

# Potpourri

## POTPOURRI

### Department of Environmental Quality Office of Environmental Assessment

Control of Emission of Organic Compounds  
Calcasieu Parish Area (AQ219)

Notice is given that the Department of Environmental Quality is hereby withdrawing proposed rule, Log #AQ219, which amended the Air Quality regulations, LAC 33:III.2103, 2104, 2109, 2115, 2122, 2143, 2147, 2149, 2151, and 2153. The proposed rule, which affected the parishes of Beauregard, Calcasieu, Cameron, and Jefferson Davis, was published in the July 20, 2001, issue of the *Louisiana Register* on pages 1073 - 1078. A public hearing for the proposed rule was held on August 28, 2001, and the comment period closed September 4, 2001. Upon further evaluation of air quality monitoring data for the area and after review and consideration of comments received, the Department has chosen to withdraw this proposed rule. If you have any questions, please call Patsy Deaville at (225) 765-0399.

James H. Brent, Ph.D.  
Assistant Secretary

0110#089

## POTPOURRI

### Department of Environmental Quality Office of Environmental Assessment

Notice of Public Hearing – Proposed Revisions to the State  
Implementation Plan (SIP) for Baton Rouge

Notice is hereby given that pursuant to the requirements of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and 40 *Code of Federal Regulations*, §51.102, of the United States Environmental Protection Agency (EPA) regulations concerning SIPs, the Louisiana Department of Environmental Quality (LDEQ) will conduct a public hearing to receive testimony regarding proposed revisions to the SIP for Baton Rouge.

The proposed revisions include, but are not limited to, the following: attainment date extension request based on transport with analysis of ozone/ozone precursor transport; urban airshed modeling with control measures demonstrating ozone attainment by 2005; enforceable commitments; contingency measures; motor vehicle emissions budget for transportation conformity; rescission of section 182(b)(1) NOx exemption for transportation conformity; and revisions to the vehicle inspection/maintenance and new source review programs.

A public hearing on the proposed revisions to the SIP will be held in Baton Rouge at 1:30 p.m. on Monday, November 26, 2001 at LDEQ Headquarters, 7290 Bluebonnet Boulevard, Maynard Ketcham Building, Room 326.

Written comments regarding the proposed SIP revisions should be mailed to Vivian Aucoin, Office of Environmental Assessment, Environmental Planning Division, Box 82178, Baton Rouge, LA 70884-2178 or faxed to (225) 765-0617. Comments must be received by 4:30 p.m. December 3, 2001.

A copy of the proposed SIP revisions may be viewed from 8 a.m. to 4:30 p.m., Monday through Friday in Room 4400, the Public Records Room at LDEQ, 7290 Bluebonnet Blvd. or at the Capital Regional Office, 5222 Summa Court, Baton Rouge. A copy may be obtained by calling the Public Records Room at (225) 765-0843.

Persons with disabilities requiring accommodations for the hearing should contact Ms. Lucy Kraft at (225) 765-0402 in advance of the hearing.

James H. Brent, Ph.D.  
Assistant Secretary

0110#090

## POTPOURRI

### Department of Insurance Office of the Commissioner

Bulletin 01-02

To: All Insurance Related Continuing Education Providers  
From: J. Robert Wooley, Acting Commissioner  
Re: Acts 2001; Number 290  
Enactment of 22:1193.J. "Continuing Education Requirements"

Act 290 of the 2001 General Session of the Louisiana Legislature amended RS 22:1193 by adding Subsection J. The new law, which took effect on August 15, 2001, changes the manner in which continuing education credits are calculated for persons participating in qualified graduate-level national designation programs such as CLU, CPCU, and CIC. It applies to individual or "self-study" courses only.

Subsection J of §1193 provides in pertinent part as follows:

"The Department may grant continuing education credits to an individual for participating in a qualified graduate-level national designation program only if the individual passes the test required of such program and earns a certificate of completion . . ."

Enactment of this subsection supercedes the provision found in Rule 10.10.G, which allowed 50 percent credit to be given to licensees who participated but failed to pass the examination. Therefore, effective August 15, 2001, only those participants who pass the examination can be awarded CE credits.

The Department is in the process of developing internal procedures designed to implement full compliance with Act 290. We will simultaneously work with individual groups to

address any short-term concerns that may arise as a result of the law's August 15 effective date.

Inquiries regarding this issue should be made to Frieda Causey.

J. Robert Wooley  
Acting Commissioner

0110#050

**POTPOURRI**

**Department of Insurance  
Office of the Commissioner**

Bulletin 01-04

To: All Insurers And Licensees  
From: J. Robert Wooley, Acting Commissioner  
Re: Executive Order Blocking Property And Prohibiting Transactions With Persons Who Permit, Threaten To Commit, Or Support Terrorism

In response to the terrorist attacks in New York, Pennsylvania, and the Pentagon committed on September 11, 2001, President Bush issued an Executive Order, effective September 24, 2001, which provides that property and interests in property of those persons and entities listed in the Annex to the Executive Order (a copy of the list is attached to this Bulletin) that are either in the United States or come into the United States are blocked. This includes the making or receiving of any contribution of funds, goods, or services to or for the benefit of those persons or entities listed in the Annex to the Order or otherwise determined to be subject to the Order.

The purpose of this Bulletin is to advise all insurers and licensees to become familiar with their obligations under the Executive Order. All insurers and licensees should review their records for any information that may be relevant to the Executive Order. Insurers and licensees should also review the United States Department of the Treasury, Office of Foreign Assets Control, website, [www.treas.gov/ofac](http://www.treas.gov/ofac), which will provide additional updated information regarding these requirements. Questions regarding the Executive Order should be directed to the Office of Foreign Assets Control. Entities found to have violated this Executive Order may be subject to sanction.

Insurers and licensees reporting information to federal authorities should also notify the Louisiana Department of Insurance.

**Annex To Executive Order**

Al Qaida/Islamic Army  
Abu Sayyaf Group  
Armed Islamic Group (GIA)  
Harakat ul-Mujahidin (HUM)  
Al-Jihad (Egyptian Islamic Jihad)  
Islamic Movement of Uzbekistan (IMU)  
Asbat al-Ansar  
Salafist Group for Call and Combat (GSPC)  
Libyan Islamic Fighting Group  
Al-Itihaad al-Islamiya (AIAI)  
Islamic Army of Aden  
Usama bin Laden

Muhammad Atif (aka, Subhi Abu Sitta, Abu Hafs Al Masri)

Sayf al-Adl

Shaykh Sai'id (aka, Mustafa Muhammad Ahmad)

Abu Hafs the Mauritanian (aka, Mahfouz Ould al-Walid, Khalid Al-Shanqiti)

Ibn Al-Shaykh al-Libi

Abu Zubaydah (aka, Zayn al-Abidin Muhammad Husayn, Tariq)

Abd al-Hadi al-Iraqi (aka, Abu Abdallah)

Ayman al-Zawahiri

Thirwat Salah Shihata

Tariq Anwar al-Sayyid Ahmad (aka, Fathi, Amr al-Fatih)

Muhammad Salah (aka, Nasr Fahmi Nasr Hasanayn)

Makhtab Al-Khidamat/Al Kifah

Wafa Humanitarian Organization

Al Rashid Trust

Mamoun Darkazanli Import-Export Company

J. Robert Wooley  
Acting Commissioner

0110#071

**POTPOURRI**

**Department of Insurance  
Office of the Commissioner**

Bulletin 01-05

To: All Property And Casualty Insurance Companies Writing Motor Vehicle Insurance In Louisiana  
From: J. Robert Wooley, Acting Commissioner  
Re: Economic Only Uninsured/Underinsured Motorists Coverage (RS 22:1406.D)

This Bulletin is being issued by the Louisiana Commissioner of Insurance to provide assistance to insurers. It addresses important issues that have been raised by various parties.

Act 1476, the Omnibus Premium Reduction Act of the 1997 Regular Session of the Louisiana Legislature, hereinafter "OPRA," became effective September 6, 1998. (See Bulletin LIRC 98-03.) Section 3 of OPRA, amended LRS 22:1406D(1)(a) by granting insurers the option to offer "economic-only" UM coverage to their insureds.

R.S. 22:622.1 states that all automobile insurance policies issued in Louisiana must be written in language that is easy to understand. R.S. 22:620, as regards admitted insurers, requires that insurance policy forms be filed with and approved by the Commissioner of Insurance prior to being issued, delivered or used in Louisiana. Pursuant to R.S. 22:620B the Commissioner may withdraw approval of any policy at any time for cause. Additionally, R.S. 22:621 mandates the disapproval or withdrawal of any previously approved form if it does not comply with law.

R.S. 22:1406D(2)(b) defines the term "uninsured motor vehicle" to include an insured motor vehicle when the insurance coverage on such vehicle is "less than the amount

of damages suffered by an insured and/or the passengers in the insured's vehicle".

Insurance policies that define an "uninsured motor vehicle" as one where the insurance coverage on such vehicle is "less than the economic-loss" suffered by the insured are not in compliance with law and do not plainly convey to the insured the benefits to which he is entitled under the policy.

Therefore, in accordance with the statutes referenced above, the Commissioner of Insurance hereby gives notice to all insurers writing "economic-only" UM coverage in this state to review the policy language used to assure compliance with the Insurance Code. If the policy's language does not conform with the definition of "underinsured" UM coverage as provided for in R.S. 22:1406D(2)(b) then you are hereby directed to revise your forms to bring them into compliance with the law. Admitted insurers must file their revised forms with the Commissioner of Insurance on or before December 15, 2001.

No new or renewal policies providing "economic-only" UM coverage may be issued, delivered or used in Louisiana after December 31, 2001, unless they are in compliance with the Insurance Code. Any previous approval of forms with non-conforming language is hereby withdrawn, effective December 31, 2001. Failure to comply with the Insurance Code may result in the imposition of administrative sanctions as authorized by LSA-R.S.22:1262.1 or by LSA-R.S. 22:1467.

Any questions regarding this Bulletin should be directed to Kathlee Hennigan, Director of the Property and Casualty Division, at khennigan@ldi.state.la.us or by telephone at 225-342-0073.

J. Robert Wooley  
Acting Commissioner

0110#070

## POTPOURRI

### Department of Insurance Office of the Commissioner

Directive Number 01-158

To: All Health Insurance Issuers Offering Individual Health Insurance Coverage

#### Purpose

It has been brought to my attention that a clarification is needed regarding proper compliance with and guidance under Louisiana Revised Statutes (R.S.) Title 22, Section 250.11, that provides for individual health insurance coverage to exclude coverage for specific preexisting medical conditions for periods longer than twelve months following the effective date of an individual person's coverage. The purpose of this directive is to clarify regulatory issues for those policies that fall under the individual market as defined in LA-R.S. 22:250.1 (5) (m). The following is intended to address those issues that have been made known to the Department of Insurance, and is not meant to limit the scope of the Department's regulatory authority over any insurance activity that may not be addressed in this directive.

#### Regulatory Issues

- A. Is there a maximum time period for the exclusions?
- B. How specific must the exclusion be in reference to the medical condition to be excluded?
- C. Can an insurer/HMO exclude certain benefits if an individual has full or partial creditable coverage?
- D. How should notice be given to policyholders?

#### Discussion

Is there a maximum time period for the exclusions? Section C of R.S. 22:250.11 provides in part, Notwithstanding the provisions of Subsections B and D of this Section, individual health insurance coverage offered to any individual may exclude coverage for medical care for specific medical conditions that existed prior to the issuance of coverage, subject to the following conditions:

- (2) The exclusion of coverage for medical care shall be for a specified period of time longer than twelve months and shall cover a specific medical condition.

The Department takes the position that as long as the period is longer than twelve months and is specified in the rider, then there is no maximum time period for the exclusion. Policies need to state specifically what the period will be for the exclusion (1, 2, 5 years, etc.).

Section C(5) further provides that offers of coverage shall not include more than two specific medical conditions being excluded from coverage per individual covered under the policy or subscriber agreement. With respect to the time periods, there can be two different time periods for the two exclusions (exclusion one-5 year exclusion, exclusion two-2 year exclusion, etc.).

How specific must the exclusion be in reference to the medical condition to be excluded? Section C(3) provides the following: "Before or at the time of issuance of the policy or subscriber agreement, the health insurance issuer shall provide the applicant with a written notice explaining the exclusion of coverage for the specific medical condition. Such exclusion of coverage shall not be applied to any other medical condition not arising directly as the result of the specific medical condition being excluded. (emphasis added)

The Department recognizes the language emphasized as a more stringent measure for determining how specific the exclusion must be in reference to the medical condition. The International Classification of Diseases Clinical Modification Code, as well as Stedman's Medical Dictionary, both provide helpful guidelines that should be referenced in labeling the specific medical conditions excluded in the policies.

Ex. Exclusion for asthma

-A subsequent diagnosis of viral pneumonia and an attempt to exclude coverage for this type of pneumonia may be impermissible as the viral pneumonia is a condition that might not arise directly from the asthma.

Ex. Exclusion for the female reproductive organs

-This exclusion would be improper, in that the organs are not a specific medical condition.

Exclusion of coverage for medical care also shall not apply to any services, benefits, or options mandated by state or federal law to be included in a policy or certificate of coverage.

Ex. Diabetes Mandate

-R.S. 22:215.21 provides coverage for the equipment, supplies, and outpatient self-management training and education, including medical nutrition therapy, for the treatment of insulin-dependent diabetes, insulin-using diabetes, gestational diabetes, and non-insulin using diabetes if prescribed by a physician, or, if applicable, the patient's primary physician.

-It is permissible to exclude a specific medical condition that is not covered by the mandate (ex. diabetic retinopathy).

Can an insurer/HMO exclude certain benefits if an individual has full or partial creditable coverage?

Even if a person has full or partial coverage, in lieu of declining an application, issuers may offer coverage with an exclusion for specified medical condition(s).

Moreover, when a person decides to move to another company, whether or not they are portable, if their existing coverage contains an exclusion, the subsequent issuer may include the same exclusion and duration or write their own exclusion and durations.

How should notice be given to policyholders?

Section C(4) provides, "The offer of coverage shall state that the applicant is receiving coverage with an exclusion of coverage for a specific medical condition. Such statement shall be printed in bold print as a separate section of the policy or subscriber agreement or on a separate form."

Along with the requirements above, the Department advises issuers of these policies to comply with the following requirements for policy forms. A signature line should be provided for applicants to sign the rider/policy such as the following example:

I hereby represent and agree that this exclusionary rider shall be considered as a part of my contract and/or original application.

\_\_\_\_\_  
Signature Of Applicant

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

Exclusionary rider forms should also state in writing the specified time period of the exclusions followed by the provisions found in Section C(7), which states the following:

The health insurance issuer shall agree to review the underwriting basis for the exclusion from coverage upon written request by the insured no more often than once in a twelve-month period. The issuer shall remove the exclusion, effective upon renewal, if the insurer determines that the evidence of insurability is satisfactory.

Please be guided accordingly.

J. Robert Wooley  
Acting Commissioner

0110#069

**POTPOURRI**  
**Department of Natural Resources**  
**Office of Conservation**

Orphaned Oilfield Sites

Office of Conservation records indicate that the Oilfield Sites listed in the table below have met the requirements as set forth by Section 91 of Act 404, R.S. 30:80 et seq., and as such are being declared Orphaned Oilfield Sites.

Operator	Field	istrict	Well Name	Well Number	Serial Numb
Campbell & Morris	Bellevue	S	Campbell	001	147178
Hunter Oil & Gas, LLC	Lake Rosemound	L	Mescal Brown et al	001	216614
Hunter Oil & Gas, LLC	Lapice	L	Hawthorne Fmly Class Trust SWD	001	210172
Hunter Oil & Gas, LLC	Lapice	L	Hawthorne Heirs	001	213474
Hunter Oil & Gas, LLC	Lapice	L	D RC SUA; Hawthorne Heirs	002	214142
Tri-Par Exploration, Inc.	Grogan	S	Arnold Estate	002	177851
Tri-Par Exploration, Inc.	Grogan	S	Arnold Estate	004	182976
Tri-Par Exploration, Inc.	Grogan	S	Arnold Estate	003	182975
Tri-Par Exploration, Inc.	Grogan	S	Arnold Estate	006	184202
Tri-Par Exploration, Inc.	Grogan	S	Arnold Estate	005	184201
Tri-Par Exploration, Inc.	Grogan	S	Arnold Estate	001	176707
Tri-Par Exploration, Inc.	Grogan	S	Layton Heirs	001	199474
Westek Resources, Inc.	Converse	S	Whitehurst	001	033006
Westek Resources, Inc.	Converse	S	Bass	001	223683
Westek Resources, Inc.	Converse	S	Whitehurst	002	223444

Philip N. Asproditos  
Commissioner of Conservation

0110#094

**POTPOURRI**

**Department of Natural Resources  
Office of the Secretary**

Loran Coordinates

In accordance with the provisions of R.S. 56:700.1 et seq., notice is given that 11 claims in the amount of \$37,450.65 were received for payment during the period September 1, 2001-September 30, 2001. There were 11 claims paid and 0 claims denied.

Loran coordinates of reported underwater obstructions are:

27896	46855	Terrebonne
28663	46844	Plaquemines
28985	47021	St. Bernard

Latitude/longitude coordinates of reported underwater obstructions are:

2916.073	8957.029	Jefferson
2908.150	9056.487	Terrebonne
2916.153	8957.078	Jefferson
2916.730	8957.029	Jefferson
2917.010	8956.062	Jefferson
2920.065	8959.112	St. Bernard
2925.576	9040.370	Terrebonne
2950.424	9320.782	Cameron

A list of claimants and amounts paid can be obtained from Verlie Wims, Administrator, Fishermen's Gear Compensation Fund, P.O. Box 44277, Baton Rouge, LA 70804 or you can call (225)342-0122.

Jack C. Caldwell  
Secretary

0110#087