. The exception to the

preceding is if the patient is physically handicapped; the patient may be treated in a wheelchair, stretcher, medical bed, chair or table.

H. All treatment shall be given in privacy within an enclosed area.

I. The electrolysis treatment room shall be provided with a separate entrance, but not leading directly from the exterior of the house or building. One must not pass through any part of the living quarters in order to reach the treatment room.

J. The treatment room shall be closed from adjacent rooms by walls or doors. During treatment, such doors shall remain closed.

K. Every office shall have hand washing facilities with operating hot and cold water in the treatment room or adjacent room which can be reached without passing through any part of the living quarters. Such hand washing facilities shall not be located in the bathroom, or public restroom.

L. No electrologist, instructor or student in an apprenticeship program or school shall knowingly treat a person who is infected with impetigo, any contagious disease, skin malignancy, or any disease dangerous to the public.

M. No electrologist, instructor or student in an apprenticeship program or school shall treat a diabetic person without written authorization of the patient's treating physician.

N. All electrologists, instructor and student, must place probe in holder of epilator when not in use.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3051.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Electrolysis Examiners, LR 10:333 (April 1984), amended LR 11:534 (May 1985), amended by the Department of Health and Hospitals, Board of Electrolysis Examiners, LR 17:778 (August 1991), LR 19:1144 (September 1993), LR 27:194 (February 2001).

Chapter 14. Electrologist Technician

§1401. Licensure of Electrologist Technician

A. The board shall license and issue an appropriate certificate to any person who files a verified application, accompanied by the appropriate application fee, with evidence, verified under oath and satisfactory to the board, that he is at least 18 years of age, of good moral character, has graduated from an accredited high school or equivalent (has submitted proof of G.E.D.), and has successfully completed a course in practical training of electrolysis in a school of electrology which maintains the standards established and approved by the board or that he has completed a like number of hours in the subject areas specified in an apprenticeship program approved by the board, at the time of certification is free of infectious disease, has successfully completed the written and practical test, and is current with all fees owed to the board, and has completed at least 110 hours of clinical experience, 90 hours of lectures on insertion techniques, modalities, healing, regrowth problems, and office management.

B. Application fee for an electrologist technician shall be the same as provided in the R.S. 37:3072(A)(1).

C. The board may license any person as an electrologist technician who has successfully completed the provisions of R.S. 37:3063(C)(2) and passes the appropriate written and

practical examinations. The electrologist technician must work under the direct supervision of a licensed electrologist or licensed electrologist instructor and provide the name of the supervising electrologist to the board. A licensed electrologist technician may upgrade his license to that of an electrologist by completing the additional theory and practical hours in school or an electrologist apprenticeship program and by passing the appropriate board examination.

D. If a student fails one or more parts of an examination, the student may take the parts in which he has failed in a subsequent examination upon payment of a \$15 examination fee. If, after two attempts, the examination is not satisfactorily completed, the student thereafter shall be required to repeat and take the entire examination within one year of the date of the original examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3051.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Electrolysis Examiners, LR 27:195 (February 2001).

§1403. Requirements for Electrologist Technician

A. Each licensed electrologist technician may provide services only under the direct supervision of a licensed electrologist or a licensed instructor of electrology and provide the name, address, and license number of the supervising electrologist to the board.

B. The licensed electrologist technician shall comply with the current regulations for sanitary requirements, proper sterilization, license renewals, and professional conduct in the boards rules and regulations.

C. The electrologist technician shall not give formal consultations by phone or in the office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3051.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Electrolysis Examiners, LR 27:195 (February 2001).

§1405. Requirements for Instructor of Electrologist Technician

A. No instructor shall devote more than five days a week and no more than six hours a day to formal training in electrolysis including practical experience and extending over a period of not less than two months.

B. Electrologist Technician Students shall submit to the board in writing every month a record of the time completed by every electrologist technician student in practical and theoretical work.

C. No electrologist technician student may be supervised by another student or apprentice.

D. The board approved school or apprenticeship program shall provide an identification badge to each student. The badge shall include the student's name, picture, and school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3051.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Electrolysis Examiners, LR 27:195 (February 2001).

§1407. Requirements of Supervising Electrologists

A. Each supervising licensed electrologist shall be responsible for the activities of the electrologist technician under his/her direct supervision.

B. Have on file each patient's signed statement verifying that he/she is aware of being treated by a licensed

electrologist technician which may be checked upon inspection by the board.

C. The supervising licensed electrologist shall furnish the board with the name, address, and license number of the electrologist technician under their supervision. The board must be contacted if the electrologist technician ceases to be under the direct supervision of the licensed electrologist.

D. Each licensee must display his or her license in the treatment room. Each duplicate license will be provided by the board after payment of a \$25 duplicate license fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3051.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Electrolysis Examiners, LR 27:196 (February 2001).

§1409. Curriculum Regulations for the Electrologist Technician

A. The 110 hours of clinical experience shall involve epilation whereby the licensed instructor demonstrates how to perform electrolysis on areas to be treated on the face and body not specifically prohibited in §105.B of the rules and regulations.

B. The 90 hours of academic study shall include the following:

- 1. histology of hair and skin structure 30
- 2. bacteriology and sterilization 20
- 3. electricity and equipment 15
- 4. basic dermatology 15
- 5. professional conduct and hygiene (including statutes and state board rules and regulations) 90

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3051.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Electrolysis Examiners, LR 27:196 (February 2001).

Chapter 15. License

§1503. Renewal of License

A. Each license to practice electrology in this state shall be renewed annually on or before December 1 of each year upon application thereof accompanied by the renewal fee prescribed in R.S. 37:3072(A) and, beginning December 31, 1999, proof that the applicant has completed at least three hours of continuing education approved by the board.

B. Continuing Education Guidelines

1. The board may grant an extension of up to six months for completion of the continuing education requirements to any person who applies to the board in writing for an extension and shows good cause.

2. In addition to the continuing education requirements of §1503.A and B.1, license renewal for an instructor's license shall include completion of an additional two hours of continuing education approved by the board. The board may grant an extension of up to six months for completion of the continuing education requirements to any person who applies to the board in writing for an extension and shows good cause.

C. Failure to Register

1. When any electrologist, instructor, electrolysis school, or electrologist apprenticeship program licensed hereunder fails to register and pay the annual registration fee within 30 days after the registration fee becomes due, the license or certificate of such person, school, or electrologist

apprenticeship program shall be revoked automatically at the expiration of 30 days after the registration was required, without further notice or hearing. However, any person, school, or electrologist apprenticeship program whose license or certificate is automatically revoked as provided herein may, within three years of the date of revocation, make application in writing to the board for the reinstatement of such license or certificate and, upon good cause being shown, the board in its discretion may reinstate such license or certificate upon payment of all past due renewal fees and the payment of an additional sum of \$50. The board may require as a condition of reinstatement that the person complete all or some of the past continuing education requirements within 12 months of reinstatement of the license.

2. Any person, electrologist school, or electrologist apprenticeship program who fails within three years after revocation of a license or certificate to make written application to the board for reinstatement must reapply to the board and successfully complete a written and practical examination and pay all fees as required under the provisions of this Chapter and the rules and regulations adopted pursuant thereto.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3051.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Electrolysis Examiners, LR 10:333 (April 1984), amended LR 11:534 (May 1985), amended by the Department of Health and Hospitals, Board of Electrolysis Examiners, LR 17:778 (August 1991), LR 19:1144 (September 1993), LR 27:196 (February 2001).

Cheri L. Miller
Chairperson

0102#031

RULE

**Department of Health and Hospitals
Board of Examiners for Speech Language
Pathology and Audiology**

Speech-Language Pathology and Audiology
(LAC 46:LXXXV.Chapters 1-7)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., notice is given that the Board of Examiners for Speech-Language Pathology and Audiology has adopted the rules, regulations and procedures to replace the board's current Rules, regulations and procedures.

The Rules add definitions, amend supervision rules, amend the board's application procedures, amend the continuing education Rules, and establish a procedure for applicants who practice illegally in Louisiana as a speech-language pathologist, speech-language pathology assistant, and/or audiologist in the state of Louisiana. A detailed synopsis of the Rules is attached for your information. A complete copy of the Rules may be accessed on the board's website at www.lbespa.org or by completing and submitting the attached order blank to the board office.

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part LXXV. Speech Pathology and Audiology

Chapter 1. General Rules

§103. Definitions

* * *

Hearing Screening consists of pure-tone air conduction screening, and screening tests of auditory function such as tympanometry, Otoacoustic Emissions (OAE) and Auditory Brainstem Response (ABR) testing, for the purpose of the initial identification and/or referral of individuals with suspected hearing problems and/or middle ear pathology.

License Renewal Period the period of time that begins July 1, and ends on June 30, of the following calendar year.

Nine Months of Full-Time Supervised Postgraduate Professional Employment nine calendar months.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650, et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 14:705 (October 1988), amended LR 22:346 (May 1996), LR 27:197 (February 2001).

§105. Designations

A. - B. ...

1. When signing formal and informal professional documents, speech-language pathology assistants and provisional speech-language pathology assistants shall write their full license title, e.g., B.A., Speech-Language Pathology Assistant. Speech-language pathology assistants and provisional speech-language pathology assistants shall always identify themselves as such in professional interactions.

C. When listing credentials, licensees should sequentially list their name, educational designation, license designation, and professional certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650, et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 22:346 (May 1996), LR 27:197 (February 2001).

§107. Qualifications for Licensure

A. - B.2.c. ...

C. *Coursework Requirements* Speech Language Pathology License and Provisional Speech Language Pathology License. The following coursework requirements apply to applicants who began a master's program after January 1, 1994.

C.1. - D. ...

1. The applicant shall submit official transcripts from one or more regionally accredited colleges or universities evidencing completion of at least 60 semester hours of coursework which constitutes a well-integrated program that includes at least 12 semester credit hours in basic human communication processes to include the anatomic and physiologic bases, the physical and psychophysical bases, and the linguistic and psycholinguistic aspects.

D.2.a. - G.3.a.ii. ...

iii. The remaining 35 hours may be obtained in the areas of speech, language or hearing disorders. It is recommended that a minimum of 20 hours be in articulation.

G.3.b. - 4.b. ...

c. A provisional speech-language pathology assistant may surrender his/her license if unable to find employment in the area of speech-language pathology and may defer the remaining time of the three year period to complete the licensure requirements.

1. If the licensee has never worked as a provisional speech-language pathology assistant, a notarized statement shall be submitted to the board office.

2. If the licensee is not currently employed as a provisional speech-language pathology assistant a letter specifying date of termination from the last employer shall be submitted to the board office with Form 300, to verify supervision to the date of termination.

H. - J.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650, et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 14:706 (October 1988), amended LR 22:350 (May 1996), LR 27:197 (February 2001).

§109. Requirements to Upgrade License

A. - D. ...

1. an official copy of a passing score on the Educational Testing Service area examination;

2. verification of nine months of post-graduate professional employment/experience or its part-time equivalent in the field in which the license is held;

D.3. - G. ...

H. Audiologists who hold an audiology license but are completing the coursework or practicum requirements for registration as a dispenser shall follow the supervision requirements as specified in §123, and shall submit the board's Form 100 at the time of renewal. The board's Form 100 and the upgrade fee shall be submitted to upgrade license status.

I. It is the responsibility of the licensee to submit the documents and make a written request for upgrade of his/her license status. Licensees shall complete all supervision requirements consistent with the license held and immediately thereafter submit appropriate supervision forms to the board office along with a written request for license upgrade and the upgrade fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650, et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 22:329 (May 1996), amended LR 27:197 (February 2001).

§111. Fees

The board collects the following fees, which are non-refundable.

A. Initial Louisiana license for:

1.	Speech-Language Pathologist	\$100
2.	Audiologist	\$100
3.	Audiologist to include hearing aid dispensing	\$125
4.	Provisional Speech-Language Pathologist	\$100
5.	Restricted Speech-Language Pathologist	\$100
6.	Provisional Audiologist	\$100
7.	Provisional Audiologist to include hearing aid dispensing	\$125
8.	Speech-Language Pathology Assistant	\$100
9.	Provisional Speech-Language Pathology Assistant	\$100

10.	Dual License Fee	\$200
11.	Dual License Fee to include hearing aid dispensing	\$225

(Payable only by certified check, cashier's check or money order.)

B. Renewal of license submitted on or before June 30 of each year for:

1.	Speech-Language Pathologist	\$50
2.	Audiologist	\$50
3.	Audiologist to include hearing aid dispensing	\$60
4.	Provisional Speech-Language Pathologist	\$50
5.	Restricted Speech-Language Pathologist	\$50
6.	Provisional Audiologist	\$50
7.	Provisional Audiologist to include hearing aid dispensing	\$60
8.	Speech-Language Pathology Assistant	\$50
9.	Provisional Speech-Language Pathology Assistant	\$50
10.	Dual License	\$75
11.	Dual License to include hearing aid dispensing	\$85

C. Delinquent Renewal Fee submitted between July 1 and July 31 of each year for:

1.	Speech-Language Pathologist	\$100
2.	Audiologist	\$100
3.	Audiologist to include hearing aid dispensing	\$120
4.	Provisional Speech-Language Pathologist	\$100
5.	Restricted Speech-Language Pathologist	\$100
6.	Provisional Audiologist	\$100
7.	Provisional Audiologist to include hearing aid dispensing	\$120
8.	Speech-Language Pathology Assistant	\$100
9.	Provisional Speech-Language Pathology Assistant	\$100
10.	Dual License	\$150
11.	Dual License to include hearing aid dispensing	\$170

D. Delinquent Renewal Fee submitted between August 1 and October 31 of each year for:

1.	Speech-Language Pathologist	\$200
2.	Audiologist	\$200
3.	Audiologist to include hearing aid dispensing	\$220
4.	Provisional Speech-Language Pathologist	\$200
5.	Restricted Speech-Language Pathologist	\$200
6.	Provisional Audiologist	\$200
7.	Provisional Audiologist to include hearing aid dispensing	\$240
8.	Speech-Language Pathology Assistant	\$200
9.	Provisional Speech-Language Pathology Assistant	\$200
10.	Dual License	\$300
11.	Dual License to include hearing aid dispensing	\$340

E. Registration fee for audiologists to dispense hearing aids C\$25

F. Upgrade of provisional speech-language pathologist, provisional audiologist, speech-language pathology assistant or provisional speech-language pathology assistant C\$25

G. NSF or returned check C\$25

H. Video rental C\$10 per tape for two weeks; \$20 for two-tape set for two weeks

Late return fee	\$10 per tape
Late 30 days or more	Cost of tape
Video Catalog	\$5

I. Mailing labels C\$.03 per label plus postage & handling

J. Re-issuance of license certificate C\$20

K. Address listing-all licensees C\$25

L. Directory of all licensees C\$25

M. Fax transmission C\$3 for first page; \$1 each additional page

N. Publications to include law, rules, etc. C\$5 each plus postage & handling

O. Brochures/Pamphlets C\$.10 each plus postage and handling

P. Verification of license (written) C\$5

Open Book Test fee	\$30
Open Book Retest fee, per section	\$10

Q. Subpoena

1. within East Baton Rouge Parish C\$50;

2. plus \$.30 per mile outside East Baton Rouge Parish C\$50

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650, et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 14:706 (October 1988), amended LR 22:350 (May 1996), LR 27:197 (February 2001).

§113. License Renewals

A. - E. ...

F. Retired status is granted to speech-language pathologists and audiologists who are retired and do not practice speech-language pathology or audiology during the fiscal year, July 1 through June 30.

1. These licensees shall complete the affidavit on the continuing education report and submit it at the time of licensure renewal.

2. Retired licensees may retain their license by payment of the annual renewal fee. In order to resume the practice of speech-language pathology or audiology, retired licensees shall demonstrate completion of five clock hours of continuing education in the area of licensure for each year that retired status was maintained.

3. The licensee may submit the required five hours of continuing education each year he/she is retired or submit all of the hours the year he/she returns to work in the profession.

G. Licensees who hold a license requiring supervision and who are not working in the field of speech-language pathology and/or audiology shall submit a notarized statement at the time of license renewal attesting to the fact that they did not work in the profession during the license period.

H. Delinquent Renewal

1. Delinquent requests for renewals will be accepted by the board through October 31, provided the Delinquent Renewal Fee is paid in accordance with §111.C. and D. and the continuing education summary form is submitted.

2. A licensee whose license lapsed on November 1, and applies to reinstate prior to the following June 30, is required to submit a completed application, proof of continuing education, initial license fee and delinquent renewal fee in accordance with §111.A. and D. and §115.

3. A licensee whose license lapsed on November 1, and applies for reinstatement after June 30, of the following

year, is subject to the initial license fee and the requirements of §113.I.3.

I. - I.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650, et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 14:707 (October 1988), amended LR 22:351 (May 1996), LR 27:198 (February 2001).

§115. Continuing Education Requirements

A. - D. ...

E. Continuing Education events occurring in the month of June, will be accepted for the collection period in which they occur or they may be counted in the following collection period which begins on July 1. Hours from one event may not be divided between two collection periods.

F. - G. ...

H. The graduated scale for the collection of Continuing Education hours is based on the date an applicant receives his/her initial license:

License Received	Hours Required
April, May, June	0
January, February, March	3
October, November, December	6
July, August, September	10

I. - I.4. ...

5. Distance learning (video conferences, telephone seminars and internet courses sponsored by universities, schools, clinics, state agencies, hospitals, or related professional organizations) (maximum of five hours).

I.6. - 8. ...

9. The presenting licensee may count 12 times the value of a workshop the first time it is presented to allow for preparation time. (Example: a 3 hour workshop = 42 hours) The workshop will count for the actual hour value for each subsequent presentation of the same workshop.

10. Teaching at the college level in the area of communication disorders is not acceptable.

J. - J.2. ...

3. Licensees who elect to attend university classes/courses in speech-language pathology and/or audiology without payment of the university fee shall submit a self-study plan for pre-approval from the Louisiana Board of Examiners for Speech-Language Pathology and Audiology to receive continuing education credits.

J.4. - K.1. ...

2. The board may request, through random audit, verification of clock hours submitted, including information regarding content and attendance. Approximately 10 percent will be audited each year as a means of evaluating compliance with the continuing education requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650, et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 22:351 (May 1996), amended LR 27:199 (February 2001).

§117. Application Procedures

A. - D. ...

E. Speech-language pathologists, assistants and/or audiologists who have held a license in another state, shall

provide official verification of their licensure status in each state.

F. - I. ...

J. An applicant may be granted only one 60 day period to work while his/her initial application is being processed. No additional grace period may be granted to an applicant.

K. When there is probable cause to believe that an applicant practiced illegally in Louisiana as a speech-language pathologist, speech-language pathology assistant and/or audiologist, the board may offer a consent agreement and order which will grant the individual a license, subject to the following specified terms and conditions.

1. Within 90 days of the date of the consent agreement and order, the applicant shall take and pass an open book examination regarding R.S. 37:2650-2666, the Board's Rules, Regulations and Procedures, and Ethical Questions or within ten months of the date of the consent agreement and order, the applicant shall complete not fewer than five hours of continuing education in the area of ethics.

a. Open book test fee shall be \$30. The retest fee shall be \$10 per section.

b. Applicants have 42 hours to complete all sections of the test.

c. The open book examination or any section may be re-taken anytime within the 90 days.

2. The applicant may be required to appear before the Board following completion of the continuing education in ethics to answer questions regarding the continuing education.

3. The consent order and agreement shall be published in the LBESPA newsletter.

4. If the applicant fails to successfully complete all requirements set forth in the above paragraphs within 90 days, the applicant's license shall be suspended without further notice until the board receives and accepts documentation of the applicant's completion of the consent order and agreement requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650, et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 22:352 (May 1996), amended LR 27:199 (February 2001).

§119. Supervision Requirements for Restricted License, Provisional Speech-Language Pathology License and Provisional Audiology License

A. ...

B. Speech-Language Pathologists or Audiologists may share the supervision responsibility for Provisional or Restricted licensees, but each supervising speech-language pathologist or audiologist shall complete and submit the necessary supervision forms.

C. - C.1. ...

2. For 12 month employees, one on-site, in-view observation shall be conducted each quarter.

3. For nine month employees, two on-site, in-view observations shall occur in each semester.

D. ...

E. Licensees shall complete all supervision requirements consistent with the license held and immediately thereafter submit appropriate supervision forms to the board office along with a written request for license upgrade and the upgrade fee.

F. Licensees who are not working in the field of speech-language pathology and/or audiology and who hold a license requiring supervision, shall submit a notarized statement at the time of license renewal attesting to the fact that they did not work in the profession during the license period.

G. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650, et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Louisiana Board of Examiners for Speech-Language Pathology and Audiology, LR 14:707 (October 1988), amended LR 22:352 (May 1996), LR 27:199 (February 2001).

§121. Supervision Requirements for Speech-Language Pathology Assistant and Provisional Speech-Language Pathology Assistant

A. The supervision requirements specified in these guidelines are minimum requirements. It is the responsibility of the speech-language pathologist to design and provide a supervision system that protects patient/client care and maintains the highest possible standards of quality.

B. Speech-language pathologists may share the supervision responsibility for provisional speech-language assistants or speech-language pathology assistants, but each supervising speech-language pathologist shall complete and submit the necessary supervision forms.

C. Treatment for the patient/client served remains the responsibility of the supervisor. Therefore, the level of supervision required is considered the minimum level necessary for the supervising speech-language pathologist to maintain direct contact with the patient/client.

D. Assistants who are not working in the field of speech-language pathology shall submit a notarized statement at the time of license renewal attesting to the fact that they did not work in the profession during the license period.

E. Although more than one speech-language pathologist may provide supervision of an assistant licensee and provisional assistant licensee, at no time may a licensed speech-language pathologist supervise or be listed as a supervisor for more than three assistant or provisional assistant licensees. When multiple supervisors are used, the supervisors are encouraged to coordinate and communicate with each other.

F. Documentation of supervision shall be submitted annually at the time of license renewal on Form 200 provided by the board.

G. The supervising speech-language pathologist shall be readily available for consultation with the assistant licensee. This includes personal contact, telephone, pager, or other means of communication.

H. Supervision Requirements for the Speech-Language Pathology Assistant.

1. A minimum of one clock hour of on-site, in-view supervision shall be completed each week for each licensee.

2. A minimum of one clock hour of alternative supervision methods shall be completed each week for each licensee. These methods should include, but are not limited to:

- a. specifying protocols for speech-language screenings and assessments conducted by the assistant licensee;
- b. specifying protocols for hearing screenings conducted by the assistant licensee;

c. approving treatment plans or protocols and documenting approval;

d. monitoring patient/client progress toward meeting established objectives;

e. monitoring, scheduling, charting and data collection;

f. directing maintenance of equipment;

g. directing research projects, in-service training and public relations programs;

h. conducting telephone conferences.

3. If circumstances prohibit a supervisor from completing the minimum supervision requirements (§121.H.1 and 2) in a given week, the remaining supervision may be completed the following week in conjunction with the required supervision hours for that week.

4. When the supervising speech-language pathologist is unavailable for supervision for an extended period of time, arrangements shall be made for another qualified supervisor, or the speech-language pathology assistant shall be transferred to other duties.

5. Provisional Speech-Language Pathology Assistant Full-Time and Part-time Supervision Requirements:

Hours Worked	Required Supervision On-site, In-view	Required Supervision Alternative Method
21-40 hrs.	1 hr/week	1 hr/week
20 hrs or less	1 hr/week	1 hr/every 2 wks

6. Assistant licensees shall be supervised only by a speech-language pathologist licensed under the provisions of R.S. 37:2659(A) with the exception of hearing screenings which may be supervised by an audiologist, licensed under the provisions of R.S. 37:2659. An individual may not be supervised by a provisional licensee or restricted licensee.

I. Supervision Requirements for the Provisional Speech-Language Pathology Assistant.

1. A minimum of three clock hours of on-site, in-view supervision shall be completed each week for each licensee.

2. A minimum of two clock hours of alternative supervision methods shall be completed each week for each licensee.

3. These methods should include, but are not limited to:

a. specifying protocols for speech-language screenings and assessments conducted by the assistant licensee;

b. specifying protocols for hearing screenings conducted by the assistant licensee;

c. approving treatment plans or protocols and documenting approval;

d. monitoring patient/client progress toward meeting established objectives;

e. monitoring scheduling, charting and data collection;

f. directing maintenance of equipment;

g. directing research projects, in-service training and public relations programs;

h. conducting telephone conferences.

4. If extenuating circumstances prohibit a supervisor from completing the minimum supervision requirements (§121.I.1 and 2) in a given week, the remaining supervision may be completed the following week in conjunction with the required supervision hours for that week.

5. When the supervising speech-language pathologist is out for an extended period of time, arrangements shall be made for another qualified supervisor or the provisional speech-language pathology assistant shall be transferred to other duties.

6. When supervision requirements have not been met, in accordance with §121.I.1 and 2, licensees shall complete additional months of supervision to replace months of incomplete supervision.

7. Provisional Speech-Language Pathology Assistant Full-Time and Part-Time Supervision Requirements:

Hours Worked	Required Supervision On-Site, In - View	Required Supervision Alternative Method
21-40 hrs	3hrs/week	2hrs/week
20 hrs or 1	1 ½ hr/week	1 hr/week

8. Provisional assistant licensees shall be supervised by a speech-language pathologist licensed under the provisions of R.S. 37:2659(A) with the exception of hearing screenings which may be supervised by an audiologist, licensed under the provisions of R.S. 37:2659. An individual may not be supervised by a provisional licensee or a restricted licensee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650, et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Louisiana Board of Examiners for Speech-Language Pathology and Audiology, LR 14:707 (October 1988), amended LR 22:353 (May 1996), LR 27:200 (February 2001).

§123. Hearing Aid Dispensing

A. - F.3. ...

4. Audiologists shall conduct a post-fitting evaluation that includes functional gain measurements and/or real ear measurements unless the patients physical conditions prohibit accomplishment of these procedures.

F.5. - H.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650, et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Louisiana Board of Examiners for Speech-Language Pathology and Audiology, LR 22:353 (May 1996), amended LR 27:201 (February 2001).

§129. Additional Requirements for International Applicants/Speakers of English as a Second Language

A. Any document required to be submitted to this board with an application for a license shall be in the English language, or accompanied by a certified translation thereof into the English language.

B. As a condition of the board's consideration of the license application of a graduate of a foreign college or university, the applicant shall provide the board with an evaluation of the applicant's transcript from an approved credentials evaluation agency. A list of approved agencies, and their addresses, may be obtained from the board.

C. Because the essence of the practice of speech-language pathology and audiology is communication, an applicant whose primary language is not English shall submit a passing score on a nationally recognized English

proficiency examination, and make a personal appearance before the board or its designees before a license may be issued.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650, et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Louisiana Board of Examiners for Speech-Language Pathology and Audiology, LR 14:707 (October 1988), amended LR 22:354 (May 1996), LR 27:201 (February 2001).

Chapter 3. Aides

§301. Qualifications and Duties

A. - C.5. ...

D. The aide may engage in activities limited to those that are planned and directed by the supervising speech-language pathologist or audiologist. Providing that the preparation, training, and supervision are appropriate, the following tasks may be assigned to aides:

1. setting up room and equipment;
2. clearing room and storing equipment;
3. preparing materials (such as making copies, typing forms) for use by the speech-language pathologist and/or audiologist;
4. checking equipment to determine if the equipment is performing adequately;
5. transporting patients/clients to and from sessions;
6. assisting with field trips;
7. performing hearing screenings limited to pure-tone air conduction screening and screening tympanometry;
8. recording, charting, graphing, or otherwise displaying objective data relative to the patient's/client's performance.

E. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650, et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Louisiana Board of Examiners for Speech-Language Pathology and Audiology, LR 16:409 (May 1990), amended LR 22:355 (May 1996), LR 27:201 (February 2001).

Chapter 5. Procedural Rules

§503. Compliance Hearings

A. - D. ...

E. Within 30 days after the compliance hearing, the board shall forward its final decision, including specific reasons therefore, by certified mail, return receipt requested, to the applicant or licensee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650, et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Louisiana Board of Examiners for Speech-Language Pathology and Audiology, LR 17:374 (April 1991), amended LR 22:357 (May 1996), LR 27:201 (February 2001).

§507. General Procedural Rules For Hearings

A. - E. ...

F. The procedures to be followed in conducting the hearing governing the order of the proceedings are contained in Chapter 12, of the Disciplinary Action Manual For Occupational Licensing Boards prepared by the Louisiana Department of Justice, 1979, through the Office of the Attorney General. A copy of the Chapter will be provided to any interested party involved with the hearing upon receipt by the board of a written request therefore.

G. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650, et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Louisiana Board of Examiners for Speech-Language Pathology and Audiology, LR 17:374 (April 1991), amended 22:357 (May 1996), LR 27:201 (February 2001).

C. Robin Morehouse, L-AUD, CCC-A
Chairperson

0102#007

RULE

Department of Health and Hospitals Board of Nursing

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

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

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLVII. Nurses

Subpart 2. Registered Nurses

Chapter 33. General

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

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

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

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

b. crime which involves distribution of drugs.

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

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

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

a. the applicant presents evidence that the cause for the denial will not affect safe nursing practice. The evidence

may include but not be limited to completion of all court ordered probation and/or parole, comprehensive evaluations, employer references, rehabilitation, and restitution. Prior to requesting a board hearing, the evidence shall be presented to board staff; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 7:74, (March 1981), amended by the Department of Health and Hospitals, Board of Nursing, LR 19:1145 (September 1993), LR 21:271 (March 1995), LR 24:1293 (July 1998), LR 27:202 (February 2001).

Barbara L. Morvant
Executive Director

0102#069

RULE

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

Early Periodic Screening, Diagnosis and
Treatment CDental Services

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following Rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

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 for the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) dental services. In addition, the reimbursement fees for certain designated procedure codes are increased to the following rates.

Procedure Code	Procedure Name	New Rate
02110	Amalgam-1 Surface Deciduous	\$ 35.00
02120	Amalgam-2 Surface Deciduous	\$ 45.00
02130	Amalgam-3 Surface Deciduous	\$ 55.00
02140	Amalgam-1 Surface Permanent	\$ 35.00
02150	Amalgam-2 Surface Permanent	\$ 45.00
02160	Amalgam-3 Surface Permanent	\$ 55.00
02930	Stainless Steel Crown-Primary	\$ 75.00
02931	Stainless Steel Crown-Permanent	\$ 75.00
02950	Crown Buildup	\$ 75.00
05211	Upper Acrylic Partial w/Clasp	\$355.00
05212	Lower Acrylic Partial w/Clasp	\$355.00
07110	Simple Extraction	\$ 35.00
07210	Surgical Extraction	\$ 50.00

David W. Hood
Secretary

0102#084

RULE

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

Home Health Program C Extended Skilled Nursing Visits

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following Rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing increases the reimbursement rate for Home Health extended skilled nursing visits to \$24.50 per hour.

David W. Hood
Secretary

0102#82

RULE

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

Home Health Services C Skilled
Nursing Reimbursement Reduction

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

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the reimbursement methodology for home health services by establishing a separate reimbursement rate for skilled

nursing services when these services are not provided by a licensed registered nurse. Reimbursement is set at 80 percent of the current rate when skilled nursing services are provided by a licensed practical nurse (LPN). However, the current rates on file will continue to be paid when a registered nurse provides the skilled nursing services. The separate reimbursement rate set at 80 percent of the current home health physical therapy rate when the physical therapy services are provided by a physical therapy assistant is discontinued.

David W. Hood
Secretary

0102#083

RULE

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

Medical Transportation Program
Emergency Ambulance Services

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following Rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing restores the 7 percent reduction previously made to the reimbursement rates for emergency ambulance transportation services. In addition, the base rate for these services is increased by 2 percent.

David W. Hood
Secretary

0102#081

RULE

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

Medical Transportation Program
Non-Emergency Ambulance Services

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following Rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing restores the base rate for non-emergency ambulance transportation

services to the rate that was in effect July 1, 1999. In addition, the reimbursement fees for certain designated procedure codes are increased to the following rates:

A0360	Base rate, BLS, 1 st Trip	\$125.00
A0364	Base rate, no specialized ALS services, 1 st trip	\$125.00
A0366	Base rate, Specialized ALS services, 1 st trip	\$125.00
A0380	Loaded miles, BLS, 1 st trip	\$4.32
A0390	Loaded miles, ALS, 1 st trip	\$4.32
Z5100	Transfer, loaded miles, BLS, 1 st trip	\$125.00
Z5101	Transfer, loaded miles, ALS, 1 st trip	\$125.00
Z5102	Loaded miles, ALS or BLS, 2 nd trip	\$4.32
Z9497	Base rate, ALS or BLS, 2 nd trip	\$125.00

David W. Hood
Secretary

0102#080

RULE

**Department of Public Safety and Corrections
Gaming Control Board**

Compulsive or Problem Gamblers
Telephone Information and Referral Service Posting
(LAC 42:VII.2933, IX.2939, XI.2407 and XIII.2933)

The Gaming Control Board hereby amends LAC 42:VII.2933, IX.2939, XI.2407 and XIII.2933 in accordance with R.S. 27:15 and 24, and the Administrative Procedure Act, R.S. 49:950 et seq.

Title 42

LOUISIANA GAMING

**Part VII. Pari-Mutuel Live Racing Facility
Slot Machine Gaming**

**Chapter 29. Methods of Operation Generally
§2933. Compulsive or Problem Gamblers
Telephone Information and Referral Service Posting**

A. The Type A license shall post one or more signs at points of entry to the designated gaming areas to inform customers of the toll-free telephone number available to provide information and referral services regarding compulsive or problem gambling. The toll-free numbers shall be provided by the division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:767 (April 2000), amended LR 27:204 (February 2001).

Part IX. Landbased Casino Gaming

**Chapter 29. Operating Standards
§2939. Compulsive or Problem Gamblers
Telephone Information and Referral Service Posting**

A. The casino operator shall post one or more signs at points of entry to the designated gaming areas to inform customers of the toll-free telephone number available to provide information and referral services regarding compulsive or problem gambling. The toll-free numbers shall be provided by the division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1954 (October 1999), amended LR 27:204 (February 2001).

Part XI. Video Poker

Chapter 24. Video Draw Poker

§2407. Operation of Video Draw Poker Devices

A. - A.16. ...

17. All licensees shall post one or more signs at points of entry to the gaming area to inform customers of the toll-free telephone number available to provide information and referral services regarding compulsive or problem gambling. The toll-free numbers shall be provided by the division. The penalty for violation of this subsection shall be \$250 per day for the first offense, \$500 per day for the second offense and \$1000 per day for the third offense. The penalty for fourth and subsequent offenses shall be \$1000 per day or administrative action including but not limited to suspension or revocation.

B. - D.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Gaming Enforcement Section, Video Gaming Division, LR 18:196 (February 1992), amended LR 21:582 (June 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:85 (January 1999), LR 27:205 (February 2001).

Part XIII. Riverboat Gaming

Chapter 29. Operating Standards

§2933. Compulsive or Problem Gamblers Telephone Information and Referral Service Posting

A. The holder of an operators license shall post one or more signs at points of entry to the designated gaming areas to inform customers of the toll-free telephone number available to provide information and referral services regarding compulsive or problem gambling. The toll-free numbers shall be provided by the division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:705 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 27:205 (February 2001).

Hillary J. Crain
Chairman

0102#035

RULE

**Department of Public Safety and Corrections
Office of State Police**

Approved Citation for Litter Enforcement
(LAC 55:I.2101)

Pursuant to R.S. 30:2531.7 and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Public Safety and Corrections, Public Safety Services, hereby adopts LAC 55:I.2101. The adoption of §2101 is necessary as a result of the enactment of Act Number 148 of the 1998 First Extraordinary Legislative Session which requires the department to promulgate rules and regulations to provide for a uniform citation document which shall be used for issuing citations of the litter law.

Title 55

PUBLIC SAFETY

Part I. State Police

Chapter 25. Litter Enforcement

§2501. Approved Citation for Litter Enforcement

A. The department hereby approves any uniform citation approved and adopted for use pursuant to R.S. 32:398.1 for the enforcement of any litter violations committed in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2531.7.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:205 (February 2001).

Jerry W. Jones
Undersecretary

0102#047

RULE

**Department of Public Safety and Corrections
Office of State Police**

Collection of DNA Samples for Convicted
Offenders (LAC 55:I.Chapter 23)

Pursuant to R.S. 15:601 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 Department of Public Safety and Corrections, Public Safety Service, Office of State Police adopts LAC 55:I.Chapter 23. Notice is further given that the department adopts the following rules and regulations which establish guidelines for the collection, submission, receipt, identification, storage and disposal of DNA samples for convicted offenders as defined in R.S. 15:601 et seq.

Title 55

PUBLIC SAFETY

Part I. State Police

Chapter 23. Collection, Submission, Receipt, Identification, Storage and Disposal of DNA Samples

§2301. Scope, Purpose and Application

A. Scope, Purpose, and Application. To provide rules and regulations governing the collection, submission, receipt, identification, storage and/or disposal of DNA samples for convicted offenders for a state database/CODIS pursuant to R.S. 15:601 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:611.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:205 (February 2001).

§2302. Definitions

AFIS the Automated Fingerprint Identification System operated by the Department of Public Safety and Corrections, Public Safety Services.

CAJUN the Corrections and Justice Unified Network operated by the Department of Public Safety and Corrections.

CODIS or Combined DNA Index System the Federal Bureau of Investigation's national DNA identification index system which facilitates the storage and exchange of DNA

records submitted by state and local criminal justice and law enforcement agencies.

Crime Laboratory Louisiana State Police Crime Laboratory of the Department of Public Safety and Corrections, Public Safety Services.

Convicted Offender Ca person convicted of a felony sex offense, other specified offense or any other offense for which a DNA sample must be obtained pursuant to R.S. 15:601 et seq.

Department Department of Public Safety and Corrections, Public Safety Services.

Director the Director of the Louisiana State Police Crime Laboratory.

DNA deoxyribonucleic acid.

DNA Analysis DNA typing tests that generate numerical identification information and are obtained from a DNA sample.

DNA Database the DNA identification record system maintained and administered by the director.

DNA Database Blood Collection Kit or Kit the kit provided by the Department for the collection of DNA samples.

DNA Record DNA information that is derived from a DNA sample and DNA analysis and is stored in the state DNA database or in CODIS, including all records pertaining to DNA analysis.

DNA Sample biological evidence of any nature that is utilized to conduct DNA analysis.

DPS Department of Public Safety and Corrections.

Evidence Technician individual authorized by the Director to perform the duties set forth in LAC 55:I:2301 et seq.

FBIC Federal Bureau of Investigation within the United States Department of Justice.

FTA specialized paper that binds DNA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:611.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:205 (February 2001).

§2303. Collection, Submission, and Identification of DNA Samples for Convicted Offenders

A. All DNA samples obtained for DNA Analysis from a convicted offender shall be collected using an approved Louisiana State Police Crime Laboratory DNA Database Collection Kit as supplied by the department.

1. Each DNA Database Blood Collection Kit shall contain all necessary materials for blood collection via finger stick and for proper identification of the offender.

2. Each kit shall be numbered sequentially from one kit to the next so that each kit number shall serve as a unique identifier. Any DNA Database Collection Kit Envelope, Kit Shipping Envelope, DNA Database Information Card, DNA Database Collection Card or AFIS or CAJUN Printout identifying the convicted offender that may be used as part of the kit shall have the same number as the kit used for collection.

3. For blood collection, all DNA samples shall be collected by individuals trained and approved to serve as collectors by the Louisiana State Police Crime Laboratory.

4. The collector shall complete the DNA Database Information Card or utilize an AFIS or CAJUN Printout

which contains the identifying information of the collected offender when obtaining a sample.

a. In the event a DNA Database Information Card is used, the collector shall fill in all requested information as completely as possible. This information shall include the offender's name in full, current address, social security number, date of birth, sex, race, state identification number, submitting agency, name and signature and agency of person obtaining the blood sample, date, and form of positive identification shown by the offender.

b. If an AFIS or CAJUN printout is used, identifying information of the offender will be contained on the printout.

c. A DNA Blood Collection Card or a space on the AFIS or CAJUN printout utilized for all necessary collection information shall be filled out as completely as possible and shall include the following information: race, sex, name of blood collector, signature of blood collector, date and time of sample collection, signature of person taking offender's fingerprint, date and time of fingerprint application.

d. The state identification number or Department of Corrections number and name of the offender shall be written on the FTA Blood Collection Paper in the information space provided.

5. Finger stick blood samples shall be obtained using recognized and approved medical procedures, and the following guidelines shall be followed.

a. Prior to each individual blood collection procedure, personnel performing the collection shall put on barrier gloves. The FTA Blood Collection Paper contained within the kit shall not be touched unless the individual collecting the offender's blood is wearing barrier gloves.

b. The tip of the offender's finger shall be wiped with an absorbent alcohol pad.

c. The offender's finger shall be pricked using a sterile, fixed depth lancet.

d. The offender's finger shall be positioned over one of the four circles printed on the FTA Blood Collection Paper, and the finger shall be milked, allowing two drops of blood to fall onto the FTA paper, within the circle. This procedure will be repeated for the remaining three circles if possible.

e. A sterile gauze pad shall be used to wipe off any remaining blood from the offender's finger, and an adhesive bandage shall be affixed to the offender's finger.

f. All medical supplies (lancet, absorbent alcohol pad, gauze pad, barrier gloves) shall be discarded in compliance with standard medical procedures.

g. The blood on the FTA Blood Collection Paper shall be allowed to air dry for approximately 30 minutes. The FTA Blood Collection Paper shall not be touched, nor shall it be allowed to come in contact with any other FTA Blood Collection Paper during the drying and packaging stages.

h. The FTA Blood Collection Paper shall be placed in the protective envelope provided in the kit and sealed. The sealed protective envelope shall be stapled to the DNA Database Collection Card or the Completed AFIS or CAJUN printout which shall then be placed in the kit envelope. The kit envelope flap shall be moistened and the envelope sealed. An evidence or security seal shall then be placed over the envelope seal, and the seal shall be dated and initialed.

i. The sealed kit envelope shall be placed in a pre-addressed mailing envelope which shall be conspicuously marked as containing dried blood specimens with a biohazard label.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:611.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:206 (February 2001).

§2304 Shipping of DNA Samples for Convicted Offenders

A. DNA samples collected in accordance with these procedures shall be submitted to the Crime Laboratory in person by approved personnel or via delivery service, such as U.S. mail in accordance with the Crime Laboratory's Quality Manual. The mailing envelope shall be mailed or delivered to the Crime Laboratory after collection to the following address:

Louisiana State Police Crime Laboratory
376 East Airport Drive
Baton Rouge, LA 70806

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:611.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Police, LR 27:207 (February 2001).

§2305. Record Keeping of DNA Samples for Convicted Offenders

A. The individual who collects each DNA sample shall provide an accurate, up-to-date list of every DNA sample collected each day of collection. Any failed attempts to collect blood from an offender and the reason for the failure (e.g. refusal of offender to submit, failure to keep scheduled appointment) shall also be indicated. The list will include the following information: the kit number, the offender's name, the name of the person collecting the sample and the submitting agency together with any additional data which the director deems necessary. This information shall be forwarded in the form of an audit sheet to the director on a daily basis, via both facsimile and U.S. mail. If the mailing envelopes are hand delivered to the Crime Laboratory, the audit sheet shall accompany the mailing envelopes being delivered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:611.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:207 (February 2001).

§2306. Storage of DNA Samples for Convicted Offenders

A. The sealed kits containing DNA samples shall be stored in a dedicated storage area within the Crime Laboratory. Access to the sealed kits and to the storage area shall be limited to authorized personnel. Any access to or removal/return of the sealed kit or specimen bags shall be performed in accordance with Crime Lab Evidence and Handling Policies and Procedures. Only authorized personnel shall open a sealed kit or specimen bag and shall initial and date the broken seal and shall reseal the kit or specimen bag in accordance with standard forensic operating procedures.

B. DNA samples on FTA Blood Collection Paper, DNA Database Collection Cards, DNA Database Identification Cards, and AFIS or CAJUN printouts shall be stored

indefinitely in a secure storage area unless otherwise required in accordance with R.S. 15:614.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:611.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:207 (February 2001).

§2307. Severability

A. If any article, section, subsection, sentence, clause or phrase of LAC 55:I:2301 et seq. is for any reason determined to be unconstitutional, contrary to statute, in excess of authority, or otherwise inoperative, such determination shall not affect the validity of any other article, section, subsection, sentence, clause or phrase of LAC 55:I:2301 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:611

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:207 (February 2001).

Jerry W. Jones
Undersecretary

0102#046

RULE

**Department of Revenue
Office of the Secretary**

Policy Statements (LAC 61:III.101)

Under the authority of R.S. 47:1511 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, adopted LAC 61:III.101 to provide for policy statements issued by the Department of Revenue.

The Secretary of Revenue is authorized by R.S. 47:1511 to adopt reasonable Rules and regulations to enforce the provisions relating to the taxes collected and administered by the department. LAC 61:III.101 establishes the types of policy statements to be issued for the proper administration and enforcement of the tax laws and the collection of revenues.

Title 61

REVENUE AND TAXATION

Part III. Department of Revenue; Administrative Provisions and Miscellaneous

Chapter 1. Agency Guidelines

§101. Policy Statements

A. Purpose

1. This Rule defines the types of policy statements that may be issued and the procedures for issuing them. Policy statements provide guidance as to the department's position and ensure that employees enforce the tax laws correctly, consistently, and fairly.

2. In the past, policy statements issued to provide policy guidance included Rules, Private Letter Rulings, Technical Advisory Memoranda, Policy and Procedure Memoranda, and informal oral and written advice.

3. The following policy statements will now be issued:

a. rules adopted according to the administrative procedure act;

- b. policy and procedure memoranda;
- c. declaratory rulings:
 - i. private letter rulings;
 - ii. revenue rulings; and
 - iii. statements of acquiescence or nonacquiescence;
- d. revenue information bulletins; and
- e. informal advice.

B. Distinguishing Rules from Other Policy Statements

1. Rules are adopted in accordance with Louisiana's Administrative Procedure Act (APA), R.S. 49:950 et seq., and the APA is the authoritative guide as to when a Rule is required.

2. The APA excepts agency statements, guides, or requirements for conduct or action that regulate the internal management of the agency from the definition of a "Rule" [R.S. 49:951(6)]. Policy and Procedure Memoranda are issued under this exception.

3. The APA also provides that, "The fact that a statement of policy or an interpretation of a statute is made in the decision of a case or in an agency decision upon or disposition of a particular matter as applied to a specific set of facts involved does not render the same a Rule within this definition or constitute specific adoption thereof by the agency so as to be required to be issued and filed as provided in this Subsection" [R.S. 49:951(7)]. The term Rule "does not include declaratory rulings or orders." [R.S. 49:951(6)]. Declaratory Rulings are issued under these exceptions.

4. General information may be disseminated and general assistance provided, but taxpayers are only bound by statutes and regulations that have the force and effect of law. Revenue Information Bulletins and informal advice offered to taxpayers do not establish legal requirements for taxpayers.

5. Within the parameters set forth by the APA, Title 47, and other applicable laws, discretion may be used to determine if policy guidance is needed and the type of policy guidance to be issued.

6. Reasons for issuing a Rule may include:

- a. the law or current rules are not clear and the issue affects many people;
- b. there is inconsistency in the treatment of a tax issue within the department or among taxpayers;
- c. the procedures a taxpayer should follow to comply with the law are undefined, unclear, or inconsistently followed;
- d. a request for a Private Letter Ruling from one taxpayer concerns an issue that may affect many taxpayers;
- e. a request for policy guidance from employees concerns an issue that may affect many taxpayers; or
- f. issuance of a Rule will assist the public in meeting its legal obligations in an effective and efficient manner.

7. Reasons for not issuing a Rule may include:

- a. the matter affects only one taxpayer;
- b. the law is clear;
- c. a statutory change is more desirable; or
- d. the matter may best be handled by another means.

C. Declaratory Rulings

1. Declaratory Rulings are statements pertaining to a specific set of facts to provide guidance for department

employees and taxpayers. Declaratory Rulings, Policy and Procedure Memoranda, Revenue Information Bulletins, and informal advice are not agency rules and are not binding on the public.

2. The following types of Declaratory Rulings will be issued with a uniform format and numbering system. Each Declaratory Ruling will indicate the date the ruling was issued, a summary title of what the ruling addresses (subject heading), whether it replaces, modifies, or supersedes a previous policy statement, applicable references and authority, a statement of scope, and other pertinent information.

a. Private Letter Rulings

i. Private Letter Rulings (PLR) provide guidance to a specific taxpayer at the taxpayer's request. It is a written statement issued to apply principles of law to a specific set of facts or a particular tax situation. A PLR does not have the force and effect of law.

ii. A PLR is not binding on the person who requested it or on any other taxpayer. It is binding on the department only as to that taxpayer and only if the facts provided were truthful and complete and the transaction was carried out as proposed. It continues as authority for the department's position unless a subsequent declaratory ruling, rule, court case, or statute supersedes it.

iii. Requests for PLR are submitted to the secretary by an identified taxpayer, or the taxpayer's representative who has a power of attorney. Requests must contain the following information:

- (a). name, address, and telephone number of person requesting the advisory opinion;
- (b). a power of attorney, if the person is represented by a third party;
- (c). specific questions to be answered or issues to be addressed;
- (d). complete statement of all relevant facts;
- (e). citations to or copies of relevant statutes, regulations, court decisions, advisory opinions, or other authority that appear to support the taxpayer's position;
- (f). copies of relevant documents such as contracts, wills, deeds, account statements, workpapers, reports, invoices, etc.; and
- (g). a statement attesting:
 - (i). whether the person requesting the opinion has the same issue under audit or appeal with the department or any other taxing or revenue authority;
 - (ii). if the person requesting the opinion has been notified that an examination or audit is pending;
 - (iii). if the person requesting the opinion is litigating the issue;
 - (iv). if the department, or any other taxing or revenue authority, has previously issued the advisory opinion on the same issue (with copy attached); and
 - (v). if the Attorney General's Office has been, or will be, requested to issue an opinion concerning the issue;

(vi). that, prior to the issuance of a PLR, if the requesting person is notified of a pending examination or audit by the department or other taxing or revenue authority, they will notify the Secretary of the pending examination.

iv. PLRs may be published but only after all taxpayer identifying information has been removed and measures are taken to protect taxpayer confidentiality.

v. A PLR request may not be used to delay or interrupt an audit.

vi. Reasons for issuing a Private Letter Ruling may include:

(a). it has been requested by an identified taxpayer, or the taxpayer's representative who has a power of attorney; and

(b). the law and regulations are not clear.

vii. Reasons for not issuing a Private Letter Ruling may include:

(a). the law and regulations are clear;

(b). a rule would be more appropriate under the APA;

(c). the inquiry concerns alternative treatments or purely hypothetical situations;

(d). the inquiry concerns matters scheduled for audit or in audit, appeal, or litigation;

(e). the inquiry concerns federal tax matters not pertaining to differences in treatment for federal and state purposes;

(f). the inquiry concerns an issue that is being litigated or may be litigated in the near future;

(g). the request is incomplete because it does not contain all of the information required by §101.C.2.a.iii;

(h). the request can best be handled by another means; or

(i). the requesting person withdraws the request at any point prior to issuance of the PLR.

b. Revenue Rulings

i. A Revenue Ruling provides guidance to the public and employees.

(a). It is a written statement issued to apply principles of law to a specific set of facts.

(b). A Revenue Ruling does not have the force and effect of law and is not binding on the public. It is a statement of the department's position and is binding on the department until superseded or modified by a subsequent change in statute, regulation, declaratory ruling, or court decision.

(c). A Revenue Ruling is requested by employees, who provide a complete factual and legal background similar to that required of taxpayers requesting a Private Letter Ruling.

(d). A Revenue Rulings request cannot be used to delay or interrupt an audit.

ii. Temporary Revenue Rulings may be issued when necessary due to time constraints or emerging issues.

(a). Temporary Revenue Rulings must clearly state their lack of finality and once a final Revenue Ruling is issued, the Temporary Revenue Ruling is superseded.

(b). If the final Revenue Ruling reaches a different conclusion than the Temporary Revenue Ruling, the department will honor whichever ruling is more favorable to the taxpayer, but only for those transactions that occurred after the Temporary Revenue Ruling was issued and before the final Revenue Ruling.

iii. Reasons for Issuing a Revenue Ruling may include:

(a). to provide an official interpretation of rules, regulations, statutes, court cases, Board of Tax Appeals decisions, or any other sources of law as to a specific set of facts;

(b). to serve as guidance to taxpayers, tax practitioners, and employees if the law or regulations are not clear as to a specific set of facts.

iv. Reasons for Not Issuing a Revenue Ruling may include:

(a). the law and regulations are clear;

(b). a rule would be more appropriate under the APA;

(c). the inquiry concerns an issue that is being litigated or may be litigated in the near future;

(d). the facts contain information that could identify a taxpayer and the taxpayer has not consented to publication of the revenue ruling or there are other confidentiality concerns; and

(e). the request can best be handled by another means.

c. Statements of Acquiescence or Nonacquiescence

i. A Statement of Acquiescence or Nonacquiescence (SA/SNA) is intended to provide guidance to the public and to employees.

ii. A SA/SNA is a written statement issued to announce the department's acceptance or rejection of specific unfavorable court or administrative decisions. If a decision covers several disputed issues, a SA/SNA may apply to just one of them, or more, as specified.

iii. A SA/SNA is not binding on the public, but is binding on the department unless superseded by a later SA/SNA, declaratory ruling, rule, statute, or court case.

iv. If the department acquiesces, these guidelines will be followed.

(a). In cases that are substantially the same as the facts, the same result will be reached by department officials and may be relied on by employees and taxpayers. Taxpayers must be careful to apply acquiescence to the same or substantially the same facts. Acquiescence does not mean agreement with the court's reasoning; simply that the department will abide by it.

(b). The department may acquiesce in the result only, which only concedes the litigation with that particular taxpayer. The issue may still be pursued with other taxpayers. This indicates that the department will likely seek out another opportunity to litigate the issue with the hope of having the issue addressed by an authoritative court.

(c). The department may consider any of the following factors in deciding whether to issue a Statement of Acquiescence or Nonacquiescence:

(i). whether the issue in the court or administrative decision affects many taxpayers;

(ii). whether the issue is one of fact or law, or a mixed question;

(iii). whether the decision is binding statewide with no statement needed;

(iv). whether other cases on the same or a similar issue are pending;

(v). whether cases in other jurisdictions have been decided, and in whose favor;

- (vi). the cost of litigation as it relates to that issue, as well as overall;
- (vii). the clarity of the applicable statutes and regulations on the disputed issue;
- (viii). the soundness of the reasoning of the decision; or
- (ix). the likelihood of success if the department relitigates the issue.

D Other Types of Policy Guidance

1. Policy and Procedure Memoranda

a. A Policy and Procedure Memorandum (PPM) is an internal document providing internal administrative or management guidance to employees. A PPM does not have the force and effect of law and is not binding on the public. It does not focus on taxpayers' substantive or procedural rights or obligations. It is binding on employees.

b. A PPM may be issued for any of the following reasons:

- i. to notify employees of internal policies that apply only to employees and do not apply to taxpayers;
- ii. to notify employees of internal procedures and instructions that do not apply to taxpayers; or
- iii. to inform employees of internal programs that affect only employees.

c. A PPM may not be the appropriate policy statement if:

- i. a taxpayer's substantive or procedural rights or obligations would be affected; or
- ii. a rule would be more appropriate under the APA.

2. Revenue Information Bulletin

a. A Revenue Information Bulletin (RIB) is an informal statement of information issued for the public and employees that is general in nature. A RIB does not have the force and effect of law and is not binding on the public or the department. RIBs will be established in a standard format and issued in sequence. Each RIB will address one topic.

b. A RIB announces general information useful in complying with the laws administered by the department and may be issued under any of the following circumstances:

- i. to inform the public and employees that a statute or regulation has been added, amended, or rescinded;
- ii. to inform the public and employees that a case has been decided;
- iii. to publish information to employees and the public that is based on data supplied by other agencies, such as per capita income figures or comparative tax collections by parish;
- iv. to publish IRS information;
- v. to publish information such as deadlines;
- vi. to inform the public of services offered by the department, such as regional office hours, website features, and like information; or
- vii. to revise a previous Revenue Information Bulletin, Tax Topics, or other similar publication.

c. A RIB may not be used under the following circumstances:

- i. if the primary purpose is to provide a declaratory ruling, interpretation, or procedural guidance; or
- ii. if announcements of general information can best be handled by other means.

3. Informal Advice

a. In addition to rules, Declaratory Rulings, Policy and Procedure Memoranda, and Revenue Information Bulletins, taxpayers and employees may still seek advice on tax questions. To assist customers, the department will provide informal advice. Informal advice does not have the force and effect of law and is not binding on the department, the public, or the person who asked for the advice. Informal advice will have no effect on an audit.

b. Any of the following types of informal advice may be provided.

i. Informal Oral Advice. There is no formal procedure for requesting informal oral advice. Employees will answer questions by telephone or in person as requested, within resource and appropriateness constraints. Advice given at audit meetings, protest conferences, and the like is considered informal oral advice.

ii. Informal EMail Advice. Has the same status as informal oral advice.

iii. Informal Written Advice. Requests for informal written advice should be in writing. Informal written advice is not a declaratory ruling.

iv. Newsletters, Pamphlets, and Informational Publications. The department may publish informational newsletters, pamphlets, and publications at regular intervals. Statements contained in these publications do not have the force and effect of law and they are not binding on the public or the department. They are merely helpful tools for disseminating information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of the Secretary, LR 27:207 (February 2001).

Cynthia Bridges
Secretary

0102#004

RULE

**Department of Social Services
Office of Rehabilitation Services**

Vocational Rehabilitation Services
Eligibility and Ineligibility
(LAC 67:VII. Chapter 1)

In accordance with the provisions of R.S. 49:953(B), the Administrative Procedure Act, the Department of Social Services, Louisiana Rehabilitation Services (LRS) has revised its Vocational Rehabilitation Policy Manual Sections: 109. Eligibility and Ineligibility and 115. Financial. Revisions to the Eligibility and Ineligibility were made to the "Order of Selection" to provide the agency with sufficient flexibility in allocating the order of selection groups on the basis of functional impairment with the most significant continuing to receive priority. Moving to five selection groups will also provide the agency with increased flexibility in managing the opening and closing of the groups to ensure that the most significantly disabled continue to receive priority for services. Revisions to the Financial section were made to the Individual's Participation in the

Cost of Vocational Rehabilitation Services, to exempt certain Social Security recipients from a financial need test.

Title 67

SOCIAL SERVICES

Part VII. Rehabilitation Services

Chapter 1. General Provisions

§109. Eligibility and Ineligibility

A. - H.1.b. ...

I. Individual with a Significant Disability

1. Individuals eligible for vocational rehabilitation services are determined to be significantly disabled if the disabling condition and subsequent functional limitations fall into one of the following:

a. the individual is a recipient of Social Security Disability Insurance (SSDI); or

b. the individual is a recipient of Supplemental Security Income (SSI) by reason of blindness or disability (SSI based on age alone does not automatically render an individual significantly disabled); or

c. the individual is one:

i. who has a severe physical or mental impairment which severely limits one or more functional capacities (mobility, motor skills, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome; and

ii. whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time (extended period of time means six months or longer); and

iii. who has one or more physical or mental disabilities resulting from:

- (a). amputation;
- (b). arthritis;
- (c). autism;
- (d). blindness;
- (e). burn injury;
- (f). cancer;
- (g). cerebral palsy;
- (h). cystic fibrosis;
- (i). deafness;
- (j). head injury;
- (k). heart disease;
- (l). hemiplegia;
- (m). hemophilia;
- (n). respiratory or pulmonary dysfunction;
- (o). mental retardation;
- (p). mental illness;
- (q). multiple sclerosis;
- (r). muscular dystrophy;
- (s). musculoskeletal disorders;
- (t). neurological disorders (including stroke and

epilepsy);

(u). paraplegia, quadriplegia, other spinal cord conditions;

- (v). sickle cell anemia;
- (w). specific learning disability;
- (x). end-stage renal disease; or

(y). another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitations.

J. Functional Capacity Areas Defined. Functional Capacity Areas are defined as follows: mobility, motor skill, communication, self-care, self-direction, interpersonal skills, work tolerance, and work skills.

K. Order of Selection

1. LRS follows an Order of Selection to ensure that individuals with the most significant disabilities receive priority for vocational rehabilitation services.

2. The following factors shall not be used either in determining the order of selection or in determining the placement category of eligible individuals:

a. any duration of residency requirement, provided the individual is present in the state;

b. type of disability;

c. age, gender, race, color, creed, or national origin;

d. source of referral;

e. type of expected employment outcome;

f. the need for specific services or anticipated cost of services required by an individual; or

g. the income level of an individual or an individual's family.

3. Prerequisite to Placement in the Order of Selection Assignment to a selection group is made after a determination of both of the following:

a. eligibility for Vocational Rehabilitation Services; and

b. significance of disability.

4. Selection Groups. In accordance with the criteria below, an individual is placed in one of the following:

a. Selection Group I Most Significantly Disabled. An eligible individual is considered most significantly disabled when all of the following apply:

i. the individual meets the definition of an "individual with a significant disability" as defined in I. above.

ii. the individual's significant physical or mental impairment seriously limits four or more functional capacity areas; and

iii. the individual's vocational rehabilitation is expected to require multiple vocational rehabilitation services over an extended period of time;

b. Selection Group II The Most Significantly Disabled. An eligible individual is considered the most significantly disabled when the following apply:

i. the individual meets the definition of an "individual with a significant disability" as defined in I. above.

ii. the individual's severe physical or mental impairment seriously limits three functional capacity areas; and

iii. the individual's vocational rehabilitation is expected to require multiple vocational rehabilitation services over an extended period of time.

c. Selection Group III Significantly Disabled. An eligible individual is considered significantly disabled when the following apply:

i. the individual meets the definition of an "individual with a significant disability" as defined in I. above.

ii. the individual's severe physical or mental impairment seriously limits two functional capacity areas; and

iii. the individual's vocational rehabilitation is expected to require multiple vocational rehabilitation services over an extended period of time.

d. Selection Group IVCSignificantly Disabled. An eligible individual is considered significantly disabled when the following apply:

i. the individual meets the definition of an "individual with a significant disability" as defined in I. above;

ii. the individual's severe physical or mental impairment seriously limits one functional capacity area; and

iii. the individual's vocational rehabilitation is expected to require multiple vocational rehabilitation services over an extended period of time.

e. Selection Group VNon-Significantly Disabled. An individual is considered non-significantly disabled when:

i. the individual has a physical or mental impairment;

ii. the individual has been determined eligible for vocational rehabilitation services; and

iii. the individual does not meet the above stated criteria for an individual who is either "the most significantly disabled" or "significantly disabled."

f. Other Considerations:

i. individuals shall be placed in the highest priority category for which they are eligible;

ii. upon placement into a priority category, individuals will be notified in writing of their category assignment and of their right to appeal their category assignment.

5. Scope of Services Available. LRS's order of selection shall not limit the scope of services available for eligible individuals within the selection group(s) being served.

6. Information and Referral. LRS will, as appropriate, refer those individuals in selection groups not being served to other components of the statewide workforce investment system that are best suited to address the specific employment needs of the individual with a disability.

7. Continuity of Services. LRS shall provide for continuity of services once an otherwise eligible individual is selected for and begins to receive services under an IPE, irrespective of the severity of the individual's disability.

8. Other Assurances

a. All individuals within a higher priority category for services shall be served before individuals in the next lowest priority category.

b. When it is impossible to serve all eligible individuals within a priority category, the individuals (in addition to referral to other components of the statewide workforce investment system) will be placed on a deferred services waiting list. Individuals on the deferred services waiting list will be served in chronological order based on the date of application.

c. If the order of selection is rescinded, individuals on deferred services waiting lists and in unserved categories will be contacted and served in chronological order based on the date of application.

9. Client Participation in the Cost of Services. All LRS policy relative to client participation in the cost of services shall apply to individuals receiving services under the order of selection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.4 and R.S. 36:477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Rehabilitation Services, LR 19:891 (September 1991), amended LR 20:317 (March 1994), LR 21:191 (February 1995), LR 22:993 (October 1996), LR 23:994 (August 1997), LR 25:1267 (July 1999), LR 27:211 (February 2001).

§115. Financial

A. Comparable Services and Similar Benefits

1. Determination of Availability

a. Prior to providing any vocational rehabilitation service to an eligible individual, except those services specified below in c.i.(a)-(f), LRS will determine whether comparable services and benefits are available under any other program (other than a program carried out under Title IV, Rehabilitation Act Amendments of 1998) unless such a determination would interrupt or delay:

i. the progress of the individual toward achieving the employment outcome identified in the IPE of the individual;

ii. an immediate job placement; or

iii. the provision of such service to any individual at extreme medical risk.

b. Awards and Scholarships. For purposes of the determination of availability in A.1 above, comparable benefits do not include awards and scholarships based on merit.

c. Exceptions to Use of Comparable Services and Benefits. The following vocational rehabilitation services can be provided without making a determination of the availability of comparable services and benefits:

i. services provided through LRS's Information and Referral System;

ii. assessment for determining eligibility and vocational rehabilitation needs, including if appropriate, assessment by personnel skilled in rehabilitation technology;

iii. counseling and guidance, including information and support services to assist an individual in exercising informed choice;

iv. referral and other services needed to secure necessary services from other agencies through cooperative agreements, if such services are not available from LRS;

v. job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services;

vi. rehabilitation technology, including telecommunications, sensory, and other technological aids and devices.

B. Individual's Participation in the Cost of Vocational Rehabilitation Services.

1. Neither a financial needs test nor a budgetary analysis of assets, income, monthly liabilities, and/or comparable services and similar benefits shall be applied as a condition for furnishing any vocational rehabilitation services if the individual in need of the services has been determined eligible for Social Security benefits under Title II or Title XVI if the Social Security Act.

2. LRS will consider, through budgetary analysis of assets, income, monthly liabilities, and comparable services and similar benefits, the financial need of eligible individuals and individuals who are under extended evaluations for purposes of determining the extent of the

individual's participation in the costs of certain vocational rehabilitation services.

a. Neither a financial needs test, nor a budgetary analysis, is applied and no financial participation is required as a condition for furnishing the following vocational rehabilitation services:

i. assessment for determining eligibility and priority for services, except those non-assessment services that are provided during an extended evaluation to explore the individual's abilities, capabilities, and capacity to perform in work situations (trial work periods);

ii. assessment for determining vocational rehabilitation needs;

iii. counseling, guidance, including information and support services to assist an individual in exercising informed choice;

iv. referral and other services to secure needed services from other agencies through cooperative agreements, if such services are not available from LRS;

v. job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services;

vi. rehabilitation technology assessments;

vii. supported employment, on-site training, and on-the-job training;

viii. personal assistance services directly related to a direct job placement outcome and provided simultaneously with any of the above-listed vocational rehabilitation services. (Examples include attendant, reader, scribe, interpreter, braille, notetaker, and adjustment/orientation and mobility training services.)

ix. assistive technology devices and services.

b. A financial needs test will be applied through budgetary analysis to determine the ability of the individual to financially contribute to the cost of the following vocational rehabilitation services:

i. physical restoration and/or mental restoration;

ii. maintenance;

iii. transportation;

iv. books and supplies;

v. occupational tools and equipment;

vi. cost services to other family members;

vii. occupational licenses;

viii. discretionary training fees such as car registration fees, student health service fees, etc. not included in tuition;

ix. adjustment/orientation and mobility, attendant, reader, scribe, and interpreter services not directly related to a direct job placement outcome;

x. vocational and other training services, such as college/university, vocational and proprietary school training, not related to an immediate direct job placement outcome;

xi. other goods and services;

xii. post-employment services consisting of the services listed above.

c. The only exception to items ix and x above is as follows:

i. to preserve LRS's Continuity of Services provision in the Order of Selection, LRS exempted those eligible individuals who had an IWRP/IPE in effect prior to July 20, 1999, which is the date of the adoption of this rule

change; therefore, items ix and x in b above will only apply to those individuals who had an IWRP/IPE developed after July 20, 1999.

d. The following services are exempt from the application of a budget surplus, if the counselor determines that a surplus exists:

i. adjustment/orientation and mobility services;

ii. attendant services;

iii. reader services;

iv. scribe, notetaker/braille services;

v. interpreter services;

vi. assistive technology services.

e. When it is determined by a counselor and an eligible client that self-employment, through establishment of a small business enterprise, is the best option for the client, the client must provide a minimum cash capital contribution of 20 percent of the total transaction. (Refer to LRS Policy on Small Business Enterprise.)

f. An individual's status for the budget analysis will be determined as follows:

i. the agency will perform the budget analysis on the basis of the resources of both the client and the spouse if the client is married;

ii. the agency will perform the budget analysis on the basis of the resources of the family unit for all single clients living in the family home as a family member. Temporary absences from the home, such as for vacations, school, or illness, count as time lived in the home;

iii. the agency will perform the budget analysis on an individual who has returned to the family unit on the basis of the resources of only that individual if the following conditions are met:

(a). the individual's disability has precluded their obtaining or maintaining employment; and

(b). the individual has a documented history of self-sufficiency that includes providing over one-half the costs of maintaining a residence for at least one year prior to their return to the family unit; and

(c). the individual's parent(s), legal guardian, or other head of household provides documentation that indicates such person(s) do not claim the individual as an exemption for federal and/or state income tax purposes.

(d). the agency will perform a budget analysis on the basis of the resources of a single consumer living away from the family home if the individual meets the following conditions:

(i). the individual can document history of self-sufficiency that included providing over one-half the costs of maintaining a residence. Documentation must include, but is not limited to, the following: copy of the lease which is in consumer's name; utility bills in consumer's name; and income verification sufficient to cover living expenses; and

(ii). the consumer files his/her own state and federal income tax forms and is not claimed as an exemption on another individual's state/federal income tax return;

(iii). at annual review, the Counselor must verify that consumer still meets the criteria established for individual status.

(e). family unit is defined as the client and the client's parents or the client and any significant other(s),

such as aunts, uncles, friends, legal guardians, etc., who are living in the household and are providing support for the maintenance of the household in which the client lives. Adult siblings of the client can be excluded as a member of the family unit for income reporting; but, must also be excluded from the family unit in the determination of allowable monthly liabilities.

g. Individuals who do not provide LRS with necessary financial information to perform the budget analysis will be eligible only for those vocational rehabilitation services that are not conditioned upon an analysis to determine the extent of the individual's participation in the costs of such services.

h. Individuals who have defaulted on a student loan must make good faith efforts with the lender to clear the default or to defer payment before LRS will participate in the cost of the client's vocational rehabilitation program.

i. Simultaneously with the comprehensive assessment, at the annual review of the IPE, and at any time there is a change in the financial situation of either the client or the family, the counselor will perform a budget analysis for each client requiring vocational rehabilitation services as listed above in §115 B.2b.i.-xii. The amount of client participation in the cost of their vocational rehabilitation program will be based upon the most recent budget analysis at the time the relevant IPE or amendment is developed.

3. State and Departmental Purchasing Procedures. All applicable state, departmental and agency purchasing policies and procedures must be followed.

a. LRS does not purchase vehicles or real estate.

b. Fee Schedule. Services and rates of payment must be authorized in accordance with LRS's Medical Fee Schedule and LRS's Technical Assistance and Guidance Manual, Section 500 which lists approved service providers.

c. Approval of Service Providers

i. Any service provider approved by the agency must agree not to make any additional charge to or accept any additional payment from the client or client's family for services authorized by the agency.

ii. Relatives of vocational rehabilitation clients will not be approved as a paid service provider unless such individuals are professionally and occupationally engaged in the delivery of such services by offering their services to the general public on a regular and consistent basis.

d. Prior Written Authorization and Encumbrance

i. Either before or at the same time as the initiation or delivery of goods or services, the agency must be in possession of the proper authorizing document. The only exception is in an emergency situation.

ii. If oral authorization of approved services is made in an emergency situation, there must be prompt documentation, and the authorization must be confirmed in writing and forwarded to the provider of the services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.4 and R.S. 36:477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Rehabilitation Services, LR 19:891 (September

1991), amended LR 20:317 (March 1994), LR 21:191 (February 1995), LR 22:993 (October 1996), LR 23:994 (August 1997), LR 25:1267 (July 1999), LR 27:212 (February 2001).

J. Renea Austin-Duffin
Secretary

0102#041

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Nonresident Hunting License Fees (LAC 76:V.101 and 501)

The Wildlife and Fisheries Commission hereby repeals LAC 76:V.101 relative to bow hunting licenses and amends nonresident hunting fees as follows.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 1. Wild Quadrupeds

§101. Bow Hunting License

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:105.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 4:405 (October 1978), repealed LR 27:214 (February 2001).

Chapter 5. Licenses and License Fees

§501. Nonresident Hunting License Fees

A. The basic hunting license fee shall be \$150 for the entire season or \$100 for five consecutive days. The nonresident big game license fee shall be \$150 for the entire season or \$75 for five consecutive days. A fee of \$26 shall be charged a nonresident for the issuance of a special muzzleloader license; and a fee of \$26 shall be charged a nonresident for a special bow license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(28).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 27:214 (February 2001).

James H. Jenkins, Jr.
Secretary

0102#061

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Public Oyster Seed Grounds (LAC 76:VII.517)

The Wildlife and Fisheries Commission does hereby set aside additional areas in portions of Lake Mechant, Lake Tambour, Lake Chien, Lake Felicity, all in Terrebonne

Parish, Deep Lake, Lafourche Parish, and Barataria Bay (next to Queen Bess Island), Jefferson Parish as public oyster seed grounds. This is being done under the authority of R.S. 56:434.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 5. Oyster

§517. Public Oyster Seed Grounds C Portions of Lake Mechant, Lake Tambour, Lake Chien, Lake Felicity, Deep Lake, and Barataria Bay

A. The following areas are designated as oyster seed grounds.

1. Lake Mechant, Terrebonne Parish. The state waterbottoms within a 6-sided figure with the following corners:

29E 19' 45.36273" N 90E 58' 19.84034" W
29E 18' 52.50955" N 90E 57' 32.90680" W
29E 18' 41.04086" N 90E 55' 58.95532" W
29E 16' 47.29750" N 90E 56' 44.37133" W
29E 18' 33.55333" N 90E 57' 37.82946" W
29E 18' 46.69380" N 90E 59' 21.09926" W

2. Lake Tambour, Terrebonne Parish. The state waterbottoms within a 4-sided figure with the following corners:

29E 20' 30.73200" N 90E 31' 09.14598" W
29E 19' 51.16104" N 90E 29' 28.99726" W
29E 19' 59.29224" N 90E 29' 26.60078" W
29E 19' 50.06346" N 90E 30' 49.92953" W

3. Lake Chien, Terrebonne Parish. The state waterbottoms within a 4-sided figure with the following corners:

29E 20' 32.76107" N 90E 27' 00.06196" W
29E 19' 52.97766" N 90E 27' 17.37544" W
29E 19' 48.08926" N 90E 26' 08.51018" W
29E 20' 17.07711" N 90E 26' 01.32145" W

4. Lake Felicity, Terrebonne Parish. The state waterbottoms within a 4-sided figure with the following corners:

29E 19' 04.72932" N 90E 26' 58.50922" W
29E 18' 01.44630" N 90E 27' 47.32882" W
29E 18' 24.61153" N 90E 24' 04.57895" W
29E 19' 11.54946" N 90E 25' 19.67927" W

5. Deep Lake, Lafourche Parish. The state waterbottoms within a 4-sided figure with the following corners:

29E 17' 59.74050" N 90E 21' 25.89465" W
29E 17' 18.88030" N 90E 21' 24.62348" W
29E 17' 17.26209" N 90E 21' 03.04101" W
29E 18' 17.57225" N 90E 21' 01.40994" W

6. Barataria Bay, Jefferson Parish. The state waterbottoms within a 4-sided figure with the following corners:

29E 20' 13.14881" N 89E 56' 51.91540" W
29E 14' 47.14426" N 89E 56' 59.91355" W
29E 20' 12.06107" N 89E 56' 19.01249" W
29E 17' 46.05927" N 89E 56' 23.01176" W

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:434.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 27:215 (February 2001).

James H. Jenkins, Jr.
Secretary

0102#029

RULE

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

**Three Day Basic and Saltwater Nonresident Recreational
Fishing License Fees (LAC 76:VII.407)**

The Wildlife and Fisheries Commission hereby sets a \$15 fee on a Louisiana nonresident three-day trip basic recreational sport fishing license, by repealing LAC 76:VII.407.D and amending LAC 76:VII.407.A as follows.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 4. License and License Fees

**§407. Three-Day Basic and Saltwater Nonresident
Recreational Fishing License Fees**

A. In lieu of the basic recreational fishing license, a nonresident may purchase a three-day basic recreational sport fishing license for a fee of \$15 which shall be valid for three consecutive days.

B. - C. ...

D. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(28).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 24:710 (April 1998), amended LR 27:215 (February 2001).

James H. Jenkins, Jr.
Secretary

0102#062