

Rules

RULE

Department of Economic Development Office of Financial Institutions

Non-Depository Records Retention (LAC 10:XI.501 and XVII.701)

Under the authority of the Administrative Procedure Act, R.S. 49:950 et seq., and in accordance with R.S. 6:121, 6:414, 6:1014, 6:1085, 9:3554, 9:3556.1, 9:3572.7, 9:3573.9, 9:3574.10, 9:3576.4, 9:3578.8, and 37:1807, the commissioner of the Office of Financial Institutions repeals LAC10:XI.501, the Rules promulgated in the *Louisiana Register*, Volume 17, page 588 (June 1991), and Volume 18, page 26, (January 1992), regarding records retention schedules, and adopts a Rule providing for a record retention schedule for all non-depository persons subject to the supervision of the commissioner. This Rule significantly streamlines the existing record retention Rule by requiring that applicable institutions maintain minimum records and retention periods as deemed necessary by the commissioner for the proper examination and supervision of the person by this office and clarifies that the rule applies to all non-depository persons supervised by the commissioner.

Title 10

FINANCIAL INSTITUTIONS, CONSUMER CREDIT, INVESTMENT SECURITIES, AND UCC

Part XVII. Miscellaneous Provisions

Chapter 7. Records Retention

§701. Non-Depository Records Retention

A. Each non-depository person subject to the supervision of the Office of Financial Institutions shall retain such minimum records which are deemed necessary for the examination and supervision of such persons by this office and for such minimum retention periods as determined by the commissioner and set forth in a "record retention schedule" to be detailed in policy which may be amended from time to time as necessary. This rule does not replace the person's responsibility to create, implement, and maintain its own comprehensive record retention program, consistent with the person's strategic goals and objectives. Such records may be retained in various forms as approved by the commissioner, including but not limited to, hard copies, photocopies, computer printouts or microfilm, microfiche, imaging, or other types of electronic media storage that can be readily accessed and reproduced into hard copies.

For purposes of this rule, non-depository persons refers to any individual, corporation, limited liability company, partnership or other entity other than those considered by the commissioner to be depository institutions, such as banks, savings associations, credit unions and savings banks, and including, but not being limited to, residential mortgage lenders, collection agencies, sellers of checks, bond for deed escrow agents, check cashers, licensed lenders, loan brokers, credit repair services organizations, and pawnbrokers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121, 6:414, 6:1014, 6:1085, 9:3554, 9:3556.1, 9:3572.7, 9:3573.9, 9:3574.10, 9:3576.4, 9:3578.8, and 37:1807.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 27:0000 (September 2001).

Part XI. Consumer Credit

Chapter 5. Records Retention

§501. Licensed Lenders Records Retention Schedule

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 9:3554.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 17:588 (June 1991) amended LR 18:76 (January 1992), repealed LR 27:0000 (September 2001).

Doris B. Gunn
Deputy Commissioner

0109#034

RULE

Board of Elementary and Secondary Education

Bulletin 741C Louisiana Handbook for School
Administrators C Corrective Actions (LAC 28:1.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended Bulletin 741, referenced in LAC 28:1.901, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). Act 478 of the 1997 Regular Legislative Session called for the development of an accountability system for the purpose of implementing fundamental changes in classroom teaching by helping schools and communities focus on improved student achievement. The State's accountability system is an evolving system with different components. The change more clearly explains and refines existing policy as follows requirements of Corrective Actions schools and the roles/responsibilities of Distinguished Educators (DEs) and District Assistance Teams (DATs).

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

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended by the Board of Elementary and Secondary Education LR 26:635 (April 2000); LR 26:1260 (June 2000), LR 26:1260-1261 (June 2000), LR 27:0000 (September 2001).

The Louisiana School and District Accountability System
C Corrective Actions

2.006.09 A school that has a SPS of 30 or less or has a SPS of less than 100 and fails to reach its Growth Target shall enter into Corrective Actions. A school that enters Corrective Actions shall receive additional support and assistance, with the expectation that extensive efforts shall be made by students, parents, teachers, principals, administrators, and the school board to improve student

achievement at the school. There shall be three levels of Corrective Actions.

All schools in Corrective Actions I shall provide pertinent information to the Louisiana Department of Education concerning steps they have taken to improve student performance in order to document activities related to Corrective Actions I and in light of recent proposed changes in federal programs. The information shall be required on an annual and/or quarterly basis.

Requirements for Schools in Corrective Actions I

1) A Revised or New School Improvement Plan

All Louisiana schools were required to have a School Improvement Plan in place by May of 1998. Those schools falling within the category of Academically Unacceptable and placed in Corrective Actions I shall be required to review and either revise or completely rewrite their plan, with the assistance of a District Assistance Team, and submit it to the Division of School Standards, Accountability, and Assistance. The plan shall contain the following essential research-based components:

A. A statement of the school's beliefs, vision, and mission;

B. A comprehensive needs assessment which shall include the following quantitative and qualitative data:

C Student academic performances on standardized achievement tests (both CRT and NRT) and performance/authentic assessment disaggregated by grade vs. content vs. exceptionality);

C Demographic indicators of the community and school to include socioeconomic factors.

C School human and material resource summary, to include teacher demographic indicators and capital outlay factors;

C Interviews with stakeholders: principals, teachers, students, parents;

C Student and teacher focus groups;

C Questionnaires with stakeholders (principals, teachers, students, parents) measuring conceptual domains outlined in school effectiveness/reform research;

C Classroom Observations;

C. Measurable objectives and benchmarks;

D. Effective research-based methods and strategies;

E. Parental and community involvement activities;

F. Professional development component aligned with assessed needs;

G. External technical support and assistance;

H. Evaluation strategies;

I. Coordination of resources and analysis of school budget (possible redirection of funds);

J. Action plan with time lines and specific activities.

2) Assurance pages

Each school in Corrective Actions I shall be required to provide assurances that it worked with a District Assistance Team to develop its School Improvement Plan, and that the plan has the essential components listed above. Signatures of the team members shall also be required.

3) A quarterly Monitoring of the Implementation of the School Improvement Plan

District Assistance Teams shall assist schools in Corrective Actions I in monitoring the implementation of their School Improvement Plan. All schools in Corrective Actions I shall be required to submit to the Louisiana Department of Education a quarterly report on the implementation of their school improvement plan in paper and/or electronic format.

4) An Annual Evaluation of the Level of Implementation of the School Improvement Plan

This evaluation shall be required on an annual basis. The Louisiana Department of Education shall make every effort to see that the information is collected in a manner that shall be of assistance to the schools and that shall provide feedback to them as they strive to improve student achievement.

Corrective Actions Level II: All schools in Corrective Actions II must adhere to the requirements of schools in Corrective Actions I; however, Corrective Actions II schools must submit to the Louisiana Department of Education a *Monthly Monitoring of the Implementation of the School Improvement Plan*.

A highly trained Distinguished Educator (DE) shall be assigned to a school by the state. The DE shall work in an advisory capacity to help the school improve student performance. The DE shall make a public report to the school board of recommendations for school improvement. Districts shall then publicly respond to these recommendations. If a school is labeled as Academically Unacceptable, parents shall have the right to transfer their child to a higher performing public school (See Transfer Policy Standard #2.006.11).

Corrective Actions Level III: The DE shall continue to serve the school in an advisory capacity. Parents shall have the right to transfer their child to a higher performing public school (See Transfer Policy, Standard #2.006.11). A district must develop a Reconstitution Plan for the school at the beginning of the first year in this level and submit the plan to SBESE for approval.

If a Corrective Actions Level III school has achieved at least 40% of its Growth Target or 5 points, whichever is greater, during its first year, then that school may proceed to a second year in Level III. If such minimum growth is not achieved during the first year of Level III, but SBESE has approved its Reconstitution Plan, then the school shall implement the Reconstitution Plan during the beginning of the next school year. If SBESE does not approve the Reconstitution Plan AND a given school does not meet the required minimum growth, the school shall lose state approval and all state funds.

Any reconstituted Schools SPS and Growth Target shall be re-calculated utilizing data from the end of its previous year. SBESE shall monitor the implementation of the Reconstitution Plan.

A school initially enters Corrective Actions Level I if it has an SPS of 30 or less or if it has an SPS of less than 100 and fails to reach its Growth Target.

A school moves into a more intensive level of Corrective Actions when adequate growth is not demonstrated during each 2-year cycle.

A school with an SPS of 30 or less, i.e., Academically Unacceptable School, shall move to the next level of Corrective Actions as long its score is 30 or less.

A school with an SPS of 30.1 to 50.0 shall move to the next level of Corrective Actions if it grows fewer than 5 points. If it grows 5 points or more each cycle, but less than its Growth Target, a school may remain in Corrective Actions Level I for two cycles and Corrective Actions Level II for one cycle.

A school with an SPS of 50.1 to 99.9 shall remain in Corrective Actions Level I as long as its growth is at least its Growth Target minus 5 points, but not less than 0.1 points. During the first 10-year cycle, there is no maximum number of cycles that such a school can stay in Level I as long as this minimum growth is shown each cycle.

A school exits Corrective Actions if its School Performance Score is above 30 and the school achieves its Growth Target.

Corrective Actions Summary Chart

School Level Tasks

Level I

- 1) Utilize state diagnostic process to identify needs; and
- 2) Develop/implement a consolidated improvement plan, including an integrated budget; process must include: a) opportunities for significant parent and community involvement, b) public hearings, and c) at least two-thirds teacher approval.

Level II

- 1) Work with advisory Distinguished Educator, teachers, parents, and others to implement revised School Improvement Plan; and
- 2) Distinguished Educator works with principals to develop capacity for change.

Level III

- 1) Distinguished Educator continues to assist with improvement efforts and work with the advisory District Assistance Team and other district personnel to design that schools Reconstitution Plan or No State Approval/No Funding;
- 2) If Reconstitution Plan is approved by SBESE: a) implement Reconstitution Plan, and b) utilize data from the end of the previous year to re-calculate school performance goals and Growth Targets; and
- 3) If Reconstitution Plan is not approved, no state approval/no state funding.

District Level Tasks

Level I

- 1) Create District Assistance Teams to assist schools;
- 2) Publicly identify existing and additional assistance being provided by districts, such as funding, policy changes, and greater flexibility;
- 3) As allowed by law, reassign or remove school personnel as necessary; and
- 4) For Academically Unacceptable schools, ensure schools receive at least their proportional share of applicable state, local, and federal funding.

Level II

- 1) District Assistance Teams continue to help schools;
- 2) Hold public hearing and respond to Distinguished Educators= written recommendations;
- 3) Local boards make a written response to SBESE no later than 45 days subsequent to receiving the Distinguished Educator's report. Failure to respond to these recommendations will result in the school receiving unapproved status and being ineligible to receive federal subgrantee assistance funds until such response is received;
- 4) As allowed by law, local boards reassign or remove personnel as necessary; and
- 5) For Academically Unacceptable Schools, authorize parents to send their children to other public schools.

Level III

- 1) District Assistance Teams shall continue to help schools;
- 2) Authorize parents to send their children to other public schools;
- 3) Design Reconstitution Plan; and
- 4) At the end of year one, one of the following must occur: a) schools must make adequate growth of at least 40% of the Growth Target or 5 points, whichever is greater; b) District shall develop Reconstitution Plan to be approved by SBESE; and c) SBESE grants non-school approval status.

Reconstitution or No State Approval/Funding

- 1) If Reconstitution Plan is approved by SBESE, provide implementation support.
- 2) If the Reconstitution Plan is not approved, no state approval/no state funding.

<p style="text-align: center;">State Level Tasks</p> <p>Level I</p> <ol style="list-style-type: none"> 1) Provide diagnostic process for schools; 2) Provide training for District Assistance Teams; 3) For some Academically Unacceptable Schools only, SBESE assigns advisory Distinguished Educators to schools; and 4) Work to secure new funding and/or redirect existing resources to help schools implement their improvement plans. <p>Level II</p> <ol style="list-style-type: none"> 1) Assign advisory Distinguished Educator to schools; and 2) Work to secure new funding and/or redirect existing resources to help schools implement their improvement plans. <p>Level III</p> <ol style="list-style-type: none"> 1) Assign advisory Distinguished Educator to schools for one additional year to assist in the development and design of the Reconstitution Plan; 2) At end of Year 1, SBESE approves or disapproves Reconstitution Plans. If SBESE approves the Reconstitution Plan, the Distinguished Educator is assigned an additional year to support and assist with monitoring the implementation of the Reconstitution Plan for schools that fail to make adequate growth; 3) If a school achieves the required amount of growth during its first year in Level III Corrective Action and proceeds to a second year in Level III, the Distinguished Educator will be assigned to the school for that additional year to support and assist The school in its continued improvement efforts; and 4) Work to secure new funding and/or redirect existing resources to help schools Implement their improvement plans. <p>Reconstitution or No State Approval/No Funding</p> <ol style="list-style-type: none"> 1) If Reconstitution Plan is approved by SBESE, a) monitor implementation of Reconstitution plan; and b) provide additional state improvement funds; and 2) If Reconstitution Plan is not approved, no state approval/state funding.

Weegie Peabody
Executive Director

0109#008

RULE

Board of Elementary and Secondary Education

Bulletin 746C Louisiana Standards for State
Certification of School PersonnelCPractitioner
Teacher Licensure Policy (LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended Bulletin 746, *Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903. This Practitioner Teacher policy provides for a streamlined alternate certification option that allows individuals to become certified with a Type B certificate after three years of full-time teaching and combined coursework, if they demonstrate required content knowledge, instructional expertise, and classroom management skills. Practitioner teachers who complete the required course requirements (or equivalent contact hours) and demonstrate proficiency during their first year of teaching can obtain a Level C Professional License after successfully completing all requirements of the Practitioner Teacher Program (which includes successful completion of the Louisiana Assistance and Assessment Program and passing scores on the PRAXIS). A practitioner teacher's teaching experience, while holding a Practitioner Teacher

license, will count toward the three years of teaching experience requirement that is needed to move from a Type C certificate to a Type B certificate.

Title 28

EDUCATION

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

Subchapter A. Bulletins and Regulations

§903. Teacher Certification Standards and Regulations

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975); amended LR 26:459 (March 2000); LR 26:635 (April 2000); LR 26:638 (April 2000), LR 27:0000 (September 2001).

**Bulletin 746C Louisiana Standards for
State Certification of School**

PersonnelCPractitioner Teacher Licensure Policy

A Practitioner Teacher license, renewable on a yearly basis for a maximum of three years, will be granted to those candidates who meet all entrance requirements for a Practitioner Teacher Program, who are accepted into and enrolled in an approved Practitioner Teacher Program, and who have a teaching assignment in a state-approved Louisiana school in the area of certification being studied. Issuance of Practitioner Teacher licenses will require verification from the program provider and the employing system/school.

Minimum admission requirements for the Practitioner Teacher Program stipulate that the candidate hold an undergraduate degree from a regionally accredited university, possess the required 2.5 GPA, and pass the Pre-Professional Skills Test and Content Specialty Exam of the PRAXIS.

Candidates in the Practitioner Teacher Program will complete an intensive summer training experience prior to assuming a full-time teaching position in a Louisiana classroom. To allow for the summer training experience, employing systems/schools may offer contracts to Practitioner Teacher candidates as early as the spring preceding the school year in which the practitioner will assume a full-time position. It is a responsibility of the employing system/school, working in close collaboration with the program provider, to facilitate and coordinate the placement of practitioner teachers in state-approved schools in teaching areas in which there is an identified need. Practitioner teachers are issued a one-year Practitioner Teacher license, renewable on a yearly basis for a maximum of three years. The participant signs a one-year renewable contract with the school system and/or approved school. The practitioner teacher would be placed, at a minimum, on the same salary schedule as a regularly certified, salaried teacher.

If a candidate withdraws or is dropped from the Practitioner Teacher Program, the Practitioner Teacher license is no longer valid. A practitioner teacher must remain enrolled in the Practitioner Teacher Program and fulfill all coursework, teaching assignments, and prescribed activities as identified by the program provider. All program requirements must be completed within the three-year period of the license.

A practitioner teacher may complete all requirements of the practitioner program in less than three years. Once a practitioner teacher completes all requirements of the Practitioner Teacher Program and is recommended by the program provider, he may apply for a Type C Teaching Certificate.

A practitioner teacher's teaching experience, while holding a Practitioner Teacher license, will count toward the three years of teaching experience requirement that is needed to move from a Type C certificate to a Type B certificate.

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Weegie Peabody
Executive Director

0109#009

RULE

Board of Elementary and Secondary Education

Bulletin 1566C Guidelines for Pupil Progression
Adoption Procedures (LAC 28:XXXIX.305)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the State Board of Elementary and Secondary Education has amended Bulletin 1566, *Guidelines for Pupil Progression*, referenced in LAC 28:XXXIX. Because of recent changes in the High Stakes Testing Policy, school systems have been unable to keep their Pupil Progression Plans up to date. The new revisions will give the local school

systems flexibility in revising their plans when the revisions are mandated by the SBESE.

Title 28

EDUCATION

Part XXXIX. Bulletin 1566C Guidelines

for Pupil Progression

§305. Adoption Procedures

A. Initial Adoption by the Local School Board

1. Meetings of the local committees shall be conducted within the legal guidelines of Louisiana's Open Meeting Law [R.S. 42:4:2(A)(2); Attorney General's Opinion Number 79-1045].

2. 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.

3. The statements defining the committee-selection process and the Pupil Progression Plan are public documents that must be handled within the guidelines of the Public Records Act (R.S. 44:1-42).

B. Locally Initiated Interim Revisions

1. School systems/school boards will comply with the same procedure as for initial adoption by the local school board.

C. State Mandated Interim Revisions

1. School systems will be notified of any policy change that will affect their currently approved Pupil Progression Plan within 15 working days after the Notice of Intent is passed by the State Board of Elementary and Secondary Education.

2. School systems/school boards shall develop a procedure for informing the public of the proposed policy change.

3. After final adoption as a rule by SBESE, school boards shall adopt and incorporate the state mandated policy changes into their current Pupil Progression Plan within 30 working days after notification of said changes.

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 27:0000 (September 2001).

§307. Submission Process

A. Upon adoption for submission by the local school board, the plan along with a formal submission statement shall be submitted annually to the Office of Student and School Performance. Documentation of input in the plans development by educators and parents as well as public notice prior to local board approval and locally initiated revisions (including dates and locations) must be submitted.

1. Interim Revisions: Locally Initiated and State-Mandated

a. Resubmission of two copies of the local board approved pages is made to the Department of Education.

b. Signatures of the local school board president and superintendent are required.

c. The revisions are incorporated into the Pupil Progression Plan at both the local and state level.

B.1. - 4. 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 27:0000 (September 2001).

Weegie Peabody
Executive Director

0109#007

RULE

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

Small Quantity Generator Revisions
(LAC 33:V.3801)(HW075F)

(Editor's Note: The following section of HW075F, which was published as a Rule on pages 706-715 of the May 20, 2001 *Louisiana Register*, is being republished to correct a reference.)

**Chapter 38. Universal Wastes
Subchapter A. General
§3801. Scope and Applicability**

A. This Chapter establishes requirements for managing batteries as described in LAC 33:V.3803, pesticides as described in LAC 33:V.3805, thermostats as described in LAC 33:V.3807, lamps as described in LAC 33:V. 3809, and antifreeze as described in LAC 33:V.3811. This Chapter provides an alternative set of management standards in lieu of regulations under LAC 33:V.Subpart 1.

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[See Prior Text in B-D]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:568 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1108 (June 1998), LR 24:1496 (August 1998), LR 24:1759 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:712 (May 2001), repromulgated LR 27:0000 (September 2001).

James H. Brent, Ph.D.
Assistant Secretary

0109#044

RULE

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

GOEA Policy Manual Revision C Family Caregiver Support
(LAC 4:VII.1245)

In accordance with Revised Statutes 49:950 et seq., the Administrative Procedure Act, the Governor's Office of Elderly Affairs (GOEA) has amended the GOEA Policy Manual effective September 20, 2001 by establishing a new Section 1245 in Subchapter E, Uniform Service Requirements. Section 1245 provides guidance to the aging network for use in implementing the provisions of the National Family Caregiver Support Program under Title III,

Part E of the Older Americans Act, as amended in 2000 (P.L. 106-501).

**Title 4
ADMINISTRATION
Part VII. Governor's Office**

**Chapter 11. Elderly Affairs
Subchapter E. Uniform Service Requirements
§1245. Family Caregiver Support Program**

A. Purpose. The purpose of the Family Caregiver Support Program (hereafter referred to as "this program") is to provide multifaceted systems of support services for family caregivers and for grandparents or older individuals who are relative caregivers.

B. Definitions

Activities of Daily Living Cthe term "activities of daily living" includes eating, dressing, bathing, toileting, transferring in and out of bed/chair and walking.

Adult Day Care/Adult Day Health Cprovision of personal care for dependent adults in a supervised, protective, congregate setting during some portion of a 24-hour day. Services offered in conjunction with day care/adult day health typically include social and recreational activities, training, counseling, meals for adult day care and services such as rehabilitation, medications assistance and home health aide services for adult day health.

Case Management Cassistance either in the form of access or care coordination in circumstances where the older person and/or their caregivers are experiencing diminished functioning capacities, personal conditions or other characteristics which require the provision of services by formal service providers. Activities of case management include assessing needs, developing care plans, authorizing services, arranging services, coordinating the provision of services among providers, follow-up and reassessment, as required.

Child C an individual who is not more than 18 years of age.

Client Cfor purposes of this program, the term "client" refers to the caregiver.

Family Caregiver C an adult family member, or another individual, who provides uncompensated in-home and community care to an older individual who needs supportive services.

Grandparent or Older Individual who is a Relative Caregiver C a grandparent or stepgrandparent of a child, or a relative of a child by blood or marriage, who is 60 years of age or older and:

- a. lives with the child; and
- b. is the primary caregiver of the child because the biological or adoptive parents are unable or unwilling to serve as the primary caregiver of the child; and
- c. has a legal relationship to the child, such as legal custody or guardianship, or is raising the child informally.

Group Respite C established social-model adult day service programs designed to provide a temporary break in the tasks of caregiving and offer information, education and other supportive services. They also attempt to improve patients' cognitive and social abilities by providing a secure environment and opportunities to socialize.

In-Home Respite C personal care provided in the home of the qualifying individual in order to provide a brief period of relief or rest for the client.

Individual Counseling—the term "individual counseling" refers to services of a state licensed professional designed to increase the client's capability to care for the qualifying individual. These services are meant to provide short term training or therapy to develop critical skills. Persons providing this service must be licensed in the specific area in which training or consultation is being provided. The areas covered include, but shall not be limited to the following: social work, psychology, professional counseling, nursing, food and nutrition, occupational therapy, physical therapy, and speech pathology and audiology.

Information and Assistance—a service for older individuals that:

- a. provides the individuals with current information on opportunities and services available to the individuals within their communities, including information relating to assistive technology;
- b. assesses the problems and capacities of the individuals;
- c. links the individuals to the opportunities and services that are available; and
- d. to the maximum extent practicable, ensures that the individuals receive the services needed by the individuals, and are aware of the opportunities available to the individuals, by establishing adequate follow-up procedures.

Institutional Respite—temporary, alternative living arrangements for older persons in a hospital, nursing home or other licensed facility on an intermittent, occasional or emergency basis.

Material Aid—issuing assistive devices and other goods (e.g., Walkers, wheelchairs, fans, commodities, personal hygiene items).

Mental Retardation and Related Developmental Disabilities—refers to:

- a. a diagnosis of mental retardation. Mental retardation refers to significantly sub-average general intellectual function existing concurrently with deficits in adaptive behavior and manifested prior to age 22; or
- b. a severe, chronic disability which is attributable to mental retardation, cerebral palsy, epilepsy or autism; or any other condition, other than mental illness, found to be closely related to mental retardation because this condition results in impairment of general intellectual functioning or adaptive behavior similar to that of persons with mental retardation or requires treatment of services similar to those required for these persons; the disability:
 - i. is manifested before the person reaches age 22;
 - ii. is likely to continue indefinitely;
 - iii. results in substantial functional limitations in three or more of the following areas of major life activity: self-care; understanding and use of language; learning; mobility; self-direction; capacity for independent living; economic self-sufficiency; and
 - iv. reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, supports, or other assistance that is of lifelong or extended duration and is individually planned and coordinated, except that such term, when applied to infants and young children means individuals from birth to age 5, inclusive, who have substantial developmental delay or specific congenital or acquired conditions with a high

probability of resulting in developmental disabilities if services are not provided.

Older Individual—an individual who is 60 years of age or older.

Personal Care—a service that provides personal assistance, stand-by assistance, supervision or cues for persons with the inability to perform one or more of the following activities of daily living: eating, dressing, bathing, toileting, transferring in and out of bed/chair or walking. Generally, tasks are limited to those dealing with personal hygiene, meal preparation and eating, household services for the recipient and accompanying the recipient to and from medical appointments.

Qualifying Individual—the older individual or child receiving the care provided by the family caregiver or the grandparent or older individual who is a relative caregiver.

Sitter Service—a service provided in a home setting to ensure the health and safety of the qualifying individual. It includes observing, conversing, providing food for the qualifying individual, etc.

C. Support Services

1. Funds allocated under this program for services provided by an area agency on aging, or entity that such agency has contracted with, shall be expended in the categories listed below. All appropriate state licensing requirements must be met.

Assistance—services that involve individual one-on-one contact to assist caregivers in gaining access to the services (i.e., information and assistance or case management);

Counseling/Support Programs/Groups—provision of advice, guidance and instruction to caregivers in an individual or group setting to assist the caregivers in making decisions and solving problems relating to their caregiving roles (e.g., individual counseling, organization of support groups, or training);

Information—activities that involve a contact with several current or potential clients/caregivers with current information on opportunities and services available to the individuals within their communities services (e.g., public education).

Respite Care—temporary or periodic services for frail elderly or individuals with developmental disabilities including adult day care/adult day health, group respite, In-home respite and institutional respite. These services must be provided for periods of at least 4 hours and not more than 72 hours per visit and shall be limited to a maximum of 96 hours per calendar year per qualifying individual; and

Supplemental Services—personal care, sitter service or material aid to support the needs of caregivers.

2. The services provided under this program shall supplement, and not supplant, replace, or substitute for any services described in Paragraph 1 of this Subsection provided by GOEA or other State agency or unit of general purpose local government (including an area agency on aging) using Federal, State, or local funds on or before November 12, 2000, which was one day before the date of enactment of Title III-E.

3. Area agencies may use not more than 10 percent of the funds allocated under this program to provide the support services listed in Paragraph 1 of this Subsection to

grandparents and older individuals who are relative caregivers.

4. No more than 20 percent of the funds allocated under this program shall be dedicated to supplemental services. An area agency on aging, or entity that such agency has contracted with, may use other funds to provide additional supplemental services.

5. Of the funds not expended pursuant to paragraph 3 of this subsection, at least 40 percent shall be reserved for respite services.

6. Direct payment to family caregivers shall not be allowed in this program.

D. Participant Eligibility and Priority Requirements

1. Eligibility Criteria

a. Services shall be provided to:

i. family caregivers, as defined in Subsection B of this Section; and

ii. grandparents or older individuals who are relative caregivers, as defined in Subsection B of this Section.

b. Services specified in Subparagraphs d and e of §1245.C.1 of this manual, shall be provided to a family caregiver who is providing care to an older individual who is determined to be functionally impaired because the individual:

i. is unable to perform at least two activities of daily living without substantial human assistance, including verbal reminding, physical cueing, or supervision; or

ii. due to a cognitive or other mental impairment, requires substantial supervision because the individual behaves in a manner that poses a serious health or safety hazard to the individual or to another individual.

2. An area agency on aging, or entity that such agency has contracted with, shall give priority for services to older individuals with greatest social and economic need, (with particular attention to low-income older individuals) and older individuals providing care and support to persons with mental retardation and related developmental disabilities.

3. No one shall be entitled to receive the maximum services allowed. Service plans shall be based upon individual client needs. Services shall be provided as permitted by available funding.

E. Participant Selection Criteria. Participants in this program shall be selected using guidelines established by the Office of Elderly Affairs.

F. Coordination with Service Providers. Each area agency on aging shall coordinate the activities of the agency, or entity that such agency has contracted with, with the activities of other community agencies and voluntary organizations providing the types of services described in §1245.C.

G. Accountability

1. The area agency shall collect data and maintain records relating to this program in the format specified by GOEA. The area agency shall furnish the records to the Office of Elderly Affairs in the prescribed time frame. These records will enable the Office of Elderly Affairs to monitor program administration and compliance, and to evaluate and compare the effectiveness of this program.

2. The area agency shall prepare and submit to GOEA reports on the data and records required under Paragraph 1, including information on the services funded under this program.

3. The area agency on aging, or entity that such agency has contracted with shall comply with standards established by the state agency to assure the quality of services provided with assistance made available under this program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:931 to R.S. 46:935, Sections 371, 372, 373, and 374 of the Older Americans Act of 1965, as amended (P. L. 106-501); and 42 U.S.C. 6001.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 27:0000 (September 2001).

P.F. "Pete" Arceneaux, Jr.

Executive Director

0109#017

RULE

Department of Health and Hospitals

Office of Public Health

**Public Water System Capacity Development
(LAC 48:V.7707-7719)**

Under the authority of R.S. 40:4 and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health and Hospitals, Office of Public Health (DHH/OPH) has amended the Public Water System Capacity Development Regulations, LAC 48:V. 7707-7719. These amendments provide certain exceptions to the existing provisions such that those provisions do encumber the ability of certain public agencies to expeditiously furnish financial aid to public water systems which qualify for such aid within the constraints required by these agencies, nor will they encumber the DHH/OPH in its implementation of the Capacity Development Strategy.

There are two public agencies, the USDA Rural Utilities Services (RUS) and the Louisiana Community Development Block Grant (LCDBG), which provide financial aid in the form of grants and loans to existing and new public water systems. These agencies have capacity requirements for systems requesting such grants or loans. These amendments preclude the necessity of those systems to submit a business plan (containing capacity requirements) to DHH/OPH for grants and loans from those agencies, since these systems must meet those agency capacity requirements.

This amendment further provides for more brevity and simplification in the business plan required of existing systems. Finally, there are certain clarifications and revisions regarding management training provisions in the Capacity Development Strategy.

For the reasons set forth, above, LAC 48:V.7707-7719 is amended as follows.

Title 48
PUBLIC HEALTH GENERAL
Part V. Preventive Health Services
Subpart XXV. Drinking Water
Chapter 77. Drinking Water Program
Subchapter B. Public Water System Capacity
Development

§7711. Definitions

A. The following terms used in these regulations shall have the following meanings

* * *

Public Water System a system for the provision to the public of water for potable purposes, through pipes or other constructed conveyances, if the system has at least 15 service connections or regularly serves an average of at least 25 individuals daily for at least 60 days out of the year. The term includes:

a. any collection, treatment, storage, and distribution facilities under the control of the operator of the system and used primarily in connection with the system; and

b. any collection or pre-treatment storage facilities not under such control which are used primarily in connection with the system.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 24:1767 (September 1998), amended LR 27:0000 (September 2001).

§7713. New Systems

A. Business Plan. All community and non-transient non-community public water systems wanting to commence operation after January 1, 1999 shall be required to submit a business plan to the department to aid in the department's determination of technical, managerial and financial capacity. Required information for the business plan shall be provided by the department. The Office of Public Health (OPH) will exempt from the requirement for submission of the business plan all new public water systems funded by either the United States Department of Agriculture's (USDA) Rural Utilities Service (RUS) and/or the Division of Administration's (DOA) Louisiana Community Development Block Grant (LCDBG) program, provided those public water systems are certified by RUS and/or LCDBG as meeting the respective agency's minimum capacity requirements. OPH staff will continue to review plans and specifications for all new public water systems.

B. ...

C. Management Training. As a part of meeting the managerial capacity requirements, all appropriate personnel, e.g., board members, council members, mayors, owners, etc., of new public water systems wanting to commence operation after January 1, 1999, shall attend the next scheduled training session provided by the state, its contractors or other state recognized trainers. Such arrangements shall be made upon making application to the department for approval to commence operation.

D. Financial Audit. A financial audit will be conducted on the system as one means of determining financial capacity of the public water system.

E. Approval for Operation. After January 1, 1999, written approval to commence operation, i.e., issuance of the permit to construct and operate, for such new public water systems will be given by the department only after the department is satisfied that technical, managerial, and financial capacity requirements are being met, in addition to all other applicable regulations. The Office of Public Health (OPH) will issue the permit to construct and operate a new public water system funded by the RUS and/or the LCDBG program, provided those public water systems are certified by RUS and/or LCDBG as meeting the respective funding agency's minimum capacity requirements and the plans and specifications are reviewed and approved by OPH staff.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 24:1768 (September 1998), amended LR 27:0000 (September 2001).

§7717. Existing Systems

A. Business Plan. All existing public water systems shall be required to submit a shortened and simplified business plan to the department to aid in the department's determination of technical, managerial, and financial capacity. Required information for the business plan will be provided by the department. The department and the concerned parties will revise the content of the business plan, as necessary, to adapt it to the needs of existing system capacity requirements. A grant or a loan from either RUS and/or LCDBG programs will not trigger the requirement for submission of the business plan. Prioritization for the required capacity assessment of existing systems, including submission of the business plan, will be based on whether the existing water system has been issued an administrative order, and/or is on the significant non-compliers list and/or has had primary (MCL) violations during the past three years. However, the Office of Public Health (OPH) will exempt from the requirement for submission of the business plan all existing public water systems actively seeking funding by the RUS programs, provided those public water systems are certified by RUS as meeting their minimum capacity requirements. Such plan must be submitted to the department within six months after the initial visit by the designated party of the state who is providing assistance to the public water system in preparation of the business plan.

B. ...

C. Management Training. As a part of meeting the managerial capacity requirements, all appropriate staff of existing public water systems shall attend a training session provided by the state, its contractors or other state recognized trainers for board members, council members/mayors/owners, etc. Management training for all board members/council members/mayors/owners of existing public water systems will be based on whether their water system has been issued an administrative order, and/or is on the significant non-compliers list and/or has had primary MCL violations during the past three years. The department will continue to encourage attendance on a voluntary basis at management training sessions by board members/council members/mayors/owners of other public water systems. Training sessions shall be provided periodically and appropriate parties as noted above will have the opportunity to attend one of the scheduled sessions within six months

after the system has been notified that is it being evaluated for technical, managerial, and financial capacity.

D. Financial Audit. A financial audit will be conducted on the system as one means of determining financial capacity of the public water system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 24:1768 (September 1998), amended LR 27:0000 (September 2001).

§7719. Miscellaneous

A. Evaluations. Evaluations to determine technical, managerial, and financial capacity will be conducted in accordance with a developed strategy prepared by the department in partnership with concerned parties and for which approval has been given by USEPA.

B. Coordination. Implementation of the strategy will be coordinated between the Department staff and contracting parties.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 24:1769 (September 1998), amended LR 27:0000 (September 2001).

David W. Hood
Secretary

0109#061

RULE

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

Durable Medical Equipment
Reimbursement Increase
Ostomy Supplies

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 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 for ostomy supplies identified by specific Health Care Financing Administration Common Procedure Codes. The reimbursement is increased to 80 percent of the Medicare Fee Schedule, 80 percent of the manufacturer's suggested retail price (MSRP) or billed charges, whichever is the lesser amount, for the following HCPC codes:

- Ostomy Supplies
- A4360-A4421
- A5051-A5149
- K0137-K0139
- K0278-K0280
- K0421-K0437

If an item is not available at 80 percent of the Medicare Fee Schedule amount or 80 percent of the MSRP amount, the flat fee that will be utilized is the lowest cost at which

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

David W. Hood
Secretary

0109#070

RULE

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

Inpatient Hospital Services
Reimbursement
Methodology
Well Baby Care

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 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 establishes a separate prospective per diem rate for well baby care rendered to infants who are discharged at the same time that the mother is discharged. The separate per diem rate for well baby care shall be available to private hospitals that perform more than 1500 Medicaid deliveries per year. The per diem rate for well baby care shall be the lesser of actual costs as documented on the last finalized cost report or the rate for a nursery boarder.

David W. Hood
Secretary

0109#071

RULE

**Department of Natural Resources
Office of Conservation
Pipeline Division**

Pipeline Safety
Hazardous Liquids
(LAC 33:V.Chapters 301 and 304)

In accordance with the Administrative Procedure Act, R.S. 49:950, and pursuant to the power delegated under the laws of the state of Louisiana and particularly Title 30 of the Louisiana Statutes of 1950, Section 30:501 et seq., the Office of Conservation has amended the hazardous liquids regulations, LAC 33:V.Chapters 301 and 304.

This Rule is identical to federal regulations found in 49 CFR Part 195, which are applicable in Louisiana. For more information regarding this Rule, contact the Pipeline Safety Section at (225) 342-5585 or P. O. Box 94275, Baton Rouge, LA 70804-9275.

This rule package consists of amendments affecting minimum safety design and reporting requirements for hazardous liquids pipelines. Added language includes new requirements for operator qualification of individuals performing covered tasks on a pipeline facility.

Title 33
ENVIRONMENTAL QUALITY
Part V. Hazardous Waste and Hazardous Materials
Subpart 3. Natural Resources
Chapter 301. Transportation of Hazardous Liquids by Pipeline
Subchapter A. General
§30103. Applicability

A. - B.2. ...
 3. transportation through the following low-stress pipelines:
 a. an offshore pipeline or pipeline segment that:
 i. does not transport HVL;
 ii. is located in a rural area; and
 iii. is located outside a waterway currently used for commercial navigation;
 b. a pipeline subject to safety regulations of the U.S. Coast Guard; or
 c. a pipeline that serves refining, manufacturing, or truck, rail, or vessel terminal facilities, if the pipeline is less than one mile long (measured outside facility grounds) and does not cross an offshore area or a waterway currently used for commercial navigation;

B.4. - 5. ...
 6. transportation of a hazardous liquid or carbon dioxide in Outer Continental Shelf pipelines which are located upstream of the point at which operating responsibility transfers from a producing operator to a transporting operator;

B.7. - 8b. ...
 C. Breakout tanks subject to this part must comply with requirements that apply specifically to breakout tanks and, to the extent applicable, with requirements that apply to pipeline systems and pipeline facilities. If a conflict exists between a requirement that applies to pipeline systems or pipeline facilities, the requirement that applies specifically to breakout tanks prevails. Anhydrous ammonia breakout tanks need not comply with §§30189.B, 30202.B, 30215.C, 30239.B and E, 30287.C and D, and 30291.B and C.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:861 (August 1992), LR 20:439 (April 1994), LR 21:814 (August 1995), LR 27:0000 (September 2001).

§30105. Definitions

A. As used in this Chapter:
Abandoned Cpermanently removed from service.
 * * *

Computation Pipeline Monitoring (CPM) Ca software-based monitoring tool that alerts the pipeline dispatcher of a possible pipeline operation anomaly that may be indicative of a commodity release.
 * * *

Exposed Pipeline Ca pipeline where the top of the pipe is above the seabed in water less than 15 feet (4.6 meters), as measured from the mean low water.
 * * *

Gulf of Mexico and Its Inlets Cthe waters from the mean high water mark of the coast of the Gulf of Mexico and its inlets open to the sea (excluding rivers, tidal marshes, lakes

and canals) seaward to include the territorial sea and Outer Continental Shelf to a depth of 15 feet (4.6 meters) deep, as measured from the mean low water.

Hazard to Navigation Cfor the purpose of this Chapter, a pipeline where the top of the pipe is less than 12 inches (305 millimeters) below the seabed in water less than 15 feet (4.6 meters) deep, as measured from the mean low water.
 * * *

Outer Continental Shelf Call submerged lands lying seaward and outside the area of lands beneath navigable waters as defined in Section 2 of the Submerged Lands Act (43 U.S.C. 1301) and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.
 * * *

Specified Minimum Yield Strength Cthe minimum yield strength, expressed in pounds per square inch (p.s.i.) (kPa) gauge, prescribed by the specification under which the material is purchased from the material is purchased from the manufacturer.
 * * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:861 (August 1992), LR 21:815 (August 1995), LR 27:0000 (September 2001).

§30107. Matter Incorporated by Reference

A. - B.5. ...
 6. American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428.

7. National Fire Protection Association (NFPA), 11 Tracy Drive, Avon, MA 02322.

C. The full titles of publications incorporated by reference wholly or partially in this Part are as follows. Numbers in parentheses indicate applicable editions.

C.1. ...
 2. American Petroleum Institute (API).
 a. API 1130 *Computational Pipeline Monitoring* (1st edition, 1995)

b. API 510 *Pressure Vessel Inspection Code: Maintenance Inspection, Rating, Repair, and Alteration* (8th edition, June 1997)

c. API Publication 2026 *Safe Access/Egress Involving Floating Roofs of Storage Tanks in Petroleum Service* (2nd edition, April 1998)

d. API Recommended Practice 651 *Cathodic Protection of Aboveground Petroleum Storage Tanks* (2nd edition, December 1997)

e. API Recommended Practice 652 *Lining of Aboveground Petroleum Storage Tank Bottoms* (2nd edition, December 1997)

f. API Recommended Practice 2003 *Protection Against Ignitions Arising out of Static, Lightning, and Stray Currents* (6th edition, December 1998)

g. API Recommended Practice 2350 *Overflow Protection for Storage Tanks in Petroleum Facilities* (2nd edition, January 1996)

h. API Specification 5L *Specification for Line Pipe* (41st edition, 1995)

i. API Specification 6D *Specification for Pipeline Valves (Gate, Plug, Ball, and Check Valves)* (21st edition, 1994)

j. API Specification 12F *Specification for Shop Welded Tanks for Storage of Production Liquids* (11th edition, November 1994)

k. API Standard 1104 *Welding Pipelines and Related Facilities* (18th edition, 1994)

l. API Standard 620 *Design and Construction of Large, Welded, Low-Pressure Storage Tanks* (9th edition, February 1996, Including Addenda 1 and 2)

m. API Standard 650 *Welded Steel Tanks for Oil Storage* (9th edition, July 1993, Including Addenda 1 and 2);

n. API Standard 653 *Tank Inspection, Repair Alteration, and Reconstruction* (2nd edition, December 1995, including Addenda 1 and 2)

o. API Standard 2000 *Venting Atmospheric and Low-Pressure Storage Tanks* (4th edition, September 1992);

p. API Standard 2510 *Design and Construction of LPG Installations* (7th edition, May 1995)

C.3. - C.3.e. ...

f. ASME Boiler and Pressure Vessel Code, Section IX *Welding and Brazing Qualifications* (1995 edition with 1995 Addenda)

C.4. - C.4.b. ...

5. American Society for Testing and Materials (ASTM)

a. ASTM Designation A 53 *Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated Welded and Seamless* (A 53-96)

b. ASTM Designation: A 106 *Standard Specification for Seamless Carbon Steel Pipe for High-Temperature Service* (A 106-95)

C.5.c. - f. ...

g. ASTM Designation: A 691 *Standard Specification for Carbon and Alloy Steel Pipe Electric-Fusion-Welded for High-Pressure Service at High Temperatures* (A 691-93)

h. National Fire Protection Association (NFPA): *ANSI/NFPA 30 Flammable and Combustible Liquids Code*. (1996)

AUTHORITY NOTE: Promulgated in accordance with R.S.30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR20:439 (1994), LR 21:815 (August 1995), LR 24:1313 (July 1998), LR 27:0000 (September 2001).

§30114. Outer Continental Shelf Pipelines

A. Operators of transportation pipelines on the Outer Continental Shelf must identify on all their respective pipelines the specific points at which operating responsibility transfers to a producing operator. For those instances in which the transfer points are not identifiable by a durable marking, each operator will have until September 15, 1998 to identify the transfer points. If it is not practicable to durably mark a transfer point and the transfer point is located above water, the operator must depict the transfer point on a schematic maintained near the transfer point. If a transfer point is located subsea, the operator must identify the transfer point on a schematic which must be maintained at the nearest upstream facility and provided to RSPA upon request. For those cases in which adjoining operators have

not agreed on a transfer point by September 15, 1998 the Regional Director and the MMS Regional Supervisor will make a joint determination of the transfer point.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:0000 (September 2001).

Subchapter B. Reporting Accidents and Safety-Related Conditions

§30125. Reporting Accidents

A. An accident report is required for each failure in a pipeline system subject to this Part in which there is a release of the hazardous liquid or carbon dioxide transported resulting in any of the following:

1. explosion or fire not intentionally set by the operator;

2. loss of 50 or more barrels (8 or more cubic meters) of hazardous liquid or carbon dioxide;

3. escape to the atmosphere of more than five barrels (0.8 cubic meters) a day of highly volatile liquids;

A.4. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:863 (August 1992), LR 21:816 (August 1995), LR 27:0000 (September 2001).

§30133. Reporting Safety-Related Conditions

A. - A.6. ...

B. A report is not required for any safety-related condition that:

1. exist on a pipeline that is more than 220 yards (200 meters) from any building intended for human occupancy or outdoor place of assembly except that reports are required for conditions within the right-of-way of an active railroad, paved road, street, or highway, or that occur offshore, or at on-shore locations where a loss of hazardous liquid could reasonably be expected to pollute any stream, river, lake, reservoir, or other body of water;

B.2. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), LR 27:0000 (September 2001).

§30147. Abandoned Underwater Facilities Report

A. For each abandoned offshore pipeline facility or each abandoned onshore pipeline facility that crosses over, under or through a commercially navigable waterway, the last operator of that facility must file a report upon abandonment of that facility.

1. The preferred method to submit data on pipeline facilities abandoned after October 10, 2000 is to the National Pipeline Mapping System (NPMS) in accordance with NPMS "Standards for Pipeline and Liquefied Natural Gas Operator Submissions." To obtain a copy of the NPMS Standards, please refer to the NPMS homepage at www.npms.rspa.dot.gov or contact the NPMS National Repository at (703) 317-3073. A digital data format is preferred, but a hard copy submissions are acceptable if they comply with the NPMS Standards. In addition to the NPMS required attributes, operators must submit the date of abandonment, diameter, method of abandonment, and

certification that, to the best of the operator's knowledge, all of the reasonably available information requested was provided and, to the best of the operator's knowledge, the abandonment was completed in accordance with applicable laws. Refer to the NPMS Standards for details in preparing your data for submission. The NPMS Standards also include details of how to submit data. Alternatively, operators may submit reports by mail, fax or email to the Information Officer, Research and Special Programs Administration, Department of Transportation, Room 7128, 400 Seventh Street, SW, Washington DC 20590; fax [202] 366-4566; email, roger.little@rspa.dot.gov. The information in the report must contain the location, size, date, method of abandonment, and a certification that the facility has been abandoned in accordance with all applicable laws.

2. Data on pipeline facilities abandoned before October 10, 2000 must be filed before April 10, 2001. Operators may submit reports by mail, fax, email to the Information Officer, Research and Special Programs Administration, Department of Transportation, Room 7128, 400 Seventh Street, SW, Washington DC 20590; fax [202] 366-4566; email, roger.little@rspa.dot.gov. The information in the report must contain the location, size, date, method of abandonment, and a certification that the facility has been abandoned in accordance with all applicable laws.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:0000 (September 2001).

Subchapter C. Design Requirements

§30161. Internal Design Pressure

A. Internal design pressure for the pipe in a pipeline is determined in accordance with the following formula:

$$P = (2 St/D) \times E \times F$$

P = internal design pressure in pounds per square inch (p.s.i.) (kPa) gauge.

S = yield strength in pounds per square inch (p.s.i.) (kPa) gauge determined in accordance with §30161.B.

t = nominal wall thickness of the pipe in inches (millimeters). If this is unknown, it is determined in accordance with §30161.C.

D = outside diameter of the pipe in inches (millimeters).

E = seam joint factor determined in accordance with §30161.E.

F = a design factor of 0.72, except that a design factor of 0.60 is used for pipe, including risers, on a platform located offshore or on a platform in inland navigable waters, and 0.54 is used for pipe that has been subjected to cold expansion to meet the specified minimum yield strength and is subsequently heated, other than by welding or stress relieving as a part of welding, to a temperature higher than 900° F (482° C) for any period of time or over 600° F (316° C) for more than one hour.

B. The yield strength to be used in determining the internal design pressure under §30161.A is the specified minimum yield strength. If the specified minimum yield strength is not known, the yield strength to be used in the design formula is one of the following:

1. the yield strength determined by performing all of the tensile tests of API Specification 5L on randomly selected specimens with the following number of tests:

Pipeline Size	Number of Tests
Less than 168.3 mm (6 5/8 in.) nominal outside diameter (168 mm)	One test for each 200 lengths
168.3 through 323.8 mm (6 5/8 through 12 3/4 in.) nominal outside diameter (168 mm through 324 mm)	One test for each 100 lengths
Larger than 323.8 mm (12 3/4 in.) nominal outside diameter 12 3/4 in (324 mm)	One test for each 50 lengths

2. If the average yield-tensile ratio exceeds 0.85, the yield strength shall be taken as 165,474 kPa (24,000 psi). If the average yield tensile ratio is 0.85 or less, the yield strength of the pipe is taken as the lower of the following:

a. eighty percent of the average yield strength determined by the tensile tests;

b. the lowest yield strength determined by the tensile tests.

3. If the pipe is not tensile tested as provided in Subsection B, the yield strength shall be taken as 165,474 kPa (24,000 psi).

C. If the nominal wall thickness to be used in determining internal design pressure under §30161.A is not known, it is determined by measuring the thickness of each piece of pipe at quarter points on one end. However, if the pipe is of uniform grade, size and thickness, only 10 individual lengths or 5 percent of all lengths, whichever is greater, need be measured. The thickness of the lengths that are not measured must be verified by applying a gauge set to the minimum thickness found by the measurement. The nominal wall thickness to be used is the next wall thickness found in commercial specifications that is below the average of all the measurements taken. However, the nominal wall thickness may not be more than 1.14 times the smallest measurement taken on pipe that is less than 508 mm (20 in.) nominal outside diameter, nor more than 1.11 times the smallest measurement taken on pipe that is 508 mm (20 in.) or more in nominal outside diameter.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 20:441 (April 1994), LR 21:817 (August 1995), LR 27:0000 (September 2001).

§30169. New Pipe

A. - A.2. ...

3. Each length of pipe with a nominal outside diameter of 4 1/2 in. (114.3 mm) or more must be marked on the pipe or pipe coating with the specification to which it was made, the specified minimum yield strength or grade, and the pipe size. The marking must be applied in a manner that does not damage the pipe or pipe coating and must remain visible until the pipe is installed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 21:817 (August 1995), LR 27:0000 (September 2001).

§30177. Passage of Internal Inspection Devices

A. - B.5. ...

6. offshore pipelines, other than main lines 19 inches (254 mm) or greater in nominal diameter, that transport liquids to onshore facilities; and

B.7. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 21:817 (August 1995), LR 27:0000 (September 2001).

§30189. Above Ground Breakout Tanks

A. Each aboveground breakout tank must be designed and constructed to withstand the internal pressure produced by the hazardous liquid to be stored therein and any anticipated external loads.

B. For aboveground breakout tanks first placed in service after October 2, 2000, compliance with paragraph A. of this section requires one of the following.

1. Shop-fabricated, vertical, cylindrical, closed top, welded steel tanks with nominal capacities of 90 to 750 barrels (14.3 to 119.2 m³) and with internal vapor space pressures that are approximately atmospheric must be designed and constructed in accordance with API Specification 12F.

2. Welded, low-pressure (i.e., internal vapor space pressure not greater than 15 psig (103.4 kPa)), carbon steel tanks that have wall shapes that can be generated by a single vertical axis of revolution must be designed and constructed in accordance with API Standard 620.

3. Vertical, cylindrical, welded steel tanks with internal pressures at the tank top approximately atmospheric pressures (i.e., internal vapor space pressures not greater than 2.5 psig (17.2 kPa), or not greater than the pressure developed by the weight of the tank roof) must be designed and constructed in accordance with API Standard 650.

4. High pressure steel tanks (i.e., internal gas or vapor space pressures greater than 15 psig (103.4 kPa)) with a nominal capacity of 2000 gallons (7571 liters) or more of liquefied petroleum gas (LPG) must be designed and constructed in accordance with AOI Standard 2510.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 27:0000 (September 2001).

§30191. CPM Leak Detection

A. This section applies to each hazardous liquid pipeline transporting liquid in single phase (without gas in the liquid). On such systems, each new computational pipeline monitoring (CPM) leak detection system and each replaced component of an existing CPM system must comply with section 4.2 of API 1130 in its design and with any other design criteria addressed in API 1130 for components of the CPM leak detection system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:0000 (September 2001).

Subchapter D. Construction

§30201. Scope

A. - B. ...

C. Inspection. General. Inspection must be provided to ensure the installation of pipe or pipeline systems in accordance with the requirements of this Subchapter. Each operator shall notify the Pipeline Safety Section of the Office of Conservation, Louisiana Department of Natural Resources, of proposed pipeline construction at least seven days prior to commencement of said construction. No person may be used to perform inspections unless that person has been trained and is qualified in the phase of construction to be inspected.

D. Material Inspection. No pipe or other component may be installed in a pipeline system unless it has been visually inspected at the site of installation to ensure that it is not damaged in a manner that could impair its strength or reduce its serviceability.

E. Welding of Supports and Braces. Supports or braces may not be welded directly to pipe that will be operated at a pressure of more than 100 p.s.i. (89 kPa) gauge.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 27:0000 (September 2001).

§30203. Pipe Location

A. ...

B. No pipeline may be located within 50 feet (15 meters) of any private dwelling, or any industrial building or place of public assembly in which persons work, congregate, or assemble, unless it is provided with at least 12 inches (305 mm) of cover in addition to that prescribed in §30221.

AUTHORITY NOTE: Promulgated in accordance with 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 27:0000 (September 2001).

§30205. Bending of Pipe

A. - B.3.a. ...

b. the pipe is 12 3/4 (324 mm) or less nominal outside diameter or has a diameter to wall thickness ratio less than 70;

c.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 21:818 (August 1995), LR 27:0000 (September 2001).

§30215. Cathodic Protection System

A. - B. ..

C. For the bottoms of aboveground breakout tanks with greater than 500 barrels (79.5 m³) capacity built to API Specification 12F, API Standard 620, or API Standard 650 (or its predecessor Standard 12C), the installation of a cathodic protection system under paragraph A of this section after October 2, 2000, must be in accordance with API Recommended Practice 651, unless the operator notes in the procedural manual (§30259.C) why compliance with all or certain provisions of API Recommended Practice 651 is not necessary for the safety of a particular breakout tank.

D. For the internal bottom of aboveground breakout tanks built to API Specification 12F, API Standard 620, or API Standard 650 (or its predecessor Standard 12C), the installation of a tank bottom lining after October 2, 2000, must be in accordance with API Recommended Practice 652, unless the operator notes in the procedural manual (§30259.C) why compliance with all or certain provisions of API Recommended Practice 62 is not necessary for the safety of a particular breakout tank.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 27:0000 (September 2001).

§30221. Cover Over Buried Pipeline

A. Unless specifically exempted in this Subchapter, all pipe must be buried so that it is below the level of cultivation. Except as provided in §30221.B, the pipe must be installed so that the cover between the top of the pipe and the ground level, road bed, river bottom, or sea bottom, as applicable, complies with the following table:

Location	Cover inches (millimeters)	
	For Normal Excavation	For Rock Excavation
Industrial, commercial and residential area	36 (914)	30 (762)
Crossing of inland bodies of water with a width of at least 100 ft. (30 m) from high water mark to high water mark	48 (1219)	48 (1219)
Drainage ditches at public roads and railroads	36 (914)	36 (914)
Deepwater port safety zone	48 (1219)	24 (610)
Other offshore areas under water less than 12 ft. (3.7 m) deep as measured from the mean low tide	36 (914)	18 (457)
Any other area	30 (762)	18 (457)

A.1. - B.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 21:818 (August 1995), LR 27:0000 (September 2001).

§30223. Clearance Between Pipe and Underground Structures

A. Any pipe installed underground must have at least 12 inches (305 mm) of clearance between the outside of the pipe and the extremity of any other underground structure except that for drainage tile the minimum clearance may be less than 12 inches (305 mm) but not less than two inches (51 mm). However, where 12 inches (305 mm) of clearance is impracticable, the clearance may be reduced if adequate provisions are made for corrosion control.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 27:0000 (September 2001).

§30235. Valves: Location

A. A valve must be installed at each of the following locations:

A.1. - A.4. ...

5. on each side of a water crossing that is more than 100 feet (30 m) wide from high-water mark to high-water mark unless the secretary finds in a particular case that valves are not justified;

A.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 27:0000 (September 2001).

§30239. Impoundment, Protection Against Entry, Normal/Emergency Venting or Pressure/Vacuum Relief for Aboveground Breakout Tanks

A. A means must be provided for containing hazardous liquids in the event of spillage or failure of an aboveground breakout tank.

B. After October 2, 2000, compliance with paragraph A. of this section requires the following for the aboveground breakout tanks specified.

1. for tanks built to API Specification 12F, API Standard 620, and others (such as API Standard 650 or its predecessor Standard 12C), the installation of impoundment must be in accordance with the following sections of NFPA 30:

a. impoundment around a breakout tank must be installed in accordance with Section 2-3.4.3; and

b. impoundment by drainage to a remote impounding area must be installed in accordance with Section 2-3.4.2.

2. For tanks built to API Standard 2510, the installation of impoundment must be in accordance with Section 3 or 9 of API Standard 2510.

C. Aboveground breakout tank areas must be adequately protected against unauthorized entry.

D. Normal/emergency relief venting must be provided for each atmospheric pressure breakout tank. Pressure/vacuum-relieving devices must be provided for each low-pressure and high-pressure breakout tank.

E. For normal/emergency relief venting and pressure/vacuum-relieving devices installed on aboveground breakout tanks after October 2, 2000, compliance with paragraph D. of this section requires the following for the tanks specified.

1. Normal/emergency relief venting installed on atmospheric pressure tanks built to API Specifications 12F must be in accordance with Section 4, and Appendices B and C, of API Specification 12F.

2. Normal/emergency relief venting installed on atmospheric pressure tanks (such as those built to API Standard 650 or its predecessor Standard 12C) must be in accordance with API Standard 2000.

3. Pressure-relieving and emergency vacuum-relieving devices installed on low pressure tanks built to API Standard 620 must be in accordance with Section 7 of API Standard 620 and its references to the normal and emergency venting requirements in API Standard 2000.

4. Pressure and vacuum-relieving devices installed on high pressure tanks built to API Standard 2510 must be in accordance with Sections 5 or 9 of API Standard 2510.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 27:0000 (September 2001).

Subchapter E. Hydrostatic Testing

§30247. General Requirements

A. - C. ...

1. before December 7, 1998, for each pipeline each operator shall:

a. plan and schedule testing, according to this Subsection; or

b. establish the pipelines maximum operating pressure under §30265.A.5.

2. for pipelines scheduled for testing, each operator shall:

a. before December 7, 2000, pressure test:

i. each pipeline identified by name, symbol, or otherwise that existing records show contains more than 50 percent by mileage (length) of electric resistance welded pipe manufactured before 1970; and

ii. at least 50 percent of the mileage (length) of all other pipelines; and

b. before December 7, 2003, pressure test the remainder of the pipeline mileage (length).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 21:818 (August 1995), LR 27:0000 (September 2001).

§30248. Test Pressure

A. The test pressure for each pressure test conducted under this Subpart must be maintained throughout the part of the system being tested for at least four continuous hours at a pressure equal to 125 percent, or more, of the maximum operating pressure and in the case of a pipeline that is not visually inspected for leakage during the test, for at least an additional four continuous hours at a pressure equal to 110 percent, or more, of the maximum operating pressure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:0000 (September 2001).

§30249. Testing

A. - B.2.a. ...

b. each building within 300 feet (91 meters) of the test section is unoccupied while the test pressure is equal to or greater than a pressure which produces a hoop stress of 50 percent of specified minimum yield strength;

B.2.c. - 3.a. ...

b. each building within 300 feet (91 meters) of the test section is unoccupied while the test pressure is equal to or greater than a pressure that produces a hoop stress of 50 percent of specified minimum yield strength;

3.c. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:864 (August 1992), LR 21:819 (August 1995), LR 27:0000 (September 2001).

§30250. Pressure Testing Aboveground Breakout Tanks

A. For aboveground breakout tanks built to API Specification 12F and first placed in service after October 2,

2000, pneumatic testing must be in accordance with section 5.3 of API Specification 12F.

B. For aboveground breakout tanks built to API Standard 620 and first placed in service after October 2, 2000, hydrostatic and pneumatic testing must be in accordance with section 5.18 of API Standard 620.

C. For aboveground breakout tanks built to API Standard 650 and first placed in service after October 2, 2000, hydrostatic and pneumatic testing must be in accordance with section 5.3 of API Standard 650.

D. For aboveground atmospheric pressure breakout tanks constructed of carbon and low alloy steel, welded or riveted, and non-refrigerated and tanks built to API Standard 650 or its predecessor Standard 12C that are returned to service after October 2, 2000, the necessity for the hydrostatic testing of repair, alteration, and reconstruction is covered in section 10.3 of API Standard 653.

E. For aboveground breakout tanks built to API Standard 2510 and first placed in service after October 2, 2000, pressure testing must be in accordance with ASME Boiler and Pressure Vessel Code, Section VIII, Division 1 or 2.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:0000 (September 2001).

§30251. Records

A. - B.8. ...

9. where elevation differences in the section under test exceed 100 feet (30 meters), a profile of the pipeline that shows the elevation and test sites over the entire length of the test section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 27:0000 (September 2001).

Subchapter F. Operation and Maintenance

§30259. Procedural Manual for Operations,

Maintenance, and Emergencies

A. - C.9. ...

10. abandoning pipeline facilities, including safe disconnection from an operating pipeline system, purging of combustibles, and sealing abandoned facilities left in place to minimize safety and environmental hazards;

C.11. - D.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:864 (August 1992), LR 21:819 (August 1995), LR 24:1314 (July 1998), LR 27:0000 (September 2001).

§30262. Emergency Response Training

After October 28, 2002, this Section will be in effect.

A. Each operator shall establish and conduct a continuing training program to instruct emergency response personnel to:

1. carry out the emergency procedures established under §30259 that relate to their assignments;

2. know the characteristics and hazards of the hazardous liquids or carbon dioxide transported, including, in case of flammable HVL, flammability of mixtures with air, odorless vapors, and water reactions;

3. recognize conditions that are likely to cause emergencies, predict the consequences of facility malfunctions or failures and hazardous liquids or carbon dioxide spills, and take appropriate corrective action;

4. take steps necessary to control any accidental release of hazardous liquid or carbon dioxide and to minimize the potential for fire, explosion, toxicity, or environmental damage; and

5. learn the proper use of firefighting procedures and equipment, fire suits, and breathing apparatus by utilizing, where feasible, a simulated pipeline emergency condition.

B. At the intervals not exceeding 15 months, but at least once each calendar year, each operator shall:

1. review with personnel their performance in meeting the objectives of the emergency response training program set forth in paragraph A of this section; and

2. make appropriate changes to the emergency response training program as necessary to insure that it is effective.

C. Each operator shall require and verify that its supervisors maintain a thorough knowledge of that portion of the emergency response procedures established under §30259 for which they are responsible to ensure compliance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:865 (August 1992), LR 27:0000 (September 2001).

§30264. Protection Against Ignitions and Safe

Access/Egress Involving Floating Roofs

A. After October 2, 2000, protection provided against ignitions arising out of static electricity, lightning, and stray currents during operation and maintenance activities involving above ground breakout tanks must be in accordance with API Recommended Practice 2003, unless the operator notes in the procedural manual [Sec. 195.402 (c)] why compliance with all or certain provisions of API Recommended Practice 2003 is not necessary for the safety of a particular breakout tank.

B. The hazards associated with access/egress onto floating roofs of in-service aboveground breakout tanks to perform inspection, service, maintenance or repair activities (other than specified general considerations, specified routine tasks or entering tanks removed from service for cleaning) are addressed in API Publication 2026. After October 2, 2000, the operator must review and consider the potentially hazardous conditions, safety practices and procedures in API Publication 2026 for inclusion in the procedure manual [Sec. 195.402 (c)].

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:0000 (September 2001).

§30265. Maximum Operating Pressure

A. - A.1.a. ...

b. if the pipe is 12 3/4 in. (324 mm) or less outside diameter and is not tested to yield under this paragraph, 200 p.s.i. (1379 kPa) gauge.

A.2. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 21:819 (August 1995), LR 27:0000 (September 2001).

§30269. Line Markers

A. - A.2. ...

a. the word "Warning," "Caution," or "Danger," followed by the words "Petroleum (or the name of the hazardous liquid transported) Pipeline," or "Carbon Dioxide Pipeline," all of which, except for markers in heavily developed urban areas, must be in letters at least 1 inch (25 millimeters) high with an approximate stroke of 1/4 inch (6.4 millimeters).

A.2.b. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:865 (August 1992), LR 24:1314 (July 1998), LR 27:0000 (September 2001).

§30272. Underwater Inspection and Reburial

of Pipelines in the Gulf of Mexico and Its Inlets

A. Except for gathering lines of 4 1/2 inches (114 mm) nominal outside diameter or smaller, each operator shall, in accordance with this section, conduct an underwater inspection of its pipelines in the Gulf of Mexico and its inlets. The inspection must be conducted after October 3, 1989 and before November 16, 1992.

B. - B.1. ...

2. promptly, but not later than 7 days after discovery, mark the location of the pipeline in accordance with 33 CFR Part 64 at the ends of the pipeline segment and at intervals of not over 500 yards (457 meters) long, except that a pipeline segment less than 200 yards (183 meters) long need only be marked at the center; and

3. within 6 months after discovery, or not later than November 1 of the following year if the 6 month period is after November 1 of the year that the discovery is made, place the pipeline so that the top of the pipe is 36 inches (914 millimeters) below the seabed for normal excavation or 18 inches (457 millimeters) for rock excavation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 18:865 (August 1992), LR 21:820 (August 1995), LR 27:0000 (September 2001).

§30275. External Corrosion Control

A. - E. ...

F. Any pipe that is found to be generally corroded so that the remaining wall thickness is less than the minimum thickness required by the pipe specification tolerances must be replaced with coated pipe that meets the requirements of this part. However, generally corroded pipe need not be replaced if:

1. the operating pressure is reduced to be commensurate with the limits on operating pressure specified in this subpart, based on the actual remaining wall thickness; or

2. the pipe is repaired by a method that reliable engineering tests and analyses show can permanently restore the serviceability of the pipe.

G. - H. ...

I. Each operator shall clean, coat with material suitable for the prevention of atmospheric corrosion, and , maintain this protection for, each component in its pipeline system that is exposed to the atmosphere.

J. For aboveground breakout tanks where corrosion by a cathodic protection system, the cathodic protection system must be inspected to ensure it is operated and maintained in accordance with API Recommended Practice 651, unless the operator notes in the procedure manual (Sec. 195.402 (c)) why compliance with all or certain provisions of API Recommended Practice 651 is not necessary for the safety of a particular breakout tank.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 21:820 (August 1995), LR 27:0000 (September 2001).

§30283. Pipe Movement

A. - B.3.a. ...

b. the lowest practical level that will maintain the highly volatile liquid in a liquid state with continuous flow, but not less than 50 p.s.i. (345 kPa) gauge above the vapor pressure of the commodity.

C. - C.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 27:0000 (September 2001).

§30287. Overpressure Safety Devices

A. - B. ...

C. Aboveground breakout tanks that are constructed or significantly altered according to API Standard 2510 after October 2, 2000, must have an overflow protection system installed according to section 5.1.2 of API Standard 2510. Other aboveground breakout tanks with 600 gallons (2271 liters) or more of storage capacity that are constructed or significantly altered after October 2, 2000, must have an overflow protection system installed according to API Recommended Practice 2350. However, operators need not comply with any part of API Recommended Practice 2350 for a particular breakout tank if the operator notes in the manual required by Sec. 195.402 why compliance with that part is not necessary for safety of the tank.

D. After October 2, 2000, the requirements of paragraphs A and B of this section for inspection and testing of pressure control equipment apply to the inspection and testing of overflow protection systems.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 27:0000 (September 2001).

§30291. Inspection of In-Service Breakout Tanks

A. Except for breakout tanks inspected under paragraphs B and C of this section, each operator shall, at intervals not exceeding 15 months, but at least once each calendar year, inspect each in-service breakout tank.

B. Each operator shall inspect the physical integrity of in-service atmospheric and low-pressure steel aboveground breakout tanks according to section 4 of API Standard 653. However, if structural conditions prevent access to the tank bottom, the bottom integrity may be assessed according to a

plan included in the operations and maintenance manual under Sec. 195.402 (c)(3).

C. Each operator shall inspect the physical integrity of in-service steel aboveground breakout tanks built to API Standard 2510 according to section 6 of API 510.

D. The intervals of inspection specified by documents referenced in paragraphs B and C of this section begin on May 3, 1999, or on the operator's last recorded date of the inspection, whichever is earlier.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 27:0000 (September 2001).

§30296. Smoking or Open Flames

A. Each operator shall prohibit smoking and open flames in each pump station area and each breakout tank area where there is a possibility of the leakage of a flammable hazardous liquid or of the presence of flammable vapors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:0000 (September 2001).

§30297. Public Education

A. Each operator shall establish a continuing educational program to enable the public, appropriate government organizations and persons engaged in excavation-related activities to recognize a hazardous liquid or a carbon dioxide pipeline emergency and to report it to the operator or the fire, police, or other appropriate public officials. The program must be conducted in English or in other languages commonly understood by a significant number and concentration of non-English speaking population in the operator's operating areas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:866 (August 1992), LR 27:0000 (September 2001).

§30298. Damage Prevention Program

A. Except as provided in Subsection C of this section, each operator of a buried pipeline must carry out, in accordance with this section, a written program to prevent damage to that pipeline from excavation activities. For the purpose of this section, the term "excavation activities" includes excavation, blasting, boring, tunneling, backfilling, the removal of aboveground structures by either explosive or mechanical means, and other earthmoving operations.

B. An operator may comply with any of the requirements of Subsection C of this section through participation in a public service program, such as a one-call system, but such participation does not relieve the operator of the responsibility for compliance with this section. However, an operator must perform the duties of Subsection C.3. of this section through participation in a one-call system, if that one-call system is a qualified one call-system. In areas that are covered by more than one qualified one-call system, an operator need only join one of the qualified one-call systems if there is a central telephone number for excavators to call for excavation activities, or if the one-call systems in those areas communicate with one another. An operator's pipeline system must be covered by a qualified one-call system

where there is one in place. For the purpose of the section, a one-call system is considered a "qualified one-call system" if it meets the requirements of Subsection B.1. or B.2. of this section:

1. the state has adopted a one-call damage prevention program under 49 CFR 198.37; or
2. the one-call system:
 - i. is operated in accordance with 49 CFR 198.39;
 - ii. provides a pipeline operator an opportunity similar to a voluntary participant to have a part in management responsibilities; and
 - iii. assesses a participating pipeline operator a fee that is proportionate to the costs of the one-call system's coverage of the operator's pipeline.

C. The damage prevention program required by Subsection A. of this section must, at a minimum:

1. include the identity, on a current basis, of persons who normally engage in excavation activities in the area in which the pipeline is located.
2. provide for notification of the public in the vicinity of the pipeline and actual notification of persons identified in Subsection C.1. of this section of the following as often as needed to make them aware of the damage prevention program:
 - a. the program's existence and purpose; and
 - b. how to learn the location of underground pipelines before excavation activities are begun;
3. provide a means of receiving and recording notification of planned excavation activities;
4. if the operator has buried pipelines in the area of excavation activity, provide for actual notification of persons who give notice of their intent to excavate of the type of temporary marking to be provided and how to identify the markings;
5. provide for temporary marking of buried pipelines in the area of excavation activity before, as far as practical, the activity begins;
6. provide as follows for inspection of pipelines that an operator has reason to believe could be damaged by excavation activities:
 - a. the inspection must be done as frequently as necessary during and after the activities to verify the integrity of the pipeline; and
 - b. in the case of blasting, any inspection must include leakage surveys.

D. A damage prevention program under this section is not required for the following pipelines:

1. pipelines located offshore;
2. pipelines to which access is physically controlled by the operator.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 24:1315 (July 1998), amended LR 27:0000 (September 2001).

§30299. CPM Leak Detection

A. Each computational pipeline monitoring (CPM) leak detection system installed on a hazardous liquid pipeline transporting liquid in single phase (without gas in the liquid) must comply with API 1130 in operating, maintaining, testing, record keeping, and dispatcher training of the system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:0000 (September 2001).

Subchapter G. Operator Qualification

§30301. Scope

A. This subpart prescribes the minimum requirements for operator qualification of individuals performing covered tasks on a pipeline facility.

B. For the purpose of this subpart, a covered task is an activity, identified by the operator, that:

1. is performed on a pipeline facility;
2. is an operations or maintenance task;
3. is performed as a requirement of this part; and
4. affects the operation or integrity of the pipeline.

AUTHORITY NOTE: Promulgated in accordance with R.S. 703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:0000 (September 2001).

§30303. Definitions

Abnormal Operating Condition Ca condition identified by the operator that may indicate a malfunction of a component or deviation from normal operations that may:

1. indicate a condition exceeding design limits; or
2. result in a hazard(s) to persons, property, or the environment.

Evaluation Ca process, established and documented by the operator, to determine an individual's ability to perform a covered task by any of the following:

1. written examination;
2. oral examination;
3. work performance history review;
4. observation during:
5. performance on the job;
6. on the job training, or
7. simulations; or
8. other forms of assessment.

Qualified Can individual has been evaluated and can:

1. perform assigned covered tasks; and
2. recognize and react to abnormal operating conditions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:0000 (September 2001).

§30305. Qualification Program

A. Each operator shall have and follow a written qualification program. The program shall include provisions to:

1. identify covered tasks;
2. ensure through evaluation that individuals performing covered tasks are qualified;
3. allow individuals that are not qualified pursuant to this subpart to perform a covered task if directed and observed by an individual that is qualified;
4. evaluate an individual if the operator has reason to believe that the individual's performance of a covered task contributed to an accident as defined in §30125;

5. evaluate an individual if the operator has reason to believe that the individual is no longer qualified to perform a covered task;

6. communicate changes that affect covered tasks to individuals performing those covered tasks; and

7. identify those covered tasks and the intervals at which evaluation of the individual's qualifications is needed.

AUTHORITY NOTE: Promulgated in accordance with R.S.30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:0000 (September 2001).

§30307. Record Keeping

A. Each operator shall maintain records that demonstrate compliance with this subpart.

1. Qualification records shall include:

a. identification of qualified individual(s);

b. identification of the covered tasks the individual is qualified to perform;

c. date(s) of current qualification; and

d. qualification method(s).

2. Records supporting an individual's current qualification shall be maintained while the individual is performing the covered task. Records of prior qualification and records of individuals no longer performing covered tasks shall be retained for a period of five years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:0000 (September 2001).

§30309. General

A. Operators must have a written qualification program by April 27, 2001.

B. Operators must complete the qualification of individuals performing covered tasks by October 28, 2002.

C. Work performance history review may be used as a sole evaluation method for individuals who were performing a covered task prior to August 27, 1999.

D. After October 28, 2002, work performance history may not be used as a sole evaluation method.

AUTHORITY NOTE: Promulgated in accordance with R.S. 703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:0000 (September 2001).

Chapter 304. Hazardous Liquids Pipeline Enforcement

§30401. Scope

A. This regulation prescribes the authority of the assistant secretary of the Office of Conservation and procedures to be utilized by him in carrying out his duties regarding administration and enforcement of R.S. 30:701, et seq., and the Rules and regulations promulgated thereunder.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:0000 (September 2001).

§30403. Service

A. Except as herein provided, any order, notice or other documents required to be served under this regulation shall be served personally or by registered or certified mail.

B. Should the assistant secretary elect to make personal service, it may be made by an officer authorized to serve

process or any agent or employee of the assistant secretary in the same manner as is provided by law for the service of citation in civil actions in the district courts. Proof of service by an agent or employee shall be by the affidavit of the person making it.

C. Service upon a person's duly authorized representative, officer or agent constitutes service upon that person.

D. Service by registered or certified mail is complete upon mailing. An official U.S. postal Service receipt from the registered or certified mailing constitutes prima facie evidence of service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:0000 (September 2001).

§30405. Subpoenas

A. The assistant secretary may sign and issue subpoenas either on his own initiative or, upon request and adequate showing by any person participating in any proceeding before the assistant secretary that the information sought is relevant and will materially advance the proceeding.

B. A subpoena may require the attendance of a witness for the purpose of giving testimony, or the production of documents or other tangible evidence in the possession or under the control of the person served, or both.

C. A subpoena may be served by any agent of the Department of Conservation, by the sheriff of the parish where service is to be made or the parish where the action is pending or by any other person authorized by the law to serve process in this state.

D. Service of a subpoena upon the person named therein shall be made by delivering a copy of the subpoena to such person. Delivery of a copy of a subpoena may be made by handing them to the person, leaving them at his office with persons in charge thereof, leaving them at his dwelling place or usual place of abode with some person of suitable age and discretion then residing therein, or by any method whereby actual notice is given to him.

E. When the person to be served is not a natural person, delivery of a copy of the subpoena may be affected by handing them to a designated agent or representative for service, or to any officer, director, or agent in charge of any office of the person.

F. The original subpoena bearing a certificate of service shall be filed in the assistant secretary's records for the proceedings in connection with which the subpoena was issued.

G. No person shall be excused from attending and testifying or producing books, papers, or records, or from obeying the subpoena of the assistant secretary, or of a court of record on the grounds that the testimony or evidence required of him may tend to incriminate him or subject him to penalty or forfeiture. Pursuant to R.S. 30:8(4), no natural person shall be subject to criminal prosecution or to any penalty or forfeiture on account of anything concerning which may be required to testify or produce evidence before the assistant secretary or a court of law; however, no person testifying shall be exempt from prosecution and punishment for perjury.

H. In the case of failure or refusal of a person to comply with a subpoena issued by the assistant secretary, or in the

case of a refusal of a witness to testify or answer as to a matter regarding which he may be lawfully interrogated, any district court on the application of the assistant secretary may, in term time or in vacation, issue an attachment for the person to compel him to comply with the subpoena and to attend before the assistant secretary with the desired documents and to give his testimony upon whatever matters are lawfully required. The court may punish for contempt those disobeying its orders as in the case of disobedience of a subpoena issued by the court or refusal to testify therein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:0000 (September 2001).

§30407. Inspection, Field Inspection Reports

A. Officers, employees or agents authorized by the assistant secretary, upon presenting proper credentials, are authorized to enter upon, inspect and examine, at reasonable times and in a reasonable manner, the records and properties of persons to the extent that such records and properties are relevant to determining compliance of such person with R.S. 30:701, et seq. or any Rules, regulations or orders issued thereunder.

B. Inspection may be conducted pursuant to a routine schedule, a complaint received from a member of the public, information obtained from a previous inspection, report of accident or incident involving facilities, or whenever deemed appropriate by the assistant secretary.

C. If, after inspection, the assistant secretary believes that further information is needed or required to determine compliance or appropriate action, the assistant secretary may request specific information of the person or operator to be answered within ten days of receipt of said request.

D. The assistant secretary may, to the extent necessary to carry out his responsibilities, require reasonable testing of any portion of a facility in connection with a violation or suspected violation.

E. When information obtained from an inspection indicates that a violation has probably occurred, the inspector shall complete a field inspection report as to the nature of the violation citing the specific provisions which have been violated. Said field inspection report shall be filed with the assistant secretary for review and further action, if appropriate.

F. The assistant secretary or his agent, after review of the field inspection report, and depending upon the severity of the violation and the exigency of the situation, may issued to the operator a letter of non-compliance or initiate one or more enforcement proceedings prescribed by §30411 through 30419.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation Pipeline Division, LR 27:0000 (September 2001).

§30409. Letter of Non-compliance; Relief Therefrom

A. Upon determination that a probable violation of R.S. 30:701, et seq., or any Rule, regulation or order issued thereunder has occurred, the assistant secretary may institute enforcement procedures by serving upon the hazardous liquid pipeline operator a letter of non-compliance notifying said operator of said probable violation and directing said

operator to correct said violation within a designated period of time to be determined by the assistant secretary or be subject to enforcement action prescribed by §30411 through §30419. A copy of the field inspection report or other evidence of violation shall be attached to the letter of non-compliance. The letter of non-compliance may inform the operator of the time at which reinspection of the facility will be conducted to confirm compliance and shall inform the operator of the time delays and procedure available to said operator for securing relief from said letter of non-compliance.

B. Except in cases of emergency action instituted pursuant to §30415, within seven days of receipt of a letter of non-compliance, the operator who believes himself to be in compliance with the applicable statute and the Rules, regulations or orders issued thereunder or who believes the time limits imposed upon him for compliance to be burdensome, may request for said conference may be verbal or presented in writing.

C. The conference before the assistant secretary or his agent shall be informal without strict adherence to Rules of evidence. The operator may submit any relevant information and materials which shall become part of the record and may examine the assistant secretary's files relative to the probable violation. If circumstances are deemed appropriate by the assistant secretary and upon request of the operator, this conference may be held by telephone conference.

D. Upon conclusion of the conference for relief the assistant secretary may issue to the operator a modified letter of non-compliance extending the time for compliance or containing such other terms and conditions as may be appropriate considering the nature of the probable violation, the circumstances and exigency of the situation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:0000 (September 2001).

§30411. Reinspection, Show Cause Conference

A. Upon expiration of the delay allowed in the letter of non-compliance of modified letter of non-compliance for correcting said probable violation, the operator's facilities shall be reinspected and if the operator is found to be in compliance, the enforcement file for said violation will be closed.

B. If upon reinspection the operator is found to be in violation of the statute, Rule or regulation for which a letter of non-compliance has been issued, the assistant secretary may:

1. re-issue to the operator in the form of a letter of non-compliance containing such modifications or extensions of time as the case may warrant;

2. require that the operator attend a show cause conference with the assistant secretary or his agent to review the compliant and the operator's efforts in resolving correcting the violation and at the conclusion of said conference the assistant secretary may re-issue a modified letter of non-compliance containing such modifications or extensions of times as the case may warrant; or

3. immediately after reinspection or after the show cause conference, initiate one or more enforcement proceedings prescribed by §30413 through §30419.

C. The show cause conference shall be conducted informally without strict adherence to the Rules of evidence. The operator may submit any relevant information, call witnesses against him. No detailed record of said conference shall be prepared but said record shall contain the materials in the enforcement case file pertinent to the issues, relevant submissions of the operator and the written recommendations of the assistant secretary or his agent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:0000 (September 2001).

§30413. Show Cause Hearing, Notice, Rules of Procedure, Record, Order of Compliance

A. At any time that the assistant secretary determines that such action is appropriate, he may direct that an operator attend a formal show cause hearing and to show cause at said hearing why he should not be compelled to comply with applicable statutes and the Rules and regulations promulgated thereunder.

B. The operator shall be given at least ten days notice of said show cause hearing in the manner herein provided and shall be required to attend. The assistant secretary may issue such subpoenas as may be necessary for the attendance of witness and the production of documents.

C. The show cause hearing shall be conducted in accordance with the procedures for adjudication prescribed by the Administrative Procedures Act.

D. The record of the case shall include those items required by R.S. 49:955E together with the enforcement file for the violation in question which enforcement file may include inspection reports and other evidence of violation, letters of non-compliance, modified letters of non-compliance, materials submitted by the operator pursuant to §30409 and §30411, all correspondence and orders directed to the operator by the assistant secretary correspondence received by the assistant secretary from the operator, and evaluations and recommendations of the assistant secretary or his staff.

E. After conclusion of the show cause hearing the assistant secretary shall issue an order of compliance directed to the operator setting forth findings and determinations on all material issues, including a determination as to whether each alleged violation has been proven, and a statement of the actions required to be taken by the operator and the time by which such actions must be accomplished. The compliance order shall become final as specified by the Administrative Procedures Act.

F. The assistant secretary may tax the operator with all costs of said hearing including but not limited to transcription and service costs and hearing fees in the amount prescribed by R.S.30:21.

G. The operator and the assistant secretary may consent to waiver of the show cause hearing and enter into a consent order which will become final and non-appealable upon its issuance.

H. If the operator fails to comply with the final order of compliance, the assistant secretary may take whatever civil or criminal action is necessary to enforce said order.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:0000 (September 2001).

§30415. Emergency

A. Should the assistant secretary, the director of pipelines or the chief of pipeline safety find an existing emergency due to non-compliance with law or the Rules, regulations or orders issued pursuant thereto or due to leakage or other hazard which in his judgment requires the issuance of an emergency order or an order for the immediate termination of the offending service without first complying with the procedures set forth herein and without having a hearing, he may issue the emergency order or terminate said offending service and invoke a show cause hearing pursuant to §30413 requiring the operator to show cause why the circumstances giving rise to the emergency should not be corrected. The emergency order or order for termination of the offending service shall remain in force no longer than 15 days from its effective date. In any event, the emergency order shall expire when the order made after notice and hearing with respect to the same subject matter becomes effective. An emergency is defined as any situation where there is a substantial likelihood that loss of life, personal injury, health or property will result before the procedures under this regulation for notice and hearing can be fully complied with.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:0000 (September 2001).

§30417. Hazardous Facility Orders

A. Notwithstanding any self imposed regulatory limitations, if the assistant secretary finds, after reasonable notice and an opportunity to be heard in accordance with §30413, a particular pipeline facility subject to R.S. 30:701 to be hazardous to life or property, he may issue an order requiring the owner or operator of the facility to take corrective action. Corrective action may include suspended or restricted use of the facility, inspection, testing, repair, replacement, or other action as appropriate. The provisions of §30415 shall also be applicable for issuance of hazardous facility orders on an emergency basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:0000 (September 2001).

§30419. Civil Enforcement, Injunction

A. Whenever it appears to the assistant secretary that any person or operator has engaged, is engaged, or is about to engage in any act or practice constituting a violation of R.S. 30:701, et seq., or any Rule, regulation or order issued thereunder, he may bring an action in the court having jurisdiction, to enjoin such acts or practice and to enforce compliance with the applicable statute and the Rules, regulations and orders issued pursuant thereto, and upon proper showing a temporary restraining order or a preliminary or permanent injunction commanding any person to comply with the applicable law or any Rule,

regulation or order issued thereunder, and to make restitution of money received in violation of any such Rule, regulation or order.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:0000 (September 2001).

§30421. Violation, Penalties

A. After notice and opportunity to be heard, in accordance with §30413, the assistant secretary may, after determining that a person has violated any provision of R.S. 30:701, et seq., or any Rule, regulation or order issued pursuant thereto, assess a civil penalty upon or against said person not to exceed the amounts fixed by statute, particularly, but not exclusively, R.S. 30:705. The amount of the penalty shall be assessed by the assistant secretary by written notice. In determining the amount of penalty, the assistant secretary shall consider the nature, circumstances, and gravity of the violation and, with respect to the person found to have committed the violation, the degree of culpability, any history of prior effect on ability to continue to do business, any good faith in attempting to achieve compliance, ability to pay the penalty, and such other matters as justice may require.

B. The assistant secretary may transmit such evidence as may be available concerning acts or practice in violation of R.S. 30:701, et seq. or any Rules, regulation or order issued pursuant thereto or any order issued pursuant to this regulation to the district attorney having jurisdiction over same who, in his discretion, may institute necessary proceedings to collect the fines and impose the penalties provided by statute.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:0000 (September 2001).

§30423. Waiver of Compliance with Standards

A. Upon application by any person engaged in the transportation of hazardous liquids or the operation of intrastate pipeline facilities, the assistant secretary shall, by order, after notice and opportunity for hearing and under such terms and conditions and to such extent as the assistant secretary may deem reasonable and proper, waive in whole or in part compliance with any standard established under R.S. 30:701, et seq., if he determines that compliance with such standard works a substantial hardship on an owner or operator of pipeline facilities or is not in the public interest and a waiver of compliance with such standard is not inconsistent with pipeline safety, provided that such waiver shall not be effective until the requirements of 49 U.S.C.A. Section 2001, et seq. relative to such a waiver have first been satisfied.

AUTHORITY NOTE: Promulgated in accordance with R.S.30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, amended LR 27:0000 (September 2001).

Philip N. Asprodites
Commissioner of Conservation

0109#015

RULE

Department of Natural Resources Office of Conservation Pipeline Division

Pipeline SafetyCNatural Gas (LAC 43:XIII.Chapters 1-30)

In accordance with the Administrative Procedure Act, R.S. 49:950, and pursuant to the power delegated under the laws of the state of Louisiana and particularly Title 30 of the Louisiana Statutes of 1950, Section 501 et seq., the Office of Conservation has amended the natural gas pipeline safety regulations, LAC 43:XIII.Chapters 1-30.

This Rule is identical to federal regulations found in 49 CFR Part 192, which are applicable in Louisiana. For more information regarding this Rule, contact the Pipeline Safety Section at (225) 342-5585 or P. O. Box 94275, Baton Rouge, LA 70804-9275.

This Rule package consists of amendments affecting minimum safety design requirements for natural gas pipelines. Added language includes new requirements for operator qualification of individuals performing covered tasks on a pipeline facility.

Title 43

NATURAL RESOURCES

Part XIII. Office of Conservation-Pipeline Safety

Subpart 1. General Provisions

Chapter 1. General

§101. Applicability

A. - B.2. ...

3. on the outer continental shelf upstream of the point at which operating responsibility transfers from a producing operator to a transporting operator.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 18:852 (August 1992), LR 20:442 (April 1994), LR 27:0000 (September 2001).

§125. Definitions

*Abandoned*Cpermanently removed from service.

*Administrator*Cthe administrator of the Research and Special Programs Administration or any person to whom authority in the matter concerned has been delegated by the Secretary of Transportation.

*Building*Cany structure in which gas can accumulate.

BusinessCa permanent structure occupied for the express usage of wholesale or retail sales, services, the manufacture or storage of products, or a public building.

Business DistrictCan area of two or more businesses within 100 yards (300 feet) of each other and within 100 yards along the linear length of any gas pipeline. The district will extend 100 feet past the defined boundaries of the last business in the district.

Exposed PipelineCa pipeline where the top of the pipe is above the seabed in water less than 15 feet (4.6 meters) deep, as measured from the mean low water.

Gulf of Mexico and its InletsCthe waters from the mean high water mark of the Gulf of Mexico and its inlets open to the sea (excluding river, tidal marshes, lakes, and canals) seaward to include the territorial sea and Outer Continental Shelf to a depth of 15 feet (4.6 meters), as measured from the mean low water.

Hazard to NavigationCfor the purpose of this Part, a pipeline where the top of the pipe is less than 12 inches (305 millimeters) below the seabed in water less than 15 feet (4.6 meters), as measured from the mean low water.

Outer Continental ShelfCall submerged lands lying seaward and outside the area of lands beneath navigable water as defined in Section 2 of the Submerged Lands Act (43 U.S.C. 1301) and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

Petroleum GasCpropane, propylene, butane, (normal butane or isobutanes), and butylene (including isomers), or mixtures composed predominantly of these gases, having a vapor pressure not exceeding 208 psi (1434 kPa) gage at 100EF (38EC).

Public BuildingCa structure which members of the public may congregate such as schools, hospitals, nursing homes, churches, civic centers, post offices, and federal, state and local government buildings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 18:852 (August 1992), LR 20:442 (April 1994), LR 21:821 (August 1995), LR 24:1306 (July 1998), LR 27:0000 (September 2001).

Chapter 3. Reporting of Incidents, Safety-Related Conditions, and Annual Reports

§301. Scope

A. - B.2.a. ...

b. any designated residential or commercial area such as a subdivision, business or shopping center, or community development.

3. on the Outer Continental Shelf upstream of the point at which operating responsibility transfers from a producing operator to a transporting operator.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR

11:254 (March 1985), amended LR 18:854 (August 1992), LR 27:0000 (September 2001).

§303. Definitions

MunicipalityCa city, parish, or any other political subdivision of a state.

OffshoreCbeyond the line of ordinary low water along that portion of the coast of the United States that is in direct contact with the open seas and beyond the line marking the seaward limit of inland waters.

OperatorCa person who engages in the transportation of gas.

PersonCan any individual, firm, joint venture, partnership, corporation, association, state, municipality, corporation, association, or joint stock association, and includes any trustee, receiver, assignee, or personal representative thereof.

StateCthe state of Louisiana.

Transportation of GasCthe gathering, transmission, or distribution of gas by pipeline, or the storage of gas, in or affecting interstate or foreign commerce.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 11:254 (March 1985), amended LR 18:854 (August 1992), LR 20:442 (April 1994), LR 27:0000 (September 2001).

§307. Addressee for Written Reports

A. One copy of each written report, required by Part XIII, for intrastate facilities subject to the jurisdiction of the Office of Conservation pursuant to certification under Section 5(a) of the Natural Gas Pipeline Safety Act must be submitted to the Commissioner of Conservation, Box 94275, Baton Rouge, LA 70804-9275. One copy of each written report required by Part XIII, must be submitted to the Information Resources Manager, Office of Pipeline Safety, Research and Special Programs Administration, U.S. Department of Transportation, Room 7128, 400 Seventh Street SW, Washington, DC 20590. However, no report to the Information Resources Manager is required if the estimated property damage, including cost of gas lost of the operator or others, or both, is less than \$50,000. Safety-related condition reports required by LAC 43:XIII.321 for intrastate pipeline transportation must be submitted concurrently to that state agency, and if that agency acts as an agent of the secretary with respect to interstate transmission facilities, safety-related condition reports for these facilities must be submitted concurrently to that agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 11:254 (March 1985), amended LR 20:442 (1994), LR 27:0000 (September 2001).

§321. Reporting Safety-Related Conditions

A. - B.2. ...

3. exists on a pipeline (other than an LNG facility) that is more than 220 yards (200 meters) from any building intended for human occupancy or outdoor place of assembly, except that reports are required or conditions within the right-of-way of an active railroad, paved road, street, or highway; or

4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 11:254 (March 1985), amended LR 27:0000 (September 2001).

Chapter 5. Class Locations

§501. Class Locations

A. This Section classifies pipeline locations for purposes of this Part. The following criteria apply to classifications under this Section.

1. A class location unit is an onshore area that extends 220 yards (200 meters) on either side of the centerline of any continuous one-mile (1.6 kilometers) length of pipeline.

A.2. - 3.a.

b. an area where the pipeline lies within 100 yards (91 meters) of either a building or a small, well-defined outside area (such as a playground, recreation area, outdoor theater, or other place of public assembly) that is occupied by 20 or more persons on at least five days a week for 10 weeks in any 12-month period. (The days and weeks need not be consecutive.)

4. A Class 4 location is any class location unit where buildings with four or more stories above ground are prevalent.

C. The length of Class locations 2, 3, and 4 may be adjusted as follows.

1. A Class 4 location ends 220 yards (200 meters) from the nearest building with four or more stories aboveground.

2. When a cluster of buildings intended for human occupancy requires a Class 2 or 3 location, the class location ends 220 yards (200 meters) from the nearest building in the cluster.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 20:443 (April 1994), LR 24:1307 (July 1998), LR 27:0000 (September 2001).

§502. Outer Continental Shelf Pipelines

A. Operators of transportation pipelines on the Outer Continental Shelf (as defined in the Outer Continental Shelf Lands Act; 43 U.S.C. 1331) must identify on all their respective pipelines the specific points at which operating responsibility transfers to a producing operator. For those instances in which the transfer points are not identifiable by a durable marking, each operator will have until September 15, 1998 to identify the transfer points. If it is not practicable to durably mark a transfer point and the transfer point is located above water, the operator must depict the transfer point on a schematic located near the transfer point. If a transfer point is located subsea, then the operator must identify the transfer point on a schematic which must be maintained at the nearest upstream facility and provided to RSPA upon request. For those cases in which adjoining operators have not agreed on a transfer point by September 15, 1998 the Regional Director and the MMS Regional Supervisor will make a joint determination of the transfer point.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:0000 (September 2001).

§509. Customer Notification

A. - B.4. ...

5. The operator (if applicable), plumbing contractors, and heating contractors can assist in locating, inspecting, and repairing the customers' buried piping.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 27:0000 (September 2001).

Chapter 7. Qualification of Pipe

§705. Steel Pipe

A. - B.4. ...

C. New or used steel pipe may be used at a pressure resulting in a hoop stress of less than 6,000 psi (41 MPa) where no close coiling or close bending is to be done, if visual examination indicates that the pipe is in good condition and that it is free of split seams and other defects that would cause leakage. If it is to be welded, steel pipe that has not been manufactured to a listed specification must also pass the weldability tests prescribed in Paragraph II-B of Appendix B to Part XIII.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 27:0000 (September 2001).

Chapter 9. Pipe Design

§905. Design Formula for Steel Pipe

A. The design pressure for steel pipe is determined in accordance with the following formula:

$$P = (2St/D) H F H E H T$$

P = design pressure in pounds per square inch (kPa) gage.

S = yield strength in pounds per square inch (kPa) determined in accordance with §905.

D = nominal outside diameter of the pipe in inches (millimeters).

B. - C.2.a.ii. ...

b. If the pipe is not tensile tested as provided in Subsection B.1 of this Section, 24,000 psi (165 MPa).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 24:1308 (July 1998), LR 27:0000 (September 2001).

§907. Nominal Wall Thickness (t) for Steel Pipe

A. ...

B. However, if the pipe is of uniform grade, size, and thickness and there are more than 10 lengths, only 10 percent of the individual lengths, but not less than 10 lengths, need to be measured. The thickness of the lengths that are not measured must be verified by applying a gauge set to the minimum thickness found by the measurement.

The nominal wall thickness to be used in the design formula in §905 is the next wall thickness found in commercial specifications that is below the average of all the measurements taken. However, the nominal wall thickness used may not be more than 1.14 times the smallest measurement taken on pipe less than 20 inches (508 millimeters) in outside diameter, nor more than 1.11 times the smallest measurement take on pipe 20 inches (508 millimeters) or more in outside diameter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 27:0000 (September 2001).

§911. Longitudinal Joint Factor (E) for Steel Pipe

A. The longitudinal factor to be used in the design formula in §905 is determined in accordance with the following table:

Specification	Pipe Class	Longitudinal Joint Factor (E)
ASTM A 53	Seamless	1.00
	Electric resistance welded	1.00
	Furnace butt welded	.60
ASTM 106	Seamless	1.00
ASTM A 333/A 333 M	Seamless	1.00
	Electric resistance welded	1.00
ASTM A 381	Double submerged arc welded	1.00
ASTM A 671	Electric fusion welded	1.00
ASTM A 62	Electric fusion welded	1.00
ASTM A 691	Electric fusion welded	1.00
API 5L	Seamless	1.00
	Electric resistance welded	1.00
	Electric flash welded	1.00
	Submerged arc welded	1.00
	Furnace butt welded	.60
Other	Pipe four inches (102 millimeters) less	.80
Other	Pipe four in ches (102 millimeters) or less	.60

B. If the type of longitudinal joint cannot be determined, the joint factor to be used must not exceed that designated for "Other."

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 18:855 (August 1992), LR 20:444 (April 1994), LR 27:0000 (September 2001).

§913. Temperature Derating Factor (T) for Steel Pipe

A. The temperature derating factor to be used in the design formula in 905 is determined as follows:

Gas Temp. in degrees Fahrenheit (Celsius)	Temp. Derating Factor (T)
250 °F or less (121 °C)	1.000
300 °F (149 °C)	0.967
350 °F (177 °C)	0.933
400 °F (204 °C)	0.900
450 °F (232 °C)	0.867

B. For intermediate gas temperatures, the derating factor is determined by interpolation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 20:444 (April 1994), LR 27:0000 (September 2001).

§917. Design of Plastic Pipe

A. Subject to the limitations of §919, the design pressure for plastic pipe is determined in accordance with either of the following formulas:

$$P = 2S \frac{t}{D} H 0.32$$

$$P = \frac{2S}{SDR - 1} H 0.32$$

where:

P = Design pressure, gauge, kPa (psig).

S = For thermoplastic pipe, the long-term hydrostatic strength determined in accordance with the listed specification at a temperature equal to 73EF (23EC), 100EF (38EC), 120EF (49EC), or 140EF (60EC); for reinforced thermosetting plastic pipe, 11,000 psi (75,842 kPa).

t = Specified wall thickness, mm (in).

D = Specified outside diameter, mm (in).

SDR = Standard dimension ratio, the ratio of the average specified outside diameter to the minimum specified wall thickness, corresponding to a value from a common numbering system that was derived from the American National Standards Institute preferred number series 10.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 18:855 (August 1992), LR 24:1308 (July 1998), LR 27:0000 (September 2001).

§919. Design Limitations for Plastic Pipe

A. - A.2. ...

B. Plastic pipe may not be used where operating temperatures of the pipe will be:

1. below -20 EF (-29EC), or -40EF (-40EC) if all pipe and pipeline components whose operating temperature will be below -29EC (-20EF) have a temperature rating by the manufacturer consistent with that operating temperature; or
2. above the following applicable temperatures:

- a. for thermoplastic pipe, the temperature at which the long-term hydrostatic strength used in the design formula under §917 is determined at 73EF (23EC), it may be used at temperatures up to 100EF (38EC).

b. for reinforced thermosetting plastic pipe, 150EF (66EC).

C. The wall thickness for thermoplastic pipe may not be less than 0.062 inches (1.57 millimeters).

D. The wall thickness for reinforced thermosetting plastic pipe may not be less than that listed in the following table:

Nominal size in inches (millimeters).	Minimum wall thickness in ches (millimeters).
2 (51).....	0.060 (1.52)
3 (76).....	0.060 (1.52)
4 (102).....	0.070 (1.78)
6 (152).....	0.100 (2.54)

§921. Design of Cooper Pipe

A. Copper pipe used in mains must have a minimum wall thickness of 0.065 inches (1.65 millimeters) and must be hard drawn.

B. Copper pipe used in service lines must have wall thickness not less than indicated in the following table:

Standard Size Inch (millimeter)	Nominal O.D.inch (millimeter)	Wall Thickness Inch (millimeter)
		Nominal Tolerance
2 (13)	.625 (16)	.040 (1.06) .0035 (.0889)
e (16)	.750 (19)	.042 (1.07) .0035 (.0889)
: (19)	.875 (22)	.045 (1.14) .004 (.102)
1 (25)	1.125 (29)	.050 (1.27) .004 (.102)
13 (32)	1.375 (35)	.055 (1.40) .0045 (.1143)
12 (38)	1.625 (41)	.060 (1.52) .0045 (.1143)

C. Copper pipe used in mains and service lines may not be used at pressures in excess of 100 p.s.i. (689 kPa) gage.

D. Copper pipe that does not have an internal corrosion resistant lining may not be used to carry gas that has an average hydrogen sulfide content of more than 0.3 grains/100 ft; (6.9/m³) under standard conditions. Standard conditions refers to 60EF and 14.7 psia (15.6EC and one atmosphere) of gas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 18:855 (August 1992), LR 27:0000 (September 2001).

Chapter 11. Pipeline Design Requirements

§1107. Valves

A. - C. ...

D. No valve having shell components made of ductile iron may be used at pressures exceeding 80 percent of the pressure ratings for comparable steel valves at their temperature. However, a valve having shell components made of ductile iron may be used at pressures up to 80 percent of the pressure ratings for comparable steel valves at their listed temperature, if:

1. the temperature-adjusted service pressure does not exceed 1,000 p.s.i.g. (7 Mpa) gage; and

D.2. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR

9:217 (April 1983), amended LR 10:503 (July 1984), LR 18:855 (August 1992), LR 27:0000 (September 2001).

§1112. Passage of Internal Inspection Devices

A. - B.6. ...

7. offshore pipelines, other than transmission lines 10 inches (254 millimeters) or greater in nominal diameter, that transport gas to onshore facilities; and

A.8. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated with the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 21:821 (August 1995), amended LR 27:0000 (September 2001).

§1113. Tapping

A. - C.1. ...

2. a 13-inch (32 millimeters) tap may be made in a 4-inch (102 millimeters) cast iron or ductile iron pipe, without reinforcement. However, in areas where climate, soil, and service conditions may create unusual external stresses on cast iron pipe, unreinforced taps may be used only on 6-inch (152 millimeters) or larger pipe.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 27:0000 (September 2001).

§1115. Components Fabricated by Welding

A. - C. ...

D. Except for flat closures designed in accordance with Section VIII of the ASME Boiler and Pressure Code, flat closures and fish tails may not be used on pipe that either operates at 100 p.s.i. (689 kPa) gage, or more, or is more than 3 inches (76 millimeters) nominal diameter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 20:444 (April 1994), LR 27:0000 (September 2001).

§1125. Compressor Stations: Design and Construction

A. ...

B. Building Construction. Each building on a compressor station site must be made of noncombustible materials if it contains either:

1. pipe more than 2 inches (51 millimeters) in diameter that is carrying gas under pressure; or

B.2. - C. ...

D. Fenced Areas. Each fence around a compressor station must have at least two gates located so as to provide a convenient opportunity for escape to a place of safety, or have other facilities affording a similarly convenient exit from the area. Each gate located within 200 feet (61 meters) of any compressor plant building must open outward and, when occupied, must be openable from the inside without a key.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 20:445 (April 1994), LR 27:0000 (September 2001).

§1129. Compressor Stations: Emergency Shutdown

A. Except for unattended field compressor stations of 1,000 horsepower (746 kilowatts) or less, each compressor station must have an emergency shutdown system that meets the following:

A.1. - 4.b. ...

c. not more than 500 feet (153 meters) from the limits of the station.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 27:0000 (September 2001).

§1137. Pipe-Type and Bottle-Type Holders

A. ...

B. Each pipe-type or bottle-type holder must have minimum clearance from other holders in accordance with the following formula:

$C = (DHPHF/48.33) (C = (3DHPHF/1,000))$ in which:

C = minimum clearance between pipe containers or bottles in inches (millimeters).

D = outside diameter of pipe containers or bottles in inches (millimeters).

P = maximum allowable operating pressure, p.s.i. (kPa) gage.

F = design factor as set forth in §909 of Part XIII.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 27:0000 (September 2001).

§1139. Additional Provisions for Bottle-Type Holders

A. Each bottle-type holder must be:

1. located on a site entirely surrounded by fencing that prevents access by unauthorized persons and with minimum clearance from the fence as follows:

Maximum Allowable Operating Pressure	Minimum Clearance feet (meters)
Less than 1,000 p.s.i. (7 MPa) gage.....	25 (7.6)
1,000 p.s.i. (7 MPa) gage or more.....	100 (31)

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 18:856 (August 1992), LR 20:445 (April 1994), LR 27:0000 (September 2001).

§1141. Transmission Line Valves

A. Each transmission line, other than offshore segments, must have sectionalizing block valves spaced as follow, unless in a particular case the administrator finds that alternative spacing would provide an equivalent level of safety:

1. each point on the pipeline in a Class 4 location must be within 2.2 miles (4 kilometers) of a valve;

2. each point on the pipeline in a Class 3 location must be within 4 miles (6.4 kilometers) of a valve;

3. each point on the pipeline in a Class 2 location must be within 7.2 miles (12 kilometers) of a valve;

4. each point on the pipeline in a Class 1 location must be within 10 miles (16 kilometers) of a valve.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 24:1308 (July 1998), LR 27:0000 (September 2001).

§1145. Vaults: Structural Design Requirements

A. - B. ...

C. Each pipe entering, or within, a regulator vault or pit must be steel for sizes 10 inches (254 millimeters), and less, except that control and gage piping may be copper. Where pipe extends through the opening and to aver strains in the pipe.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 27:0000 (September 2001).

§1149. Vaults: Sealing, Venting, and Ventilation

A. Each underground vault or closed top pit containing either a pressure regulating or reducing station, or a pressure limiting or relieving station, must be sealed, vented or ventilated, as follows:

1. when the internal volume exceeds 200 cubic feet (5.7 cubic meters):

a. the vault or pit must be ventilated with two ducts, each having at least the ventilating effect of a pipe 4 inches (102 millimeters) in diameter;

b. the ventilation must be enough to minimize the formulation of combustibile atmosphere in the vault or pit; and

c. the ducts must be high enough above grade to disperse any gas -air mixtures that might be discharged;

2. when the internal volume is more than 75 cubic feet (2.1 cubic meters) but less than 200 cubic feet (5.7 cubic meters):

a. if the vault or pit is sealed, each opening must have a tight fitting cover without open holes through which an explosive mixture might be ignited, and there must be a means for testing the internal atmosphere before removing the cover;

b. if the vault or pit is vented, there must be a means of preventing external sources of ignition from reaching the vault atmosphere; or

c. if the vault or pit is ventilated, Paragraphs 1 and 3 of this Subsection applies;

A.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 27:

§1159. Control of the Pressure of Gas Delivered from the High-Pressure Distribution Systems

A. If the maximum actual operating pressure of the distribution system is under 60 p.s.i. (414 kPa) gage and a service regulator having the following characteristics is used, no other pressure limiting device is required:

A.1. - 3. ...

4. pipe connections to the regulator not exceeding two inches (51 millimeters) in diameter;

A.5. - 6. ...

B. If the maximum actual operating pressure of the distribution system is 60 p.s.i. (414 kPa) gage or less, and a service regulator that does not have all of the characteristics listed in Subsection A of this Section is used, or if the gas contains materials that seriously interfere with the operation of service regulators, there must be suitable protective devices to prevent unsafe overpressuring of the customers' appliances if the service regulator fails.

C. If the maximum actual operating pressure of the distribution system exceeds 60 p.s.i. (414 kPa) gage, one of the following methods must be used to regulate and limit, to the maximum safe value, the pressure of gas delivered to the customer:

1. a service regulator having the characteristics listed in §1159.A, and another regulator located upstream from the service regulator. The upstream regulator may not be set to maintain a pressure higher than 60 p.s.i. (414 kPa) gage. A device must be installed between the upstream regulator and the service regulator to limit the pressure of the inlet of the service regulator to 60 p.s.i. (414 kPa) gage or less in case the upstream regulator fails to function properly. This device may be either a relief valve or an automatic shutoff that shuts if the pressure on the inlet of the service regulator exceeds the set pressure (60 p.s.i. (414 kPa) gage or less), and remains closed until manually reset;

C.2. ...

3. a service regulator with a relief valve vented to the outside atmosphere, with the relief valve set to open so that the pressure of gas going to the customer does not exceed a maximum safe value. The relief valve may either be built into the service regulator or it may be a separate unit installed downstream from the service regulator. This combination may be used alone only in those cases where the inlet pressure on the service regulator does not exceed the manufacturer's safe working pressure rating of the service regulator, and may not be used where the inlet pressure on the service regulator exceeds 125 p.s.i. (862 kPa) gage. For higher inlet pressure, the methods in Paragraphs 1 or 2 of this Subsection must be used;

C.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 18:856 (August 1992), LR 27:0000 (September 2001).

§1163. Required Capacity of Pressure Relieving and Limiting Station

A. - A.1. ...

2. in pipelines other than a low pressure distribution system:

a. if the maximum allowable operating pressure is 60 p.s.i. (414 kPa) gage or more, the pressure may not exceed the maximum allowable operating pressure plus 10 percent, or the pressure that produces a hoop stress of 75 percent of SMYS, whichever is lower;

b. if the maximum allowable operating pressure is 12 p.s.i. (83 kPa) gage or more, but less than 60 p.s.i. (414 kPa) gage, the pressure may not exceed the maximum allowable operating pressure plus 6 p.s.i. (41 kPa) gage; or

c. if the maximum allowable operating pressure is less than 12 p.s.i. (83 kPa) gage, the pressure may not exceed the maximum allowable operating pressure plus 50 percent.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 27:0000 (September 2001).

§1165. Instrument, Control, and Sampling Pipe and Components

A. - B.2. ...

3. brass or cooper material may not be used for metal temperatures greater than 400EF (204EC);

B.4. - 9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 20:445 (April 1994), LR 24:1309 (July 1998), LR 27:0000 (September 2001).

Chapter 13. Welding Requirements

§1307. Limitations on Welders

A. - D.2.a. ...

b. for welders who work only on service lines 2 inches (51 millimeters) or smaller in diameter, two sample welds tested and found acceptable in accordance with the test in Section III of Appendix C of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 24:1309 (July 1998), LR 27:0000 (September 2001).

§1315. Inspection and Test of Welds

A. - B. ...

1. the pipe has a nominal diameter of less than six inches (152 millimeters); or

B.2. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 24:1309 (July 1998), LR 27:0000 (September 2001).

§1511. Plastic Pipe; Qualifying Joining Procedures

A. - B.2. ...

3. the speed of testing is 0.20 in. (5.0 mm) per minute, plus or minus 25 percent;

4. pipe specimens less than 4 inches (102 mm) in diameter are qualified if the pipe yields to an elongation of no less than 25 percent or failure initiates outside the joint area;

5. pipe specimens 4 inches (102 mm) and larger in diameter shall be pulled until the pipe is subjected to a tensile stress equal to or greater than the maximum thermal stress that would be produced by a temperature change of 100EF (38EC) or until the pipe is pulled from the fitting. If the pipe pulls from the fitting, the lowest value of the five test results or the manufacturer's rating, whichever is lower must be used in the design calculations for stress;

B.6. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 20:445 (April 1994), LR 24:1310 (July 1998), LR 27:0000 (September 2001).

Chapter 17. Transmission Line Construction

§1709. Repair of Steel Pipe

A. - A.2. ...

B. Each of the following dents must be removed from steel pipe to be operated at a pressure that produces a hoop stress of 20 percent, or more, of SMYS, unless the dent is repaired by a method that reliable engineering tests and analyses show can permanently restore the serviceability of the pipe:

B.1. - 3. ...

a. more than one-quarter inch (6.4 millimeters) in pipe 12 3/4 inches (324 millimeters) or less in outer diameter; or

b. more than 2 percent of the nominal pipe diameter in pipe over 12 3/4 inches (324 millimeters) in outer diameter.

C. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 18:857 (August 1992), LR 27:0000 (September 2001).

§1713. Bends and Elbows

A. - A.3.a. ...

b. the pipe is 12 inches (305 millimeters) or less in outside diameter or has a diameter to wall thickness ratio less than 70.

B. ...

C. Wrought-steel welding elbows and transverse segments of these elbows may not be used for changes in direction on steel pipe that is 2 inches (51 millimeters) or more in diameter unless the arc length, as measured along the crotch, is at least 1 inch (25 millimeters).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 27:0000 (September 2001).

§1715. Wrinkle Bends in Steel Pipe

A. - B.2. ...

3. on pipe 16 inches (406 millimeters) or larger in diameter, the bend may not have a deflection of more than 1 1/2E for each wrinkle.

A.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 27:0000 (September 2001).

§1719. Installation of Pipe in a Ditch

A. - B. ...

C. All offshore pipe in water at least 12 feet (3.7 meters) deep but not more than 200 feet (61 meters) deep, as measured from the mean low tide, except pipe in the Gulf of Mexico and its inlets under 15 feet (4.6 meters) of water, must be installed so that the top of the pipe is below the natural bottom unless the pipe is supported by stanchions, held in place by anchors or heavy concrete coating, or protected by an equivalent means. Pipe in the Gulf of Mexico and its inlets under 15 feet (4.6 meters) of water must be installed so that the top of the pipe is 36 inches (914 millimeters) below the seabed for normal excavation or 18 inches (457 millimeters) for rock excavation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 20:446 (April 1994), LR 24:1310 (July 1998), LR 27:0000 (September 2001).

§1721. Installation of Plastic Pipe

A. - C. ...

D. Thermoplastic pipe that is not encased must have a minimum wall thickness of 0.090 inches (2.29 millimeters), except that pipe with an outside diameter of 0.875 inches (22.3 millimeters) or less may have a minimum wall thickness of 0.062 inches (1.58 millimeters).

E. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 24:1310 (July 1998), LR 27:0000 (September 2001).

§1725. Underground Clearance

A. Each transmission line must be installed with at least 12 inches (305 millimeters) of clearance from any other underground structure not associated with the transmission line. If this clearance cannot be attained, the transmission line must be protected from damage that might result from the proximity of the other structure.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 20:446 (April 1994), LR 27:0000 (September 2001).

§1727. Cover

A. Cover as provided in §1727.C, E, F and G, each buried transmission line must be installed with a minimum cover as follows:

Location	Normal Soil	Consolidated Rock
Inches (Millimeters).	30 (762)	18 (457)
Class 1 locations.....	36 (914)	24 (610)
Class 2,3 and 4 locations.....	36 (914)	24 (610)
Drainage ditches of public roads and railroad crossings.....		

B. Except as provided in Subsections C and D of this Section, each buried main must be installed with at least 24 inches (610 millimeters) of cover.

C. ...

D. A main may be installed with less than 24 inches (610 millimeters) of cover if the law of the state or municipality:

1. establishes a minimum cover of less than 24 inches (610 millimeters);

D.2. - 3. ...

E. Except as provided in §1727.C, all pipe installed in a navigable river, stream, or harbor must be installed with a minimum cover of 48 inches (1219 millimeters) in soil or 24 inches (610 millimeters) in consolidated rock between the top of the pipe and the natural bottom.

F. All pipe installed offshore, except in the Gulf of Mexico and its inlets, under water not more than 200 feet (60 meters) deep, as measured from the mean low tide, must be installed as follows:

1. except as provided in §1727.C, pipe under water less than 12 feet (3.66 meters) deep, must be installed with a minimum cover of 36 inches (914 millimeters) in soil or 18 inches (457 millimeters) in consolidated rock between the top of the pipe and the natural bottom.

2. pipe under water at least 12 feet (3.66 meters) deep must be installed so that the top of the pipe is below the natural bottom, unless the pipe is supported by stanchions, held in place by anchors or heavy concrete coating, or protected by an equivalent means.

G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 20:446 (April 1994), LR 24:1310 (July 1998), LR 27:0000 (September 2001).

Chapter 19. Meters, Regulators, Service Lines and Valve Requirements

§1903. Customer Meters and Regulators: Location

A. - B. ...

C. Each meter installed within a building must be located in a ventilated place and not less than three feet (914 millimeters) from any source of ignition or any source of heat which might damage the meter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 27:0000 (September 2001).

§1909. Customer Meter Installations: Operating Pressure

A. ...

B. Each newly installed meter manufactured after November 12, 1970, must have been tested to a minimum of 10 p.s.i. (69 kPa) gage.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 27:0000 (September 2001).

§1911. Service Lines: Installation

A. Depth. Each buried service line must be installed with at least 12 inches (305 millimeters) of cover in private property and at least 18 inches (457 millimeters) of cover in streets and roads. However, where an underground structure prevents installation at those depths, the service line must be able to withstand any anticipated external load.

B. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 27:0000 (September 2001).

§1921. Service Lines: Steel

A. Each steel service line to be operated at less than 100 p.s.i. (689 kPa) gage must be constructed of pipe designed for a minimum of 100 p.s.i. (689 kPa) gage.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 27:0000 (September 2001).

§1923. Service Lines: Cast Iron and Ductile Iron

A. Cast or ductile iron pipe less than 6 inches (152 millimeters) in diameter may not be installed for service lines.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 27:0000 (September 2001).

§1931. Service Lines: Excess Flow Valve Performance Standards

A. Excess flow valves to be used on single residence service lines that operate continuously throughout the year at a pressure not less than 10 p.s.i. (69 kPa) gage must be manufactured and tested by the manufacturer according to an industry specification, or the manufacturers written specification, to ensure that each valve will:

1. function properly up to the maximum operating pressure at which the valve is rated;

2. function properly at all temperatures reasonably expected in the operating environment of the service line;

3. at 10 p.s.i. (69 kPa) gage;

a. close at, or not more than 50 percent above, the rated closure flow rate specified by the manufacturer; and

b. upon closure, reduce gas flow;

i. for an excess flow valve designed to allow pressure to equalize across the valve, to no more than 5 percent of the manufacturers specified closure flow rate, up to a maximum of 20 cubic feet per hour (0.57 cubic meters per hour); or

ii. for an excess flow valve designed to prevent equalization of pressure across the valve, to no more than 0.4 cubic feet per hour (.01 cubic meters per hour); and

A.4. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 24:1311 (July 1998), amended LR 27:0000 (September 2001).

§1933. Excess Flow Valve Customer Notification

A. Definitions. As used in this section:

Costs Associated with Installation—the costs directly connected with installing an excess flow valve; for example, costs of parts, labor, inventory, and procurement. It does not include maintenance and replacement costs until such costs are incurred.

Replaced Service Line—a natural gas service line where the fitting that connects the service line to the main is replaced or the piping connected to this fitting is replaced.

Service Line Customer—the person who pays the gas bill, or where service has not yet been established, the person requesting service.

B. Which Customers Must Receive Notification. Notification is required on each newly installed service line or replaced service line that operates continuously throughout the year at a pressure not less than 68.0 kPa (10 psig) and that serves a single residence. On these lines an operator of a natural gas distribution system must notify the service line customer once in writing.

C. What to Put in the Written Notice

1. An explanation for the customer that an excess flow valve meeting the performance standards prescribed under §1931 is available for the operator to install if the customer bears the costs associated with installation;

2. An explanation for the customer of the potential safety benefits that may be derived from installing an excess flow valve. The explanation must include that an excess flow valve is designed to shut off flow of natural gas automatically if the service line breaks;

3. A description of installation, maintenance, and replacement costs. The notice must explain that if the customer requests the operator to install an EFV, the customer bears all costs associated with installation, and what those costs are. The notice must alert the customer that the costs for maintaining and replacing an EFV may later be incurred, and what those costs will be, to the extent known.

D. When Notification and Installation Must Be Made

1. After February 3, 1999 an operator must notify each service line customer set forth in §1933.B:

a. on new service lines when the customer applies for service;

b. on replaced service lines when the operator determines the service line will be replaced.

2. If a service line customer requests installation an operator must install the EFG at a mutually agreeable date.

E. What Records Are Required

1. An operator must make the following records available for inspection by the Administrator or a State agency participating under 49 U.S.C. 60105 or 60106:

a. a copy of the notice currently in use; and

b. evidence that notice has been sent to the service line customers set forth in §1933.B, within the previous three years.

F. When Notification Is Not Required. The notification requirements do not apply if the operator can demonstrate:

1. that the operator will voluntarily install an excess flow valve or that the state or local jurisdiction requires installation;

2. that excess flow valves meeting the performance standards in §1931 are not available to the operator;

3. that the operator has prior experience with contaminants in the gas stream that could interfere with the operation of an excess flow valve, cause loss of service to a residence, or interfere with the operation of an excess flow valve, cause loss of service to a residence, or interfere with necessary operation or maintenance activities, such as blowing liquids from the line.

4. that an emergency or short time notice replacement situation made it impractical for the operator to notify a service line customer before replacing a service line. Examples of these situations would be where an operator has to replace a service line quickly because of:

a. third party excavation damage;

b. grade 1 leaks as defined in the Appendix G §192B11 of the Gas Piping Technology Committee guide for gas transmission and distribution systems;

c. a short notice service line relocation request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:0000 (September 2001).

Chapter 21. Corrosion Requirements

§2107. External Corrosion Control: Buried or Submerged Pipelines Installed After July 31, 1971

A. - A.2. ...

B. An operator need not comply with Subsection A of this Section, if the operator can demonstrate by tests, investigation, or experience in the area of application, including as a minimum, soil resistivity measurements and tests for corrosion accelerating bacteria, that a corrosive environment does not exist. However, within six months after an installation made pursuant to the preceding sentence, the operator shall conduct tests, including pipe-to-soil potential measurements with respect to either a continuous reference electrode or an electrode using close spacing, not to exceed 20 feet (6 meters), and soil resistivity measurements at potential profile peak locations to adequately evaluate the potential profile along the entire pipeline. If the tests made indicate that a corrosive condition exists, the pipeline must be cathodically protected in accordance with Subsection A.2 of this Section.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 24:1311 (July 1998), LR 27:0000 (September 2001).

§2111. External Corrosion Control: Examination of Buried Pipeline When Exposed

A. Whenever an operator has knowledge that any portion of a buried pipeline is exposed, the exposed portion must be examined for evidence of external corrosion if the pipe is bare, or if the coating is deteriorated. If external corrosion requiring remedial action under '§2135 through 2141 is found, the operator shall investigate circumferentially and longitudinally beyond the exposed portion (by visual examination, indirect method, or both) to determine whether

additional corrosion requiring remedial action exists in the vicinity of the exposed portion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 27:0000 (September 2001).

§2117. External Corrosion Control: Monitoring

A. Each pipeline that is under cathodic protection must be tested at least once each calendar year, but with intervals not exceeding 15 months, to determine whether the cathodic protection meets the requirements of §2115. However, if tests at those intervals are impractical for separately protected short sections of mains or transmission lines, not in excess of 100 feet (30 meters), or separately protected service lines, these pipelines may be surveyed on a sampling basis. At least 10 percent of these protected structures, distributed over the entire system must be surveyed each calendar year, with a different 10 percent checked each subsequent year, so that the entire system is tested in each 10-year period.

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended 10:503 (July 1984), LR 27:0000 (September 2001).

§2127. Internal Corrosion Control: General

A. - B. ...

C. Gas containing more than 0.25 grain of hydrogen sulfide per 100 cubic feet (5.8 milligrams/m³) at standard conditions (4 parts per million) may not be stored in pipe-type or bottle-type holders.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 20:446 (April 1994), LR 24:1311 (July 1998), LR 27:0000 (September 2001).

§2137. Remedial Measures: Transmission Lines

A. General Corrosion. Each segment of transmission line with general corrosion and with a remaining and with a remaining wall thickness less than that required for the MAOP of the pipeline must be replaced or the operating pressure reduced commensurate with the strength of the pipe based on actual remaining wall thickness. However, corroded pipe may be repaired by a method that reliable engineering tests and analyses show can permanently restore the serviceability of the pipe. Corrosion pitting so closely grouped as to affect the overall strength of the pipe is considered general corrosion for the purpose of this Subsection.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 24:1311 (July 1998), LR 27:0000 (September 2001).

§2139. Remedial Measures: Distribution Lines other than Cast Iron or Ductile Iron Lines

A. General Corrosion. Except for cast iron or ductile iron pipe, each segment or generally corroded distribution line pipe with a remaining wall thickness less than that required for the MAOP of the pipeline, or a remaining wall thickness less than 30 percent of the nominal wall thickness, must be replaced. However, corroded pipe may be repaired by a method that reliable engineering tests and analyses show can permanently restore the serviceability of the pipe. Corrosion pitting so closely grouped as to affect the overall strength of the pipe is considered general corrosion for the purpose of this Subsection.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 27:0000 (September 2001).

Chapter 23. Test Requirements

§2305. Strength Test Requirements for Steel Pipeline to Operate at a Hoop Stress of 30 Percent or More of SMYS

A. Except for service lines, each segment of a steel pipeline that is to operate at a hoop stress of 30 percent or more of SYMS must be strength tested in accordance with this Section to substantiate the proposed maximum allowable operating pressure. In addition, in a Class 1 or Class 2 location, if there is a building intended for human occupancy within 300 feet (91 meters) of a pipeline, a hydrostatic test must be conducted to a test pressure of at least 125 percent of maximum operating pressure on that segment of the pipeline within 300 feet (91 meters) of such a building, but in no event may the test section be less than 600 feet (183 meters) unless the length of the newly installed or relocated pipe is less than 600 feet (183 meters). However, if the buildings are evacuated while the hoop stress exceeds 50 percent of SMYS, air or inert gas may be used as the test medium.

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 27:0000 (September 2001).

§2307. Test Requirements for Pipelines to Operate at a Hoop Stress Less than 30 Percent of SMYS and at or Above 100 p.s.i. (689 kPa) Gage

A. Except for service lines and plastic pipelines, each segment of a pipeline that is to be operated at a hoop stress less than 30 percent of SMYS and at or above 100 p.s.i. (689 kPa) gage must be tested in accordance with the following:

A.1. - 2. ...

a. a leak test must be made at a pressure between 100 p.s.i. (689 kPa) gage and the pressure required to produce a hoop stress of 20 percent of SMYS; or

A.2.b. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 27:0000 (September 2001).

§2309. Test Requirements for Pipelines to Operate below 100 p.s.i. (689 kPa) gage

A. Except for service lines and plastic pipelines, each segment of a pipeline that is to be operated below 100 p.s.i. (689 kPa) gage must be leak tested in accordance with the following:

1. the test procedure used must ensure discovery of all potentially hazardous leaks in the segment being tested;

2. each main that is to be operated at less than one p.s.i. (6.9 kPa) gage must be tested to at least 10 p.s.i. (69 kPa) gage and each main to be operated at or above one p.s.i. (6.9 kPa) gage must be tested to at least 90 p.s.i. (621 kPa) gage.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 27:0000 (September 2001).

§2311. Test Requirements for Service Lines

A. ...

B. Each segment of a service line (other than plastic) intended to be operated at a pressure of at least one p.s.i. (6.9 kPa) gage but not more than 40 p.s.i. (276 kPa) gage must be given a leak test at a pressure of not less than 50 p.s.i. (345 kPa) gage.

C. Each segment of a service line (other than plastic) intended to be operated at pressures of more than 40 p.s.i. (276 kPa) gage must be tested to at least 90 p.s.i. (621 kPa) gage, except that each segment of the steel service line stressed to 20 percent or more of SMYS must be tested in accordance with §2307 of Part XIII.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 27:0000 (September 2001).

§2313. Test Requirements for Plastic Pipelines

A. - B. ...

C. The test pressure must be at least 150 percent of the maximum operating pressure or 50 p.s.i. (345 kPa) gage, whichever is greater. However, the maximum test pressure may not be more than three times the pressure determined under §917, at a temperature not less than the pipe temperature during the test.

D. During the test, the temperature of thermoplastic material may not be more than 100EF (38EC), or the temperature at which the materials long-term hydrostatic strength has been determined under the listed specification, whichever is greater.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 24:1312 (July 1998), LR 27:0000 (September 2001).

Chapter 25. Uprating

§2507. Uprating: Steel Pipelines to a Pressure that will Produce a Hoop Stress less than 30 Percent of SMYS: Plastic, Cast Iron, and Ductile Iron Pipelines

A. - B. ...

C. After complying with Subsection B of this Section, the increase in maximum allowable operating pressure must be made in increments that are equal to 10 p.s.i. (69 kPa) gage or 25 percent of the total pressure increase, whichever produces the fewer number of increments. Whenever the requirements of Subsection B.6 of this Section apply, there must be at least two approximately equal incremental increases.

D. - D.2. ...

3. unless the actual nominal wall thickness is known, the operator shall determine the wall thickness by cutting and measuring coupons from at least three separate pipe lengths. The coupons must be cut from pipe lengths in area where the cover depth is most likely to be the greatest. The average of all measurements taken must be increased by the allowance indicated in the following table:

Pipe Size (inches) (millimeters)	Allowance (inches) (millimeters)		Ductile iron pipe
	Cast iron pipe		
	Pit cast pipe	Centrifugally cast pipe	
3 to 8 (76 to 203)	0.075 (1.91)	0.065 (1.65)	0.065 (1.65)
10 to 12 (254 to 305)	0.08 (2.03)	0.07 (1.78)	0.07 (1.78)
14 to 24 (356 to 610)	0.08 (2.03)	0.08 (2.03)	0.075 (2.03)
30 to 42 (762 to 1067)	0.09 (2.29)	0.09 (2.29)	0.075 (1.91)
48 (1219)	0.09 (2.29)	0.09 (2.29)	0.08 (2.03)
54 to 60 (1372 to 1524)	0.09 (2.29)		

4. for cast iron pipe, unless the pipe manufacturing process is known, the operator shall assume that the pipe is pit cast pipe with a bursting tensile strength of 11,000 p.s.i. (76 Mpa) gage and a modulus of rupture of 31,000 p.s.i. (214 Mpa) gage.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 27:0000 (September 2001).

Chapter 27. General Operating Requirements

§2712. Underwater Inspection and Reburial of Pipelines in the Gulf of Mexico and its Inlets

A. - B.1. ...

2. promptly, but not later than seven days after discovery, mark the location of the pipeline in accordance with 33 CFR Part 64 at the ends of the pipeline segment and

at intervals of not over 500 yards (457 meters) long, except that a pipeline segment less than 200 yards (183 meters) long need only be marked at the center; and

3. within six months after discovery, or not later than November 1 of the following year if the six-month period is later than November 1 of the year the discovery is made, place the pipeline so that the top of the pipe is 36 inches (914 millimeters) below the seabed for normal excavation or 18 inches (457 millimeters) for rock excavation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 18:858 (August 1992), amended LR 27:0000 (September 2001).

§2715. Damage Prevention Program

A. Except as provided in D and E of this section, each operator of a buried pipeline shall carry out, in accordance with this section, a written program to prevent damage to that pipeline form excavation activities. For the purpose of this section, the term excavation activities@ includes excavation, blasting, boring, tunneling, backfilling, the removal of above ground structures by either explosive or mechanical means, and other earth moving operations.

B. An operator may comply with any of the requirements of §2715.C through participation in a public service program, such as a one-call system, but such participation does not relieve the operator of responsibility for compliance with this section. However, an operator must perform the duties of §2715.C.3 through participation in a one-call system, if that one-call system is a qualified one-call system. In areas that are covered by more than one qualified one-call system, an operator need only join one of the qualified one-call systems if there is a central telephone number for excavators to call for excavation activities, or if the one-call systems in those areas communicate with one another. An operators pipeline system must be covered by a qualified one-call system where there is one in place. For the purpose of this section, a one-call system is considered a Aqualified one-call system@if it meets the requirements of §2715.B.1 or B.2.

1. The state has adopted a one-call damage prevention program under §198.37 of CFR 49, or

2. The one-call system:

a. is operated in accordance with §198.39 of CFR 49;

b. provides a pipeline operator an opportunity similar to a voluntary participant to have a part in management responsibilities; and

c. assesses a participating pipeline operator a fee that is proportionate to the costs of the one-call systems coverage of the operators pipeline.

C. The damage prevention program required by §2715.A must, at a minimum:

1. Include the identity, on a current basis, of persons who normally engage in excavation activities in the area in which the pipeline is located.

2. Provides for notification of the public in the vicinity of the pipeline and actual notification of the persons identified in §2715.C.1 of the following as often as needed to make them aware of the damage prevention program:

a. The programs existence and purpose; and

b. How to learn the location of underground pipelines before excavation activities are begun.

3. Provide a means of receiving and recording notification of planned excavation activities.

4. If the operator has buried pipelines in the area of excavation activity, provide for actual notification of persons who give notice of their intent to excavate of the type of temporary marking to be provided and how to identify the markings.

5. Provide for temporary marking of buried pipelines in the area of excavation activity before the activity begins, except in emergency situations.

6. Provide as follows for inspection of pipelines that an operator has reason to believe could be damaged by excavation activities:

a. the inspection must be done as frequently as necessary during and after the activities to verify the integrity of the pipeline; and

b. in the case of blasting, any inspection must include leakage surveys.

D. A damage prevention program under this section is not required for the following pipelines:

1. pipelines located offshore;

2. pipelines, other than those located offshore, in Class 1 or 2 locations until September 20, 1995;

3. pipelines to which access is physically controlled by the operator.

E. Pipelines operated by persons other than municipalities (including operators of master meters) whose primary activity does not include the transportation of gas need not comply with the following:

1. the requirements of §2715.A that the damage prevention program be written; and

2. the requirements of §2715.C.1 and C.2.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 21:822 (August 1995), LR 27:0000 (September 2001).

§2721. Maximum Allowable Operating Pressure: Steel or Plastic Pipelines

A. -A.1.a. ...

b. if the pipe is 12: inches (324 mm) or less in outside diameter and is not tested to yield under this Subsection, 200 p.s.i. (1379 kPa) gage.

2. The pressure obtained by dividing the pressure to which the segment was tested after construction as follows:

a. for plastic pipe in all locations, the test pressure is divided by a factor of 1.5.

b. for steel pipe operated at 100 p.s.i. (689 kPa) gage or more, the test pressure is divided by a factor determined in accordance with the following table:

Class location	Factors ¹ , segment		
	Installed before (Nov. 12, 1970)	Installed after (Nov. 11, 1970)	Covered under §192.14
1	1.1	1.1	1.25
2	1.25	1.25	1.25
3	1.4	1.5	1.5
4	1.4	1.5	1.5

¹ For offshore segments installed, uprated or converted after July 31, 1977, that are not located on an offshore platform, the factor is 1.25. For segments installed, uprated or converted after July 31, 1977, that are located on an offshore platform or on a platform in inland navigable waters, including a pipe riser, the factor is 1.5.

A.3. - D.1. ...

2. 60 p.s.i. (414 kPa) gage, for a segment of a distribution system otherwise designated to operate at over 60 p.s.i. (414 kPa) gage, unless the service lines in the segment are equipped with service regulators or other pressure limiting devices in series that meet the requirements of §1159.C;

3. 25 p.s.i.(172 kPa) gage in segments of cast iron pipe in which there are unreinforced bell and spigot joints;

D.4. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 24:1312 (July 1998), LR 27:0000 (September 2001).

§2725. Odorization of Gas

A. - H.2.a. ...

b. the quantity of each kind of malodorant agent used during each quarter. Reports on usage of odorant shall be made annually for Farm Taps; and

c. the quantity of gas odorized by each malodorant agent used during each quarter. Farm Taps are exempt from this requirement.

H.3. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 27:0000 (September 2001).

Chapter 29. Maintenance Requirements

§2905. Transmission Lines: Patrolling

A. ...

B. The frequency of patrols is determined by the size of the line, the operating pressures, the class location, terrain, weather, and other relevant factors, but intervals between patrols may not be longer than prescribed in the following:

Class location of line	Maximum interval between patrols	
	At highway and railroad crossings	At all other places
1, 2	7 1/2 months; but at least twice each calendar year	15 months; but at least once each calendar year
3	4 1/2 months; but at least four times each calendar year	7 1/2 months; but at least twice each calendar year
4	4 1/2 months; but at least four times each calendar year	4 1/2 months; but at least four times each calendar year

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR Louisiana Register Vol. 27, No. 09 September 20, 2001

9:217 (April 1983), amended LR 10:503 (July 1984), LR 20:447 (April 1994), LR 24:1313 (July 1998), LR 27:0000 (September 2001).

§2909. Line Markers for Mains and Transmission Lines

A. - C. ...

D. Marker Warning. The following must be written legibly on a background of sharply contrasting color on each line marker:

1. the word AWarning,@ ACaution,@ or ADanger@ followed by the words AGas (or name of gas transported) Pipeline@ all of which, except for markers in heavily developed urban areas, must be in letters at least one inch (25 millimeters) high with one-quarter inch (6.4 millimeters) stroke;

D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 24:1313 (July 1998), LR 27:0000 (September 2001).

§2913. Transmission Lines: General Requirements for Repair Procedures

A. - A.2. ...

B. Except as provided in §2919.B.3, no operator may use a welded patch as a means of repair.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 27:0000 (September 2001).

§2915. Transmission Lines: Permanent Field Repair of Imperfections and Damages

A. Each imperfection or damage that impairs the serviceability of pipe in a steel transmission line operating at or above 40 percent of SMYS must be:

1. removed by cutting out and replacing a cylindrical piece of pipe; or

2. repaired by a method that reliable engineering tests and analyses show can permanently restore the serviceability of the pipe.

B. Operating pressure must be at a safe level during repair operations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 27:0000 (September 2001).

§2917. Transmission Lines: Permanent Field Repair of Welds

A. Each weld that is unacceptable under §1315 must be repaired as follows:

1. If it is feasible to take the segment of transmission line out of service, the weld must be repaired in accordance with the applicable requirements of §1319;

2. A weld may be repaired in accordance with §1319 while the segment of transmission line is in service if:

a. a weld is not leaking;

b. the pressure in the segment is reduced so that it does not produce a stress that is more than 20 percent of the SMYS of the pipe;

c. grinding of the defective area can be limited so that at least C-inch (3.2 millimeters) thickness in the pipe weld remains.

3. A defective weld which cannot be repaired in accordance with Paragraphs 1 and 2 of this section must be repaired by installing a full encirclement welded split sleeve of appropriate design.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 27:0000 (September 2001).

§2919. Transmission Lines: Permanent Field Repair of Leaks

A. Each permanent field repair of a leak on a transmission line must be made by:

1. removing the leak by cutting out and replacing a cylindrical piece of pipe; or
2. repairing the leak by one of the following methods;
 - a. a full encirclement welded split sleeve of appropriate design, unless the transmission line is joined by mechanical couplings and operates at less than 40 percent of SMYS;
 - b. if the leak is due to a corrosion pit, install a properly designed bolt-on-leak clamp;
 - c. if the leak is due to a corrosion pit on the pipe of not more than 40,000 p.s.i. (276 Mpa) gage SMYS, fillet weld over the pitted area a steel plate patch with rounded corners, of the same or greater thickness than the pipe, and not more than one-half of the diameter of the pipe in size.
 - d. if the leak is on a submerged offshore pipeline in inland navigable water, mechanically apply a full encirclement split sleeve of appropriate design;
 - e. apply a method that reliable engineering tests and analyses show can permanently restore the serviceability of the pipe.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 27:0000 (September 2001).

§2927. Abandonment or Deactivation of Facilities

A. - F. ...

G. For each abandoned offshore pipeline facility or each abandoned onshore pipeline facility that crosses over, under or through a commercially navigable waterway, the last operator of that facility must file a report upon abandonment of that facility.

1. The preferred method to submit data on pipeline facilities abandoned after October 10, 2000 is to the National Pipeline Mapping System (NPMS) in accordance with the NPMS Standards for Pipeline and Liquefied Natural Gas Operator Submissions. To obtain a copy of the NPMS Standards, please refer to the NPMS homepage at www.npms.rspa.dot.gov or contact the NPMS National Repository at 703-317-3073. A digital data format is preferred, but hard copy submissions are acceptable if they comply with the NPMS standards. In addition to the NPMS-required attributes, operators must submit the date of abandonment, diameter, method of abandonment, and certification that, to the best of the operators knowledge, all

of the reasonably available information requested was provided and, to the best of the operators knowledge, the abandonment was completed in accordance with applicable laws. Refer to the NPMS Standards for details in preparing your data for submission. The NPMS Standards also include details of how to submit data. Alternatively, operators may submit reports by mail, fax or e-mail to the Information Officer, Research and Special Programs Administration, Department of Transportation, Room 7128, 400 Seventh Street, SW, Washington DC 20590; fax (202) 366-4566; email, roger.little@rspa.dot.gov. The information on the report must contain all reasonably available information related to the facility, including information in the possession of a third party. The report must contain the location, size, date, method of abandonment, and a certification that the facility has been abandoned in accordance with all applicable laws.

2. Data on pipeline facilities abandoned before October 10, 2000 must be filed by before April 10, 2001. Operators may submit reports by mail, fax or e-mail to the Information Officer, Research and Special Programs Administration, Department of Transportation, Room 7128, 400 Seventh Street, SW, Washington DC 20590; fax (202) 366-4566; e-mail, roger.little@rspa.dot.gov. The information in the report must contain all reasonably available information related to the facility, including information in the possession of a third party. The report must contain the location, size, date, method of abandonment, and a certification that the facility has been abandoned in accordance with all applicable laws.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 21:824 (August 1995), LR 27:0000 (September 2001).

§2936. Compressor Stations: Gas Detection

A. - A.1. ...

2. located in an unattended field compressor station of 1,000 horsepower (746 kW) or less.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 21:824 (August 1995), amended LR 27:0000 (September 2001).

§2947. Vault Maintenance

A. Each vault housing pressure regulating and pressure limiting equipment, and having a volumetric internal content of 200 cubic feet (5.66 cubic meters) or more, must be inspected at intervals not exceeding 15 months, but at least once each calendar year, to determine that it is in good physical condition and adequately ventilated.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 27:0000 (September 2001).

§2951. Caulked Bell and Spigot Joint

A. Each cast-iron caulked bell and spigot joint that is subject to pressures of 25 p.s.i. (172 kPa) gage or more must be sealed with:

A.1. - A.2.c. ...

B. Each cast iron caulked bell and spigot joint that is subject to pressures of less than 25 p.s.i. (172 kPa) gage and is exposed for any reason, must be sealed by a means other than caulking.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:217 (April 1983), amended LR 10:503 (July 1984), LR 27:0000 (September 2001).

Chapter 30. Operator Qualification

§3001. Scope

A. This chapter prescribes the minimum requirements for operator qualification of individuals performing covered tasks on a pipeline facility.

B. For the purpose of this chapter, a covered task is an activity, identified by the operator, that:

1. is performed on a pipeline facility;
2. is an operations or maintenance task;
3. is performed as a requirement of this chapter; and
4. affects the operation or integrity of the pipeline.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:0000 (September 2001).

§3003. Definitions

Abnormal Operating Condition Ca condition identified by the operator that may indicate a malfunction of a component or deviation from normal operations that may:

1. indicate a condition exceeding design limits; or
2. result in a hazard(s) to persons, property, or the environment.

Evaluation Ca process, established and documented by the operator, to determine an individual's ability to perform a covered task by any of the following:

1. written examination;
2. oral examination;
3. work performance history review;
4. observation during;
5. performance on the job;
6. on the job training;
7. simulations;
8. other forms of assessment.

Qualified C that an individual has been evaluated and can:

1. perform assigned covered tasks; and
2. recognize and react to abnormal operating conditions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:0000 (September 2001).

§3005. Qualification Program

A. Each operator shall have and follow a written qualification program. The program shall include provisions to :

1. identify covered tasks;
2. endure through evaluation that individuals performing covered tasks are qualified;
3. allow individuals that are not qualified pursuant to this chapter to perform a covered task if directed and observed by an individual that is qualified.

Louisiana Register Vol. 27, No. 09 September 20, 2001

4. evaluate an individual if the operator has reason to believe that the individual's performance of a covered task contributed to an incident as defined in Chapter 3;

5. evaluate an individual if the operator has reason to believe that the individual is no longer qualified to perform a covered task.

6. communicate changes that affect covered tasks to individuals performing those covered tasks; and

7. identify those covered tasks and the intervals at which evaluation of the individual's qualification is needed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:0000 (September 2001).

§3007. Recordkeeping

A. Each operator shall maintain records that demonstrate compliance with this chapter.

1. qualification records shall include:

- a. identification of qualified individual(s);
- b. identification of the covered tasks the individual is qualified to perform;
- c. date(s) of current qualification; and
- d. qualification method(s).

2. records supporting an individual's current qualification shall be maintained while the individual is performing the covered task. Records of prior qualification and records of individuals no longer performing covered tasks shall be retained for a period of five years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:0000 (September 2001).

§3009. General

A. Operators must have a written qualification program by April 27, 2001.

B. Operators must complete the qualification of individuals performing covered tasks by October 28, 2002.

C. Work performance history review may be used as a sole evaluation method for individuals who were performing a covered task prior to August 27, 1999.

D. After October 28, 2002, work performance history may not be used as a sole evaluation method.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:0000 (September 2001).

' 3011. List of Organizations and Addresses

A. The following organizations develop and publish material standards and specifications that are used by the pipeline industry. The most current editions of such publications can be procured directly from the organization, agency or committee listed below.

1. American Gas Association (AGA), 1515 Wilson Boulevard, Arlington, VA 22209.

2. American National Standards Institute (ANSI), 11 West 42nd Street, New York, NY 10036.

3. American Petroleum Institute (API), 1220 L Street, NW., Washington, DC 20005.

3. The American Society of Mechanical Engineers (ASME), United Engineering Center, 345 East 47th Street, New York, NY 10017.

4. The American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428.

5. Manufactures Standardization Society of the Valve and Fittings Industry, Inc. (MSS), 127 Park Street, NW., Vienna, VA 22180.

6. National Fire Protection Association (NFPA), 1 Battery March Park, P.O. Box 9101, Quincy, MA 02269-9101.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:0000 (September 2001).

' 3013. Documents

A. The following documents are incorporated by reference. The material standards and specifications depicted in these publications establish the minimum requirements for pipeline construction, operations and maintenance.

1. American Gas Association (AGA)
 - a. AGA Pipeline Research Committee, Project PR-3-805, "A Modified Criterion for Evaluating the Remaining Strength of Corroded Pipe" (December 22, 1989).
2. American Petroleum Institute (API)
 - a. API Recommended Practice 5L1 "Recommended Practice for Railroad Transportation of Line Pipe" (4th edition, 1990).
 - c. API Specification 6D "Specification for Pipeline Valves (Gate, Plug, Ball, and Check Valves)" (21st edition, 1994).
 - d. API Standard 1104 "Welding of Pipelines and Related Facilities" (18th edition, 1994).
3. American Society for Testing and Materials (ASTM)
 - a. ASTM Designation: A 53 "Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated, Welded and Seamless" (a53-96).
 - b. ASTM Designation: A106 "Standard Specification for Seamless Carbon Steel Pipe for High-Temperature Service" (a106-95).
 - c. ASTM Designation: A333/A333M "Standard Specification for Seamless and Welded Steel Pipe for Low-Temperature Service" (A333/A333M-94).
 - d. ASTM Designation: A372/A372M "Standard Specification for Carbon and Alloy Steel Forgings for Thin-Walled Pressure Vessels" (A372/A372M-95).
 - e. ASTM Designation: A381 "Standard Specification for Metal-Arc-Welded Steel Pipe for Use With High-Pressure Transmission Systems" (A381-93).
 - f. ASTM Designation: A671 "Standard Specification for Electric-Fusion-Welded Steel Pipe for Atmospheric and Lower Temperatures" (A671-94).
 - g. ASTM Designation: A672 "Standard Specification for Electric-Fusion-Welded Steel Pipe for High-Pressure Service at Moderate Temperatures" (A672-94).
 - h. ASTM Designation: A691 "Standard Specification for Carbon and Alloy Steel Pipe, Electric-Fusion-Welded for High-Pressure Service at High Temperatures" (A691-93).
 - i. ASTM Designation: D638 "Standard Test method for Tensile Properties of Plastics" (D638-96).

j. ASTM Designation: D2513 "Standard Specification for Thermoplastic Gas Pressure Pipe, Tubing, and Fittings" (D2513-87 edition for ' 192.63(a), otherwise D2513-96a).

k. ASTM Designation: D2517 "Standard Specification for Reinforced Epoxy Resin Gas Pressure Pipe and Fittings" (D2517-94).

l. ASTM Designation: F1055 "Standard Specification for Electro fusion Type Polyethylene fittings for Outside Diameter Controlled Polyethylene Pipe and Tubing" (F1055-95).

4. The American Society of Mechanical Engineers(ASME)

a. ASME/ANSI B16.1 "Cast Iron Pipe Flanges and Flanged Fittings" (1989).

b. ASME/ANSI B16.5 "Pipe Flanges and Flanged Fittings" (1988 with October 1988 Errata and ASME/ANSI B16.5a-1992 Addenda).

c. ASME/ANSI B31G "Manual for Determining the Remaining Strength of Corroded Pipelines" (1991).

d. ASME/ANSI B31.8 "Gas Transmission and Distribution Piping Systems" (1995).

e. ASME Boiler and Pressure Vessel Code, Section I "Power Boilers" (1995 edition with 1995 Addenda).

f. ASME Boiler and Pressure Vessel Code, Section VIII, Division 1 "Pressure Vessels" (1995 edition with 1995 Addenda).

g. ASME Boiler and Pressure Vessel Code, Section VIII, Division 2 "Pressure Vessels: Alternative Rules" (1995 edition with 1995 Addenda).

h. ASME Boiler and Pressure Vessel Code, Section IX "Welding and Brazing Qualification" (1995 edition with 1995 Addenda).

5. Manufactures Standardization Society of the Valve and Fittings Industry, Inc. (MSS):

a. MSS SP-44-96 "Steel Pipe Line Flanges" (includes 1996 errata) (1996).

b. [Reserved].

6. National Fire Protection Association (NFPA):

a. NFPA 30 "Flammable and Combustible Liquids Code" (1996).

b. ANSI/NFPA 58 "Standard for the Storage and Handling of Liquefied Petroleum Gases" (1995).

c. ANSI/NFPA 59 "Standard for the storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants" (1995).

d. ANSI/NFPA 70 "National Electrical Code" (1996).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:0000 (September 2001).

' 3015. Qualification of Pipe

A. The following publications are incorporated by reference. These publications define minimum material standards and specifications for pipe.

1. Listed Pipe Specifications. (Numbers in Parentheses Indicate Applicable Editions.)

a. API 5L-Steel pipe (1995)

b. ASTM A53-Steel pipe (1995a)

c. ASTM A106-Steel pipe (1994a)

- d. ASTM A333/A33M Steel pipe (1994)
- e. ASTM A381-Steel pipe (1993)
- f. ASTM A671-Steel pipe (1994)
- g. ASTM A672-Steel pipe (1994)
- h. ASTM D2513-Thermoplastic pipe and tubing (1996(a)).
- i. ASTM D2517-Thermosetting plastic pipe and tubing (1994)

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:0000 (September 2001).

' 3017. Steel Pipe of Unknown or Unlisted Specification

A. Bending properties. For pipe 2 inches (51 millimeters) or less in diameter, a length of pipe must be cold bent through at least 90 degrees around a cylindrical mandrel that has a diameter 12 times the diameter of the pipe, without developing cracks at any portion and without opening the longitudinal weld.

1. For pipe more than 2 inches (51 millimeters) in diameter, the pipe must meet the requirements of the flattening tests set forth in ASTM A53, except that the number of tests must be at least equal to the minimum required in Paragraph D of this section to determine yield strength.

B. Weldability. A girth weld must be made in the pipe by a welder who is qualified under Subpart E of this part. The weld must be made under the most severe conditions under which welding will be allowed in the field and by means of the same procedure that will be used in the field. On pipe more than 4 inches (102 millimeters) in diameter, at least one test weld must be made for each 100 lengths of pipe. On pipe 4 inches (102 millimeters) or less in diameter, at least one test weld must be made for each 400 lengths of pipe. The weld must be tested in accordance with API Standard 1104. If the requirements of API Standard 1104 cannot be met, weldability may be established by making chemical tests for carbon and manganese, and proceeding in accordance with section IX of the ASME Boiler and Pressure Vessels Code. The same number of chemical tests must be made as are required for testing a girth weld.

C. Inspection. The pipe must be cleaned enough to permit adequate inspection. It must be visually inspected to ensure that it is reasonably round and straight and there are not defects which might impair the strength or tightness of the pipe.

D. Tensile Properties. If the tensile properties of the pipe are not known, the minimum yield strength may be taken as 24,000 p.s.i. (165 Mpa) or less, or the tensile properties may be established by performing tensile tests as set forth in API Specification 5L. All test specimens shall be selected at random and the following numbers of tests must be performed:

Number of Tensile Tests-All Sizes	
10 lengths or less	1 set of tests for each length.
11 to 100 lengths	1 set of tests for each 5 lengths, but not less than 10 tests.
Over 100 lengths	1 set of tests for each 10 lengths but not less than 20 tests.

1. If the yield-tensile ratio, based on the properties determined by those tests, exceeds 0.85, the pipe may be used only as provided in ' 192.55 (c):

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:0000 (September 2001).

' 3019. Steel Pipe Manufactured before November 12, 1970, to Earlier Editions of Listed Specifications

A. Steel pipe manufactured before November 12, 1970, in accordance with a specification of which a later edition is listed in ' 3015, is qualified for use under this part if the following requirements are met.

1. Inspection. The pipe must be clean enough to permit adequate inspection. It must be visually inspected to ensure that it is reasonably round and straight and that there are no defects which might impair the strength or tightness of the pipe.

2. Similarity of specification requirements. The edition of the listed specification under which the pipe was manufactured must have substantially the same requirements with respect to the following properties as a later edition of that specification listed in ' 3015:

a. physical (mechanical) properties of pipe, including yield and tensile strength, elongation, and yield to tensile ratio, and testing requirements to verify those properties;

b. chemical properties of pipe and testing requirements to verify those properties.

3. Inspection or test of welded pipe. On pipe with welded seams, one of the following requirements must be met:

a. The edition of the listed specification to which the pipe was manufactured must have substantially the same requirements with respect to nondestructive inspection of welded seams and the standards for acceptance or rejection and repair as a later edition of the specification listed in ' 3015.

b. The pipe must be tested in accordance with Subpart J of this part to at least 1.25 times the maximum allowable operating pressure if it is to be installed in a class 1 location and to at least 1.5 times the maximum allowable operating pressure if it is to be installed in a class 2,3 or 4 location. Notwithstanding any shorter time period permitted under Subpart J of this part, the test pressure must be maintained for at least 8 hours.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:0000 (September 2001).

' 3021. Qualification of Welders for Low Stress Level Pipe

A. Basic Test. The test is made on pipe 12 inches (305 millimeters) or less in diameter. The test weld must be made with the pipe in a horizontal fixed position so that the test weld includes at least one section of overhead position welding. The beveling, root opening, and other details must conform to the specifications of the procedure under which the welder is being qualified. Upon completion, the test weld is cut into four coupons and subjected to a root bend

test. If, as a result of this test, two or more of the four coupons develop a crack in the weld material, or between the weld material and base metal, that is more than 1/8-inch (3.2 millimeters) long in any direction, the weld is unacceptable. Cracks that occur on the corner of the specimen during testing are not considered.

B. Additional Tests for Welders of Service Line Connections to Mains. A service line connection fitting is welded to a pipe section with the same diameter as a typical main. The weld is made in the same position as it is made in the field. The weld is unacceptable if it shows a serious undercutting or if it has rolled edges. The weld is tested by attempting to break the fitting off the run pipe. The weld is unacceptable if it breaks and shows incomplete fusion, overlap, or poor penetration at the junction of the fitting and run pipe.

C. Periodic Tests for Welders of Small Service Lines. Two samples of the welders work, each about 8 inches (203 millimeters) long with the weld located approximately in the center, are cut from steel service line and tested as follows:

1. One sample is centered in a guided bend testing machine and bent to the contour of the die for a distance of 2 inches (51 millimeters) on each side of the weld. If the sample shows any breaks or cracks after removal from the bending machine, it is unacceptable.

2. The ends of the second sample are flattened and the entire joint subjected to a tensile strength test. If failure occurs adjacent to or in the weld metal, the weld is unacceptable. If a tensile strength testing machine is not available, this sample must also pass the bending test prescribed in subparagraph 1. of this paragraph.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:0000 (September 2001).

' 3023. Criteria for Cathodic Protection and Determination of Measurements

A. Criteria for Cathodic Protection

1. Steel, Cast Iron, and Ductile Iron Structures

a. A negative (cathodic) voltage of at least 0.85 volt, with reference to a saturated copper-copper sulfate half cell. Determination of this voltage must be made with the protective current applied, and in accordance with paragraphs B and D of this section.

b. A negative (cathodic) voltage shift of at least 300 millivolts. Determination of this voltage shift must be made with the protective current applied, and in accordance with Paragraphs B and D of this section. This criterion of voltage shift applies to structures not in contact with metals of different anodic potentials.

c. A minimum negative (cathodic) polarization voltage shift of 100 millivolts. This polarization voltage shift must be determined in accordance with Paragraphs C and D of this section.

d. A voltage at least as negative (cathodic) as that originally established at the beginning of the Tael segment of

the E-log-I curve. This voltage must be measured in accordance with Paragraph D of this section.

e. A net protective current from the electrolyte into the structure surface as measured by the earth current technique applied at predetermined current discharge (anodic) points of the structure.

2. Aluminum Structures

a. Except as provided in subparagraphs c. and d. of this paragraph, a minimum negative (cathodic) voltage shift of 150 millivolts, produced by the application of protective current. The voltage shift must be determined in accordance with Paragraphs B and D of this section.

b. Except as provided in subparagraphs c. and d. of this paragraph, a minimum negative (cathodic) polarization voltage shift of 100 millivolts. This polarization voltage shift must be determined in accordance with Paragraphs C and D of this section.

c. Notwithstanding the alternative minimum criteria in subparagraphs a. and b. of this paragraph, aluminum, if cathodically protected at voltages in excess of 1.20 volts as measured with reference to a copper-copper sulfate half cell, in accordance with Paragraph D. of this section, and compensated for the voltage (IR) drops other than those across the structure-electrolyte boundary may suffer corrosion resulting from the build-up of alkali on the metal surface. A voltage in excess of 1.20 volts may not be used unless previous test results indicate no appreciable corrosion will occur in the particular environment.

d. Since aluminum may suffer from corrosion under high pH conditions, and since application of cathodic protection tends to increase the pH at the metal surface, careful investigation or testing must be made before applying cathodic protection to stop pitting attack on aluminum structures in environments with a natural pH in excess of 8.

3. **Copper Structures.** A minimum negative (cathodic) polarization voltage shift of 100 millivolts. This polarization voltage shift must be determined in accordance with Sections C. and D. of this section.

4. **Metals of Different Anodic Potentials.** A negative (cathodic) voltage, measured in accordance with section D. of this appendix, equal to that required for the most anodic metal in the system must be maintained. If amphoteric structures are involved that could be damaged by high alkalinity covered by Subparagraphs c. and d. of Paragraph A.2. of this section, they must be electrically isolated with insulating flanges, or the equivalent.

B. Interpretation of voltage measurement. Voltage (IR) drops other than those across the structure electrolyte boundary must be considered for valid interpretation of the voltage measurement in Subparagraphs A.1.a. and A.1.b. and Subparagraph A.2.a. of this Section.

C. Determination of Polarization Voltage Shift. The polarization voltage shift must be determined by interrupting the protective current and measuring the polarization decay.

When the current is initially interrupted, an immediate voltage shift occurs. The voltage reading after the immediate shift must be used as the base reading from which to measure polarization decay in Subparagraphs A.1.c. and A.2.b. and paragraph A.3. of this section.

D. Reference Half Cells

1. Except as provided in Paragraphs 2 and 3 of this section, negative (cathodic) voltage must be measured between the structure surface and a saturated copper-copper sulfate half cell contacting the electrolyte.

2. Other standard reference half cells may be substituted for the saturated copper-copper sulfate half cell. Two commonly used reference half cells are listed below along with their voltage equivalent to -0.85 volt as referred to a saturated copper-copper sulfate half cell:

- a. Saturated KCl calomel half cell: -0.78 volt.
- b. Silver-silver chloride half cell used in sea water: -0.80 volt.

3. In addition to the standard reference half cells, and alternate metallic material or structure may be used in place of the saturated copper-copper sulfate half cell if its potential stability is assured and if its voltage equivalent referred to a saturated copper-copper sulfate half cell is established.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:0000 (September 2001).

Chapter 31. Drug Testing

§3101. Scope and Compliance

A. - C. ...

D. This chapter applies to pipeline operators, only with respect to pipeline employees located within the territory of the United States, including those employees located within the limits of the outer continental shelf as that term is defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:751-757, redesignated as R.S. 30:701-707 and R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 16:134 (February 1990), repromulgated LR 16:532 (June 1990), amended LR 18:852 (August 1992), LR 21:826 (August 1995), LR 27:0000 (September 2001).

§3103. Definitions

* * *

Covered Employee A person who performs, on a pipeline or LNG facility, an operations, maintenance, or emergency-response function regulated by 49 CFR Part 192, 193, or 195. This does not include clerical, truck driving, accounting, or other functions not subject to 49 CFR Part 192, 193, or 195. The person may be employed by the operator, be a contractor engaged by the operator, or be employed by such a contractor.

Covered Function Can operations, maintenance, or emergency-response function conducted on the pipeline or LNG facility that is regulated by 49 CFR Part 192, 193, or 195.

* * *

Employee Cdefinition repealed

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:751-757, redesignated as R.S. 30:701-707 and R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 16:134 (February 1990), repromulgated LR 16:532 (June 1990), amended LR 18:852 (August 1992), LR 21:826 (August 1995), LR 24:1306 (July 1998), LR 27:0000 (September 2001).

§3107. Anti-Drug Plan

A. - A.2. ...

3. the name and address of the operator's medical review officer, and substance abuse professional; and

A.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:751-757, redesignated as R.S. 30:701-707 and R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 16:134 (February 1990), repromulgated LR 16:533 (June 1990), amended LR 18:852 (August 1992), LR 21:826 (August 1995), LR 24:1306 (July 1998), LR 27:0000 (September 2001).

§3111. Drug Tests Required

A. Each operator shall conduct the following drug tests for the presence of a prohibited drug:

A.1. - 4. ...

5. Return to Duty Testing. A covered employee who refuses to take or has a positive drug test may not return to duty in the covered function until the covered employee has been evaluated face-to-face by a SAP, has properly followed any prescribed assistance, has passed a return-to-duty drug test administered under this Chapter and the SAP has determined that the employee may return to duty.

6. Follow-Up Testing. A covered employee who refuses to take or has a positive drug test shall be subject to unannounced follow-up drug tests administered by the operator following the covered employee's return to duty. The number and frequency of such follow-up testing shall be determined by a substance abuse professional, but shall consist of at least six tests in the first 12 months following the covered employee's return to duty. In addition, follow-up testing may include testing for alcohol as directed by the substance abuse professional, to be performed in accordance with 49 CFR part 40. Follow-up testing shall not exceed 60 months from the date of the covered employee's return to duty. The substance abuse professional may terminate the requirement for follow-up testing at any time after the first six tests have been administered, if the substance abuse professional determines that such testing is no longer necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:751-757.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 16:135 (February 1990), repromulgated LR 16:533 (June 1990), amended LR 21:826 (August 1995), repromulgated LR 21:955 (September 1995), LR 27:0000 (September 2001).

§3115. Review of Drug Testing Results

A. - C.2.e. ...

3. ensure that an employee has been drug tested in accordance with the DOT Procedures before the employee returns to duty.

D. MRO Determinations. The following Rules govern MRO determinations.

1. If the MRO determines, after appropriate review, that there is a legitimate medical explanation for the confirmed positive test result other than the unauthorized use of a prohibited drug, the MRO is not required to take further action.

2. If the MRO determines, after appropriate review, that there is no legitimate medical explanation for the confirmed positive test result other than the unauthorized use of a prohibited drug, the MRO shall refer:

a. the individual tested to a personnel or administrative office for further proceedings in accordance with the operator's anti-drug program; and

b. for evaluation by a SAP who shall determine what assistance, if any, the employee needs in resolving problems associated with drug misuse.

3. Based on a review of laboratory inspection reports, quality assurance and quality control data, and other drug test results, the MRO may conclude that a particular drug test result is scientifically insufficient for further action. Under these circumstances, the MRO should conclude that the test is negative for the presence of a prohibited drug or drug metabolite in an individual's system.

E. Evaluation and rehabilitation may be provided by the operator, by a substance abuse professional under contract with the operator, or by a substance abuse professional not affiliated with the operator. The choice of substance abuse professional and assignment or costs shall be made in accordance with the operator/employee agreements and operator/employee policies.

F. The operator shall ensure that a substance abuse professional, who determines that a covered employee requires assistance in resolving problems with drug abuse, does not refer the covered employee to the substance abuse professional's private practice or to a person or organization from which the substance abuse professional receives remuneration or in which the substance abuse professional has a financial interest. This paragraph does not prohibit a substance abuse professional from referring a covered employee for assistance provided through:

1. a public agency, such as a state, parish, or municipality;

2. the operator or a person under contract to provide treatment for drug problems on behalf of the operator;

3. the sole source or therapeutically appropriate treatment under the employee's health insurance program; or

4. the sole source of therapeutically appropriate treatment reasonably accessible to the employee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:751-757.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 16:135 (February 1990), repromulgated LR 16:534 (June 1990), LR 27:0000 (September 2001).

§3117. Retention of Samples and Retesting

A. Samples that yield positive results on confirmation must be retained by the laboratory in properly secured, long-term, frozen storage for at least 365 days as required by the DOT Procedures. Within this 365-day period, the employee or the employee's representative, the operator, the administrator, or, if the operator is subject to the jurisdiction of a state agency, the state agency may request that the laboratory retain the sample for an additional period. If

within the 365-day period, the laboratory has not received a proper written request to retain the sample for a further reasonable period specified in the request, the sample may be discarded following the end of the 365-day period.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:751-757.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 16:136 (February 1990), repromulgated LR 16:535 (June 1990), amended LR 21:827 (August 1995), LR 27:0000 (September 2001).

Philip N. Asprodites
Commissioner of Conservation

0109#016

RULE

Department of Public Safety and Corrections Gaming Control Board

Operating Standards
(LAC 42:VII.2953, 3304, 3305; IX.2922,
3304, 3305; XIII.2953, 3304, and 3305)

The Louisiana Gaming Control Board has amended LAC 42:VII.2953, 3305, IX.2922, 2923, 3305 and XIII.2953, 3305 and adopted LAC 42:VII.2954, 3304, IX.3304 and XIII.2954, 3304 and repealed LAC IX.2924 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. Operating Standards

§2953. Promotions

A. All promotional programs, including contests and tournaments, conducted by or on behalf of a licensee shall comply with the Act and these regulations as well as all federal and state laws and regulations and municipal ordinances including R.S. 4:701 et seq., the Louisiana Charitable Raffles, Bingo and Keno Licensing Law.

B. The licensee and its general manager conducting the promotional program is responsible for ensuring that all promotional programs of the licensee are in compliance with Subsection A of this regulation.

C. No promotional programs, including contests or tournaments may be conducted which impair the integrity of the games, the security, surveillance and well-being of persons on the licensee's property or the calculation of gaming revenue. Issuance of coupons, scrip, and other cash equivalents used in conjunction with a promotion that do not impact the calculation of gaming revenues, shall be considered a promotional expense of the licensee. Licensees who intend to offer coupons, scrip, and cash equivalents as part of a promotion shall adopt internal controls, prior to the implementation of any such programs, governing the use and accountability of the coupon, scrip, or cash equivalent, as prescribed by the division.

D. A slot jackpot may be increased as part of a promotional program. The increased portion of the jackpot

which results from the promotion shall not be paid out by the machine itself. The increased portion of the jackpot shall be paid manually and shall be considered a promotional expense of the licensee, and may not be considered a payout for purposes of calculating net gaming proceeds.

E. Any promotional program involving a giveaway of prizes or drawing for cash or prizes shall incorporate the following elements:

1. only persons 21 years of age and older shall be eligible to participate;
2. entry forms required in drawings open to the general public shall be displayed in a prominent manner inside the casino;
3. no payment or purchase of anything of value, including chips or tokens from the casino or any other business, shall be required for participation in any giveaway or drawing, nor shall there be a requirement to participate in any gaming activity or to pay an entry fee.

F. After notice and reasonable opportunity for the licensee to respond and correct deficiencies or violations appropriate under the circumstances, the division may terminate a promotional program at anytime by issuance of an order. This order need not be in writing to be effective but shall be followed by written notice of the action within three business days.

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 26:768 (April 2000), amended LR 27:0000 (September 2001).

§2954. Tournaments

A. All gaming tournaments conducted by or on behalf of the licensee are subject to prior written approval by the division.

1. A gaming tournament is a contest or event wherein persons play a game or games previously authorized by the division in competition with each other to determine the winner of a prize or prizes.

2. A gaming tournament shall include, but is not limited to any contest or event wherein an entry fee is paid to play a game previously approved by the division. An entry fee shall include any fee paid directly or indirectly, by or on behalf of the person playing in the tournament.

3. A request for approval of gaming tournament shall be made in writing and received by the division at least 30 days prior to the commencement date of the tournament. The request for approval shall contain a complete description of the tournament, the manner of entry, a description of those persons eligible to enter the tournament, the entry fee assessed if any, the prizes to be awarded, the manner in which the prizes are to be awarded and the dates of the tournament. The division may request additional information prior to rendering a decision. Any incomplete request for approval shall be denied.

4. All entry fees shall be included in gross gaming proceeds. No cost incurred by the licensee associated with holding the tournament shall be deducted from the entry fees before calculating net gaming proceeds. All cash prizes awarded in the tournament may be deducted as payouts for purposes of calculating net gaming proceeds. No other deductions shall be made for purposes of calculating net gaming proceeds. The licensee shall not deduct the cost of

any noncash prizes awarded as a result of the tournament for purposes of calculating net gaming proceeds.

5. All entry fees and cash prizes shall be reported on the daily tax remittance summaries in a manner approved by the division. Copies of source documents such as transfer slips of the participant's entry fees to either the vault or cage and transfer slips of participant's winnings paid out from either the cage or the vault must accompany the daily tax remittance summary on which the entry fee or payout is reported.

6. All tournament slot meters shall be read both electronically and manually before the machine's EPROM is changed for tournament play and again once the tournament EPROM has been installed. The meters for these machines shall be read both electronically and manually once tournament play has ended. All meter readings shall be recorded and such recordation retained in accordance with the division's rules concerning record retention in Chapter 27.

B. The division may waive the requirements of this rule upon a showing of good cause.

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 27:0000 (September 2001).

Chapter 33. Surveillance

§3304. Surveillance Personnel Employment Provisions

A. Surveillance department employees shall be independent of all other departments. Employees of the licensee assigned to monitoring duties in the surveillance room are prohibited from being concurrently employed in any other capacity by that licensee or any other licensee or casino owned in whole or in part by the same holding, intermediary or parent company or affiliate. This does not prohibit an employee with monitoring duties in the surveillance room from working in the same capacity at another licensee.

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 27:0000 (September 2001).

§3305. Surveillance and Division Room Requirements

A. - B. ...

C. Employees of the licensee assigned to monitoring duties in the surveillance room shall have no other gaming related duties for the licensee.

D. - F. ...

G. The division room shall be furnished with all necessary furniture and fixtures as specified by the division and shall be equipped with a security radio, house telephone and shall house a dedicated computer which provides computer accessibility for division agents to review, monitor and record data with the same functionality and specifications as provided in §4205.

H. Except in the event of circumstances beyond the reasonable control of the licensee or unless authorized by the division, the surveillance room shall be manned at all times by a sufficient number of approved surveillance operators as determined by the division. The division may require additional surveillance personnel should it be determined that an inadequacy of surveillance monitoring exists.

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 26:771 (April 2000), amended LR 27:0000 (September 2001).

Part IX. Landbased Casino Gaming

Chapter 29. Operating Standards

§2922. Promotions

A. All promotional programs, including contests and tournaments, conducted by or on behalf of the Casino Operator or the Casino Manager shall comply with the Act and these Regulations as well as all federal and state laws and regulations and municipal ordinances including R.S. 4:701 et seq., the Louisiana Charitable Raffles, Bingo and Keno Licensing Law.

B. The Casino Operator or the Casino Manager conducting the promotional program is responsible for ensuring that all promotional programs of the Casino Operator and Casino Manager are in compliance with subsection A of this regulation.

C. No promotional programs, including contests or tournaments may be conducted which impair the integrity of the games, the security, surveillance and well-being of persons in the official gaming establishment or the calculation of gaming revenue. Issuance of coupons, scrip, and other cash equivalents used in conjunction with a promotion that do not impact the calculation of gaming revenues, shall be considered a promotional expense of the Casino Operator or Casino Manager. If the Casino Operator or the Casino Manager intends to offer coupons, scrip, and cash equivalents as part of a promotion it shall adopt internal controls, prior to the implementation of any such programs, governing the use and accountability of the coupon, scrip, or cash equivalent, as prescribed by the Division.

D. A slot jackpot may be increased as part of a promotional program. The increased portion of the jackpot which results from the promotion shall not be paid out by the machine itself. The increased portion of the jackpot shall be paid manually and shall be considered a promotional expense of the Casino Operator or the Casino Manager, and may not be considered a payout for purposes of calculating Gross Gaming Revenue.

E. Any promotional program involving a giveaway of prizes or drawing for cash or prizes shall incorporate the following elements:

1. only persons 21 years of age and older shall be eligible to participate;
2. entry forms required in drawings open to the general public shall be displayed in a prominent manner inside the Casino;
3. no payment or purchase of anything of value, including chips or tokens from the Casino or any other business, shall be required for participation in any giveaway or drawing, nor shall there be a requirement to participate in any gaming activity or to pay an entry fee.

F. After notice and reasonable opportunity for the Casino Operator or Casino Manager to respond and correct deficiencies or violations appropriate under the circumstances, the Division may terminate a promotional program at anytime by issuance of an order. This order need not be in writing to be effective but shall be followed by written notice of the action within three business days.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:335 (February 2000), amended LR 27:0000 (September 2001).

§2923. Tournaments

A. All gaming tournaments conducted by or on behalf of the Casino Operator or the Casino Manager are subject to prior written approval by the Division.

1. A gaming tournament is a contest or event wherein persons play a game or games previously authorized by the Division in competition with each other to determine the winner of a prize or prizes.

2. A gaming tournament shall include, but is not limited to any contest or event wherein an entry fee is paid to play a game previously authorized by the Division. An entry fee shall include any fee paid directly or indirectly, by or on behalf of the person playing in the tournament.

3. A request for approval of a gaming tournament shall be made in writing and received by the Division at least 30 days prior to the commencement date of the tournament. The request for approval shall contain a complete description of the tournament, the manner of entry, a description of those persons eligible to enter the tournament, the entry fee assessed if any, the prizes to be awarded, the manner in which the prizes are to be awarded and the dates of the tournament. The Division may request additional information prior to rendering a decision. Any incomplete request for approval shall be denied.

4. All entry fees shall be included for purposes of determining Gross Gaming Revenue. No cost incurred by the Casino Operator or Casino Manager associated with holding the tournament shall be deducted from the entry fees before calculating Gross Gaming Revenue. All cash prizes awarded in the tournament may be deducted as payouts for purposes of calculating Gross Gaming Revenue. No other deductions shall be made for purposes of calculating Gross Gaming Revenue. The Casino Operator or Casino Manager shall not deduct the cost of any noncash prizes awarded as a result of the tournament for purposes of calculating Gross Gaming Revenue.

5. All entry fees and cash prizes shall be reported on the daily fee remittance summaries in a manner Approved by the Division. Copies of source documents such as transfer slips of the participant's entry fees to either the vault or cage and transfer slips of participant's winnings paid out from either the cage or the vault must accompany the daily fee remittance summary on which the entry fee or payout is reported.

6. All tournament slot meters shall be read both electronically and manually before the machine's EPROM is changed for tournament play and again once the tournament EPROM has been installed. The meters for these machines shall be read both electronically and manually once tournament play has ended. All meter readings shall be recorded and such recordation retained in accordance with the Division's rules concerning record retention in Chapter 27.

B. The Division may waive the requirements of this rule upon a showing of good cause.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:336 (February 2000), amended LR 27:0000 (September 2001).

§2924. Giveaways and Drawings

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:336 (February 2000), LR 27:0000 (September 2001).

Chapter 33. Surveillance

§3304. Surveillance Personnel Employment Provisions

A. Surveillance department employees shall be independent of all other departments. Employees of the Casino Operator or Casino Manager assigned to monitoring duties in the Surveillance Room are prohibited from being concurrently employed in any other capacity by that Casino Operator or Casino Manager or any other licensee or casino owned in whole or in part by the same holding, intermediary or parent company or affiliate. This does not prohibit an employee with monitoring duties in the Surveillance Room from working in the same capacity at another.

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 27:0000 (September 2001).

§3305. Surveillance Room and Gaming Board's Controlled Space Requirements

A. - B. ...

C. Employees of the Casino Operator or Casino Manager assigned to monitoring duties in the Surveillance Room shall have no other gaming related duties for the Casino Operator or Casino Manager.

D. - F. ...

G. Consistent with Sections 7.2 and 9.26 of the Casino Operating Contract, the Gaming Board's Controlled Space shall be furnished with all necessary furniture and fixtures as specified by the division and be equipped with a security radio, house telephone and shall house a dedicated computer which provides computer accessibility for division agents to review, monitor and record data with the same functionality and specifications as provided in §4205 of these Regulations.

H. Except in the event of circumstances beyond the reasonable control of the Casino Operator or Casino Manager or unless authorized by the division, the Surveillance Room shall be manned at all times by a sufficient number of approved surveillance operators as determined by the division. The division may require additional surveillance personnel should it be determined that an inadequacy of surveillance monitoring exists.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1969 (October 1999), amended LR 27:0000 (September 2001).

Part XIII. Riverboat Gaming

Chapter 29. Operating Standards

§2953. Promotions

A. All promotional programs, including contests and tournaments, conducted by or on behalf of a licensee shall comply with the Act and these regulations as well as all federal and state laws and regulations and municipal

ordinances including R.S. 4:701 et seq., the Louisiana Charitable Raffles, Bingo and Keno Licensing Law.

B. The licensee and its general manager conducting the promotional program is responsible for ensuring that all promotional programs of the licensee are in compliance with subsection A of this regulation.

C. No promotional programs, including contests or tournaments may be conducted which impair the integrity of the games, the security, surveillance and well-being of persons on the licensee's property or the calculation of gaming revenue. Issuance of coupons, scrip, and other cash equivalents used in conjunction with a promotion that do not impact the calculation of gaming revenues, shall be considered a promotional expense of the licensee. Licensees who intend to offer coupons, scrip, and cash equivalents as part of a promotion shall adopt internal controls prior to the implementation of any such programs governing the use and accountability of the coupon, scrip, or cash equivalent, as prescribed by the division.

D. A slot jackpot may be increased as part of a promotional program. The increased portion of the jackpot which results from the promotion shall not be paid out by the machine itself. The increased portion of the jackpot shall be paid manually and shall be considered a promotional expense of the licensee and may not be considered a payout for purposes of calculating net gaming proceeds.

E. Any promotional program involving a giveaway of prizes or drawing for cash or prizes shall incorporate the following elements:

1. only persons 21 years of age and older shall be eligible to participate;

2. entry forms required in drawings open to the general public shall be displayed in a prominent manner inside the casino;

3. no payment or purchase of anything of value, including chips or tokens from the casino or any other business, shall be required for participation in any giveaway or drawing, nor shall there be a requirement to participate in any gaming activity or to pay an entry fee.

F. After notice and reasonable opportunity for the licensee to respond and correct deficiencies or violations appropriate under the circumstances, the division may terminate a promotional program at anytime by issuance of an order. This order need not be in writing to be effective but shall be followed by written notice of the action within three business days.

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 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board LR 27:0000 (September 2001).

§2954. Tournaments

A. All gaming tournaments conducted by or on behalf of the licensee are subject to prior written approval by the division.

1. A gaming tournament is a contest or event wherein persons play a game or games previously authorized by the division in competition with each other to determine the winner of a prize or prizes.

2. A gaming tournament shall include, but is not limited to any contest or event wherein an entry fee is paid

to play a game previously approved by the division. An entry fee shall include any fee paid directly or indirectly, by or on behalf of the person playing in the tournament.

3. A request for approval of gaming tournament shall be made in writing and received by the division at least 30 days prior to the commencement date of the tournament. The request for approval shall contain a complete description of the tournament, the manner of entry, a description of those persons eligible to enter the tournament, the entry fee assessed if any, the prizes to be awarded, the manner in which the prizes are to be awarded and the dates of the tournament. The division may request additional information prior to rendering a decision. Any incomplete request for approval shall be denied.

4. All entry fees shall be included in gross gaming proceeds. No cost incurred by the licensee associated with holding the tournament shall be deducted from the entry fees before calculating net gaming proceeds. All cash prizes awarded in the tournament may be deducted as payouts for purposes of calculating net gaming proceeds. No other deductions shall be made for purposes of calculating net gaming proceeds. The licensee shall not deduct the cost of any noncash prizes awarded as a result of the tournament for purposes of calculating net gaming proceeds.

5. All entry fees and cash prizes shall be reported on the daily tax remittance summaries in a manner approved by the division. Copies of source documents such as transfer slips of the participant's entry fees to either the vault or cage and transfer slips of participant's winnings paid out from either the cage or the vault must accompany the daily tax remittance summary on which the entry fee or payout is reported.

6. All tournament slot meters shall be read both electronically and manually before the machine's EPROM is changed for tournament play and again once the tournament EPROM has been installed. The meters for these machines shall be read both electronically and manually once tournament play has ended. All meter readings shall be recorded and such recordation retained in accordance with the division's rules concerning record retention in Chapter 27.

B. The division may waive the requirements of this rule upon a showing of good cause.

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 27:0000 (September 2001).

Chapter 33. Surveillance

§3304. Surveillance Personnel Employment Provisions

A. Surveillance department employees shall be independent of all other departments. Employees of the licensee assigned to monitoring duties in the surveillance room are prohibited from being concurrently employed in any other capacity by that licensee or any other licensee or casino owned in whole or in part by the same holding, intermediary or parent company or affiliate. This does not prohibit an employee with monitoring duties in the surveillance room from working in the same capacity at another licensee or casino owned in whole or in part by the same holding, intermediary or parent company or affiliate.

B. A surveillance department employee involved in monitoring gaming operations shall not be reemployed by the licensee in any other permitted capacity after the employee resigns from or is terminated by the licensee.

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 27:0000 (September 2001).

§3305. Surveillance Room and Division Room Requirements

A. - B. ...

C. Employees of the licensee assigned to monitoring duties in the surveillance room shall have no other gaming related duties for the licensee.

D. - F. ...

G. The division room shall be furnished with all necessary furniture and fixtures as specified by the division and be equipped with a security radio, house telephone and shall house a dedicated computer which provides computer accessibility for division agents to review, monitor and record data with the same functionality and specifications as provided in §4205.

H. Except in the event of circumstances beyond the reasonable control of the licensee or unless authorized by the division, the surveillance room shall be manned at all times by a sufficient number of approved surveillance operators as determined by the division. The division may require additional surveillance personnel should it be determined that an inadequacy of surveillance monitoring exists.

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 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board LR 27:0000 (September 2001).

Hillary J. Crain
Chairman

0109#018

RULE

Department of Social Services Office of Family Support

Wrap-Around Child Care (LAC 67:III.5202)

The Department of Social Services, Office of Family Support, has amended Title 67, Part III of the Louisiana Administrative Code, the Wrap-Around Child Care Program.

In an effort to increase the availability of child care services to more low income families, the agency is making eligibility requirements less restrictive for full-day/full-year child care services. To remove the burden of receiving applications and verification from Head Start Grantees or other qualified providers, the agency assumes full responsibility for all Wrap-Around Child Care applications.

Title 67
SOCIAL SERVICES

Subpart 12. Child Care Assistance

Chapter 52. Wrap-Around Child Care Program

§5202. Definitions

*Household*Ca group of individuals who live together consisting of the head of the household, the legal spouse of the head of the household or non-legal spouse if the parent of a child in the household, and all children under age 18, including the minor unmarried parent of dependent children who need child care services, unless the minor unmarried parent has been emancipated by law.

*Training and Employment Mandatory Participant*Ceach household member who is required to be employed or engaged in a combination of employment and job training or educational program. These members may include the head of household, the legal spouse of the head of household, the non-legal spouse of the head of household if the parent of a child in the home, and the minor unmarried parent of a child in need of Wrap-Around Child Care services.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., 36:474.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 27:430 (March 2001), amended LR 27:0000 (September 2001).

§5203. Conditions of Eligibility

A. A household must meet all of the following eligibility criteria:

1. ...
2. effective May 1, 2001, a child may not receive child care services simultaneously from the Wrap-Around Child Care Program, the Family Independence Work Program (FW), or the Child Care Assistance Program (CCAP);
3. effective May 1, 2001, a household in which any member receives Food Stamps, Medicaid, LaCHIP, SSI, Free or Reduced School Lunch, or Kinship Care Subsidy will be categorically income-eligible and may receive Wrap-Around Child Care if otherwise eligible;
4. effective May 1, 2001, FITAP children who live with a qualified relative who is not a required member of the FITAP assistance unit may receive Wrap-Around Child Care if otherwise eligible;
5. the head of household, that person's spouse, or non-legal spouse if the parent of a child in the household, when a child in that household is in need of Wrap-Around Child Care services, must be:

- a. effective May 1, 2001, employed a minimum average of 20 hours per week ; or
- b. effective May 1, 2001, engaged in a combination of employment and job training or an educational program, for a combined average of at least 20 hours per week; or
- c. if the household includes a minor unmarried parent who is not legally emancipated and whose child is in need of Wrap-Around Child Care services, the household must contain an adult household member who meets the 20-hour criteria. The minor unmarried parent is required to have some countable activity hours. If the adult household members do not meet the 20-hour criteria, the minor unmarried parent must meet the 20-hour criteria. In this situation the adults are not required to have any countable activity hours, unless they have children in need of care, then they are required to have some countable activity hours.

Louisiana Register Vol. 27, No. 09 September 20, 2001

6. effective May 1, 2001, the number of hours that child care is provided must reasonably correspond to the number of activity hours of the parents and/or adult household members;

7. effective May 1, 2001, at the time of application the household must include at least one child with a need for Wrap-Around Child Care services defined as full-day/full-year child care, that is, full-time (30 or more hours per week) or part-time (less than 30 hours per week), or holiday care that is provided in conjunction with part-time care during the school year, who is;

- a. under age 13; or
- b. age 13 through age 17, with a physical, mental, or emotional disability rendering him incapable of caring for himself, as verified by receipt of SSI or a signed statement of disability from a physician or licensed psychologist;

8. the child needing care must customarily reside more than half of the time with the head of household who is applying for child care services, ensuring that only one household can receive child care services for that child;

9. the head of household or another adult household member must be responsible for the payment of child care costs for a child who lives in the household. A need for child care services does not exist if child care costs will be paid by a third party who is not a household member. However, this will not apply if a third party, not legally obligated to make child care payments, is temporarily doing so until payments begin.

B. - D. ...

E. The household must provide the information and verification necessary for determining eligibility and payment amount. Required verification includes:

1. ...
2. effective May 1, 2001, proof of age;
3. - 5. ...

F. - G ...

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

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 27:429 (March 2001), amended LR 27: 0000 (September 2001).

§5205. Income Limits

A. Effective May 1, 2001, unless determined categorically income eligible, a household must have total countable income no greater than 130 percent of the Federal poverty level. These amounts are updated annually.

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

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 27:430 (March 2001), amended LR 27:0000 (September 2001).

§5209. Head Start Grantees and Other Qualified Providers

A. Effective May 1, 2001, the agency will provide services to eligible individuals through contracts with some Head Start Program grantees and other qualified providers who meet the standards and requirements set forth in Paragraphs C through E of this Section, for a designated number of slots. Available slots will be filled on a first-come, first-served basis.

B. Effective May 1, 2001, the contracted Head Start grantee or other qualified provider will establish a child care program that consists of full-day/full-year child care, that is,

full-time (30 or more hours per week) or part-time (less than 30 hours per week) and holiday care provided in conjunction with part-time care during the school year.

C. - E. ...

F. Effective May 1, 2001, the Head Start grantee or other qualified provider shall ensure that procedures are in place to prevent, identify, and report suspected abuse or neglect of children as required by Children's Code Articles 601-610 and 45 CFR 1301.31.

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

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 27:430 (March 2001), amended LR 27:0000 (September 2001).

§5211. Payments Effective May 1, 2001

A. The Head Start grantee or other qualified provider will be paid a weekly rate of \$85 (\$17 per day) per child for full-day, full-time child care.

B. The Head Start grantee or other qualified provider will be paid \$2.12 per hour per child for part-time care up to a maximum of eight hours per day per child.

C. The Head Start grantee or other qualified provider will be paid \$2.12 per hour for up to a maximum of eight hours per day per child (\$17 per day) for allowable, holiday care provided in conjunction with part-time care during the school year.

D. Payment will not be made for a child who is absent from day care more than ten days in a calendar month or for an extended closure by a provider of more than five consecutive days in a calendar month.

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

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 27:431 (March 2001), amended LR 27:0000 (September 2001).

J. Renea Austin-Duffin
Secretary

0109#052

RULE

Department of Social Services Office of Rehabilitation Services

Management Services Provided by the State Licensing Agency (LAC 67:VII.517)

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 Blind Enterprises Program Policy Manual, Section 517. Revision to the Management Services Provided by the State Licensing Agency was made to provide the agency with a better means of ensuring accurate reporting by blind enterprise managers in vending facilities.

Title 67

SOCIAL SERVICES

Part VII. Rehabilitation Services

Chapter 5. Business Enterprises Program Manual

§517. Management Services Provided by the State

Licensing Agency

A. Overview of Management Services. Management services include inspection, quality control, consultation, accounting, annual fiscal accountability reviews, regulating, in-service training, and other related services on a systematic basis to support and improve vending facilities.

B. - H.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.4 and R.S. 36:447.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Rehabilitation Services, LR 25:527 (March 1999), amended LR 27:0000 (September 2001).

J. Renea Austin-Duffin
Secretary

0109#051

RULE

Department of Social Services Office of Rehabilitation Services

Vocational Rehabilitation Services Program Methodology for Determining Need (LAC 67:VII.115)

In accordance with the provisions of R.S. 49:953(B) of the Administrative Procedure Act, the Department of Social Services, Louisiana Rehabilitation Services (LRS) has amended its Vocational Rehabilitation Policy Manual, Section 115, Financial. The agency has amended the methodology to determine a consumer's financial need for certain vocational rehabilitation services. The revised methodology consistently applies a financial need level of 250 percent of the 2001 U.S. Department of Health and Human Services (HHS) Poverty Guidelines as the basis for determining financial need. This Rule does not change the vocational rehabilitation services that are based on financial need.

Title 67

SOCIAL SERVICES

Part VII. Rehabilitation Services

Chapter 1. General Provisions

§115. Financial

A.1. - f. ...

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

1. Neither a financial needs test nor a budgetary analysis of assets, income, and disability-related expenses shall be applied as a condition for furnishing any vocational rehabilitation service if the individual in need of the service has been determined eligible for Social Security benefits under Title II or Title XVI of the Social Security Act.

2. LRS will consider, through budgetary analysis of assets, income, disability-related expenses and comparable services and 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.

2.a. - 3.ii. ...

C. LRS shall use the following methodology to determine an individual's financial need for certain vocational rehabilitation services:

RS-14

**LOUISIANA REHABILITATION SERVICES
Financial Need Analysis**

Consumer's Name : _____ **Social Security Number:** _____

Is the consumer currently receiving any of the following types of assistance?

	Yes*	No		Yes*	No
TANF (formerly AFDC)	_____	_____	SSI	_____	_____
Food Stamps	_____	_____	SSDI	_____	_____

If you answered **YES** to any of the above, the consumer is not expected to contribute to the cost of services on the Individualized Plan for Employment (IPE) other than the use of any available comparable services and benefits. Complete comparable services and benefits and have consumer/representative sign the form on page 3.

COMPARABLE SERVICES AND BENEFITS

- 1. Pell Grant \$ _____
- 2. SEOG \$ _____
- 3. VA Scholarship \$ _____
- 4. JTPA \$ _____
- 5. Scholarships, (i.e. TOPS, etc.) \$ _____
- 6. Stipends, Fellowships, etc. \$ _____

7. Other (List):

- a. _____ \$ _____
- b. _____ \$ _____
- c. _____ \$ _____

INCOME DETERMINATION

1. Total Yearly Gross Income \$ _____

*Verification Source:

- _____ Federal tax return--1040, 1040A, 1040EZ (most current)
- _____ Pay stub showing gross income per _____(month, week, etc.)
- _____ Employer's Statement
- _____ Other (specify) _____

2. Determine the Basic Living Requirement (BLR)

a. Check family size in appropriate box.

Persons	1	2	3	4	5	6	7	8	Other**
Check Family Size									
Allowable BLR**	\$21,475	\$29,025	\$36,575	\$44,125	\$51,675	\$59,225	\$66,775	\$74,325	

**For each additional person over 8, add \$3020.

b. Does income exceed the allowable Basic Living Requirement (BLR)? Yes _____ No _____

If you answered **NO** to 2.b., **STOP**. The consumer is not expected to contribute to the cost of services on the Individualized Plan for Employment (IPE).

If you answered **YES** to 2.b., **CONTINUE**

* Verification must be filed in the consumer's case record.

3. Disability Related Expenses. List the YEARLY costs for necessary disability-related expenses for family members if such disability-related expenses are not covered by any other benefit or resource. (Do not include the costs of any disability related expenses that will be purchased or provided by LRS or any comparable service or benefit.)

- Personal Care Attendant Services \$ _____
- Medications, medical supplies, prescriptions, non-prescription items, and special diet/food related to the disability. \$ _____
- Medical/health insurance premiums, if not already deducted from gross wages \$ _____
- Disability related clothing needs, devices, and adaptive equipment, including maintenance of such devices and equipment \$ _____
- Other (List): _____ \$ _____
- _____ \$ _____
- _____ \$ _____

TOTAL ANNUAL DISABILITY RELATED EXPENSES* \$ _____

4. Assets

a. Liquid Assets - List the total value of any of the following assets owned by either the consumer, consumer's spouse, or consumer's family, as applicable:

- Savings \$ _____
- Stocks/bonds \$ _____
- Certificates of Deposit \$ _____
- Other Liquid Assets \$ _____

b. Other Assets - List the total equity in any of the following other fixed or personal assets owned by the consumer, the consumer's spouse, or consumer's family, as applicable.

DO NOT INCLUDE THE VALUE OF EQUITY IN THE PRIMARY RESIDENCE OR AUTOMOBILES.

- Land or buildings \$ _____
- Second/vacation homes \$ _____
- Rental property \$ _____
- Other Assets \$ _____

c. TOTAL ASSETS (Add 4. a. & b.) \$ _____

*Verification must be in the consumer's case record.

NEED DETERMINATION

- Enter total yearly gross income from No. 1 on page 1
Enter Total Disability Related Expenses from No. 3 on Page 2.
Subtract Line 2 from Line 1 for Net Income
Enter Total Assets from No. 4.c. on page 2.
Add lines 3 and 4 above for total available resources.
Enter amount of Basic Living Requirement (BLR) from chart on page 1.

Check applicable line:

The amount (\$) on Line 5 is equal to or less than the amount (\$) on line 6.
The consumer MEETS Louisiana Rehabilitation Services financial need criteria.

The amount (\$) on Line 5 is greater than the amount (\$) on line 6.
The consumer DOES NOT MEET Louisiana Rehabilitation Services financial need criteria.

I certify the information is correct and complete to the best of my knowledge. I understand that formal planning for services will be on my IPE and will document the application of comparable services and similar benefits to the cost of planned services.

Consumer's Signature

Date

Counselor's Signature

Date

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), LR 27:0000 (September 2001).

J. Renea Austin-Duffin
Secretary

0109#049

RULE

Department of Social Services
Office of the Secretary
Bureau of Licensing

Class "B" Child Residential Care Licensing Standards
(LAC 48:I.Chapter 79)

The Department of Social Services, Office of the Secretary, Bureau of Licensing, has promulgated the following in Title 48, Part I, Subpart 3, Licensing and Certification.

This Rule is authorized by Revised Statute 46:1410 et seq. which authorizes the Louisiana Committee on Private Child

Care to develop minimum standards for licensure of Class "B" facilities. This Rule establishes the regulations for Class "B" child residential facilities.

Title 48

PUBLIC HEALTH-GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 79. Child Residential Care

§7951. Purpose

A. It is the intent of the legislature to protect the health, safety, and well-being of the children of the state who are in out-of-home care on a regular or consistent basis. Toward that end, it is the purpose of Chapter 14 of Title 46 of the Louisiana Revised Statutes of 1950 to establish statewide minimum standards for the safety and well being of children, to ensure maintenance of these standards, and to regulate conditions in these facilities through a program of licensing. It shall be the policy of the state to ensure protection of all individuals under care in child care facilities and to encourage and assist in the improvement of programs. It is the further intent of the legislature that the freedom of religion of all citizens shall be inviolate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1410 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 27:0000 (September 2001).

§7953. Authority

A. Legislative Provisions

1. The Louisiana Committee on Private Child Care is charged with the responsibility of developing standards for the licensing of Class "B" facilities.

2. The licensing authority of the Department of Social Services is established by LRS 46:1401 et seq. and LRS 46:51 which mandate the licensing of all child care facilities and child placing agencies, including child residential facilities. A Class "B" child residential facility is defined as any place, facility or home operated by any institution, society, agency, corporation, person or persons or any other group to provide full-time care (24-hour residential care) for four or more children under the age of 18 years who are not related to the operators, and whose parents or guardians are not residents of the same facility, with or without transfer of custody, and no state or federal funds received for the care of the children.

B. Penalties

1. All child care facilities, including facilities owned or operated by any governmental, profit, nonprofit, private or church agency, shall be licensed.

2. As stipulated in RS 46:1421, whoever operates any child care facility without a valid license shall be fined not less than \$75, nor more than \$250 for each day of such offense.

C. Inspections

1. According to law, it shall be the duty of the Department of Social Services "through its duly authorized agents, to inspect at regular intervals not to exceed one year, or as deemed necessary by the department, and without previous notice, all child care facilities and child placing agencies subject to the provisions of the Chapter" (RS 46:1417).

2. When the department is advised or has reason to believe that any person, agency or organization is operating a child residential facility without a license, the department shall make an investigation to ascertain the facts.

3. When the department is advised or has reason to believe that any person, agency or organization is operating in violation of the Class "B" Child Residential Care Minimum Standards, the department shall complete a complaint investigation. All reports of mistreatment received by the department will be investigated.

D. The Louisiana Committee on Private Child Care (Class "B" Child Care Committee)

1. The Louisiana Committee on Private Child Care was created by Act 286 of 1985 to serve two functions.

a. Develop minimum standards for licensure of Class "B" facilities.

b. Consult with the department on matters pertaining to decisions to revoke or refuse to grant a Class "B" license.

2. The Committee is composed of seven members, elected by the Class "B" licensed facilities in the state, representing different types of Class "B" licensed facilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1410 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 27:0000 (September 2001).

§7955. Procedures

A. Initial Application

1. New buildings shall be non-institutional in design and appearance and physically harmonious with the neighborhood in which they are located, considering such issues as scale, appearance, density and population. A child residential facility shall not occupy any portion of a building licensed by another agency.

2. Before beginning operation, it is mandatory to obtain a license from the Department of Social Services, Bureau of Licensing. The following steps should be followed.

a. Prior to purchasing, leasing, etc., carefully check all local zoning and building ordinances for the area in which you are planning to locate. Guidelines from the Office of Public Health, Sanitarian Services; the Office of State Fire Marshal, Code Enforcement and Building Safety; and the City Fire Department (if applicable) should be obtained.

b. After securing property, obtain an application form issued by Department of Social Services, Bureau of Licensing, P.O. Box 3078, Baton Rouge, LA 70821-3078, phone: (225) 922-0015, fax: (225) 922-0014.

c. After the facility's location has been established, complete and return the application form. It is necessary to contact the following offices prior to building or renovating a facility:

- i. Office of Public Health, Sanitarian Services;
- ii. Office of State Fire Marshal, Code Enforcement and Building Safety;
- iii. Office of City Fire Department (if applicable);
- iv. Zoning Department (if applicable); and
- v. City or Parish Building Permit Office.

d. Upon receipt of the facility's application by the Bureau of Licensing, a request will be made to the Office of State Fire Marshal, Code Enforcement and Building Safety; Office of City Fire Department (if applicable); Office of Public Health and any known required local agencies to inspect the location as per their standards. It is the applicant's responsibility to obtain these inspections and approvals. A Licensing Specialist shall visit the facility to conduct a licensing inspection.

e. A license will be issued on an initial application when the following requirements have been met and verification is received by the Bureau of Licensing:

- i. approval by the Office of Public Health, Sanitarian Services;
- ii. approval by the Office of State Fire Marshal, Code Enforcement and Building Safety;
- iii. approval by the City Fire Department (if applicable);
- iv. approval by the City or Parish Zoning (if applicable);
- v. approval by the City or Parish Building Permit (if applicable);
- vi. a completed licensure inspection verifying substantial compliance with these standards; and
- vii. full license fee paid.

3. When a facility changes location, it is considered a new operation and a new application and fee for licensure shall be submitted. All items listed in §7955.A.2.e shall be in compliance for the new location.

4. When a facility changes ownership, a new application and fee shall be submitted. All approvals listed in §7955.A.2.e shall be current. Documentation is required

from the previous owner assuring change of ownership; e.g., letter from previous owner, copy of Bill of Sale or a lease agreement.

5. All new construction or renovation of a facility requires approval from agencies listed in §7955A.2.c and the Bureau of Licensing.

6. The department is authorized to determine the period during which the license shall be effective. A license is valid for the period for which it is issued unless it is revoked for the facility's failure to maintain compliance with minimum standards.

7. A license is not transferable to another person or location.

8. If an administrator or member of his immediate family has had a previous license revoked, refused or denied, upon reapplication, the applicant shall provide written evidence that the reason for such revocation, refusal or denial no longer exists. A licensing survey will then be conducted to verify that the reasons for revocation, refusal or denial have been corrected and the administrator/facility is in substantial compliance with all minimum standards.

B. Fees

1. An initial application fee of \$25 shall be submitted with all initial license applications. This fee will be applied toward the license fee when the facility is licensed. This fee is to be paid by all initial and change of location providers. The full licensure fee shall be paid on all changes of ownership. All fees shall be paid by certified check or money order only and are nonrefundable.

2. License fees are required prior to issuance or renewal of a license. However, Class "B" child care facilities or agencies owned or operated by a church or religious organization are exempt from license fees. Fee schedules (based on licensed capacity) are listed below:

- a. 4 to 6 children - \$400;
- b. 7 to 15 children - \$500; and
- c. 16 or more children - \$600.

3. Other licensure fees include:

a. replacement fee of \$25 for replacing a license when changes are requested, i.e., change in capacity, name change, age range, etc. (There is no replacement charge when the request coincides with the regular renewal of a license.); and

b. processing fee of five dollars for issuing a duplicate license with no changes.

C. Relicensing

1. A license shall be renewed on an annual basis. The month of issue of the initial license becomes the anniversary month for all renewals. Generally, all licenses expire on the last day of the month.

2. Approximately 90 days prior to the annual expiration of a license, a notice and an application form will be mailed to the licensee. The completed application along with the full license fee, if applicable, shall be returned prior to relicensure.

3. A relicensing inspection will be made by staff of the Bureau of Licensing to determine continued compliance with licensing regulations.

4. A current approval from the Office of State Fire Marshal, Code Enforcement and Building Safety; the City Fire Department (if applicable); and the Office of Public Health, Sanitarian Services shall be received by the Bureau

of Licensing. It is the responsibility of the licensee to obtain these inspections and approvals.

5. The Department of Social Services, Bureau of Licensing, shall be notified prior to making changes which might have an effect upon the license, i.e., age range of children served, usage of indoor and outdoor space, administrator, hours/months/days of operation, ownership, location, etc.

D. Denial, Revocation, or Non-Renewal of License

1. An application for a license may be denied for any of the following reasons:

a. failure to meet any of the minimum standards for licensure; or

b. conviction of a felony by any of these persons, as shown by a certified copy of the record of the court of conviction:

i. the applicant;

ii. any members or officers if the applicant is a firm or corporation; or

iii. any staff providing care, supervision, or treatment to a resident of the facility.

2. A license may be revoked or renewal denied for any of the following reasons:

a. cruelty or indifference to the welfare of the children in care;

b. violation of any provision of the minimum standards, rules, regulations, or orders of the Department of Social Services;

c. disapproval from any agency whose approval is required for licensure;

d. nonpayment of licensure fee or failure to submit a licensure application;

e. any validated instance of child abuse, corporal punishment, physical punishment, or cruel, severe or unusual punishment may result in revocation, denial or nonrenewal of the license if the owner is responsible or if the staff member who is responsible remains in the employment of the licensee;

f. the facility is closed with no plans for reopening and no means of verifying compliance with minimum standards for licensure; or

g. any act of fraud such as falsifying or altering documents required for licensure.

E. Appeal Procedure. If the license is refused or revoked because the facility does not meet minimum requirements for licensure, the procedure is as follows:

1. The Department of Social Services, Bureau of Licensing, by certified letter, shall advise the licensee or applicant of the reasons for the denial or revocation and the right of appeal.

2. The administrator or owner may appeal this decision by submitting a written request with the reasons to the Secretary of the Department of Social Services. Write to Department of Social Services, Bureau of Appeals, P.O. Box 2944, Baton Rouge, LA 70821. This written request shall be postmarked within 30 days of the receipt of the notification in §7955.E.1 above.

3. The Bureau of Appeals shall set a hearing after receipt of such a request.

4. An Appeals Hearing Officer shall conduct the hearing. The Hearing Officer shall advise the appellant by certified letter of the decision, either affirming or reversing

the original decision. If the license is refused or revoked, the facility shall terminate operation immediately.

5. If the facility continues to operate without a license, the Department of Social Services may file suit in the district court in the parish in which the facility is located for injunctive relief.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1410 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 27:0000 (September 2001).

§7957. Definitions

Abuse and Neglect Reporting Any suspected abuse and/or neglect of a child in a child care center must be reported in accordance with Louisiana Revised Statutes 14:403. This statement shall be visibly posted in the center with the local child protection phone number.

Administrator The person responsible for the on-site, daily implementation and supervision of the overall facility's operation. The Administrator shall have a Bachelor's degree in a social services field and four years of experience in a similar type of child care facility, or a Master's degree and two years of related experience.

Bedroom Space A distinct area used as a sleeping area for clients; a dormitory-style bedroom may be broken into several bedroom spaces by the use of partitions. A facility shall have a minimum of 60 square feet of floor area per child in living areas accessible to children and excluding halls, closets, bathrooms, bedrooms, staff or staff's family quarters, laundry areas, storage areas and office areas.

Client A person who receives service from a provider.

Client's Service Plan A daily care plan based on the assessment of a client's psychological, social and educational evaluations.

Curator A person appointed by the court when an individual is interdicted to act as guardian with either limited or full powers over the individual's estate and/or person, depending upon the needs of the individual interdicted.

DSSC Department of Social Services.

Discipline A system of rules governing conduct which usually prescribes consequences for the violation of particular rules.

Direct Service Management The act of controlling the various aspects of a provider involving direct services to clients in order to ensure effective care and treatment.

Direct Service Worker Any employee of a provider who works directly with clients as a major function of his/her job.

Family The natural or adoptive father, mother, brother(s) and sister(s), but "family" may be interpreted broadly to include any person, whether related to the client by blood or not, who resides in the client's home and takes part in the client's family life.

Governing Body A person or persons with the ultimate responsibility for conducting the affairs of a provider as, for example, the Board of Directors.

Legally Responsible Person As appropriate, the parent(s) or tutor of a minor or the curator of an interdicted client.

License A written certification, whether provisional, extended or regular, of a provider's authorization to operate under State Law.

Living Unit An integral living space utilized by a particular group of clients who reside in that space.

Parent(s) Natural or adoptive mother and father of a client.

Passive Physical Restraint The least amount of direct physical contact required on the part of a staff member to prevent a client from harming himself/herself or others.

Provider Any 24-hour residential facility, whether public or private, that services clients.

Psychotropic Medication Prescription medication given for the purpose of producing specific changes in mood, thought processes, or behavior. They exert specific effects on brain function and can be expected to bring about specific clinically beneficial responses in clients for whom they are prescribed. The term as used in this policy does not include all drugs which affect the central nervous system or which may have behavioral effects; e.g., anticonvulsants or hormones.

Restraint The extraordinary restriction of a client's freedom or freedom of movement.

Service Plan A comprehensive, time-limited goal-oriented, individualized plan for care, treatment and education of a client in the care of a provider. The service plan is based on a current comprehensive evaluation of the client's needs.

Social Worker A Master's level professional.

Time-Out Procedure The isolation of a client for a period of less than 30 minutes in an unlocked room.

Training Any activity outside the normal routine of the provider which promotes the development of skills related to client care, increases the knowledge of the person involved in a related field or fosters the development of increased professionalism.

Treatment Strategy An orientation or set of clinical techniques included in a particular therapeutic model and used to meet a diagnosed need of a client in care over and above the provisions of basic care.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1410 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 27:0000 (September 2001).

§7959. Administration and Organization

A. Class "B" facilities must comply with all regulations set by the Office of the State Fire Marshal, the Office of Public Health, local zoning laws and all laws regarding child abuse or neglect. Client-staff ratios and minimum space requirements will be enforced by the Department of Social Services. Class "B" facilities must comply with regulations restricting hiring felons, prohibiting racial discrimination and prohibiting the use of corporal punishment without parental permission. Class "B" facilities must comply with additional regulations promulgated by the Louisiana Committee on Private Child Care. Core regulations must promote safe physical facilities, adequate supervision and qualified staff, healthful food service, procedures for nighttime care, and procedures for the disposition of complaints.

B. General Requirements

1. A provider shall follow federal and state laws on client civil rights. No residential facility shall discriminate based on race, color, creed or national origin or ancestry. However, this shall not restrict the hiring or admission policies of a church or religious organization which may give preference in hiring or admission to members of the church or denomination.

2. It shall be the duty of the department, through its duly authorized agents, to inspect at regular intervals not to exceed one year, or as deemed necessary by the department and without previous notice, all residential child care facilities subject to the provisions of Chapter 14 of Title 46. The department shall also develop and facilitate coordination with and among other authorized agencies making inspections at regular intervals. The facility shall be open to inspection only during working hours by parents or legal guardians of clients in care and by authorized inspection personnel.

3. The provider is required to show evidence of compliance with the regulations set by the Louisiana Committee on Private Child Care. Documentation indicating compliance with a standard will not be required when it is obvious that the standard is met.

C. Other Jurisdictional Approvals. The provider shall show appropriate evidence of compliance with all relevant standards, regulations and requirements established by federal, state, local and municipal regulatory bodies including DSS Licensing Bureau, Office of Health Services, Office of the State Fire Marshal, City Fire Marshal's Office (if applicable), applicable local zoning ordinances (if applicable) and Department of Education (if applicable).

D. Governing Body

1. A provider shall have an identifiable governing body with responsibility for and authority over the policies and activities of the provider.

2. A provider shall have documents identifying all members of the governing body; their addresses; their terms of membership, if applicable; officers of the governing body, if applicable; and terms of office of all officers, if applicable.

3. When the governing body of a provider is composed of more than one person, the governing body shall hold formal meetings at least twice a year. A provider shall have written minutes of all formal meetings of the governing body, and by-laws specifying the frequency of meetings and quorum requirements.

E. Responsibilities of a Governing Body. The governing body of a provider shall:

1. ensure the provider's compliance and conformity with the provider's charter;
2. ensure the provider's continual compliance and conformity with all relevant federal, state, local and municipal laws and regulations;
3. ensure that the provider is adequately funded and fiscally sound;
4. review and approve the provider's annual budget;
5. ensure that the provider is housed, maintained, staffed and equipped appropriately considering the nature of the provider's program;
6. designate a person to act as Chief Administrator and delegate sufficient authority to this person to manage the provider;

7. formulate and annually review, in consultation with the Chief Administrator, policies concerning the provider's philosophy, goals, current services, personnel practices and fiscal management;

8. annually evaluate the Chief Administrator's performance;

9. have the authority to dismiss the Chief Administrator;

10. meet with representatives of DSS whenever required to do so;

11. inform representatives of DSS prior to initiating any substantial changes in the program, services, or physical plant of the provider.

F. Accessibility of Executive. The chief administrator or a person authorized to act on behalf of the chief administrator shall be accessible to provider staff or representatives of DSS at all times.

G. Documentation of Authority to Operate

1. A private provider shall have documentation of its authority to operate under state law.

2. A privately owned provider shall have documents identifying the names and addresses of owners.

3. A corporation, partnership or association shall identify the names and addresses of its members and officers and shall, where applicable, have a charter, partnership agreement, constitution, articles of association or by-laws.

H. Statement of Philosophy and Goals. A provider shall have a written statement describing its philosophy and both long-term and short-term goals.

I. Program Description. A provider shall have a written program plan describing the services and programs offered by the provider.

J. Accounting and Recordkeeping

1. A provider should establish a system of business management and staffing to assure maintenance of complete and accurate accounts, books and records.

2. A provider shall ensure that all entries in records are legible, signed by the person making the entry and accompanied by the date on which the entry was made.

3. All records shall be maintained in an accessible, standardized order and format and shall be retained and disposed of according to state and federal laws.

K. Confidentiality and Security of Files

1. A provider shall have written procedures for the maintenance and security of records specifying who shall supervise the maintenance of records, who shall have custody of records, and to whom records may be released. Records shall be the property of the provider and the provider, as custodian, shall secure records against loss, tampering or unauthorized use.

2. A provider shall maintain the confidentiality of all clients' case records. Employees of the provider shall not disclose or knowingly permit the disclosure of any information concerning the client or his/her family, directly or indirectly, to any unauthorized person.

3. A provider shall obtain written authorization of the client and the client's parent(s), tutor or curator, as applicable, prior to releasing the client's confidential records to anyone other than authorized state or federal agencies or another provider to whom the client may be released.

4. A provider shall, upon request, make available information in the case record to the client, the legally

responsible person or legal counsel of the client. If, in the professional judgment of the administration of the provider, it is felt that information contained in the record would be damaging to a client, then that information may be withheld except under court order.

5. A provider may use material from case records for teaching or research purposes, development of the governing body's understanding and knowledge of the provider's services, or similar educational purposes, provided that the client's name and other identifying information is disguised or deleted.

L. Administrative File. A provider shall have an administrative file including:

1. documents identifying the governing body;
2. list of members and officers of the governing body and their addresses and terms of membership, if applicable;
3. documentation of the provider's authority to operate under state law;
4. organizational chart of the provider;
5. insurance policies; and
6. master list of all consulting professional providers used by the provider.

M. Client's Case Record. A provider shall have a written record for each client which shall include administrative, treatment, and educational data from the time of admission until the time the client leaves the provider. A client's case record shall include:

1. name, sex, race, religion, birth date and birthplace of the client;
2. other identification data including court status, legal status, who is authorized to give consents;
3. client's history including, if applicable, family data, educational background, employment record, prior medical history and prior placement history;
4. copy of the client's individual service plan and any modifications thereto, and an appropriate summary to guide and assist direct service workers in implementing the client's program; and
5. findings made in periodic reviews of the plan, including summary of the successes and failures of the client's program and recommendations for any modifications deemed necessary.

N. Medical and Dental Records

1. A provider shall maintain complete health records of a client including:
 - a. report of admission physical examination;
 - b. complete record of all immunizations provided;
 - c. record of medications;
 - d. records of vision, physical or dental examinations;
 - e. complete record of any medical treatment provided for specific illness or medical emergencies; and,
 - f. authorization signed by the parent or legal guardian for medical care, immunizations and hospitalization, when indicated.
2. Upon discharge the provider shall provide a summary of the client's health record to the person or agency responsible for the future planning and care of the client.
3. A provider shall make every effort to compile a complete past medical history on every client. This history shall, whenever possible, include:

- a. allergies to medication;
 - b. immunization history;
 - c. history of serious illness, serious injury or major surgery;
 - d. developmental history;
 - e. current use of prescribed medication;
 - f. current use of alcohol or nonprescribed drugs;
- and
- g. medical history.

O. Personnel File

1. A provider shall have a personnel file for each employee which shall contain:
 - a. application for employment and/or resume;
 - b. three reference letters from former employer(s) and personal references or phone notes on such references;
 - c. any medical examinations required by the provider;
 - d. criminal record and fingerprinting report (LA 15.587.1) and citizenship report (I-9). No felon shall be employed in a Class "B" facility unless approved in writing by a district judge of the parish and the local district attorney. This statement shall be kept on file at all times by the child care facility and shall be produced upon request to any law enforcement officer;
 - e. evidence of applicable professional credentials/certifications according to state law;
 - f. annual performance evaluations;
 - g. personnel actions, other appropriate materials, reports and notes relating to the individual's employment with the facility; and
 - h. employee's starting and termination dates.
2. The staff member shall have reasonable access to his/her file and shall be allowed to add any written statement he/she wishes to make to the file at any time.
3. A provider shall retain the personnel file of an employee for at least three years after the employee's termination of employment.

P. Fund Raising and Publicity

1. A provider shall have a policy regarding participation of clients in activities related to fund raising and publicity.
2. Consent of the client and, if applicable, the legally responsible person shall be obtained prior to participation in fund raising activities.
3. A provider shall have policies and procedures regarding the photographing and audio or audio-visual recording of clients.
4. The written consent of the client and, if applicable, the legally responsible person shall be obtained before the client is photographed or recorded for research or program publicity purposes.
5. All photographs and recordings shall be used in a manner which respects the dignity and confidentiality of the client.

Q. Representation at Hearings. A provider shall, when allowed by law, have a representative present at all judicial, educational or administrative hearings which address the status of the client in care of the provider.

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HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 27:0000 (September 2001).

§7961. Human Resources

A. Staff Plan. A provider should have a policy for recruitment, supervision and training.

1. Screening

a. A provider's screening procedures should address the prospective employee's qualifications, ability, related experience, character, and social skills as related to the appropriate job description.

b. Prior to employing any person and upon obtaining a signed release and the names of references from the potential employee, a provider shall obtain written references or phone notes on oral references from three persons.

c. All center staff shall be required to obtain within two weeks before or 30 days after beginning work and at least every three years thereafter a written statement from a physician certifying that the individual is:

i. in good health and physically able to care for clients; and

ii. free from infectious and contagious diseases.

d. Prior to or 30 days after the time of employment all persons shall be free of tuberculosis in a communicable state as evidenced by a negative skin test or a negative chest x-ray. Evidence that an employee is free of active tuberculosis is required on an annual basis thereafter.

e. The director or any center staff shall not remain at work if he/she has any sign of a contagious disease.

f. A provider shall not knowingly hire, or continue to employ, any person whose health impairs his/her ability to properly protect the health and safety of the clients or is such that it would endanger the physical or psychological well being of the clients. This requirement is not to be interpreted to exclude the hiring or continued employment of persons undergoing temporary medical or emotional problems if the health and safety of the clients can be assured through reasonable accommodation of the employee's condition.

2. Orientation. A provider's orientation program shall provide training for new employees to acquaint them with the philosophy, organization, program, practices and goals of the facility, and shall include instruction in safety and emergency procedures and in the specific responsibilities of the employee's job.

3. Training

a. A provider is encouraged to provide in-service training each year. Orientation training and activities related to routine supervision of the employee's task shall not be considered as in-service training.

b. All staff are to maintain a current certification of CPR training. New employees will have 90 days to comply. Documentation will be a copy of certificates on file at the facility.

4. Evaluation

a. A provider should undertake an annual performance evaluation of all staff members.

b. For any person who interacts with clients, a provider's evaluation procedures shall address the quality and nature of a staff member's relationships with clients.

B. Personnel Practices. A provider shall have written personnel policies and written job descriptions for each staff position.

C. Number and Qualifications of Staff

1. A provider shall employ a sufficient number of qualified staff and delegate sufficient authority to such staff to ensure that the responsibilities the provider undertakes are carried out and to adequately perform the following functions:

a. administrative functions;

b. fiscal functions;

c. clerical functions;

d. housekeeping, maintenance and food service functions;

e. direct client service functions;

f. supervisory functions;

g. record keeping and reporting functions;

h. social service functions; and

i. ancillary service functions.

2. A provider shall ensure that all staff members are properly certified and/or licensed as legally required.

3. A provider shall ensure that an adequate number of qualified direct service staff are present with the clients as necessary to ensure the health and well-being of clients. Staff coverage shall be maintained in consideration of the time of day, the size and nature of the provider and the ages, needs and functioning levels of the clients.

4. A provider shall ensure that direct services staff who perform client-living services are administratively responsible to a person whose training and experience is appropriate to the provider's program.

D. External Professional Services. A provider shall obtain any required professional services not available from employees.

E. Volunteers/Student Interns. A provider which utilizes volunteers or student interns on a regular basis shall have a written plan for using such resources. This plan shall be given to all volunteers and interns. The plan shall indicate that all volunteers and interns shall be:

1. directly supervised by a paid staff member;

2. oriented and trained in the philosophy of the facility and the needs of clients and the methods of meeting those needs;

3. subject to character and reference checks similar to those performed for employment applicants upon obtaining a signed release and the names of the references from the potential volunteer/intern student; and

4. aware of and briefed on any special needs or problems of clients.

F. Staff Communications

1. A provider shall establish procedures to assure adequate communication among staff to provide continuity of services to the client. This system of communication shall include:

a. a regular review of individual and aggregate problems of clients including actions taken to resolve these problems;

b. sharing of daily information, noting unusual circumstances, and other information requiring continued action by staff; and

c. records maintained of all accidents, personal injuries and pertinent incidents related to implementation of clients' individual service plans.

2. Any employee of a provider working directly with clients in care shall have access to information from clients'

case records that is necessary for effective performance of the employee's assigned tasks.

3. A provider shall establish procedures which facilitate participation and feedback by staff members in policymaking, planning and program development for clients.

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§7963. Quality of Life

A. Family Involvement

1. A provider should create a policy that encourages ongoing positive communication and contact between clients and their families, their friends and others significant in their lives.

2. A provider should discuss the following with the client's family, other legally responsible persons and significant others, when appropriate:

- a. the philosophy and goals of the provider;
- b. behavior management and disciplinary practices of the provider;
- c. any specific treatment or treatment strategy employed by the provider that is to be implemented for a particular client;
- d. visiting hours, visiting rules and procedures, arrangements for home visits and procedures for communicating with clients by mail or telephone;
- e. the name, telephone number and address of a staff person who may be contacted by the legally responsible person to ask questions or register concerns on an ongoing basis;
- f. a procedure for registering complaints concerning the client's care or treatment. All cases of client abuse or neglect or suspicion of abuse or neglect must be reported to the Child Protection Agency in the DSS Office of Community Services for investigation.

3. Visits to parents and relatives in their own homes should be encouraged, unless they are not of benefit to the client, in order to maintain not only family ties but also ties in the neighborhood and community.

4. A written description of these family involvement strategies is suggested.

B. Normalization. A provider shall ensure that:

1. clients of grossly different ages, developmental levels and social needs shall not be housed in close physical or social proximity, unless such housing is planned to promote the growth and development of all those housed together.

2. clients who are nonambulatory, deaf, blind, epileptic, etc., shall be integrated with peers of comparable social and intellectual development and shall not be segregated on the basis of their handicaps.

C. Community Involvement

1. The client should have opportunities to participate in community life when individual treatment has progressed, so that community activities can become part of the treatment plan.

2. The client might participate in activities sponsored by school, church, and national and local youth agencies (Girl Scouts, Boy Scouts, 4-H Clubs, etc.).

3. The client should have help, when necessary, to conform to community standards.

4. Mass excursions, transportation in vehicles labeled with the name of the center, wearing of uniforms, etc., are undesirable if they call attention to the clients and make them feel different from others.

5. Community interest in clients and efforts in their behalf (parties, entertainment, invitations to visit other families, etc.) should be carefully evaluated to ascertain that they are of benefit to the clients and do not exploit their dependency status.

D. Communication and Visits

1. Telephone Communication

a. A provider shall allow a client to receive and originate telephone calls, subject only to reasonable rules and to any specific restriction in the client's service plan.

b. Any restriction on telephone communication in a client's service plan must be formally approved and shall be reviewed every 30 days.

2. Mail

a. A provider shall allow clients to send and receive mail unopened and unread by staff, unless contraindicated by a restriction in the client's service plan which shall be reviewed every 30 days.

b. A provider shall ensure that clients have access to all materials necessary for writing and sending letters and shall, when necessary, ensure that clients who wish to correspond with others are given any required assistance.

3. Visits

a. A provider shall allow a client to visit or be visited by family and friends, subject only to reasonable rules and to any specific restrictions in the client's service plan.

b. Special restrictions shall be imposed only to prevent serious harm to the client. The reasons for any special restrictions shall be recorded in the client's service plan.

c. Special restrictions must be reviewed every 30 days. If restrictions are renewed, the reasons for renewal shall be recorded in the client's service plan.

d. A written description of these rules and procedures is suggested.

E. Routines

1. A provider shall have a written set of daily routines for clients that are designed to provide for reasonable consistency and timeliness in daily activities, in the delivery of essential services to clients and in the provision of adequate periods of recreation, privacy, rest and sleep.

2. Routines should be determined in relation to needs and convenience of both clients and adults living together.

3. Routines should be sufficiently adaptable to a particular client's physical and emotional capacity to conform to them or to allow for special situations.

F. Money and Personal Belongings

1. A provider shall permit and encourage a client to possess his/her own money, either by giving an allowance and/or providing opportunities for paid work, unless otherwise indicated.

2. Money earned, received as a gift or received as allowance by a client shall be deemed to be that client's personal property.

3. Limitations may be placed on the amount of money a client may possess or have unencumbered access to when such limitations are considered to be in the client's best interests.

4. A provider should, as appropriate to the client's age and abilities, provide training in budgeting, shopping and money management.

5. A provider shall allow a client to bring his/her personal belongings to the program and to acquire belongings of his/her own in accordance with the client's service plan. However, the provider shall, as necessary, limit or supervise the use of these items while the client is in care. When extraordinary limitations are imposed, the client shall be informed by staff of the reasons.

6. The security of having and keeping possessions of one's own contributes to a sense of autonomy and identity. Clients should have a safe place for their belongings. Individual storage space should be provided for their collections, play equipment, and other "treasures." Clients with particularly valuable keepsakes may need staff help to keep them safe.

G. Work

1. Each client should be assigned daily or weekly chores that provide opportunities to learn to assume responsibility and to get satisfaction from contributing to work that must be done, according to age, health, interest, ability, and readiness.

2. The chores should be similar to those of family members in the neighboring community. Clients should not be depended upon to do work for which staff should be employed. There should be a limit on the amount of work expected.

3. Staff should approve and supervise all chore assignments. Clients should be encouraged to complete chores, but not forced. Policy for this situation should be covered under the provider's behavior management practices.

4. Clients may be given jobs for which they receive payment, which should be clearly differentiated from duties expected of any client in the course of daily living.

5. When a client engages in off-grounds work, the provider should ensure that:

- a. such work is voluntary and in accordance with the client's abilities;
- b. the work has been approved by staff;
- c. such work is supervised by qualified personnel;
- d. the conditions and compensation of such work are in compliance with applicable State and Federal laws; and
- e. such work does not conflict with the client's service plan.

H. Recreation and Activities

1. Recreation cannot be separated from the total living experience of the client. Play is a learning experience as important as formal education. A recreation program should offer indoor and outdoor activities in which participation can be encouraged and motivated on the basis of individual interests and needs.

2. A provider should provide recreational services based on the individual needs, interests and functioning levels of the clients served.

3. A provider should utilize the recreational resources of the community whenever appropriate. The provider should arrange the transportation and supervision required for maximum usage of community resources.

4. Exercise promotes health and physical development. When clients improve in fitness, their self-concept also improves. Active group play and competitive activities can be balanced by quiet or independent pursuits.

5. A residential care provider should provide adequate recreational equipment and yard space to meet the needs and abilities of its clients. Recreational equipment should be selected in accordance with the number of clients, their ages and needs, and should allow for imaginative play, creativity, and development of leisure skills and physical fitness.

6. Clients should have time to be alone and to engage in solitary activities that they enjoy, such as reading, drawing, playing with dolls, puppets and other toys, working on collections, roller-skating and bicycling. There should be opportunities for group activities to develop spontaneously, such as group singing, dancing, storytelling, listening to records, games, etc. Use of television may have to be governed by rules about hours when viewing is allowed and about choice of programs.

I. Birthdays. Each client's birthday should be celebrated individually in an appropriate manner in the group living unit.

J. Religion

1. A provider should clearly explain its religious orientation, particular religious practices which are observed, and any religious restrictions on admission. This description shall be provided to the client; the legally responsible person, when appropriate; and the responsible agency.

2. The nonsectarian agency has responsibility to provide opportunities for the client who wants to have an appropriate religious affiliation and religious experiences in accordance with the religious preferences of the parents.

3. The agency under religious auspices, whose religious program is an integral part of its service, should make it clear that its service is so based. Clients whose parents want them to make use of such a service should be able to do so.

4. Clients and families who do not choose to participate in religious activities should not be expected to do so in any residential center.

K. Clothing

1. A provider shall ensure that clients are provided with clean, well-fitting clothing appropriate to the season and to the client's age, sex and individual needs. Clothing shall be maintained in good repair.

2. All clothing provided to a client shall go with the client at discharge.

3. Clothing shall belong to the individual client and not be shared in common.

4. Clothing contributes to the client's feeling of worth and dignity. It represents being valued by adults, respect for individuality and having someone who cares for him or her. Clothing should be provided in a manner that helps the client develop self-esteem and a sense of personal responsibility.

L. Personal Care and Hygiene

1. A provider shall establish procedures to ensure that clients receive training in good habits of personal care,

hygiene and grooming, appropriate to their age, sex, and race.

2. Each client should have the personal help that all persons need at times, regardless of age, in waking, dressing, deciding what to wear, combing hair, caring for clothing, grooming, getting ready for meals or school, keeping appointments, going to bed, etc.

M. Food Services

1. It is preferable to have one person in charge of food service who is familiar with nutrition, food service and management. The person responsible for food service should be aware of clients with special nutritional needs, and manage the resources of the dietary services to achieve effective food delivery.

2. A provider shall ensure that a client is provided at least three meals or their equivalent daily at regular times with not more than 14 hours between the evening meal and breakfast of the following day. Meal times shall be comparable to those in a normal community home.

3. A provider should develop written menus at least one week in advance.

4. Records of foods purchased shall be maintained on file for 30 days. Menus should provide for a sufficient variety of foods and shall vary from week to week.

5. No client shall be denied a meal for any reason except according to a doctor's order.

6. No client shall be forced-fed or aggressively coerced to eat against his/her will except by order of a doctor.

7. When meals are provided to staff, a provider shall ensure that staff members eat substantially the same food served to clients in care, unless age differences or special dietary requirements dictate differences in diet.

8. A provider shall purchase and provide to clients only food and drink of safe quality, and the storage, preparation and serving techniques shall ensure that nutrients are retained and spoilage is prevented.

9. Milk and milk products shall be Grade A and pasteurized.

N. Health Care

1. A provider shall ensure the availability of a comprehensive program of preventive, routine and emergency medical and dental care, as appropriate, for all clients.

2. The provider shall show evidence of access to the following health care aspects:

a. ongoing appraisal of the general health of each client;

b. provision for health education, as appropriate;

c. establishment of an ongoing immunization program;

d. approaches that ensure that any medical treatment administered will be explained to the client in language suitable to his/her age and understanding;

e. an ongoing relationship with a licensed physician and dentist to advise the provider concerning medical and dental care;

f. availability of a physician or fully equipped clinic on a 24-hour a day, seven-day a week basis;

g. provision for a dental examination as soon as practical after acceptance of the client for care and for treatment, including necessary prophylaxis, orthodontia,

repairs and extractions when indicated, and for annual re-examinations; and

h. access to psychiatric and psychological resources, on both an emergency and ongoing basis, as appropriate to the needs of clients.

O. Medical Care

1. A provider shall arrange a general medical examination by a physician for each client within two weeks of admission unless the client has received such an examination within 30 days before admission and results of this examination are available to the provider. This examination shall include:

a. an examination of the client for physical injury and disease;

b. vision and hearing screening; and

c. a current assessment of the client's general health.

2. Each client taken into care should be immunized against common contagious diseases, including vaccination for smallpox and immunization against diphtheria, tetanus, poliomyelitis, whooping cough, measles and rubella.

3. Whenever indicated, the client shall be referred to an appropriate medical specialist for either further assessment or treatment, i.e., if indicated, neurological examination and psychiatric evaluation, and tuberculin test, including chest x-ray.

4. A provider must ensure that a client receives competent medical care in keeping with community standards of medical practice when he/she is ill. A physical examination shall be arranged when poor health is indicated.

5. When there has been insufficient time to prepare a client for placement, and if an adequate medical history can be obtained, the routine physical examination, as well as routine medical procedures, such as immunization, may be postponed.

P. Dental Services

1. A provider should have an organized system for providing comprehensive diagnostic dental services for all clients, which includes a complete extra- and intra-oral examination, utilizing all diagnostic aids necessary to properly evaluate the client's oral condition within a period of one month following admission, unless such an examination is in the client's case record.

2. A provider shall have access to comprehensive dental treatment services for all clients which include:

a. provision for dental treatment;

b. provision for emergency treatment on a 24-hour, seven-day-a-week basis by a qualified dentist;

c. a recall system that will assure that each client is re-examined at specified intervals in accordance with his/her needs, but at least annually.

3. A copy of the permanent dental record shall be provided to a provider when a client is transferred.

Q. Mental Health Services

1. A provider shall have access to the following services in accordance with the needs of clients:

a. psychological services;

b. psychiatric services; and

c. social work services.

2. A provider shall ensure that all providers of professional and special services:

- a. provide services directly through personal contact with the client;
- b. provide services indirectly through contact with staff members and others working with the client;
- c. develop and record appropriate plans, goals and objectives for the client and, as appropriate, the client's family;
- d. record all significant contacts with the client;
- e. periodically provide written summaries of the client's response to the service, the client's current status relative to the service, and the client's progress, to be maintained in the client's case record;
- f. participate, as appropriate, in the development, implementation and review of service plans and aftercare plans and in the interdisciplinary team responsible for developing such plans;
- g. provide services appropriately integrated into the overall program.

3. A provider shall ensure that any professional or special service provided by the provider has:

- a. adequately qualified and, when appropriate, appropriately licensed or certified staff according to state or federal law;
- b. adequate space and facilities;
- c. appropriate equipment;
- d. adequate supplies; and
- e. appropriate resources.

4. A provider shall ensure that any professional or special service provided by a person or agency outside the provider meets all relevant requirements contained herein.

R. Psychological Services

1. A provider should provide psychological services, as appropriate, to the needs of the clientele, including strategies to maximize each client's development of perceptual skills, sensorimotor skills, self-help skills, communication skills, social skills, self-direction, emotional stability, effective use of time (including leisure time), and cognitive skills.

2. Psychologists providing services to the provider shall have at least a Master's degree from an accredited program and appropriate experience or training.

S. Psychiatric Services

1. The services of a psychiatrist should be available for diagnosis, consultation and treatment of clients with mental health needs.

2. Psychiatric consultation should be available to other staff members working with clients in developing a program that promotes mental health and in helping all appropriate staff members understand and use mental health concepts in working with clients and their families.

3. Use should be made of mental health services and client guidance facilities in the community, whenever they are available, for clients and parents.

T. Social Work Services

1. Social services as part of an interdisciplinary spectrum of services shall be provided to the clients through the use of social work methods directed toward:

- a. maximizing the social functioning of each client;
- b. enhancing the coping capacity of the client's family; and

c. asserting and safeguarding the human and civil rights of clients and their families and fostering the human dignity and personal worth of each client.

2. During the evaluation process, which may or may not lead to admission, social workers shall help the client and family to consider alternative services and make a responsible choice as to whether and when placement is indicated.

3. During the client's admission to and residence in the provider, or while the client is receiving services from the provider, social workers shall, as appropriate, provide liaison between the client, the provider, the family and the community in order to:

- a. assist staff in understanding the needs of the client and his/her family in relation to each other;
- b. assist staff in understanding social factors in the client's day-to-day behavior, including staff-client relationships;
- c. assist staff in preparing the client for changes in his/her living situation;
- d. help the family to develop constructive and personally meaningful ways to support the client's experience in the provider through counseling concerned with problems associated with changes in family structure and functioning and referral to specific services, as appropriate; and
- e. help the family to participate in planning for the client's return to the home or other community placement.

4. After the client leaves the provider, the provider's social workers should provide systematic follow-up to assure referral to appropriate community providers, when possible.

U. Medications

1. A provider shall ensure that no medication is given to any client except in accordance with the written order of a physician.

2. There shall be no standing orders for prescription medications.

3. All orders for prescribed drugs shall terminate after a period not to exceed 90 days.

4. All orders for non-prescription drugs shall terminate after a period not to exceed one year.

5. The provider shall ensure that the prescribing physician is immediately informed of any side effects observed by staff or of any medication errors.

6. A provider supervising the self-administration of psychotropic medications shall have a written description of the use of psychotropic medications except when supervised directly by the prescribing certified clinical professional or his agent, i.e., clinical social worker.

7. A provider shall ensure that medications are either self-administered or administered by qualified persons according to state law.

8. A medication shall not be administered to any client for whom the medication has not been ordered.

9. Medications shall not be used as a disciplinary measure, a convenience for staff or as a substitute for adequate, appropriate programming.

10. All medications, prescription and non-prescription, should not be accessible to clients and should be administered by qualified persons according to state law.

V. Grievance Procedure for Clients

1. A provider should create a positive climate and opportunities for clients to make complaints without fear of retaliation.

2. The provider should make every effort to ensure that all clients and their legally responsible person are aware of and understand the grievance procedure.

W. Abuse and Neglect. A provider shall have comprehensive, written procedures concerning client abuse, including:

1. a description of ongoing communications strategies used by the provider to maintain staff awareness of abuse prevention, current definitions of abuse and neglect, current reporting requirements and applicable laws;

2. a procedure ensuring immediate reporting of any suspected incident to the chief administrator or his/her designee and mandating an initial written summary on the incident to the chief administrator or his/her designee within 24 hours;

3. a procedure for ensuring that the client is protected from potential harassment during the investigation; and

4. a procedure for disciplining staff members who abuse or neglect clients.

X. Reports on Critical Incidents

1. A provider shall require Social Service staff to report and document deaths of clients, injuries, fights or physical confrontations, situations requiring the use of passive physical restraints, suspected incidents of abuse or neglect, unusual incidents and other situations or circumstances affecting the health, safety or well-being of a client or clients.

2. Such procedures shall ensure verbal and written reports to the chief administrator.

3. When an incident involves abuse or neglect of a client, death of a client, or entails any serious threat to the client's health, safety or well-being, a provider shall:

a. ensure immediate verbal reporting to the chief administrator or his/her designee and a preliminary written report within 24 hours of the incident;

b. ensure immediate notification of representatives of DSS and other appropriate authorities, according to state law;

c. ensure immediate, documented attempts to notify the legally responsible person of the client;

d. ensure immediate attempts to notify other involved agencies and parties, as appropriate; and,

e. ensure follow-up written reports to all appropriate persons and agencies.

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§7965. Direct Service Management

A. Admission Policies

1. A provider shall have a written description of admission policies and criteria which shall include the following information:

a. the age and sex of clients in care;

b. the needs, problems, situations or patterns best addressed by the provider's program;

c. any other criterion for admission;

d. criteria for discharge;

e. any preplacement requirements on the client, the legally responsible person, DSS, or other involved agencies;

f. procedures for ensuring that placement within the program is the least restrictive alternative appropriate to meet the client's needs.

2. The provider shall, when applicable, have policies and procedures governing self-admission. Such policies and procedures shall include procedures for notification, as appropriate, of the legally responsible person.

3. A provider shall not refuse admission to any client on the grounds of race or ethnic origin.

4. A provider shall not admit more clients into care than the number specified on the provider's license.

5. A provider shall not accept any client for placement whose needs cannot be adequately met by the provider's program.

6. A provider shall ensure that the client; the legally responsible person, when appropriate; and others, as appropriate, are provided reasonable opportunity to participate in the admission process and decisions. Proper consents shall be obtained before admission.

7. When such involvement of the legally responsible person is not possible or not desirable, the reasons for their exclusion shall be recorded in the admission study.

B. Intake Evaluation

1. The provider shall accept a client into care only when a current comprehensive intake evaluation has been completed, including health and family history and medical, social, psychological and, as appropriate, developmental or vocational or educational assessment.

2. In emergency situations necessitating immediate placement into care, the provider shall:

a. gather as much information as possible about the client to be admitted and the circumstances requiring placement;

b. formalize this in an "emergency admission note" within two days of admission; and,

c. proceed with an intake evaluation as quickly as possible. The intake evaluation shall be completed within 30 days of admission.

C. Clarification of Expectations to Client. The provider shall, consistent with the client's maturity and ability to understand, make clear its expectations and requirements for behavior and provide the client referred for placement with an explanation of the provider's criteria for successful participation in and completion of the program.

D. Placement Agreement

1. The provider shall ensure that a written placement agreement is completed. A copy of the placement agreement, signed by all parties involved in its formulation, shall be kept in client's record.

2. A provider shall not admit any client into care whose presence will be seriously damaging to the ongoing functioning of the provider or to clients already in care.

3. The placement agreement should be developed with the involvement of the client and the legally responsible person. The placement agreement shall include, by reference or attachment, at least the following:

a. discussion of the client's and the family's expectations regarding family contact and involvement;

b. nature and goals of care, including any specialized services to be provided;

- c. religious orientation and practices of the client;
- d. anticipated discharge date and aftercare plan;
- e. delineation of the respective roles and responsibilities of all agencies and persons involved with the client and his/her family;
- f. authorization to care for the client;
- g. authorization to obtain medical care for the client;
- h. arrangements regarding visits, vacation, mail, gifts and telephone calls;
- i. arrangements as to the nature and frequency of reports to and meetings involving the legally responsible person and referring agency;
- j. provision for notification of the legally responsible person in the event of unauthorized absence, illness, accident or any other significant event regarding the client.

4. The provider shall ensure that each client upon placement is checked for illness, fever, rashes, bruises and injury. The client shall be asked if he/she has any physical complaints. The results of this procedure shall be documented and kept in the client's record.

5. The provider shall assign a staff member to orient the client and, where available, the family to life at the provider.

E. Discharge and After Care

1. Prior to planned discharge of a client, the provider's staff should formulate an aftercare plan discussing the supports and resources to be provided to the client and the legally responsible person.

a. Prior to discharge, the provider's staff should ensure that the client is aware of and understands his/her aftercare plan.

b. When a client is being placed in another program following discharge, representatives of the staff shall confer with representatives of that program prior to the client's discharge to share information concerning the client.

2. The provider shall have a written policy concerning unplanned discharge. This policy shall ensure that emergency discharges initiated by the provider take place only when the health and safety of a client or other clients might be endangered by the client's further placement at the agency.

a. The provider shall give immediate notice of unplanned discharge to the legally responsible person and shall promptly notify appropriate education authorities.

b. When arranging for placement following an emergency discharge, a provider shall consult with the receiving provider to ensure that the client is placed in a program that reasonably meets the client's needs, if possible.

c. The provider shall have a written report detailing the circumstances leading to each unplanned discharge.

3. Within 30 days of discharge of a client, a provider shall compile a written discharge summary to be included in the client's record. When the client is discharged to another agency, this summary should accompany the client. This summary should include:

- a. name and home address of the client and, when appropriate, the legally responsible person;
- b. name, address, telephone number of the provider;
- c. summary of services provided during care;

d. summary of growth and accomplishments during care;

e. assessed needs which remain to be met, and alternate service possibilities which might meet those needs; and

f. statement of an aftercare plan and identification of who is responsible for follow-up services and aftercare.

F. Individual Service Planning

1. A provider shall ensure that a direct service staff who is an appropriately qualified professional is assigned to each client and given responsibility for and authority over:

a. supervision of the implementation of the client's service plan;

b. integration of the various aspects of the client's program;

c. recording of the client's progress as measured by objective indicators;

d. reviewing the client's service plan on a quarterly basis; and

e. monitoring any extraordinary restriction of the client's freedom, including use of any form of restraint, any special restriction on a client's communication with others and any potentially harmful treatment or behavior management technique applied to the client.

2. Service Plan

a. A provider shall, within 30 days of admitting a client, ensure that a comprehensive written psychological, social and, as appropriate, educational assessment of the client has been completed and, on the basis of this assessment, shall develop a comprehensive, time-limited, goal-oriented individual service plan addressing the needs identified by the assessment.

b. Unless it is clearly not feasible to do so, a provider shall ensure that the service plan and any subsequent revisions are explained to the client and, where appropriate, the legally responsible person in language understandable to these persons.

c. The social service staff shall review each plan at least annually and shall evaluate the degree to which the goals have been achieved.

d. The social service worker shall prepare quarterly status reports on the progress of the client relative to the goals and objectives of the service plan. These reports shall be prepared by designated staff and reviewed and approved.

e. A social service worker shall ensure that all persons working directly with the client are appropriately informed of the service plan.

3. Education

a. A provider should ensure that each client has access to appropriate educational services consistent with the client's abilities and needs, taking into account his/her age and level of functioning.

b. All clients of school age must either be enrolled in a school system or a program approved by the Department of Education.

G Arrangement of Clients into Groups. A provider should conscientiously consider the manner in which clients are arranged into groups within the provider, and document that this manner of arranging clients into groups effectively addresses the needs of clients. This statement should be in accordance with the following guidelines.

1. All clients must have privacy and a place to go for periods of relative quiet and inactivity.

2. All clients must have an opportunity to build relationships within small groups.

3. Clients must have an opportunity to form relationships with a consistent group of direct service staff.

H. Behavior Management

1. Clients should be given opportunities to learn gradually to assume responsibilities and make decisions for phases of daily living that they are able to carry out by themselves. They should have the assistance and guidance of workers whom they trust and respect, and with whom they have a positive relationship, while learning self-control and self-direction in a widening sphere of daily life.

a. Discipline is the educational process by which professionals help a client have the experiences that enable the client to learn to live in reasonable conformity with accepted standards of social behavior and to do so by progressively acquiring and applying self-control rather than relying on external pressures.

b. Every provider should develop policies and procedures to govern all disciplinary actions. Staff should be fully aware of these policies and their implications through staff development and written materials.

c. Each client should know the basic rules that include not hurting others, not destroying things and not disrupting ongoing activities.

d. Good discipline involves being clear and specific as to limits on behavior, showing the client what is permitted and what is not, and giving feedback on actions that are right or wrong.

e. Responsibility for discipline should be given to the worker who takes care of the clients and supervises their daily activities.

2. Punishment

a. Punishment should be used only in situations where other means are ineffective and when clients can benefit from the experience of facing the consequences of unacceptable behavior not as an end in itself, but as a part of a learning process.

b. Punishment is one form of intervention by the staff in situations in which the client fails to behave as expected or required, or fails to maintain self-control. The staff should have clear reasons for choosing punishment. It is usually more effective to offer an intervention activity that can be positively enforced rather than an intervention that could prove to be a negative reinforcement to a client.

c. Timing or any punishment should be related to the occurrence of the offense and should not extend over so long a period that it loses meaning for the client.

d. Group punishment for misbehavior of one or more members is not desirable. It can have the negative long-range effect of embittering the clients who are unfairly punished and may disturb group cohesiveness. The group may become hostile to the individual client who may feel alone and rejected by them. The group may also direct its hostility to the staff member. Humiliating or degrading punishment, which undermines the client's respect (including ridicule, sarcasm, shaming, scolding or punishment in the presence of the group or another staff member), should be avoided.

i. Corporal punishment, including slapping, spanking, paddling, belting, hitting or forcing the client to march, stand or kneel rigidly in one spot, or causing any kind of physical discomfort, shall not be used other than when approved by the client's parent or guardian in writing. All state laws must be followed when approved corporal punishment is administered.

ii. Physical restraint of a client by a worker is at times necessary for the protection of the client or others.

3. Misbehavior

a. To be effective, worker intervention should be determined by an understanding of the particular client, the immediate situation, the particular living group of the client, the client's capacity at the time to learn from the experience and the treatment plan.

b. Some situations require purposeful non-interference, i.e., nothing should be done. Others call for active intervention, such as reasoning and discussion of the incident, changing the situation, disapproval, physical restraint or punishment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1410 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 27:0000 (September 2001).

§7967. Physical Environment

A. Accessibility. A provider's building, parking lots and facilities shall be accessible to and functional for clients, staff members and the public, as required by applicable federal and state laws and regulations.

B. Exterior Space

1. A provider shall ensure that all structures on the grounds of the facility accessible to clients are maintained in good repair and are free from any excessive hazard to health or safety.

2. A provider shall maintain the grounds of the facility in an acceptable manner and shall ensure that the grounds are free from any hazard to health or safety.

a. Garbage and rubbish that is stored outside shall be stored securely in non-combustible, covered containers and shall be removed on a regular basis.

b. Trash collection receptacles and incinerators shall be stored separate from the play area, and be located as to avoid being a nuisance to neighbors.

c. Fences shall be in good repair.

d. Areas determined to be unsafe, including steep grades, cliffs, open pits, swimming pools, high voltage boosters or high-speed roads, shall be fenced off or have natural barriers to protect clients.

e. Playground equipment shall be so located, installed and maintained as to ensure the safety of clients.

3. A provider shall have access to outdoor recreational space and suitable recreational equipment.

C. Interior Space

1. Each living unit of a provider should contain a space for the free and informal use of clients. This space shall be constructed and equipped in a manner consistent with the programmatic goals of the provider.

2. A provider shall provide an appropriate variety of interior recreational spaces.

3. A provider shall ensure the immediate accessibility of appropriate first aid supplies in the living units.

4. Dining Areas

a. A provider shall provide dining areas which permit clients, staff and, as appropriate, guests to eat together in small groups.

b. A provider shall provide dining areas which are clean, well-lighted, ventilated and attractively furnished.

5. Sleeping Accommodations

a. A provider should ensure that each client has a safe and comfortable bedroom space appropriate to age, mental health and supervision requirements. Floor space should provide appropriate freedom of movement. In evaluating bedroom floor space, easy access to large adjoining areas should be considered.

b. A provider shall not use a room with a ceiling height of less than seven feet as a bedroom space, except in a room with varying ceiling height in which the portions of the room where the ceiling is at least seven feet allow a useable space.

c. A provider should not permit more than four clients to occupy a designated bedroom space, unless necessitated by supervision requirements.

d. No client over the age of five years shall occupy a bedroom with a member of the opposite sex, unless the persons occupying the bedroom are a married couple, or properly documented medical reasons require it.

e. A provider shall not use any room which does not have a window as a bedroom space.

f. Each client in care of a provider shall have his/her own bed. A client's bed shall be no shorter than the client's height and no less than thirty inches wide, and shall have a clean, comfortable, non-toxic, fire-retardant mattress.

g. A provider shall ensure that sheets, a pillow, a bedspread and blankets are provided for each client.

i. Enuretic clients shall have mattresses with moisture-resistant covers.

ii. Sheets and pillowcases shall be changed at least weekly, but shall be changed more frequently if necessary.

h. A provider shall provide clients with solidly constructed beds. Cots or other portable beds are not to be used on a routine basis.

i. A provider shall ensure that the uppermost mattress of any bunk bed in use shall be far enough from the ceiling to allow the occupant to sit up in bed.

j. A provider shall provide each client in care with his/her own dresser or other adequate storage space for private use, and designated space for hanging clothing in proximity to the bedroom occupied by the client.

k. Each client in care of a provider shall have his/her own designated area for rest and sleep.

l. The decoration of sleeping areas for clients shall allow some scope for the personal tastes and expressions of the clients.

6. Bathrooms

a. A provider shall have an adequate number of washbasins with hot and cold water, flush toilets and bath or shower facilities with hot and cold water, according to client care needs.

i. Bathrooms shall be so placed as to allow access without disturbing other clients during sleeping hours.

ii. Each bathroom shall be properly equipped with toilet paper, towels, soap and other items required for personal hygiene, unless clients are individually given such items.

iii. Tubs and showers shall have slip-proof surfaces.

b. A provider shall provide toilets and baths or showers which allow for individual privacy, unless clients in care require assistance.

c. A provider shall ensure that bathrooms have a safe and adequate supply of hot and cold running water. This water shall be potable.

d. A provider shall ensure that bathrooms contain mirrors secured to the walls at convenient heights, and other furnishings necessary to meet the clients' basic hygienic needs.

e. A provider shall ensure that bathrooms are equipped to facilitate maximum self-help by clients. Bathrooms shall be large enough to permit staff assistance of children if necessary.

f. Toilets, washbasins and other plumbing or sanitary facilities in a facility shall at all times be maintained in good operating condition, and shall be kept free of any materials that might clog or otherwise impair their operation.

7. Kitchens

a. Kitchens used for meal preparations shall be provided with the necessary equipment for the preparation, storage, serving and cleanup of all meals for all the clients and staff regularly served by such kitchen. All equipment shall be maintained in working order.

b. A provider shall not use disposable dinnerware at meals on a regular basis, unless the facility documents that such dinnerware is necessary to protect the health or safety of clients in care.

c. A provider shall ensure that all dishes, cups and glasses used by clients in care are free from chips, cracks or other defects.

8. Staff Quarters. A provider utilizing live-in staff shall provide adequate, separate living space with private bathroom for these staff.

9. Administrative and Counseling Space

a. A provider shall provide a space that is distinct from the clients' living areas to serve as an administrative office for records, secretarial work and bookkeeping.

b. A provider shall have a designated space to allow private discussions and counseling sessions between individual clients and staff.

10. Furnishings

a. A provider shall have comfortable, customary furniture as appropriate for all living areas. Furniture for the use of clients shall be appropriately designed to suit the size and capabilities of these clients.

b. A provider shall ensure that there is evidence of routine maintenance and cleaning programs in all areas of the provider.

c. A provider shall replace or repair broken, run-down or defective furnishings and equipment promptly.

11. Doors and Windows

a. A provider shall ensure that any designated bedroom in which the bedroom space is not equipped with a mechanical ventilation system is provided with windows that

have an openable area at least 5 percent as large as the total floor area of the bedroom space.

b. A provider shall provide insect screening for all opened windows. This screening shall be readily removable in emergencies and shall be in good repair.

c. A provider shall ensure that all closets used by clients, and bedrooms and bathrooms which have doors, are provided with doors that can be readily opened from both sides.

12. Storage

a. A provider shall ensure that there are sufficient and appropriate storage facilities.

b. A provider shall have securely locked storage space for all potentially harmful materials. Keys to such storage spaces shall only be available to authorized staff members.

13. Electrical Systems

a. A provider shall ensure that all electrical equipment, wiring, switches, sockets and outlets are maintained in good order and safe condition.

b. A provider shall ensure that any room, corridor or stairway within a facility is sufficiently illuminated.

c. A provider shall provide adequate lighting of exterior areas to ensure the safety of clients and staff during the night.

14. Heat

a. A provider shall take all reasonable precautions to ensure the heating elements, including exposed hot water pipes, are insulated or installed in a manner that ensures the safety of clients.

b. A provider shall maintain the spaces used by clients at reasonable temperatures.

c. A provider shall not use open flame heating equipment.

15. Water. A provider shall ensure that hot water accessible to clients is regulated to a temperature not in excess of 110 degrees F., unless a variance is granted.

16. Finishes and Surfaces

a. A provider shall not utilize any excessively rough surface or finish where this surface or finish may present a safety hazard to clients.

b. A provider shall not have walls or ceilings surfaced with materials containing asbestos.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1410 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 27:0000 (September 2001).

§7969. Emergency and Safety

A. Emergency and Safety Plan

1. A provider should have a plan for emergency and safety procedures.

2. The plan should provide for the evacuation of clients to safe or sheltered areas.

3. The plan should include provisions for training of staff and, as appropriate, clients in preventing, reporting and responding to fires and other emergencies.

4. The plan should provide means for an ongoing safety program including continuous inspection of the provider for possible hazards, continuous monitoring of safety equipment and investigation of all accidents or emergencies.

B. Emergency Drills

1. A provider shall conduct emergency drills at least once every three months and at varying times of the day.

2. A provider shall make every effort to ensure that staff and clients recognize the nature and importance of such drills.

C. Access to Emergency Services

1. A provider shall have access to 24-hour telephone service.

2. The provider shall either have posted telephone numbers of emergency services, including fire department, police, medical services, poison control and ambulance, or be able to show evidence of an alternate means of immediate access to these services.

D. General Safety Practices

1. A provider shall not maintain any firearm or chemical weapon in the living units of the facility.

2. A provider shall ensure that all poisonous, toxic and flammable materials are safely stored in appropriate containers labeled as to contents. Such materials shall be maintained only as necessary and shall be used in such a manner as to ensure the safety of clients, staff and visitors.

3. A provider should ensure that an appropriately equipped first-aid kit is available in the provider's building.

4. Every required exit, exit access and exit discharge in a provider's building shall be continuously maintained free of all obstructions or impediments to immediate use in the case of fire or other emergency.

5. A provider shall prohibit the use of candles in sleeping areas of the clients.

6. Power-driven equipment used by a provider shall be kept in safe and good repair. Such equipment shall be used by clients only under the direct supervision of a staff member and according to State Law.

7. A provider shall have procedures to prevent insect and rodent infestation.

E. Transportation

1. The provider shall ensure that each client is provided with the transportation necessary for implementing the client's service plan.

2. The provider shall have means of transporting clients in case of emergency.

3. Any vehicle used in transporting clients in care of the provider, whether such vehicle is operated by a staff member of any other person acting on behalf of the provider, shall be properly licensed and inspected in accordance with State Law.

4. The provider shall not allow the number of persons in any vehicle used to transport clients to exceed the number of available seats in the vehicle.

5. All vehicles used for the transportation of clients shall be maintained in a safe condition and be in conformity with all applicable motor vehicle laws.

6. Identification of vehicles used to transport clients in care of a provider shall not be of such nature to embarrass or in any way produce notoriety for clients.

7. The provider shall ascertain the nature of any need or problem of a client which might cause difficulties during transportation, such as seizures, a tendency towards motion sickness or a disability. The provider shall communicate such information to the operator of any vehicle transporting clients in care.

8. The following additional arrangements are required in all vehicles except automobiles for a provider serving handicapped, non-ambulatory clients:

a. A ramp device to permit entry and exit of a client from the vehicle must be provided for all vehicles that are normally used to transport physically handicapped clients. A mechanical lift may be utilized, provided that a ramp is also available in case of emergency.

b. Wheelchairs used in transit shall be securely fastened to the vehicle.

c. The arrangement of the wheelchairs shall provide an adequate aisle space and shall not impede access to the exit door of the vehicle.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1410 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 27:0000 (September 2001).

J. Renea Austin-Duffin
Secretary

0109#050

RULE

Department of Treasury Board of Trustees of the Louisiana State Employees' Retirement System

Disability (LAC 58:I.2501-2523)

Under the authority of R.S. 11:515 and in accordance with R.S. 49:951 et seq., the Department of the Treasury, Board of Trustees of the Louisiana State Employees' Retirement System ("LASERS") has amended LAC 58:I.2503, 2505, 2507, 2509, 2511, 2513, 2525, 2527, and 2529, and repealed LAC 58.I. 2501, 2521, and 2523, and renumbered accordingly.

Title 58 RETIREMENT

Part I. State Employees' Retirement

Chapter 25. Procedures for Processing Disability Applications

§2501. Application for Disability Retirement

A. Applications for disability retirement shall be submitted in accordance with instructions provided to the applicant or applicant's employer by LASERS, and shall be reviewed as follows.

1. Upon receipt of a disability application, LASERS shall verify applicant's eligibility within five business days of receipt of the application.

2. The Application, Examining Physician's Report, the Disability Report by Immediate Supervisor, and Report by Applicant's Human Resource Administrator shall be reviewed for completeness.

3. If the Application or any of the required forms are incomplete or missing, the applicant shall be notified in writing, and will have 10 business days to furnish the requested information. If the applicant fails to comply with this request the Application shall be rejected as ineligible.

B. Whether the applicant is determined to be eligible or ineligible to apply for disability, the applicant shall be

notified in writing by LASERS within 10 business days of the determination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), amended LR 24:1957 (October 1998), LR 27:0000 (September 2001).

§2503. Disability Board Physician's Recommendation

A. LASERS shall determine the appropriate State Medical Disability Board physician to perform the initial medical review, based on the area of medical specialty most closely related to applicant's disability.

B. If the State Medical Disability Board does not have a physician practicing in the requisite specialty, LASERS shall appoint a physician who practices in the requisite specialty to the Board or as an alternate physician to perform the initial medical review.

C. The State Medical Disability Board physician shall determine from his review whether to conduct a medical examination of the applicant, or waive the medical examination because obvious and overwhelming medical evidence of disability exists to his satisfaction.

D. State Medical Disability Board physician shall determine that a medical examination is needed to determine whether an applicant is eligible for a disability retirement, LASERS shall schedule an appointment with the appropriate Board physician. The applicant shall be notified of the appointment date and time in writing. The initial examination shall be completed within six weeks of the date the completed disability application is received and eligibility is verified by LASERS.

E. LASERS shall pay the cost of the initial medical examination, including cost of laboratory tests, x-rays, and other direct examination procedures. If the Applicant fails to appear for this medical examination and the physician charges a cancellation fee, the Applicant shall be responsible for this fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), amended LR 24:1958 (October 1998), LR 27:0000 (September 2001).

§2505. Final Determination

A.1. LASERS shall review the State Medical Disability Board physician's recommendation and, based on that recommendation, either approve or disapprove the application. An applicant shall be considered as certified totally disabled when the State Medical Disability Board physician declares the applicant to be totally incapacitated for the further performance of the normal duties of the job and states that such incapacity is likely to be permanent. In all cases, the examining physician shall make a recommendation if the application should be approved or disapproved. If the physician's recommendation is unclear, the file shall be forwarded to the disability manager for review. The disability manager shall contact the physician for clarification of the recommendation.

2. If a correction officer, probation or parole officer, or security officer of the Department of Public Safety and Corrections, or an employee of the enforcement division in the Department of Wildlife and Fisheries is found to be

permanently totally or partially disabled the applicant shall be entitled to a disability retirement benefit in accordance with either R.S. 11:212(B) or 214, as applicable.

B. If the disability manager cannot make a clear determination, the file shall be sent to LASERS' Executive Director, who shall contact the examining physician for clarification, or another State Medical Disability Board physician for consultation, or an appointed alternate physician shall be consulted when necessary.

C. Any unusual applications shall immediately be presented to the Executive Director for his review and determination on how it should best be handled.

D. When the final determination is made, the applicant shall be notified in writing and a copy shall be forwarded to applicant's agency.

E. A final determination shall be made within 120 days from the date the completed application is verified by LASERS.

F. Disability benefits shall accrue from the date the application was filed or from the day following exhaustion of all sick leave or annual leave claimed by applicant, whichever is later. If an applicant elects to remain on unused sick or annual leave past the 120 days necessary to complete his application, a waiver shall be signed by the applicant and a re-exam shall be scheduled at LASERS' expense after one year from date of application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), amended LR 24:1958 (October 1998), LR 27:0000 (September 2001).

§2507. Contesting Board Physician's Determination

A. If the certification of the examining physician is contested by either the Applicant or LASERS, the contesting party shall have the right to a second medical examination if a written appeal is filed within 30 days of notification of the initial determination.

B. The second examination shall be performed by a State Disability Board Physician, or appointed alternate physician. LASERS shall schedule the appointment and notify the applicant of the time and place of the second examination in writing.

C. The cost of the second examination shall be paid by the contesting party. If the Applicant fails to appear for this examination and the physician charges a cancellation fee, the Applicant shall be responsible for this fee.

D. If the second physician concurs in the findings and recommendations of the first physician, the original decision shall stand as final and binding on the parties.

E. If the second physician disagrees with the first physician's finding and recommendation, the two physicians shall select a third physician to conduct another examination. The findings and recommendations of the third physician shall be binding, and the cost of the third physician shall be paid by LASERS if the applicant is certified disabled, or by the applicant if the disability claim is denied. If the Applicant fails to appear for this examination and the physician charges a cancellation fee, the Applicant shall be responsible for this fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), amended LR 24:1958 (October 1998), LR 27:0000 (September 2001).

§2509. Judicial Appeal

A. The applicant has the right to appeal the decision that applicant is not entitled to a disability retirement to the Nineteenth Judicial District Court, Parish of East Baton Rouge. This appeal shall be filed within 30 days of the receipt of the final medical decision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), amended LR 24:1959 (October 1998), LR 27:0000 (September 2001).

§2511. Certification of Continuing Eligibility

A. LASERS shall require a disability retiree to complete an Annual Attending Physician Statement (AAPS) once each year during the first five years following the disability retirement and once in every three years thereafter until the retiree has reached the equivalent age of regular retirement unless the medical evidence shows conclusively that the disability retiree cannot recover from the disability. The AAPS needs to be returned within ten business days of receipt by the disability retiree. Depending on the results of the AAPS LASERS may require a disability retiree to undergo a medical examination.

B. If a medical examination is required LASERS shall schedule the appointment with a State Medical Board or appointed alternate physician and notify the disability retiree of the appointment time and place in writing. LASERS must pay the cost of this examination. If the retiree fails to appear for this examination and the physician charges a cancellation fee, the retiree shall be responsible for this fee.

C. The disability retiree shall be notified in writing of the physician's determination. If the physician does not recommend continuing disability, the disability retiree has the same appeal rights as the original applicant as set forth in §2507 herein.

D. If the disability retiree refuses to submit to the examination, or fails to submit the AAPS in the manner set out above his benefit shall be discontinued until he agrees to the examination or submits the AAPS. The benefit will be discontinued 30 days after written notification to the disability retiree. If the refusal continues for one year, all of the retiree's rights in and to the disability benefit shall be revoked.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), amended LR 24:1959 (October 1998), LR 26:1490 (July 2000), LR 27:0000 (September 2001).

§2513. Limitation on Earnings

A. If a disability retiree is gainfully employed, the amount of the retiree's earnings are limited; the total amount of earnings plus the disability benefit cannot exceed his final average compensation.

B. For purposes of computing this limitation, an annual cost-of-living adjustment to the final average compensation shall be made based on the Federal Consumer Price Index for the preceding calendar year.

C. The disability retiree must notify LASERS immediately if the retiree becomes employed and the retiree's earnings will exceed the limitation.

D. Each disability retiree shall submit a notarized annual statement of earned income for the previous calendar year. The statement must be submitted no later than May 1, of each calendar year, otherwise the benefit will be discontinued effective June 1 of that calendar year, without retroactive reimbursement, until the statement is filed. If a disability retiree refuses to submit the statement for the remainder of the calendar year, all the retiree's rights in and to the disability retirement shall be revoked.

E. If the earnings limit is exceeded, future benefits shall be reduced to recover the amount of excess earnings. The disability retiree shall be notified in writing of the reduced amount at least 30 days prior to the reduction taking effect.

F. If it is determined that a disability retiree is engaged in gainful occupation which places the retiree over the earnings limit, then the amount of the disability benefit shall be reduced to an amount within the retiree's earnings limit. Should the retiree's earning capacity later change, the disability benefit may be further modified in accordance with R.S. 11:221.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), amended LR 24:1959 (October 1998), LR 27:0000 (September 2001).

§2515. Report to the Board of Trustees

A. The applicants' names and disposition of applications shall be provided to the Board in addition to the monthly retirement supplement for the Board's ratification.

B. The Board shall receive a summary report of the number of applications received, the number approved, the number disapproved, a summary of the types of disabilities, the average age of approved applicants, the average number of years of state service, and the agencies of the applicants annually in March for the previous calendar year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), amended LR 24:1959 (October 1998), LR 27:0000 (September 2001).

§2517. Appointment of Physicians to the State Medical Disability Board

A. Physicians may be appointed to the State Medical Disability Board or as an alternate physician by the Executive Director. Such appointments shall be subject to ratification by the Board of Trustees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the State Employees' Retirement System, LR 22:373 (May

1996), amended LR 24:1959 (October 1998), LR 27:0000 (September 2001).

§2519. Termination of Benefits

A. Upon receipt of a final medical determination that a disability retiree is no longer disabled as a result of the failure to obtain a certification of continuing eligibility the retiree shall have the right to appeal the medical determination under §2507 herein. The benefit shall continue during the appeal period.

B. The disability retiree has the right to appeal this decision to the Nineteenth Judicial District Court, Parish of East Baton Rouge. This appeal shall be filed within thirty (30) days of the receipt of the Board's decision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), amended LR 24:1960 (October 1998), LR 27:0000 (September 2001).

§2521. Notices

A. Any notice that will terminate a benefit given under this Chapter shall be given as follows:

1. if a disability retiree, the notice shall be given with the retiree's benefit check. If the retiree is receiving his benefit through an electronic fund transfer (EFT), the EFT shall be discontinued for the month notice is required and the retiree shall receive a paper check for that month; or

2. if no benefit is being paid by LASERS, the notice shall be by certified mail, return receipt requested.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), amended LR 24:1960 (October 1998), LR 27:0000 (September 2001).

§2523. Conversion to Regular Retirement

A. In accordance with R.S. 11:217, when a disability retiree vests in a regular retirement benefit under R.S. 11:441, except R.S. 11:441(4), the disability retiree shall be converted to a regular retiree upon attaining the normal vested retirement age and shall receive the full vested benefit. The retiree shall have the option to, but not be required, to select the regular retirement benefit under R.S. 11:441(4) in lieu of a disability retirement benefit if the retiree qualifies for the benefit under R.S. 11:441(4).

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), amended LR 24:1960 (October 1998), LR 27:0000 (September 2001).

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0109#014