

Notices of Intent

NOTICE OF INTENT

Department of Civil Service Civil Service Commission

Eligible Lists and Promotions

The State Civil Service Commission will hold a public hearing on October 9, 2002 to consider the following Rule proposals. The hearing will begin at 9 a.m. and be held in the auditorium of the Claiborne Building at 1201 North Third Street, Baton Rouge, Louisiana. The Rules below will be considered for adoption at the meeting. Individuals who wish to comment on these proposals may do so at the public hearing or by writing to the Director of State Civil Service at P.O. Box 94111, Baton Rouge, LA 70804-9111. If special accommodations are needed, please notify us prior to this meeting.

Current Rule

7.17 Establishment of Eligible Lists

(a) The director shall, subject to the Rules, establish eligible lists from the results of Civil Service examinations. Such lists shall contain the names of all candidates who pass the related examinations.

(b) Eligibles shall be ranked on such lists in the relative order of the rating, including preference points, if any.

Proposed New Rule

7.17(c) The director may authorize agencies to establish and make appointments from eligible lists for promotions, original probationary appointments and job appointments using guidelines established by the director. When making appointments from in-house certificates under authority of this rule, agencies shall follow the same procedures as used for Civil Service certificates as described in Rule 8.9 "Appointment of Eligibles from Certificates."

Proposed Amendment to Rule

8.20 Promotion

(a) Except as provided in paragraph (g) below, and subject to the provisions of Rules 8.9(a) and 8.9(c), each promotion shall be made by appointing one of the eligibles within the five highest final grade groups on a promotional certificate issued by the Director or by an agency as authorized under Rule 7.17(c) following competitive examination; or by the designation of a permanent employee for noncompetitive promotion and authorization thereof by the director.

(b) In preparing a promotional certification from a register of eligibles established following a competitive promotional examination, the director or an agency as authorized under Rule 7.17(c) shall certify the names of the highest ranking eligibles in the relative order of their standing on the register.

(c) In preparing a promotional certification from a register of eligibles established following a competitive promotional examination, the Director or an agency as

authorized under Rule 7.17(c) shall certify only those eligibles employed with permanent status within the promotional area established in accordance with the provisions of Rule 7.9(a)(2) of these Rules and shall certify them in the relative order of their standing on the register.

(d) The Director or an agency as authorized under Rule 7.17(c) shall not include in any promotional certification the name of an employee having a current official overall Performance Planning and Review rating of "Poor" or "Needs Improvement"; nor shall he authorize the noncompetitive promotion of any such employee.

Explanation

Delegation and local discretion is a fundamental part of the Department's ASCEND 2020 program whereby Civil Service partners with agencies to fulfill merit system goals in a manner that is more efficient and effective. Part of this program is to move toward a system where applicants apply directly to agencies for each specific vacancy rather than having Civil Service maintain standing registers and issuing certificates with lots of unavailable names. In some cases applicants may be required to obtain Civil Service test or Experience and training scores before applying to the agency. In other cases, agencies may be authorized by the Director to administer an in-house selection procedure to score applicants. In either case, the agency will create its own certificate of the names of persons who apply to that specific vacancy. This will reduce availability problems and speed turnaround time in filling vacancies. Current rules do not allow agencies to create their own certificates or make appointments from them. This Rule will provide the necessary authorization.

Allen H. Reynolds
Director

0209#075

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741C Louisiana Handbook for School
Administrators C Adult Education Programs Section
(LAC 28:1.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to Bulletin 741, *Louisiana Handbook for School Administrators*, referenced in LAC 28:1.901.A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). The proposed change of the age requirement for entering Adult Education programs will allow 16-year-old students, under certain conditions of waiver, to pursue adult education training in preparation for testing for the GED. The

conditions of waiver for students to exit school to enroll in Adult Education programs are in response to Act 59 of the First Extraordinary Session of the 2002 Legislature.

**Title 28
EDUCATION**

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

§901. School Approval Standards and Regulations

A. Bulletin 741

* * *

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended by the Board of Elementary and Secondary Education in LR 27:694-695 (May 2001), LR 27:695-702 (May 2001), LR 27:815-820 (June 2001), LR 27:1005 (July 2001), LR 27:1181, 1182, 1183 (August 2001), LR 27:1512 (September 2001), LR 27:1674 (October 2001), LR 27:1832, 1833, 1840 (November 2001), LR 27:2086, 2095 (December 2001), LR 28:269, 272 (February 2002), LR 28:1724 (August 2002), LR 28:

Bulletin 741C Louisiana Handbook for School Administrators

1.124.00 The Adult Education program shall be administered by the State Department of Education (SDE) and operated by eligible entities as stipulated in Title II of the Workforce Investment Act. The State Department of Education shall certify adult education sites of instruction using procedures as approved by the State Board of Elementary and Secondary Education.

Refer to the Louisiana State Plan for Adult Education and R.S. 17:14 for administration of the program.

The parent, tutor, or other person responsible for the school attendance of a child who is under the age of 18 and who is enrolled in school beyond his sixteenth birthday may request a waiver from the local superintendent for the child to exit school to enroll and attend an adult education program approved by SBESE. In the case of a child with no parent, tutor, or other person responsible for his school attendance, the local school superintendent may act on behalf of the student in making such a request if one or more of the following hardships exist and if appropriate documentation is on file at the local school board office:

- pregnant or actively parenting
- incarcerated or adjudicated
- institutionalized or living in a residential facility
- chronic physical or mental illness
- family and/or economic hardships

The local school superintendent or his/her designee may approve the request without requesting action from the State Board of Elementary and Secondary Education (SBESE). If the request to exit school to enroll in a SBESE approved adult education program is denied at the local level, a student may request the waiver from the Department of Education for approval by the SBESE with documentation of reason for denial at the local level.

* * *

Interested persons may submit written comments until 4:30 p.m., November 9, 2002, to Nina A. Ford, Board of

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

Weegie Peabody
Executive Director

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

**RULE TITLE: Bulletin 741C Louisiana Handbook
for School Administrators C Adult
Education Programs Section**

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

The proposed revision will change the age students who meet specific SBESE-approved criteria may enter the Adult Education program. Implementation costs to the state governmental unit will consist of the cost of notifying LEAs and eligible entities of the rule change.

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

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

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

The proposed change is being requested to expedite the acquisition of the GED for allowable candidates to pursue employment options or further educational opportunities.

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

There will be no effect on competition and employment.

Marlyn J. Langley
Deputy Superintendent
Management and Finance
0209#065

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Department of Veterans Affairs**

Veterans=Home Nursing Care Resident Fee
(LAC 4:VII.943)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and in accordance with R.S. 29:383, the Department of Veterans Affairs proposes to amend LAC 4:VII.943.A pertaining to nursing care resident fee charged at Louisiana State Veterans Homes. This proposed action is being taken to comply with nursing care fee changes approved by the Veterans Affairs Commission, effective July 1, 2002. This Rule will have no effect on family formation, stability, autonomy, family functioning, earnings and budget, or on the rights of parents, or on the behavior or responsibility of children.

**Title 4
ADMINISTRATION**

Part VII. Governor-s Office

**Chapter 9. Veterans Affairs
Subchapter A. Veterans= Home**

§943. Nursing Care Resident Fee

A. Patients will be allowed to retain the first \$90 per month for personal spending and appropriate deduction(s) for any legal dependent(s) as specified in §941.C, effective

July 1, 2002. All remaining income must be applied to the care and maintenance fee until maximum care cost is reached.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:383.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Veterans Affairs, LR 9:411 (June 1983), repromulgated LR 9:549 (August 1983), amended LR 11:34 (January 1985), LR 13:86 (February 1987), LR 13:161 (March 1987), LR 21:802 (August 1995), LR 28:

Interested persons may submit written comments on the proposed amendment by 4:30 p.m., October 11, 2002, to David C. Perkins, Deputy Assistant Secretary, P.O. Box 94095, Capitol Station, Baton Rouge, LA 70804-9095.

David Perkins
Deputy Assistant Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Veterans- Home Nursing Care
Resident Fee**

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

There will be no implementation costs (savings) to state or local governmental units if the proposed amendment is approved.

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

The increase in the personal spending allowance will decrease revenue collections to the Louisiana State War Veterans' Homes by \$30 per month for those residents who do not have the ability to pay the maximum monthly care and maintenance fee. This amount will fluctuate but will have a minimum impact on self-generated revenues.

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

Current and future residents of Louisiana Veterans' Homes will directly benefit from the rule amendment by receiving \$90 per month for personal spending, effective July 1, 2002, which represents an increase of \$30.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment if the proposed amendment is approved.

David C. Perkins
Deputy Assistant Secretary
0209#079

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Patient's Compensation Fund Oversight Board**

Eligible Healthcare Providers, Practice Groups and Qualification and Enrollment in the Fund (LAC 37:III.109, 111, 303, 507, 509, 511, 515, 517, 519, 701, 705, 711, 715, 901, 1101, 1401, 1403, 1405, 1501, 1503, 1505, and 1507)

The Patient's Compensation Fund Oversight Board, under authority of the Louisiana Medical Malpractice Act, R.S. 40:1299.41 et seq., and in accordance with the

Administrative Procedure Act, R.S. 49:950 et seq., advertises its intent to amend LAC 37:III as follows, to provide additional definitions of eligible healthcare providers, practice groups, and the information required to be furnished to the Oversight Board for qualification and enrollment in the Fund, clarifies the procedure for withdrawal of a security furnished as proof of financial responsibility, clarifies the annual renewal process for enrolled healthcare providers, clarifies the surcharge risk rating for hospitals, clarifies the methods of evidencing financial responsibility to be consistent with current practices, sets forth the requirements of a malpractice complaint, clarifies the requirement to select an attorney-chairman prior to dismissal of a malpractice complaint, and clarifies the authority of the executive director.

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

**Title 37
INSURANCE**

**Part III. Patient's Compensation Fund Oversight Board
Chapter 1. General Provisions**

§109. General Definitions

A. - A.3. ...

- i. is currently actively involved in medical practice and/or providing medical services in Louisiana; and
- ii. has paid the appropriate surcharge for such practice to the fund for their current policy year.

Qualified Provider Any provider who has met the statutory requirements for malpractice coverage with the Louisiana Patient's Compensation Fund. Qualified providers may be currently either active or inactive in the practice of medicine in Louisiana, depending on the dates for which they are qualified. So long as the financial responsibility requirements for continued qualification are met, a provider need not be currently enrolled in the PCF.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D.(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:168 (February 1992), amended LR 23:68 (January 1997), LR 28:

§111. Interpretive Definitions

A. As used in these rules and in the act, the following terms are interpreted and deemed to have the meanings specified.

Certified Nurse Assistant Ca certified nurse aide certified by the Board of Examiners of Nursing Facility Administrators, pursuant to R.S. 37:2504, as amended.

Nursing Home Ca private home, institution, building, residence or other place, licensed or provisionally licensed by the Department of Health and Hospitals, pursuant to R.S. 40:2009.2, as amended.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D.(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:168 (February 1992), amended LR 28:

Chapter 3. Organization, Functions, and Delegations of Authority

§303. Executive Director of the Patient's Compensation Fund Oversight Board

A. - B.7. ...

8. coordination of the defense and disposition of claims against the fund;

9. payment of judgments, settlements, arbitration awards, and medical expenses;

B.10. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D.(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:169 (February 1992), amended LR 28:

Chapter 5. Enrollment with the Fund

§507. Financial Responsibility: Self-Insurance

A. ...

B. For purposes of §507, upon approval by the board of an application filed by the group, any group of health care providers organized to and actually practicing together or otherwise related by ownership, whether as a corporation, partnership, limited liability partnership or limited liability company, shall be deemed a single health care provider and shall not be required to post more than one deposit. Proof of such status may include a notarized copy of the articles of incorporation, partnership agreement, articles of organization, joint or consolidated entity tax returns, or other documents demonstrating the ownership relation among or between the members of the group, or other evidence which indicates that the members of the group actually practice together for the purpose of health care delivery. This proof of group status shall be submitted to the board (1) with the group's original application; (2) within 30 days of any change in the group's status, organization, or membership; and, (3) within 10 calendar days of receipt of a written demand therefor from the board. It shall be insufficient for qualification under this rule if a group is organized solely or primarily for the purpose of qualifying for enrollment with the fund.

C.1. - 2. ...

3. In addition to depositing the money or original instrument evidencing the approved security with the board, a self-insured health care provider shall be required to execute a Pledge Agreement prescribed and supplied by the executive director and to provide evidence that written notice, stating that the approved security will be pledged to the board pursuant to the terms of the Pledge Agreement, has been given to the issuing body.

D. - F. 1. ...

a. the self-insured health care provider shall, within 90 days of notice of a claim and no less than every 90 days thereafter, submit a proposed reserve amount to the executive director, along with appropriate supporting documentation. Unless rejected by the executive director within 30 days of receipt, the reserve amount submitted shall be deemed approved. If a reserve amount is rejected timely, the self-insured health care provider may, within 15 days, submit a new reserve amount or appeal the rejection of the executive director. If appealed timely, the matter shall be

placed on the agenda of the next meeting of the board, at which time the board may accept the proposed reserve, establish a new amount, or defer action for further information. The decision of the board shall be final;

F.1.b. - 2. ...

G. In the event that a health care provider's deposit becomes impaired, he shall have five days to make such additional deposit as will restore the minimum deposit value prescribed by §507. A health care provider's enrollment and qualification with the fund for all claims filed against the healthcare provider shall terminate on and as of the last day set by these Rules if the health care provider has not on, or prior to such date, restored the minimum deposit value prescribed by §507. In the case of multiple health care providers, as set forth in §507.B, the enrollment and qualification with the fund of each member of the group or each related entity for all claims filed against any or all of the members of the group or related entity shall terminate on and as of the last day set by these rules if the minimum deposit value prescribed by §507 has not been restored on or prior to such date.

H. ...

I.1. A self-insured health care provider who has evidenced financial responsibility pursuant to §507 may withdraw the deposit prescribed by §507 upon authorization of the executive director. The security furnished as proof of financial responsibility, or a substitution which has been approved by the board, shall remain on deposit and pledged to the board during the term of the health care provider's enrollment as a self-insured health care provider with the fund and for the longer of a three-year period following termination of such enrollment or as long as any medical malpractice claim is pending, whether with the board or in a court of competent jurisdiction. After this time period, authorization may be given when the health care provider files with the executive director, not less than 30 days prior to the date such withdrawal is to be effected, a certificate, signed and verified under oath by the health care provider, certifying:

a. the date the health care provider terminated enrollment with the fund as a self-insured health care provider;

b. that there are no medical malpractice claims pending with the board or in a court of competent jurisdiction;

c. that there are no unpaid final judgments or settlements against or made by the health care provider in connection with or arising out of a malpractice claim; and

d. that there are no unasserted medical malpractice claims which are probable of assertion against the health care provider.

2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D.(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:171 (February 1992), amended LR 18:737 (July 1992), LR 23:68 (January 1997), LR 28:

§509. Financial Responsibility: Self-insurance Trusts

A. - B.2. ...

3. In addition to depositing the money or original instrument evidencing the approved security with the board, a self-insured trust shall be required to execute a Pledge

Agreement prescribed and supplied by the executive director and to provide evidence that written notice, stating that the approved security will be pledged to the board pursuant to the terms of the Pledge Agreement, has been given to the issuing body.

C. - K. ...

L.1. A self-insurance trust which has evidenced financial responsibility pursuant to §509 may withdraw the deposit prescribed by §509 upon authorization of the executive director. The security furnished as proof of financial responsibility, or a substitution which has been approved by the board, shall remain on deposit and pledged to the board during the term of the trust's members' enrollments as self-insured health care providers with the fund and for the longer of a three-year period following termination of such enrollment or as long as any medical malpractice claim is pending against the trust or any of its members, whether with the board or in a court of competent jurisdiction. After this time period, authorization may be given when the trust files with the executive director, not less than 30 days prior to the date such withdrawal is to be effected, a certificate, signed and verified under oath by the trustee of the trust, certifying:

- a. the date that the last remaining member(s) of the trust terminated enrollment with the fund as self-insured health care provider(s);
- b. that there are no medical malpractice claims against the trust or any of its members pending with the board or in a court of competent jurisdiction;
- c. that there are no unpaid final judgments or settlements against or made by the trust or any of its members in connection with or arising out of a malpractice claim; and
- d. that there are no unasserted medical malpractice claims which are probable of assertion against the trust or any of its members.

2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D.(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:172 (February 1992), amended LR 18:737 (July 1992), LR 23:69 (January 1997), LR 28:

§511. Coverage: Partnerships and Professional Corporations

A. When, and during the period that, each shareholder, partner, member, agent, officer, or employee of a corporation, partnership, limited liability partnership, or limited liability company, who is eligible for qualification as a health care provider under the act, and who is providing health care on behalf of such corporation, partnership, or limited liability company, is enrolled with the fund as a health care provider, having paid the applicable surcharges due the fund for enrollment of such individual, such corporation, partnership, limited liability partnership, or limited liability company shall, without the payment of an additional surcharge, be deemed concurrently qualified and enrolled as a health care provider with the fund.

B. The corporation, partnership, limited liability partnership, or limited liability company shall furnish to the board concurrently with its enrollment and renewal applications the name(s) of each shareholder, partner, member, agent, officer, or employee who is eligible for

qualification and enrollment with the fund as a health care provider.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D.(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:173 (February 1992), amended LR 28:

§515. Certification of Enrollment

A. ...

B. Duplicate or additional certificates of enrollment shall be made available by the executive director to and upon the request of an enrolled health care provider or his or its attorney, or professional liability insurance underwriter when such certification is required to evidence enrollment or qualification with the fund in connection with an actual or proposed malpractice claim against the health care provider.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D.(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:173 (February 1992), amended LR 23:69 (January 1997), LR 28:

§517. Expiration, Renewal of Enrollment

A. Enrollment with the fund terminates:

1. as to a health care provider evidencing financial responsibility by certification of insurance pursuant to §505 of these rules, on and as of:

- a. the effective date and time of termination of the policy period of the health care provider's professional liability insurance coverage; or
- b. the last day of the applicable period for which the annual surcharge applies in the event that the annual surcharge for renewal coverage is not paid by the health care provider to the insurer on or before 30 days following the termination of the enrollment period.

A.2. ...

B. Enrollment with the fund must be annually renewed by each enrolled health care provider on or before termination of the enrollment period by submitting to the executive director an application for renewal, upon forms supplied by the executive director, and payment of the applicable surcharge in accordance with the rules hereof providing for the fund's billing and collection of surcharges from insured and self-insured health care providers. Each insured health care provider shall cause the insurer to submit a certificate of insurance to the executive director along with the application for renewal. Each self-insured health care provider and each health care provider covered by a self-insurance trust shall submit, along with the application for renewal, original documents which indicate that the health care provider's deposit with the board is current and/or not in default.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D.(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:174 (February 1992), amended LR 28:

§519. Cancellation, Termination of Enrollment

A. A health care provider's enrollment with the fund for all claims filed against the healthcare provider shall be canceled and terminated:

1. as to a health care provider evidencing financial responsibility by certification of insurance pursuant to §505 of these rules, on and as of the effective date of cancellation

of the health care provider's professional liability insurance coverage;

A.2. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D.(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:174 (February 1992), LR 28:

Chapter 7. Surcharges

§701. PCF Consulting Actuary

A. - B.1. ...

2. advising the executive director with respect to the establishment, maintenance, and adjustment of reserves on individual claims against the fund and the establishment, maintenance, and adjustment of reserves for incurred but not reported claims;

3. - 6. ...

7. generally advising and consulting with the executive director on all actuarial questions affecting the administration, operation, and defense of the fund.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D.(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:174 (February 1992), amended LR 28:

§705. Risk Rating

A. Surcharge rates collected by the fund shall be based on and classified according to the classes and categories of health care liability risks underwritten by the fund with respect to each class of health care practitioners and institutions eligible for enrollment with the fund. With regard to hospitals, surcharge rates collected by the fund shall be based on the annual average number of occupied beds. Risk classifications and ratings adopted by the fund shall be based on actuarial analysis of the claims experience of health care provider groups enrolled with the fund and equivalent data and practices of commercial insurance underwriters and self-insurance funds insuring such groups. Risk rating classifications for health care providers eligible for enrollment with the fund shall be based on Louisiana claims experience data, including the PCF's own claims experience, unless the PCF's actuary affirmatively demonstrates that, as respects any class of provider, reasonably obtainable, competent, and credible Louisiana claims experience data provides an insufficient basis for such classifications under generally accepted insurance actuarial standards, in which case regional or national claims experience data and statistics relative to such classes of health care provider may be utilized.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D.(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:175 (February 1992), amended LR 28:

§711. Payment of Surcharges: Insurers

A. Applicable surcharges for enrollment and qualification with the fund shall be collected on behalf of the fund by commercial professional health care liability insurance companies and approved self-insurance trust funds from insured health care providers electing to enroll and qualify with the fund. Such surcharges shall be collected by such insurers and funds at the same time and on the same basis as such insurers' and fund's collection of premiums or contributions from such insureds. Surcharges collected by

such insurers and funds on behalf of the fund shall be due and payable and remitted to the fund by such insurers and funds within 45 days from the date on which such surcharges are collected from any insured health care provider.

B. Annual surcharges for renewal coverage due the fund by insured health care providers whose surcharges are collected by insurers and funds for enrollment and qualification with the fund shall be due and payable to the collecting insurers and funds on or before 30 days following the termination of the enrollment period to which the surcharge applies. Remittance of surcharges to the fund by the insurers and funds shall be made in such form and accompanied by records in such forms or on such forms as may be prescribed by the executive director so as to provide for proper accounting of remitted surcharges and the identity and class of health care providers on whose behalf such surcharges are remitted. Such insurers and funds remitting surcharges to the fund shall certify to the fund, at the time of remitting such surcharge to the fund, the date that the surcharges were collected by them from the health care providers. The payment of surcharges by an approved self-insurance trust that does not collect premiums or contributions from insureds will be governed by §713 hereof.

C. Failure of the commercial professional health care liability insurers, commercial insurance underwriters, and approved self-insurance trust funds to remit payment within 45 days of collecting such annual surcharge shall subject the commercial professional liability insurers, commercial insurance underwriters, and approved self-insurance trust funds to a penalty of 12 percent of the annual surcharge and all reasonable attorney's fees. Upon the failure of the commercial professional health care liability insurers, commercial insurance underwriters and approved self-insurance trust funds to remit as provided in §711, the board may institute legal proceedings to collect the surcharge, together with penalties, legal interest, and attorney's fees.

D. If the instrument used to pay the surcharge is returned to the fund by the payor institution and/or payment hereon is denied for any reason, the health care provider shall be notified thereof by the fund. If the surcharge is not paid in full by certified check, cashier's check, money order, or cash equivalent funds received by the fund within 10 calendar days of the provider's receipt of said notice, then the provider's coverage with the fund shall be terminated as of the end of the previous enrollment period.

E. It is the purpose of §711 that insurers and approved self-insurance trust funds remit surcharges collected from their insured providers to the fund timely. The timeliness of surcharge remittances to the fund by insurers and approved self-insurance trust funds shall not affect the effective date of fund coverage. However, the failure of insured health care providers to timely remit applicable surcharges to insurers and approved self-insurance trust funds for renewal may result in lapses of coverage with the fund.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D.(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:176 (February 1992), amended LR 20:432 (April 1994), LR 23:69 (January 1997), LR 28:

§715. Amount of Surcharges; Form of Coverage; Conversions

A. A health care provider qualified for enrollment by evidence of liability insurance pursuant to §505, or by evidence of participation in an approved self-insurance trust pursuant to §509, shall pay the fund surcharge amount in the most recently approved rate filing which is applicable to his provider type, years enrolled in the fund, and which most closely corresponds to the class and form of coverage of said primary liability insurance or self-insurance trust. The form of coverage provided by the fund shall be identical to that provided by the qualifying policy of insurance or self-insurance except where the policy conflicts with applicable law or regulation.

B. ...

C.1. When a health care provider who had previously purchased claims-made coverage from the fund elects to purchase occurrence coverage from or discontinue enrollment in the fund, he shall not have coverage afforded by the fund for any claims arising from acts or omissions occurring during the fund's claims-made coverage but asserted after the termination of the claims-made coverage unless he evidences financial responsibility for those claims either by purchasing an extended reporting endorsement or posting a deposit with the board pursuant to §507 and pays, on or before 30 days following the termination of the claims-made coverage, the surcharge applicable to fund tail coverage for the corresponding claims-made period(s).

2. When a health care provider who had previously purchased claims-made coverage from the fund elects to purchase self-insured coverage from the fund, he shall not have coverage afforded for any claims arising from acts or omissions occurring during the fund's claims-made coverage but asserted after the termination of the claims-made coverage, unless he evidences financial responsibility for those claims either by purchasing an extended reporting endorsement or posting a second deposit with the board pursuant to §507 and pays, on or before 30 days following the termination of the claims-made coverage, the surcharge applicable to fund tail coverage for the corresponding claims-made period(s).

3. In special circumstances, the board may, at its discretion, waive the payment of an additional surcharge and allow tail coverage to a provider without the payment of the applicable-surcharge. Each such case requires an individual written request for relief to the board, and will be decided on individual circumstances. The board's criteria for such decisions shall include, but not be limited to:

C.3.a - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D.(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 23:69 (January 1997), amended LR 28:

Chapter 9. Scope of Coverage
§901. Effective Date

A. A health care provider who qualifies for enrollment with the fund by demonstrating financial responsibility through professional liability insurance pursuant to §505 of these Rules, shall be deemed to become and be enrolled with the fund effective as of the date on which the surcharge payable by or on behalf of such health care provider is timely collected in accordance with §711 hereof and the

applicable policies and procedures of the insurer for premium payments. If such surcharge is not timely collected, the effective date of enrollment with the fund shall be the date on which such surcharge is paid to the fund is collected or accepted by the insurer.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299-44.D.(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:176 (February 1992), amended LR 23:70 (January 1997), LR 28:

Chapter 11. Reporting
§1101. Reporting of Claims, Reserves, Proposed Settlement

A. - C. ...

D. Within 20 days of the receipt of a malpractice claim against an enrolled health care provider in the form of a lawsuit, the health care provider, or the health care provider's liability insurer, shall furnish a copy of the lawsuit to the PCF. The health care provider, or the health care provider's liability insurer, shall also furnish to the PCF within 20 days of receipt, a copy of all amending pleadings related to the lawsuit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D.(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:177 (February 1992), amended LR 28:

Chapter 14. Medical Review Panels
§1401. Procedure

A. Except as otherwise provided by the act, all malpractice claims against health care providers shall be reviewed by a medical review panel. The composition and operation of a medical review panel shall be in accordance with R.S. 40:1299.47.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D.(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 28:

§1403. Malpractice Complaint

A. A "request for review of a malpractice claim" or "malpractice complaint" shall contain, at a minimum:

1. a request for the formation of a medical review panel;
2. name of the patient;
3. name(s) of the claimant(s);
4. name(s) of defendant health care providers;
5. date(s) of alleged malpractice;
6. brief description of alleged malpractice; and
7. brief description of alleged injuries.

B. The request for review of a malpractice claim shall be deemed filed on the date of receipt of the complaint stamped and certified by the board or on the date of mailing of the complaint if mailed to the board by certified or registered mail.

C. Within 15 days of receiving a malpractice complaint, the board shall:

1. confirm to the claimant that the malpractice complaint has been officially received and whether or not the named defendant(s) are qualified for the malpractice claim; and
2. notify all named defendant(s) that a malpractice complaint requesting the formation of a medical review

panel has been filed against them and forward a copy of the malpractice complaint to each named defendant at his last and usual place of residence or his office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D.(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 28:

§1405. Attorney Chairman

A. An attorney chairman of a medical review panel is to be chosen by the parties according to R.S. 40:1299.47.C. An attorney chairman must be secured within two years from the date the request for review of the claim was filed. If, after two years, an attorney chairman has not been secured, the board shall send notice by certified mail to the claimant or the claimant's attorney stating that the claim will be dismissed after 90 days if no attorney chairman is appointed. If no attorney chairman is appointed within 90 days of the certified notice, the board shall dismiss the claim.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D.(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 28:

Chapter 15. Defense of the Fund

§1501. Claims Defense

A. Through its executive director, the board shall be responsible for the administration and processing of claims against and legal defense of claims against the fund. The executive director shall be responsible, and accountable to the board, for coordination and management of defense of the fund against claims to the extent of the responsibilities imposed on the board by the act. Without limitation on the scope of such responsibility, the executive director shall be specifically responsible for:

1. - 2. ...
3. retaining, subject to qualifications and standards prescribed by the board, and supervising the services of attorneys at law to defend the fund against claims;
4. - 7. ...
8. the discharge and performance of such other duties, responsibilities, functions, and activities as are delegated by the board;
9. all authority for the defense of the fund vested in the board by the Act is hereby delegated to the executive director. In the exercise of such authority, the executive director shall be accountable to, and subject to the superseding authority of, the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D.(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:179 (February 1992), amended LR 28:

§1503. Claims Accounting

A. All expenses incurred in the legal defense, disposition, payment on individual claims, judgments, or settlements shall be accounted for and allocated among such respective claims.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D.(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:179 (February 1992), amended LR 28:

§1505. Claim Reserves

A. Within 10 days of receipt of notice of a claim against or potentially involving liability of the fund, the fund shall

establish a reserve against such claim representing the total amount of compensation and compensation adjustment expenses which the fund is anticipated to be liable for and incur in respect of and allocable to such claim. Reserves respecting individual claims against the fund shall be established in consultation, as appropriate, with legal counsel representing the fund with respect to such claim, with legal counsel for the enrolled health care providers against whom the claim is primarily asserted, and with claims personnel managing such claim for the commercial insurers of the enrolled health care providers against whom the claim is asserted. Reserves respecting individual claims against the fund shall be adjusted from time to time as changing circumstances or evaluations may warrant, and all reserves shall be reviewed not less frequently than quarterly for necessary and appropriate adjustments.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D.(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:180 (February 1992), amended LR 28:

§1507. Settlement of Claims

A. Claims against the fund may be compromised and settled upon the recommendation of the executive director and the approval of the board. The executive director shall, however, have authority, without the necessity of prior approval by the board, to compromise and settle any individual claim against the fund for an amount not exceeding \$10,000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D.(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:180 (February 1992), amended LR 28:

All interested persons are invited to submit written comments on the amended rules. Such comments should be submitted no later than October 20, 2002 at 4:30 p.m. to Lorraine LeBlanc, Executive Director, Patient's Compensation Fund Oversight Board, 650 North Sixth Street, Baton Rouge, LA 70802 and/or to Larry M. Roedel, General Counsel, Patient's Compensation Fund Oversight Board, 8440 Jefferson Highway, Suite 301, Baton Rouge, LA 70809.

Lorraine LeBlanc
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Eligible Healthcare Providers, Practice Groups and Qualification and Enrollment in the Fund

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

The proposed rule amendments provide additional definitions of eligible healthcare providers, practice groups, and the information required to be furnished to the Oversight Board for qualification and enrollment in the Fund, clarifies the procedure for withdrawal of a security furnished as proof of financial responsibility, clarifies the annual renewal process for enrolled healthcare providers, clarifies the surcharge risk rating for hospitals, clarifies the methods of evidencing financial responsibility to be consistent with current practices, sets forth the requirements of a malpractice complain, clarifies the requirement to select an attorney-chairman prior to dismissal of

a malpractice complaint, and clarifies the authority of the executive director. It is estimated that the costs to implement the proposed rule amendments will not exceed \$2,000. The costs will include printing, copy charges, administrative overhead expenses and legal fees which will be paid by the Patient's Compensation Fund. R.S. 40:1299.44 et seq., from statutorily dedicated funds available in FY 02-03 budget. It is estimated that the annual savings will be \$43,500 as a result of the reduction of expenditures related to its payment to Risk Management.

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

There is no estimated effect on revenue collections of state or local governmental units from implementation of the proposed rule amendments. Although the method of calculating hospital surcharge rates collected by the Patient's Compensation Fund are being revised in these proposed amendments, there is no estimated effect on revenue collections because the proposed amendments more accurately reflect the actual, actuarial method of determining the hospital surcharge rates.

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

There are no estimated costs to directly affected persons or non-governmental groups. However, the proposed amendments provide that the failure of insured health care providers to timely remit applicable surcharges to insurers and approved self-insurance trust funds for renewal may result in lapses of coverage with the Patient's Compensation Fund. The proposed amendments requiring health care providers to pay the surcharge applicable to the number of years enrolled in the Patient's Compensation Fund and granting the health care provider the option of posting a security with the Patient's Compensation Fund in lieu of purchasing an extended reporting endorsement from a primary insurer may result in economic benefits to health care providers.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The Patient's Compensation Fund Oversight Board anticipates no effect on either competition or employment as a result of adopting the proposed rule amendments.

Lorraine LeBlanc
Executive Director
0209#076

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

**Drug Testing for Employees
(LAC 4:VII.1281 and 1283)**

The Governor's Office of Elderly Affairs (GOEA) proposes to adopt the following rule in accordance with R.S. 49:1015 et seq.

The employees are among the state of Louisiana's most valuable resources. The physical and mental well being of these employees is necessary for them to administer their duties. Substance abuse causes serious adverse consequences to users, impacting their productivity, as well as the health or safety of their dependents, co-workers and the general public.

The state of Louisiana has a long-standing commitment to working toward a drug-free workplace. In order to curb the

use of illegal drugs by employees of the State of Louisiana, the Louisiana legislature enacted laws, which provide for the creation and implementation of drug testing programs for state employees. Further, the governor of the state of Louisiana issued Executive Order 98-38 providing for the promulgation by executive agencies of written policies mandating drug testing of employees, appointees, prospective employees and prospective appointees, pursuant to Louisiana Revised Statute 49:1001, et seq., and all other applicable federal and state laws.

In accordance with the provisions of Executive Order MJF 98-38, and under the guidance of the Executive Director, this policy shall apply to all employees of the Governor's Office of Elderly Affairs, including appointees or other persons having an employment relationship with this agency.

Title 4

ADMINISTRATION

Part VII. Governor's Office

Chapter 11. Elderly Affairs

Subchapter G. Drug Testing for Employees

§1281. Definitions

Controlled SubstanceCA drug, chemical substance or immediate precursor in Schedules I through V of R.S. 40:964 or Section 202 of the Controlled substance Act (21 U.S.C. 812)

Designer (Synthetic) DrugsCthose chemical substance that are made in clandestine laboratories where the molecular structure of both legal and illegal drugs is altered to create a drug that is not explicitly banned by federal law.

EmployeeCunclassified, classified, and student employees, student interns, and any other person having an employment relationship with the agency, regardless of the appointment type (e.g. full time, part time, temporary, etc.).

Illegal DrugCany drug which is not legally obtainable or which has not been legally obtained, to include prescribed drugs not legally obtained and prescribed drugs not being used for prescribed purposes or being used by one other than the person for whom prescribed.

Reasonable SuspicionCBelief based upon objective an articulable facts derived from direct observation of specific physical, behavioral, odorous presence, or performance indicators and being of sufficient import and quantity to lead a prudent person to suspect that an employee is in violation of this policy.

Safety-Sensitive and Security-Sensitive PositionsCall positions with duties that may either authorize or require the operation or maintenance of a public vehicle, or the supervision of such an employee. All positions with duties that may require responsibility for or access to confidential or classified information.

Under the InfluenceCfor the purposes of this policy, a drug, chemical substance that affects an employee in any detectable manner. The symptoms or influence are not confined to that consistent with misbehavior, nor to obvious impairment of physical in maintaining balance. A professional opinion or a scientifically valid test can establish a determination of influence.

WorkplaceCany location on agency property including all property, offices and facilities (including all vehicles and equipment) whether owned, leased or otherwise used by the agency or by an employee on behalf of the agency in the conduct of its business in addition to any location from

which an individual conducts agency business while such business is being conducted.

AUTHORITY NOTE: Promulgated in accordance with Executive Order MFJ 98-38 and R.S.49:1015 et seq.

HISTORICAL NOTE: Promulgated by Office of the Governor, Office Elderly Affairs, LR 28:

§1283. Policy Provisions

A General Provisions

1. It shall be the policy of the Governor's Office of Elderly Affairs to maintain a drug-free workplace and a workforce free of substance abuse. Employees are prohibited from reporting for work or performing work for the Agency with the presence of illegal drugs, controlled substances, or designer (synthetic) drugs in their bodies at the initial testing levels and confirmatory testing levels or above the levels as established in the contract between the state of Louisiana and the official provider of drug testing services. Employees are further prohibited from the illegal use, possession, dispensation, distribution, manufacture, or sale of controlled substances, designer (synthetic) drugs, and illegal drugs at the work site and while on official state business, on duty, or on call for duty.

2. The agency will procure employee drug testing services through the Office of State Purchasing, Division of Administration, pursuant to applicable bid laws.

B. To assure maintenance of a drug-free workforce, it will be the policy of the Governor's Office of Elderly Affairs to implement a program of drug testing under the following conditions.

1. Reasonable Suspicion. Any employee will be required to submit to a drug test if there is a reasonable suspicion (as defined in this policy) that the employee is using drugs.

2. Post-Accident. Each employee involved in an accident which occurs during the course of employment will be required to submit to a drug test if the accident:

- a. involves circumstances leading to a reasonable suspicion of the employee's drug use;
- b. results in a fatality; or
- c. results in or causes the release of hazardous waste as defined in R.S. 30:2173(2) or hazardous materials as defined in R.S. 32:1502(5).

C. Rehabilitation Monitoring. Any employee who is participating in a substance abuse after-treatment program or has a rehabilitation agreement with the agency following an incident involving substance abuse will be required to submit to random drug testing once every six months until the agency receives documented proof of a release from treatment by the physician or program director.

D. Pre-Employment. Each prospective employee, appointee, and all other persons beginning an employment relationship with the agency will be required to submit to drug screening at the time and place designated by the agency representative who administers the drug testing program, following a job offer contingent upon a negative drug-testing result. Pursuant to R.S. 49:1008, a prospective employee who tests positive for the presence of drugs in the initial screening shall be eliminated from consideration for employment.

E. Safety-Sensitive and Security-Sensitive Positions. These positions are identified within the agency by the appointing authority of the Governor's Office of Elderly

Affairs and determined to be safety or security-sensitive after consultation with Louisiana Department of Justice.

F. Appointments and Promotions. Each employee who is offered a safety-sensitive or security-sensitive position (as defined in this policy) may be required to pass a drug test before being placed in such a position, whether through appointment or promotion.

G. Random Testing. Every employee in a safety-sensitive or security-sensitive position will be required to submit to drug testing as required by the appointing authority, who will periodically call for a sample of such employees, selected at random by a computer-generated selection process, and require them to report for testing. All such testing will, if practicable, occur during the selected employee's work schedule.

H. Confidentiality. All information, interviews, reports, statement, memoranda, and/or test results received by the executive agency through its drug testing program are confidential communications, pursuant to R.S. 49:1012, and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in an administrative or disciplinary proceeding or hearing, or civil litigation where drug use by the tested individual is relevant.

I. Drug Test Failures. Pursuant to R.S. 49:1008, if a prospective employee tests positive for the presence of drugs in the initial drug screening, the positive drug test result shall be the cause of the prospective employee's elimination from consideration for employment or appointment.

1. Pursuant to R.S. 49:1011, the Office of Elderly Affairs will afford an employee whose drug result is certified positive by the medical review officer, the opportunity to undergo rehabilitation without termination of employment. All rehabilitation must be programs that are approved and listed by the Officer of Alcohol and Drug Abuse for state agencies.

2. An employee whose drug tests results are certified positive will be required to take 30 days leave either as annual (A) or sick (B) leave. All rehabilitation services or assistance will be conducted at the employee's expense. The employer is not responsible for the expenses accrued.

3. Failure to submit to drug testing or rehabilitation services may be reason for termination of employment with agency.

4. The Office of Elderly Affairs is committed to maintaining workplace free of harassment and intimidation for all its employees, and will not tolerate inappropriate actions regarding drug testing and confidential drug testing information. This includes conduct, which has the purpose or effect of substantially interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

J. Responsibility. The Executive Director of the Governor's Office of Elderly Affairs is responsible for the overall compliance with this policy and will submit to the Office of the Governor, through the Commissioner of Administration, a report on the policy and drug testing program, describing process, the number of employees affected, the categories of testing being conducted, the associated costs of testing, and the effectiveness of the program by November 1 of each year.

K. Violation of the Policy. Violation of this policy, including refusal to submit to drug testing when properly ordered to do so, will result in actions up to and including termination of employment. Each violation and alleged violation of this policy will be handled on an individual basis, taking into account all data, including the risk to self, fellow employees, and the general public.

AUTHORITY NOTE: Promulgated in accordance with Executive Order MFJ 98-38 and R.S. 49:1015 et seq.

HISTORICAL NOTE: Promulgated by Office of the Governor, Office Elderly Affairs, LR 28:

Family Impact Statement

1. The Effect of This Rule on the Stability of the Family. This Rule does not affect the stability of the family.

2. The Effect of This Rule on the Authority and Rights of Parents Regarding the Education and Supervision of Their Children. The Rule does not deal with the education or supervision of children and will not make an impact on the family.

3. The Effect of This Rule on the Functioning of the Family. This Rule does not effect the functioning of the family.

4. The Effect of This Rule on Family Earnings and Family Budget. This Rule will have no impact on family earnings.

5. The Effect of This Rule on the Behavior and Personal Responsibility of Children. This Rule does not deal with children and will not have any impact.

6. The Effect of This Rule on the Ability of the Family or Local Government to Perform the Function as Contained in the Proposed Rule. N/A.

A public hearing on the proposed rule will be held on October 25, 2002 at the Governor's Office of Elderly Affairs, 1st Floor Conference Room, 412 North 4th Street, Baton Rouge, LA beginning at 9 a.m. Interested persons may send in written comments by 4:30 p.m. on October 25, 2002, to Beverly Armstead, Governor's Office of Elderly Affairs, Post Office Box 80374, Baton Rouge, LA 70898. She is responsible for answering any inquiries regarding this proposed Rule.

Paul F. "Pete" Arceneaux
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Drug Testing for Employees

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

The estimated cost of implementation for this proposed Rule is \$382 for FY 02-03, \$282 for FY 03-04, and \$282 for FY 04-05. The first year includes the \$100 to pay for publishing this Rule. No saving to the state is anticipated, and there are no anticipated costs or savings to local governmental units.

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

The proposed Rule will not affect revenue collections of state or local governmental units

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

This proposed Rule outlines the requirements of the state agency in their Drug Testing Policy. It is anticipated that 12 employees which includes new hires and current employees will be tested annually. This proposed Rule will not make any changes in the economic benefits to the elderly.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The impact is minimal. When this Rule is in place and all employees and potential employees are aware of the Rule, the number of employees and potential employees failing the test will likely be minimal. While each case will be handled individually, an employee with a positive drug test may potentially be terminated.

Paul F. "Pete" Arceneaux
Executive Director
0209#032

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Board of Dentistry

Scopes of Practice, Guidelines for Returning to Active Practice, Advertising and Soliciting by Dentists, Reporting and Record Keeping, Examination of Dentists
(LAC 46:XXXIII.122, 124, 301, 1609, and 1709)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the Dental Practice Act, R.S. 37:751, et seq., and particularly R.S. 37:760(8), notice is hereby given that the Department of Health and Hospitals, Board of Dentistry intends to amend LAC 46:XXXIII.122, 124, 301, 1609, and 1709. No preamble has been prepared.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXXIII. Dental Health Profession

Chapter 1. General Provisions

§122. Scopes of Practice

A. - B. ...

C. A licensed dentist is recognized as a specialist in Louisiana if the dentist meets the standards set forth below.

1. The licensed dentist seeking specialty recognition must have successfully completed an ADA accredited post-doctoral program for each specialty.

2. The requirements of Paragraph C.1 of this Section shall not apply to otherwise qualified specialists who have announced their ADA approved specialty prior to the date of promulgation of this Rule.

3. Specialists must provide the board with satisfactory documentation of their specialty training.

4. Specialists are required to limit their practice exclusively to the indicated specialty area(s) as defined by the board and its rules.

5. A specialist who wishes to practice general dentistry must be evaluated by the board in accordance with LAC 46:XXXIII.124 to determine the need of remediation prior to practicing general dentistry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 24:1114 (June 1998), amended LR 28:

§124. Guidelines for Returning to Active Practice

A. Section 124 is intended to provide guidelines to enable the board to provide evaluation and remediation to dentists and dental hygienists who have not actively practiced their professions for a sufficient length of time for any reason which would justify various levels remediation to assure the board that the dentist or dental hygienist is sufficiently qualified to again practice on the public. This section applies whether a license has been inactivated or not.

B. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 25:511 (March 1999), amended LR:28

Chapter 3. Dentists

§301. Advertising and Soliciting by Dentists

A. - C. ...

D. Definitions

Periodontics that specialty of dentistry which encompasses the prevention, diagnosis, and treatment of diseases of the supporting and surrounding tissues of the teeth or their substitutes; the maintenance of the health, function and esthetics of these structures and tissues; and the replacement of lost teeth and supporting structures by grafting or implantation of nature and synthetic devices and the materials.

E. - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Dentistry, December 1970, amended 1971, amended and promulgated LR 13:179 (March 1987), amended by the Department of Health and Hospitals, Board of Dentistry, LR 15:966 (November 1989), LR 18:739 (July 1992), LR 20:657 (June 1994), LR 21:567 (June 1995), LR 22:23 (January 1996), LR 22:1215 (December 1996), repromulgated LR 23:199 (February 1997), amended LR 23:1524 (November 1997), LR 25:509 (March 1999), LR 25:1476 (August 1999), LR 26:690 (April 2000), LR 27:1890 (November 2001), LR 28:

Chapter 16. Continuing Education Requirements

§1609. Reporting and Record Keeping

A. ...

B. The licensee shall retain satisfactory documentation such as certificates of attendance as may be necessary to document completion of the required number of continuing education hours. The board will not give credit unless the licensee can prove attendance at the course and, therefore, shall obtain and retain certificates of attendance. With cause, the board may request such documentation. Without cause the board may request such documentation from licensees selected at random.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8), and (13).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 20:661 (June 1994), amended LR 26:489 (March 2000), LR 28:

Chapter 17. Licensure Requirements

§1709. Examination of Dentists

A. Any person desiring to be licensed as a dentist shall apply to the board to take the licensure examination and shall verify the information required on the application by oath. The application shall include two recent photographs. There shall be an application fee set by the board. There shall also be an examination fee set by the Louisiana State University School of Dentistry.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(1) and (8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 24:1119 (June 1998), amended LR 28:

Interested persons may submit written comments on this proposed rule to C. Barry Ogden, Executive Director, Louisiana State Board of Dentistry, One Canal Place, Suite 2680, 365 Canal Street, New Orleans, LA 70130. Written comments must be submitted to and received by the board within 60 days of this notice. A request pursuant to R.S. 49:953.A(2) for oral presentation, argument, or public hearing must be made in writing and received by the board within 20 days of the date of this notice.

C. Barry Ogden
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Scopes of Practice, Guidelines for
Returning to Active Practice, Advertising and Soliciting
by Dentists, Reporting and Record Keeping,
Examination of Dentists**

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

A cost of \$500 is estimated to implement these Rule changes. Notification of these Rule changes will be included in a mass mailing to all licensees. It is anticipated that these Rule changes will be sent to licensees during the summer of 2003.

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

There will be no effect on revenue collections by the Louisiana State Board of Dentistry or any other state or local governmental unit.

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

There will be no estimated economic benefit to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

C. Barry Ogden
Executive Director
0209#034

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Board of Nursing

Temporary Permits
(LAC 46:XLVII.3329)

Notice is hereby given, in accordance with the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., that the Board of Nursing (Board) pursuant to the authority vested in the board by R.S. 37:918, R.S. 37:919 intends to amend the Professional and Occupational Standards pertaining to temporary permits to practice as a registered nurse or an advanced practice registered nurse. The proposed amendments of the Rules are set forth below.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLVII. Nurses

Subpart 2. Registered Nurses

Chapter 33. General

Subchapter C. Registration and Registered Nurse

Licensure

§3329. Temporary Permits

A. - C. ...

D. A temporary permit to practice as a registered nurse or an advanced practice registered nurse for a maximum period of six months may be issued to an individual enrolled in the clinical practice component of a board approved refresher course for the purpose of RN or APRN licensure reinstatement or licensure endorsement provided that:

1. the individual provides satisfactory evidence that he or she previously held an unencumbered license in Louisiana or another jurisdiction recognized in Louisiana;

2. the individual completes the application form provided by the board;

3. the individual provides satisfactory documentation of enrollment in a refresher course approved by the board in accordance with §3335.D.2.a;

4. the individual pays the licensure fee required by §3341.A.f or 3327.8;

5. there is no evidence of violation of this Part or of LAC 46: XLVII.3331. If information relative to violations of R.S. 37:911, LAC 46:XLVII.3331, or other administrative rules, or an investigation of same, is received during the six month permit interval, the permit shall be recalled and licensure denied until such time as the person completes the disciplinary process; and

6. there is no allegation of acts or omissions which constitute grounds for disciplinary action as defined in R.S. 37:921 and LAC 46:XLVII.3403 and 3405. If information relative to such acts or omissions is received during the six month permit interval, the permit shall be recalled and licensure denied until such time as the person completes the disciplinary process.

E. Any individual who receives a temporary permit issued pursuant to Subsection D above shall:

1. practice under the supervision of a licensed registered nurse or advanced practice registered nurse if seeking licensure as an RN or under the supervision of a

licensed advanced practice registered nurse if seeking licensure as an APRN; and

2. be entitled to use the designation RN applicant if applying for licensure as a registered nurse or APRN applicant if applying for licensure as an advanced practice registered nurse.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 7:74 (March 1981), amended by the Department of Health and Hospitals, Board of Nursing, LR 23:961 (August 1997), LR 24:1293 (July 1998), LR 28:

Interested persons may submit written comments on the proposed Rules to Barbara L. Morvant, Executive Director, Louisiana State Board of Nursing, 3510 N. Causeway Blvd, Suite 501, Metairie, LA, 70002. The deadline for receipt of all written comments is 4:30 p.m. on October 10, 2002.

Family Impact Statement

The proposed Rule related to the Board's appointing authority will have no known impact on family formation, stability, and autonomy, as set forth in R.S.49:972.

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Temporary Permits

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

It is anticipated that no additional staff or operating expenses will be needed to implement these changes. Only implementation cost is the cost to publish the Rule in the Louisiana Register at \$45.

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

It is estimated that there will be no increased revenue based on temporary permits for clinical components of refresher courses for RNs or APRNs who enroll. The temporary permit will be included with the cost of endorsement or reinstatement. There is no estimated loss of revenue.

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

It is estimated that there will be no additional costs. The temporary permit will be included with the application fee for reinstatement or endorsement. It is anticipated that with the very small numbers of persons needing temporary permits (no more than 10 in one year) and that the permits will be printed on the same forms that RN and APRN temporary permits are printed on. Each permit costs fifteen cents with a maximum cost per year of \$1.50, which is negligible. It is estimated that economic benefits to those persons who use the temporary permits will be that they are able to complete the clinical portion of a refresher course and therefore enter or re-enter the workforce in the state of Louisiana with competence. These persons will compete only with RNs or APRNs who have comparable credentials.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that RNs and APRNs who complete the clinical portion of a board-approved refresher course will ultimately be approved for reinstatement or endorsement of licensure in the state of Louisiana. It is estimated that, given the current nursing shortage in Louisiana, these persons should find employment as RNs or APRNs. However, due to the small numbers anticipated (less than 10 persons per year), effects on

competition and employment in public and private sectors will be largely unaffected.

Barbara L. Morvant
Executive Director
0209#092

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Licensed Professional Counselors Board of Examiners

Licensure of Licensed Professional Counselors
and Licensed Marriage and Family Therapists
(LAC 46:LX.Chapters 1 - 47)

The Licensed Professional Counselors Board of Examiners, under authority of the Louisiana Mental Health Counselor Licensing Act, R.S. 37:1101-1122, and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby intends to repeal and adopt certain Rules with regard to licensing of licensed professional counselors and licensed marriage and family therapists.

This revision is necessitated by Act 1195 of 2001 which extended the boards regulatory authority to include licensure of marriage and family therapists.

Sections 101-2117 are revisions of the existing Board Rules relative to licensed professional counselors, to bring them into accord with Act 1195, in terms of board composition and duties, and related issues.

Sections 2301-4319 are all new provisions, and deal strictly with licensure and regulations of marriage and family therapists, including the "grandfathering" of certain therapists who meet statutory and regulatory requirements. These Sections were likewise implemented by emergency Rule effective August 5, 2002, to allow the Board to meet statutory deadlines for completion of the "grandfathering" process.

There should be no adverse fiscal impact on the state as a result of this Rule inasmuch as the LPC Board operates solely on self-generated funds. Marriage and family therapists wishing to be licensed through the "grandfathering" process will enjoy an economic advantage by not having to comply with more stringent licensing qualifications. Further, the proposed rules have no known impact on family formation, stability or autonomy as described in R.S. 49:972.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LX. Licensed Professional Counselors

Subpart 1. Licensed Professional Counselors

Chapter 1. General Provisions

§101. Statutory Authority

A. The Louisiana Licensed Professional Counselors Board of Examiners was initially created and empowered by Act 892 of the 1987 Legislature to provide regulation of the practice of mental health counseling and provide for the regulation of the use of the title "Licensed Professional Counselor" (R.S. 37:1102). Subsequently Act 1195 of 2002 empowered the Board to provide regulation of marriage and family therapy and the use of the title "Licensed Marriage and Family Therapist" (R.S.37:1102.B). Therefore, the

Professional Counselors Board of Examiners establishes the rules and regulations herein pursuant to the authority granted to, and imposed upon said board under the provisions of the Louisiana Revised Statutes, Title 37, Chapter 13, R.S. 37:1101-1122.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§103. Description of Organization

A. The Louisiana Licensed Professional Counselors Board of Examiners, hereafter referred to as the board, resides in the Department of Health and Hospitals, and consists of nine members, who shall be residents of the state of Louisiana. Each term shall be for four years. Seven appointments to the board shall be made by the governor from a list of qualified candidates submitted by the executive board of the Louisiana Counseling Association. Two appointments to the board shall be made by the governor from a list of candidates submitted by the Louisiana Association of Marriage and Family Therapists. Each appointment by the governor shall be submitted to the Senate for confirmation. Board membership shall consist of three licensed professional counselors, three educators who are licensed professional counselors and whose function is the training of mental health counselors in accredited programs, two Licensed Marriage and Family Therapists, and one individual from the public at large. No board member shall serve more than two full consecutive terms. The professional membership of the board shall be licensed under this Chapter. No board member shall be liable in any civil action for any act performed in good faith in the execution of his duties under Chapter 13 of Title 37.

1. The Licensed Professional Counselor board shall establish a Marriage and Family Therapy Advisory Committee, which shall consist of the two board members appointed by the governor from a list of names submitted by the Louisiana Association of Marriage and Family and one additional non-board member appointed by the governor from a list of names submitted by the Louisiana Association of Marriage and Family Therapy.

2. The function of the advisory committee shall be established by rules and regulations developed by the advisory committee, promulgated by the board, and approved jointly by the House and Senate Health and Welfare Committee.

3. The functions and duties of the advisory board may include but are not limited to the following: Develop rules and regulations in accordance with the Administrative Procedure Act as it may deem necessary to implement the provisions of this Chapter for promulgation and implementation by the board:

a. examine and qualify all applicants for licensure as marriage and family therapists and recommend to the board each successful applicant for licensure, attesting to his professional qualifications to be a marriage and family therapist;

b. develop for the board application forms for licensure pursuant to this Chapter; and

c. maintain complete records of all meetings, proceedings, and hearings conducted by the advisory committee.

4. The non-board member shall serve a term of three years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§105. Vacancies

A. A vacancy occurring in board membership for an unexpired term shall be filled for the remainder of the term by the governor, within 30 days, from a list of qualified candidates submitted by the Executive Board of the Louisiana Counseling Association. Unexpired terms shall be filled by appointment by the governor, within 30 days, from a list of qualified candidates prescribed in Section 1104 of R.S. 37:1101- 1122.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§107. Reimbursement

A. Each board member shall serve without compensation, but shall be reimbursed for actual travel, incidental, and clerical expenses incurred while engaged on official board business.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§109. Financially Self-Sufficient

A. The board shall be financially self-sufficient. It shall receive no state funds through appropriation or otherwise and shall not expend any such state funds. No state funds shall be expended or committed to expenditure for the group benefits program or any other health insurance or employee benefit program, for any retirement system, for any salary, per diem payment, travel or expenses, office supplies and materials, rent, purchase of any of any product or service, or for any other purpose.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28::

§111. Notification of Change

A. Every Licensed Professional Counselor/Counselor Intern every Licensed Marriage and Family Therapist/MFT Intern shall immediately notify in writing the Licensed Professional Counselors Board of Examiners of any and all changes in name, address, and phone number. Failure to comply with this rule within 30 days of change will result in a fine as set forth in Chapter 9.D.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

Chapter 3. Board Meetings, Procedures, Records, Powers and Duties

§301. Officers

A. The board shall hold a meeting within 60 days after October 1, 1987 and elect from its membership a chairman, vice chairman, and secretary. The chairman shall preside at

all meetings at which he or she is in attendance and perform all duties prescribed by Chapter 13 of Title 37 and the board. The chairman is authorized by the board to make day-to-day decisions regarding board activities to facilitate the responsiveness and effectiveness of the board. The vice chairman shall perform the duties of the chairman in case of absence or disability of the chairman. In the event the office of chairman becomes vacant, the vice chairman shall serve as chairman until a successor is named. In the absence of the chairman and vice chairman, the secretary will preside until the chairman or vice chairman is present. The secretary shall keep the minutes of board meetings and send said minutes to board members and clerical secretary of the board before each regular meeting of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§305. Board Staff

A. An executive director, who shall not be a member of the board, shall be employed, within the limits of the funds received by the board pursuant to R.S. 37:1106. The board shall be empowered to accept grants from foundations and institutions to carry on its functions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§307. Meetings

A. The board shall be domiciled in Baton Rouge and shall hold its meetings in places to be designated by the board. The board shall hold a meeting within 60 days after October 1, 1987, and semiannually thereafter. The chairperson may call meetings after consultation with board members or by a majority of members voting at a regular meeting. Reasonable notice of all board meetings will be given by posting the meeting place and time, seven days before the meeting, on the door of the office of the board and in two places in the building housing the office of the board. The board may examine, approve, revoke, suspend, and renew the license of applicants and shall review applications at least once a year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§309. Quorum

A. Five members of the board shall constitute a quorum of the board at any meeting or hearing for the transaction of business and may examine, approve, and renew the license of applicants.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§311. Procedures

A. The board shall adopt such rules, regulations, and examination procedures as it may deem necessary to effect the provisions of Act 892 (Chapter 13, R.S. 37:1101-1122). The board shall be empowered to accept grants from

foundations and institutions to carry on its functions. The board shall submit an annual report to the governor containing the financial and professional actions of the board during the past year. The board shall adopt a seal which shall be affixed to all licenses issued by the board. The board hereby adopts Robert's Rules of Order Revised as the basis of parliamentary decisions by the board except as otherwise provided by board rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§313. Code of Ethics

A. The board has adopted the Code of Ethics of the American Counseling Association for Licensed Professional Counselors as specified in R.S. 37:1105.D and may adopt any revisions or additions deemed appropriate or necessary by the board. Applicable ethics requirements for Licensed Marriage and Family Therapists and MFT Interns are addressed at §4301 of these Rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§315. Records of Proceedings

A. The board shall keep a record of its proceedings including applicant examinations, a register of applicants for licenses, and a register of licensed professional counselors which shall be made available to the public.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

Chapter 5. License and Practice of Counseling

§501. License of Title and Practice

A. As stated in R.S. 37:1111.A, no person shall assume or use the title or designation "Licensed Professional Counselor" or engage in the practice of mental health counseling unless he has in his possession a valid license issued by the board under the authority of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§503. Definitions for Licensed Professional Counselors

A. For purposes of this rule, the following definitions will apply:

Board—the Louisiana Licensed Professional Counselors Board of Examiners.

Licensed Professional Counselor—any person who holds himself out to the public for a fee or other personal gain, by any title or description of services incorporating the words "licensed professional counselor" or any similar term, and who offers to render professional mental health counseling services denoting a client-counselor relationship in which the counselor assumes responsibility for knowledge, skill, and ethical considerations needed to assist individuals, groups, organizations, or the general public, and who implies that he is licensed to practice mental health

counseling. Mental health counseling services—those acts and behaviors coming within the practice of mental health counseling as defined in this chapter, including diagnosis and treatment of conditions or disorders requiring mental health counseling as defined in R.S. 37:1103(4)(a). However, nothing in this chapter shall be construed to authorize any person licensed hereunder to administer or interpret tests in accordance with the provisions of R.S. 37:2352(5), except as provided by LAC 46:LXIII.1702.E of the Louisiana Administrative Code, or engage in the practice of psychology or to prescribe, either orally or in writing, distribute, dispense, or administer any medications.

Practice of Mental Health Counseling—rendering or offering to individuals, groups, organizations, or the general public by a licensed professional counselor, any service consistent with his professional training as prescribed by R.S. 37:1107.A.(8), and code of ethics/behavior involving the application of principles, methods, or procedures of the mental health counseling profession which include but are not limited to:

a. **Mental Health Counseling**—assisting an individual or group, through the counseling relationship, to develop an understanding of personal problems, to define goals, and to plan actions reflecting his or their interests, abilities, aptitudes, and needs as these are related to personal and social concerns, educational progress, and occupations and careers.

i. **Mental Health Counseling Practicum**. Licensure requires the completion of a mental health counseling practicum totaling 100 clock hours. The practicum includes:

(a.) a minimum of 40 hours of direct counseling with individuals or groups;

(b.) a minimum of one hour per week of individual supervision by a counseling faculty member supervisor or supervisor working under the supervision of a program faculty member;

(c.) a minimum of one and one-half hours per week of group supervision with other students in similar practica or internships by a program faculty member supervisor or a student supervisor working under the supervision of a program faculty member or an approved on-site supervisor that meets the on-site supervisor requirements established by the university.

ii. **Mental Health Counseling Internship**. Licensure requires the completion of a mental health counseling internship totaling 300 clock hours. The internship includes:

(a.) a minimum of 120 hours of direct counseling with individuals or groups;

(b.) a minimum of one hour per week of individual supervision by a counseling faculty member supervisor or an LPC working in conjunction with the faculty member;

(c.) a minimum of one and one-half hours per week of group supervision with other students in similar practica or internships by a program faculty member supervisor or a student supervisor working under the supervision of a program faculty member or an approved on-site supervisor that meets the on-site supervisor requirements established by the university.

b. *Consulting* Interpreting or reporting scientific fact or theory to provide assistance in solving current or potential problems of individuals, groups, or organizations.

c. *Referral Activities* The evaluation of data to identify problems and to determine the advisability of referral to other specialists.

d. *Research Activities* Reporting, designing, conducting, or consulting on research in counseling with human subjects.

e. *Appraisal*

i. use or administration of tests of language, educational and achievement tests, adaptive behavioral tests, and symptoms screening checklists or instruments, as well as tests of abilities, interests, and aptitudes, for the purpose of diagnosing those conditions allowed within the scope of these statutes, defining counseling goals, planning and implementing interventions, and documenting clients progress as related to mental health counseling. Appraisal includes but is not necessarily limited to the following areas.

(a.) *Abilities* Those normative-based individual and group administered instruments used to measure general mental ability vis-a-vis specific abilities.

(b.) *Interests* Those normative-based individual and group administered instruments used to suggest educational and vocational adjustment, interpersonal relations, intrapersonal tendencies and interests, satisfaction from avocational pursuits, and other major phases of human development.

(c.) *Aptitudes* Those normative-based individual and group administered instruments used to measure special ability related to a future task(s).

ii. qualified licensed professional counselors as well as other appropriately licensed or certified professionals may also administer or use test of language, educational and achievement, adaptive behavior tests, and symptom screening checklists or instruments. The administration and interpretation of these tests are not exclusively within the scope of this regulation.

iii. appraisals done within the practice of mental health counseling must be performed in accordance with the requirements of the Louisiana Administrative Code, Title 46, Part LX, Chapter 21. Code of Conduct for Licensed Professional Counselors. A licensed professional counselor must be privileged by this board to utilize formal appraisal instruments and shall limit such use to those areas heretofore mentioned in Chapter 5. A licensed professional counselor who wishes to be board privileged to utilize formal appraisal instruments in the appraisal of individuals shall additionally furnish this board satisfactory evidence of formal graduate training in statistics, sampling theory, test construction, test and measurements and individual differences. Formal training shall include a practicum and supervised practice with appraisal instruments.

f. *Graduate Degree* The substance of which is professional mental health counseling in content shall be defined as a graduate degree from a regionally accredited university that shall conform to one of the criteria below:

i. a CACREP accredited counseling program;

ii. a counseling program incorporating the word "counseling" or counselor" in its title;

iii. a program incorporating a counseling-related term in its title (e.g. "marriage and family therapy"); or

iv. a program incorporating the eight content areas, a counseling practicum, and a counseling internship.

g. In addition, the above should not be construed to include degrees in disciplines licensed elsewhere by the State of Louisiana (e.g., social work, psychology) with the exception of counseling psychology and vocational rehabilitation counseling programs.

h. Other definitions specific to Licensed Marriage and Family Therapists and MFT Interns can be found in §3105.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

Chapter 7. Requirements for Licensure of Licensed Professional Counselors

§701. General Provisions

A. The board shall license to practice all persons who present satisfactory evidence of qualifications as specified in these rules and regulations of the board. Such licensure shall be signed by the chairman and vice chairman of the board under the seal of the board. No license shall be denied any applicant based upon the applicant's race, religion, creed, national origin, sex, or physical impairment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§703. Licensed Professional Counselors Licensing Requirements

A. The board shall issue a license to each Licensed Professional Counselor applicant who files an application upon a form designated by the board and in such a manner as the board prescribes, accompanied by such fee required by R.S. 37:1106 and who furnishes satisfactory evidence to the board that he:

1. is at least 21 years of age;

2. is of good moral character;

3. is a citizen of the United States or has legally declared his intentions of becoming such;

4. is a resident of the state of Louisiana or is in the act of establishing residency in the state of Louisiana;

5. is not in violation of any of the provisions of R.S. 37:1101-1122 and the rules and regulations adopted herein;

6. can document a minimum of 3,000 hours of post-master's experience in professional mental health counseling under the clinical supervision of a board-approved supervisor, with said supervision occurring over a period of no less than two years and not more than seven years from the original date such supervision was approved. Five hundred hours of supervised experience may be gained for each 30 graduate semester hours earned beyond the required master's degree, provided that such hours are clearly related to the field of mental health counseling, are earned from a regionally accredited institution, and are acceptable to the board provided that in no case the applicant has less than 2,000 hours of board-approved supervised experience within the aforementioned time limits;

7. has declared special competencies and demonstrated professional competence therein by passing a

written and, at the discretion of the board, an oral examination as shall be prescribed by the board;

8. has received a graduate degree, the substance of which is professional mental health counseling in content from a regionally accredited institution of higher education offering a master's and/or doctoral program in counseling that is approved by the board and has accumulated at least 48 graduate semester hours as part of the graduate degree plan containing the eight required areas, the supervised mental health practicum and supervised internship in mental health counseling (as defined by rules adopted by the board listed under Chapter 5), which shall not be interpreted to exclude post-graduate course work in mental health counseling, as part of the degree plan containing 48 graduate hours including eight content areas, practicum and internship approved by the Licensed Professional Counselors (LPC) Board.

a. the following eight areas are required to have at least one semester course:

- i. counseling/theories of personality;
- ii. human growth and development;
- iii. abnormal behavior;
- iv. techniques of counseling;
- v. group dynamics, processes, and counseling;
- vi. lifestyle and career development;
- vii. appraisal of individuals;
- viii ethics;

9. has provided to the board a Declaration of Practices and Procedures, with the content being subject to board review and approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§705. Supervised Experience for Counselor Interns

A. Supervision Requirements

1. Supervision is defined as assisting the counselor intern in developing expertise in methods of the professional mental health counseling practice and in developing self-appraisal and professional development strategies. Supervision must comply with standards as set by the board.

2. Pursuant to R.S. 37:1107.A, an applicant for license must document a minimum of 3,000 hours of post-master's experience in professional mental health counseling under the clinical supervision of a board-approved supervisor, with said supervision occurring over a period of no less than two years and not more than seven years from the original date such supervision was approved. Five hundred hours of supervised experience may be gained for each 30 graduate semester hours earned beyond the required master's degree provided that such hours are clearly related to the field of mental health counseling, are earned from a regionally accredited institution, and are acceptable to the board, provided that in no case the applicant has less than 2,000 hours of board-approved supervised experience within the aforementioned time limits. Only those applicants already receiving board-approved supervision prior to June 30, 1998 are exempt from the aforementioned time allowance.

a.i. Based on the above, the board has broken down the required 3,000 hours of counseling experience in the following manner:

(a). a minimum of 1,900 hours (up to 2,900 hours) in direct client contact, individual or group counseling.

(b). a maximum of 1,000 hours in additional client contact, counseling related activities (i.e. case notes, staffing, case consultation, or testing/assessment of clients) or education at the graduate level in the field of mental health as defined above.

(c). a minimum of 100 hours of face-to-face supervision by a board approved supervisor.

ii. An applicant may utilize supervised hours earned in post-master's degree courses in counseling or in a doctoral degree program in counseling toward the required hours of supervised experience in addition to exercising the option of substituting 30 graduate semester hours earned beyond the master's degree for 500 hours of supervised experience, as long as supervised experience, practicum, or internship courses are not included in the 30 graduate semester hours that are used to substitute for 500 hours of supervised experience. In no case, may the applicant have less than 2,000 hours of supervised experience.

b. The board recommends one hour of supervision for every 20 hours of direct client contact as outlined in Subclause (a). Supervision may not take place via mail or telephone. Telephone or mail contacts with supervisor may be counted under Subclause (b) (i.e., consultation), however, it cannot be counted as face to face supervision as defined in Subclause (c).

c. To be eligible for supervision as a Counselor Intern, the applicant must provide proof of completion of a supervised practicum and internship as listed in §503, Definitions, and each of the following eight content areas. In order for a course to fulfill a content area requirement, it must include in a substantial manner, the areas in the description for the content areas.

i. Counseling/Theories of Personality. Description: counseling theories including both individual and systems perspectives; research and factors considered in applications of counseling theories; or theories of personality including major theories of personality.

ii. Human Growth and Development. Description: the nature and needs of individuals at developmental levels; theories of individual and family development and transitions across the life-span; theories of learning and personality development; human behavior including an understanding of developmental crises, disability, addictive behavior, psychopathology, and environmental factors as they affect both normal and abnormal behavior; strategies for facilitating development over the lifespan.

iii. Abnormal Behavior. Description: emotional and mental disorders experienced by persons of all ages; characteristics of disorders; common nosologies of emotional and mental disorders utilized within the U.S. health care system; the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, as published by the American Psychiatric Association; preferred treatment approaches for disorders based on research; common medications used by psychiatrists to treat disorders; working with other health care and mental health care professionals in treating individuals with emotional and mental disorders;

iv. Techniques of Counseling. Description: basic interviewing, assessment, and counseling skills; counselor characteristics and behaviors that influence helping processes including age, gender and ethnic differences, verbal and nonverbal behaviors and personal characteristics, orientations, and skills; client characteristics and behaviors that influence helping processes including age, gender and ethnic differences, verbal and nonverbal behaviors and personal characteristics, traits, capabilities, and life circumstances;

v. Group Dynamics, Processes, and Counseling. Description: principles of group dynamics including group process components, developmental stage theories, and group members' roles and behaviors; group leadership styles and approaches including characteristics of various types of group leaders and leadership styles; theories of group counseling including commonalities, distinguishing characteristics, and pertinent research and literature; group counseling methods including group counselor orientations and behaviors, ethical standards, appropriate selection criteria and methods, and methods of evaluation of effectiveness; approaches used for other types of group work, including task groups, prevention groups, support groups, and therapy groups.

vi. Lifestyle and Career Development. Description: career development theories and decision-making models; career, a vocational, educational, and labor market information resources, visual and print media, and computer-based career information systems; career development program planning, organization, implementation, administration, and evaluation; interrelationships among work, family, and other life roles and factors including multicultural and gender issues as related to career development; career and educational placement, follow-up and evaluation; assessment instruments and techniques relevant to career planning and decision-making; computer based career development applications and strategies, including computer-assisted guidance systems; career counseling processes, techniques and resources including those applicable to specific populations.

vii. Appraisal of Individuals. Description: theoretical and historical bases for assessment techniques; validity including evidence for establishing content, construct, and empirical validity; reliability including methods of establishing stability, internal and equivalence reliability; appraisal methods including environmental assessment, performance assessment, individual and group test and inventory methods, behavioral observations, and computer-managed and computer-assisted methods; psychometric statistics including types of assessment scores, measures of central tendency, indices of variability, standard errors, and correlations; age, gender, ethnicity, language, disability, and culture factors related to the assessment and evaluation of individuals and groups; strategies for selecting, administering, interpreting, and using assessment and evaluation instruments and techniques in counseling.

viii. Ethics. Description: ethical standards of the American Counseling Association, state counselor licensure boards, and national counselor certifying agencies; ethical and legal issues and their applications to various professional activities; history of the helping professions

including significant factors and events; professional roles and functions of counselors including similarities and differences with other mental health professionals; professional organizations, primarily the American Counseling Association, its divisions, branches, and affiliates, including membership benefits, activities, services to members, and current emphases, professional preparation standards, their evolution, and current applications; professional credentialing including certification, licensure, and accreditation practices and standards, and the effects of public policy on these issues; public policy processes including the role of the professional counselor in advocating on behalf of the profession and its clientele.

d. If a Counselor Intern commences supervision prior to August 15, 1996 pursuant to §705.A.2.c above, the Counselor Intern must complete all of the eight content areas pursuant to R.S.37:1107.B, in order to be eligible for licensure upon completion of the supervised internship.

3. Acceptable modes for supervision of direct clinical contact are the following.

a. Individual Supervision. The supervisory session is conducted by an approved supervisor with one Counselor Intern present.

b. Group Supervision. The supervisory session is conducted by an approved supervisor with no more than ten Counselor Interns present.

4. At least 100 hours of the Counselor Intern's direct clinical contact with clients must be supervised by an approved supervisor or supervisors, as defined below.

a. At least 50 of these 100 hours must be individual supervision as defined above. The remaining 50 hours of these 100 hours may be either individual supervision or group supervision as defined above.

b. A supervisor may not supervise more than ten Counselor Interns at any given time.

5. Supervisors of, Counselor Interns, as defined in these rules, have the responsibility of assisting Counselor Interns in increasing their skills as a mental health professional. Supervisors, as defined in these rules, have no control, oversight, or professional responsibility for the services of Counselor Interns whom they are supervising, unless a supervisor also serves as the administrative supervisor of a Counselor Interns in the setting in which the Counselor Intern is employed or contracted or is rendering counseling services on a volunteer basis. The control, oversight, and professional responsibility for Counselor Interns rests with the Counselor Intern's administrative supervisor in the setting in which they are employed or contracted or are rendering counseling services on a volunteer basis. In obtaining permission for outside supervision, Counselor Interns must notify their administrative supervisor of the identity of their supervisor for the purpose of gaining the supervised experience for licensure and the nature of the supervisory activities, including any observations or taping that occurs with clients, after obtaining the client's permission, in the setting.

6. The process of supervision must encompass multiple strategies of supervision, including regularly scheduled live observation of counseling sessions (where possible) and review of audiotapes and/or videotapes of counseling sessions. The process may also include discussion of the Counselor Intern's self-reports,

microtraining, interpersonal process recall, modeling, role-playing, and other supervisory techniques.

7. The supervisor must provide nurturance and support to the Counselor Intern, explaining the relationship of theory to practice, suggesting specific actions, assisting the Counselor Intern in exploring various models for practice, and challenging discrepancies in the counselor intern's practice.

8. The supervisor must ensure the Counselor Intern's familiarity with important literature in the field of counseling.

9. The supervisor must provide training appropriate to the Counselor Intern's intended area of expertise and practice.

10. The supervisor must model effective professional counseling practice.

11. The supervisor must ensure that the mental health counseling and the supervision of the mental health counseling is completed in an appropriate professional setting.

12. The Counselor Intern must have received a letter of supervision approval from the Board; and

13. The professional setting cannot include private practice in which the Counselor Intern operates, manages or has an ownership interest in the private practice, unless the Counselor Intern is authorized to participate in the private practice by authority of a separate license issued by the state of Louisiana.

14. Supervisors may employ Counselor Interns in their private practice setting. The supervisor may bill clients for services rendered by the Counselor Intern, however, under no circumstances can the Counselor Intern bill clients directly for services rendered by him/herself.

15. The supervisor must certify to the board that the Counselor Intern has successfully complied with all requirements for supervised counseling experience.

B. Qualifications of a Supervisor of Counselor Interns

1. Those individuals who may provide supervision to Counselor Interns must meet the following requirements:

a. Licensure Requirements. The supervisor must hold a Louisiana license as a Licensed Professional Counselor.

b. Counseling Practice. The supervisor must have been practicing mental health counseling in their setting (i.e., school, agency, private practice) for at least five years. Two of the five years experience must be post licensing experience.

c. Training in Supervision. Supervisors must have successfully completed either Clauses i or ii below:

i. Graduate-Level Academic Training. At least one graduate-level academic course in counseling supervision. The course must have included at least 45 clock hours (equivalent to a three credit hour semester course) of supervision training.

ii. Professional Training. A board approved professional training program in supervision. The training program must be a minimum of 25 direct clock hours with the trainers and meet presentation standards established by the board.

2. A supervisor may not be a relative of the Counselor Intern. Relative of the Counselor Intern is defined as spouse, parent, child, sibling of the whole- or half-blood,

grandparent, grandchild, aunt, uncle, one who is or has been related by marriage or has any other dual relationship.

3. No person shall serve as a supervisor if his/her license is expired or subject to terms of probation, suspension, or revocation.

C. Responsibility of Applicant under Supervision

1. During the period of supervised counseling experience an applicant will identify him/herself as a Counselor Intern.

2. Each Counselor Intern must provide his/her clients with a disclosure statement (as outlined in the Appendix of the LPC Code of Conduct) that includes:

a. his/her training status; and

b. the name of his/her supervisor for licensure purposes.

3. Counselor Interns must comply with all laws and regulations relating to the practice of mental health counseling (R.S. 37:1101- 1122).

4. Counselor Interns may not initiate a private practice during their period of supervised counseling experience. Counselor Interns who are employed within their supervisors' private practice setting cannot, under any circumstances, bill clients directly for services they render, unless the Counselor Intern is authorized to participate in the private practice by authority of a separate license issued by the state of Louisiana.

5. Upon completion of the required number of hours of supervised counseling experience, the Counselor Intern needs to submit an application for licensure. Any individual who does not apply for licensure within three months after completing the required number of hours of supervised counseling experience cannot continue to practice professional mental health counseling.

6. Supervision hours do not begin accruing until after the application for supervision has been filed and approved by the LPC Board.

D. Registration of Supervised Experience

1. All proposed supervision arrangements beginning on or after January 1, 1993 must be approved by the board prior to the starting date of the supervised experience.

a. The Counselor Intern will:

i. Along with his/her supervisor provide the board with a written proposal outlining with as much specificity as possible the nature of the counseling duties to be performed by the Counselor Intern and the nature of the supervision.

ii. Submit this written proposal on forms provided by the board at least 60 days prior to the proposed starting date of the supervision.

iii. Submit along with the written proposal the appropriate fee determined by the board.

2. Supervised experience rendered by the Counselor Intern in an exempt setting needs to meet the requirements in this rule if that supervised experience is to meet the requirements for licensure as set forth by R.S. 37:1107.A.

3. Following the board's review, the Counselor Intern will be informed by letter either that the proposed supervision arrangement has been approved or that it has been rejected. Any rejection letter will outline, with as much specificity as practicable, the reasons for rejection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

Chapter 8. Renewal of Licensed Professional Counselor Licenses

§801. Renewal

A. A licensed professional counselor shall renew his/her license every two years in the month of June by meeting the requirement that 40 clock hours of continuing education be obtained prior to each renewal date every two years in an area of professional mental health counseling as approved by the board and by paying a renewal fee. The licensee should submit a declaration statement only if there has been a change in area of expertise, with the content being subject to board review and approval. The board, at its discretion, may require the licensee to present satisfactory evidence supporting any changes in areas of expertise noted in the declaration statement. The chairman shall issue a document renewing the license for a term of two years. The license of any mental health counselor who fails to have this license renewed every two years during the month of June shall lapse; however, the failure to renew said license shall not deprive said counselor the right of renewal thereafter. A lapsed license may be renewed within a period of two years after the expired renewal date upon payment of all fees in arrears and presentation of evidence of completion of the continuing education requirement. Application for renewal after two years from the date of expiration will not be considered for renewal; the individual must apply under the current licensure guidelines.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§803. Continuing Education Requirements for Licensed Professional Counselor's

A. General Guidelines

1. An LPC licensee must accrue 40 clock hours of continuing education by every renewal period every two years, with the exception that a licensee renewing a license which expires on June 30, 2000 must accrue 25 clock hours of continuing education.

2. One continuing education hour (CEH) is equivalent to one clock hour.

3. Accrual of continuing education begins only after the date the license was issued.

4. CEHs accrued beyond the required 40 hours may not be applied toward the next renewal period. Renewal periods run from July 1 to June 30, every two years.

5. The licensee is responsible for keeping a personal record of his/her CEHs until official notification of renewal is received. Do not forward documentation of CEHs to the Board office as they are accrued.

6. At the time of renewal ten percent of the licensees will be audited to ensure that the continuing education requirement is being met. If you are one of the 10 percent chosen, you will be requested by letter to submit documentation of your CEHs.

B. Approved Continuing Education for Licensed Professional Counselors

1. Continuing education requirements are meant to encourage personal and professional development

throughout the LPC's career. For this reason a wide range of options are offered to accommodate the diversity of counselors' training, experience and geographic locations.

2. An LPC may obtain the 40 CEHs through one or more of the options listed below.

a. Continuing Education Approved by Other Organizations. Continuing education that is approved by either the American Counseling Association (ACA), its divisions, regions and state branches, Louisiana Counseling Association (LCA) or the National Board of Certified Counselors (NBCC) will be accepted by the Board of Examiners. One may contact these associations to find out which organizations, groups or individuals are approved providers. One may receive one clock hour of continuing education for each hour of direct participation in a structured educational format as a learner. Credit cannot be granted for: business/governance meetings; breaks; social activities including meal functions, except for actual time of a content speaker. Credit cannot be given for an approved session to persons who leave early from that session. Verification can consist of copies of certificates of attendance.

b. Continuing Education Not Preapproved. For those organizations, groups or individuals that do not carry provider status by one of the above associations, the continuing education hours will be subject to approval by the Board of Examiners at the time of renewal. The Board will not preapprove any type of continuing education. The continuing education must be in one of the twelve approved content areas listed in §803.C, and be given by a qualified presenter. A qualified presenter is considered to be someone at the master's level or above and trained in the mental health field or related services. One may receive one clock hour of continuing education for each hour of direct participation in a structured educational format as a learner. Credit cannot be granted for: business/governance meetings; breaks; social activities including meal functions, except for actual time of a content speaker. Credit cannot be given for an approved session to persons who leave early from that session. Verification for workshops, seminars, or conventions can consist of copies of certificates of attendance. Typically one Continuing Education Unit (CEU) is equivalent to 10 clock hours.

c. Coursework. CEHs may also be gained by taking coursework (undergraduate or graduate) from a regionally accredited institution in one of the 12 approved content areas for continuing education listed in §803.C. One may take a course for credit or audit a course. In a college or university program, one semester hour is equivalent to 15 clock hours and one quarter hour is equivalent to 10 clock hours. Therefore, 45 CEHs will be given for a three hour university course completed at a regionally accredited university. Verification for coursework can consist of either copies of transcripts for coursework taken for credit or letter of attendance from instructor for courses audited.

d. Home Study. The LCA journal, video presentations and approved teleconferences are all approved home study options. Each option must carry a provider number from either NBCC, LCA or other board approved mental health organizations. Each activity will specify the number of CEHs that will be granted upon completion. Verification consists of a certificate issued by NBCC, LCA

or certificates from other professional mental health organizations that will be reviewed by the Board.

e. Presentations. Presenters may get credit for original presentations at a rate of five clock hours per one hour presentation. Presenters must meet the qualifications stated in Subparagraph b above. The presentation must be to the professional community; not to the lay public or a classroom presentation. The presentation must also be in one of the twelve approved content areas listed in §803.C. Verification of your presentation consists of obtaining a letter from the workshop/convention coordinator stating the topic, date, and number of hours of presentation.

f. Publishing. Authors may receive five clock hours per article or chapter in a book. The article must be published in a professional refereed journal. Both articles and chapters must be in one of the 12 approved content areas listed in §803.C. Verification will consist of either a reprint of the article/chapter, or a copy of the article/chapter, cover of the book/journal and page listing the editor or publisher.

g. Counseling (10 hours maximum per renewal period). One may receive one clock hour of continuing education per counseling hour as a client. To qualify, one must be a client receiving services from a licensed mental health professional having qualifications equal to or exceeding those currently required of LPC's. Consultation and supervision hours do not qualify. Verification will consist of a letter from the counseling mental health professional verifying client therapy hours.

h. Research. One may receive one clock hour of continuing education per hour of planning or conduct of, or participation in, counseling or counseling-related research. To qualify, this activity must constitute an original and substantive educational experience for the learner. Verification will consist of a letter from the faculty member or researcher.

i. Peer Supervision (10 hour maximum per renewal period). One may receive one clock hour of continuing education per hours of performing peer supervision activities. For example, case work consultation.

C. Approved Content Areas. Continuing Education Hours must be in one of the following 12 content areas.

1. Counseling TheoryCincludes a study of basic theories, principles and techniques of counseling and their application in professional settings.

2. Human Growth and DevelopmentCincludes studies that provide a broad understanding of the nature and needs of individuals at all developmental levels, normal and abnormal human behavior, personality theory and learning theory within appropriate cultural contexts.

3. Social and Cultural FoundationsCincludes studies that provide a broad understanding of societal changes and trends, human roles, societal subgroups, social mores and interaction patterns, and differing lifestyles.

4. The Helping RelationshipCincludes studies that provide a broad understanding of philosophic bases of helping processes, counseling theories and their applications, basic and advanced helping skills, consultation theories and their applications, client and helper self-understanding and self-development, and facilitation of client or consultee change.

5. Group Dynamics, Processing and CounselingCincludes studies that provide a broad understanding of group development, dynamics, and counseling theories, group leadership styles, basic and advanced group counseling methods and skills, and other group approaches.

6. Lifestyle and Career DevelopmentCincludes studies that provide a broad understanding of career development theories; occupational and educational information sources and systems; career and leisure counseling, guidance, and education; lifestyle and career decision-making; career development program planning and resources; and effectiveness evaluation.

7. Appraisal of IndividualsCincludes studies that provide a broad understanding of group and individual educational and psychometric theories and approaches to appraisal, data and information gathering methods, validity and reliability, psychometric statistics, factors influencing appraisals, and use of appraisal results in helping processes.

8. Research and EvaluationCincludes studies that provide a broad understanding of types of research, basic statistics, research report development, research implementation, program evaluation, needs assessment, publication of research information, and ethical and legal considerations associated with the conduct of research.

9. Professional OrientationCincludes studies that provide a broad understanding of professional roles and functions, professional goals and objectives, professional organizations and associations, professional history and trends, ethical and legal standards, professional preparation standards, professional credentialing and management of private practice and agency settings.

10. Marriage and FamilyCincludes studies that provide a broad understanding of marriage and family theories and approaches to counseling with families and couples. This includes appraisal of family and couples systems and the application of these to counseling families and/or couples.

11. Chemical DependencyCincludes studies that provide a broad understanding of chemical dependency issues, theories, and strategies to be applied in the helping relationship for chemical dependency counseling.

12. SupervisionCincludes studies in theory and techniques of supervision as well as ethical and legal issues, case management, and topics relative to the specific supervised setting.

D. Types of Documentation Needed for Verification

1. Copy of certificate of attendance for workshops, seminars, or conventions.

2. Copy of transcript for coursework taken for credit/letter of attendance from instructor for courses audited.

3. Home Study verification form or certificate issued by LCA/NBCC.

4. Letter from workshop/convention coordinator verifying presentations.

5. Copy of article, cover and editorial board page for publications.

6. Letter from counseling mental health professional verifying number of hours in counseling as a client.

7. Letter from the faculty member or researcher verifying number of hours in research.

8. Letter or certificate from the LPC Board of Examiners, or from the board-approved counseling service organization, verifying number of hours of service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

Chapter 9. Fees

§901. General

A. The board shall collect the following fees stated in R.S. 37:1106.

1. Application, license and seal	\$200
2. Privileging review for appraisal and other specialty areas	\$100
3. Registration of Supervision	\$100
4. Renewal of license	\$150
5. Late fee for renewal	\$ 50
6. Reissue of license duplicate	\$ 25
7. Name change on records	\$ 25
8. Copy of LPC file	\$ 25
9. Copy of any documents	cost incurred
10. Marriage and Family Therapy Examination Fee	\$100

B The late fee will be incurred the day after a licensee's designated renewal deadline at 4 p.m. (no grace period). No part of any fee shall be refundable under any conditions. All fees for licensing must be paid to the board by certified check or money order. The renewal shall be deemed timely when:

1. the renewal is delivered on or before the due date; or

2. the renewal is mailed on or before the due date. If the renewal is received by mail on the first working day following the due date, there shall be a rebuttable presumption that it was timely filed. In all cases where the presumption does not apply, the timeliness of the mailing shall be shown only by an official United States postmark or by official receipt or certificate from the United States Postal Service made at the time of mailing which indicates the date thereof. For purpose of this Section, "by mail" applies only to the United States Postal Service.

C. The board may assess and collect fines in an amount not to exceed \$500 for violations of Chapter 9 and Rules promulgated by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§903. Deposit and Use of Fees and Funds

A. All fees collected and all gifts or grants shall be deposited and credited to the account of the board in a licensed financial institution of the board's choosing. The funds of the board may be used for printing, travel expenses of the board, and for other necessary expenses as are essential to carrying out of the provisions of R.S. 37:1101-1122. Expenses shall be paid under the written direction of the chairman of the board in accordance with procedures established by the Division of Administration. Any surplus at the end of the fiscal year shall be retained by the board for future expenditures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

Chapter 11. Reciprocity In LPC Licensing

§1101. States, Territories, and Commonwealths

A. Upon application accompanied by a fee and without written or oral examination, as stated in R.S.37:1109, the board may issue an LPC license to any person who furnished upon a form and in such manner as the board prescribes, evidence satisfactory to the board that he is licensed, certified, or registered as a professional counselor by another state, territorial possession of the United States, District of Columbia, or Commonwealth of Puerto Rico if the requirements for such licensure, certification, or registration are substantially equivalent to those of R.S. 37:1101-1122.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Professional Counselors, LR 14:84 (February, 1988), amended by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 22:103 (February 1996), amended by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

Chapter 13. Disciplinary Proceedings for Licensed Professional Counselors

§1301. Causes for Administrative Action

A. The Board, after due notice and hearing as set forth herein and the Louisiana Administrative Procedures Act, R.S.49:950 et seq., may withhold, deny, revoke or suspend any license issued or applied for or otherwise discipline a Licensed Professional Counselor on a finding that the person has violated the Louisiana Mental Health Counselor Licensing Act, any of the rules and regulations promulgated by the board, the Code of Ethics of the American Counseling Association, or prior final decisions and/or consent orders involving the Licensed Professional Counselor or applicant for licensure. Sometimes hereinafter in this Chapter, where the context allows a Licensed Professional Counselor or applicant for licensure may be referred to as "person."

B. The Board shall also deny, revoke or suspend any license issued or applied for, or otherwise discipline a Licensed Professional Counselor on a finding that such person has violated any other applicable state law which themselves requires denial, revocation, or suspension of the license of such Licensed Professional Counselor or applicant. Such statutes include, but are not limited to R.S.37:2951 et seq. (nonpayment of certain student loans), and R.S.37:2952 et seq. (nonpayment of child support).

C. In addition to the Code of Conduct adopted by the LPC Board as Chapter 21, §2101-2117, the following actions or inactions by a Licensed Professional Counselor shall also be considered ethical violations by a Licensed Professional Counselor which may allow denial revocation, or suspension of Licensed Professional Counselor's license.

1. Failure to report suspected child abuse or neglect (R.S. 14:403 et seq. and Children's Code Article 609 et seq.)

2. Failure to report suspected elder abuse or neglect (R.S. 14:403.2 et seq.)

3. Failure to maintain patient records required by law (R.S. 40:1299.96 et seq.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§1303. Disciplinary Process and Procedures

A. The purpose of the following rules and regulations is to supplement and effectuate the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., regarding the disciplinary process and procedures incident thereto. These rules and regulations are not intended to amend or repeal the provisions of the Administrative Procedure Act, and to the extent any of these rules and regulations are in conflict therewith, the provisions of the Administrative Procedure Act shall govern.

B. A disciplinary proceeding, including the formal hearing, is less formal than a judicial proceeding. It is not subject to strict rules and technicalities, but must be conducted in accordance with considerations of fair play and constitutional requirements of due process.

C. The purpose of a disciplinary proceeding is to determine contested issues of law and fact; whether the person did certain acts or omissions and, if he did, whether those acts or omissions violated the Louisiana Mental Health Counselor Licensing Act, the rules and regulations of the board, the Code of Ethics of the American Counseling Association, or prior Final Decisions and/or Consent Orders involving the licensed professional counselor or applicant for licensure and to determine the appropriate disciplinary action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR:25:259 (February 1999), amended LR 28:

§1305. Initiation of Complaints

A. Complaints may be initiated by any person or by the board on its own initiative.

B. All complaints shall be addressed confidential to the Ad Hoc Committee for Disciplinary Affairs of the board and shall be sent to the board office. The Ad Hoc Committee for Disciplinary Affairs of the board shall, during an executive session of the board, convey the complaint to the board members. The board members by a vote of four of the seven members shall agree to investigate the charges or deny the charges. If a denial, the chairperson of the board shall request the Ad Hoc Committee for Disciplinary Affairs to prepare the letters of denial for his signature. If the board agrees to investigate, the board shall request the Ad Hoc Committee for Disciplinary Affairs to notify the person that allegations have been made that he may have committed a breach of statute, rule and regulation, ethical code, and/or prior final decisions or consent orders and that he must respond in writing to the board within a specified time period. A response is to be made to the Ad Hoc Committee for Disciplinary Affairs of the board at the board office address. The complaint letter of alleged violations shall not be given initially to the person. However, sufficiently specific allegations shall be conveyed to the person for his response. Once the person has answered the complaint, a determination will be made if a disciplinary proceeding is required.

C. Pursuant to its authority to regulate this industry, the board through its Ad Hoc Committee on Disciplinary Affairs, may conduct investigations into alleged violations by a licensed professional counselor or applicant of this Chapter or rules and regulations promulgated pursuant thereto, may issue subpoenas to secure evidence of alleged violations of the Louisiana Mental Health Counselor Licensing Act, any of the rules and regulations promulgated by the board, the Code of Ethics of the American Counseling Association, or prior final decisions and/or consent orders involving the licensed professional counselor or applicant for licensure. The confidential or privileged records of a patient or client which are subpoenaed are to be sanitized by the custodian of such records so as to maintain the anonymity of the patient or client.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§1307. Informal Disposition of Complaints

A. Some complaints may be settled informally by the board and the person accused of a violation without a formal hearing. The following types of informal dispositions may be utilized:

1. Disposition by Correspondence. For complaints less serious, the Ad Hoc Committee for Disciplinary Affairs of the board may write to the person explaining the nature of the complaint received. The person's subsequent response may satisfactorily explain the situation, and the matter may be dropped. If the situation is not satisfactorily explained, it shall be pursued through an informal conference or formal hearing.

2. Informal Conference.

a. The Ad Hoc Committee for Disciplinary Affairs of the board may hold a conference with the person in lieu of, or in addition to, correspondence in cases of less serious complaints. If the situation is satisfactorily explained in conference, a formal hearing is not scheduled.

b. The person shall be given adequate notice of the conference, of the issues to be discussed, and of the fact that information brought out of the conference may later be used in a formal hearing. Board members may not be involved in informal conferences.

3. Settlement. An agreement worked out between the person making the complaint and the person accused of a violation does not preclude disciplinary action by the board. The nature of the offense alleged and the evidence before the board must be considered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§1309. Formal Hearing

A. The board has the authority, granted by R.S. 37:1101 et seq., to bring administrative proceedings against persons to whom it has issued a license to practice as a licensed professional counselor or any applicant requesting a license. The person has the right to:

1. appear and be heard, either appearing alone or with counsel;

2. the right of notice;
 3. a statement of what accusations have been made;
 4. the right to present evidence and to cross-examine;
- and
5. the right to have witnesses subpoenaed.

B. If the person does not appear, either in person or through counsel, after proper notice has been given, the person may be considered to have waived these rights and the board may proceed with the hearing without the presence of the person.

C. The process of administrative action shall include certain steps and may include other steps as follows.

1. The board received a complaint alleging that a person has acted in violation of the Louisiana Mental Health Counselor Licensing Act, the rules and regulations of the board, or the Code of Ethics of the American Counseling Association. Communications from the complaining party shall not be revealed to any person until and unless a formal complaint is filed except those documents being subpoenaed by a court.

2.a. The complaint is investigated by the board's agent or attorney to determine if there is sufficient evidence to warrant disciplinary proceedings. No board member may communicate with any party to a proceeding or his representative concerning any issue of fact or law involved in that proceeding.

b. A decision to initiate a formal complaint or charge is made if one or more of the following conditions exists:

- i. the complaint is sufficiently serious;
- ii. the person fails to respond to the board's correspondence concerning the complaint;
- iii. the person's response to the board's letter or investigation demand is not convincing that no action is necessary;
- iv. an informal approach is used, but fails to resolve all of the issues.

3. A Notice of Hearing is issued pursuant to R.S. 49:955, charging the violation of one or more of the provisions of the Louisiana Mental Health Counselor Licensing Act, the rules and regulations promulgated thereto, the Code of Ethics of the American Counseling Association, or prior final decisions and/or consent orders involving the person.

4. A time and place for a hearing is fixed by the chairman or an agent of the board.

5.a. At least 20 days prior to the date set for the hearing, a copy of the charges and a notice of the time and place of the hearing are sent by certified mail to the last known address of the person accused. If the mailing is not returned to the board, it is assumed to have been received. It is the person's obligation to keep the board informed of his whereabouts. The board will conduct the hearing, with the accused person in absentia, in the event that certified mail at the last known address is unsuccessful.

b. The content of the charges limits the scope of the hearing and the evidence which may be introduced. The charges may be amended at any time up to 10 days prior to the date set for the hearing.

c. If the board is unable to describe the matters involved in detail at the time the sworn complaint is filed, this complaint may be limited to a general statement of the

issues involved. Thereafter, upon the person's request, the board shall supply a more definite and detailed statement to the person.

6. Except for extreme emergencies, motions requesting a continuance of a hearing shall be filed at least five days prior to the time set for the hearing. The motion shall contain the reason for the request, which reason must have relevance to due process. The decision to grant or deny a motion to continue shall be left to the discretion of the board chair and may only be granted for compelling reasons.

7.a. The chairman, or an authorized agent of the board, issues subpoenas for the board for disciplinary proceedings, and when requested to do so, may issue subpoenas for the other party. Subpoenas include:

- i. a subpoena requiring a person to appear and give testimony; and
- ii. a subpoena duces tecum, which requires that a person produce books, records, correspondence, or other materials over which he has custody.

b. A motion to limit or quash a subpoena may be filed with the board, but not less than 72 hours prior to the hearing.

8.a. The hearing is held, at which time the board's primary role is to hear evidence and argument, and to reach a decision. Any board member who, because of bias or interest, is unable to assure a fair hearing, shall be recused from the particular proceeding. The reasons for the recusal are made part of the record. Should the majority of the board members be recused for a particular proceeding, the governor shall be requested to appoint a sufficient number of pro tem members to obtain a quorum for the proceeding.

b. The board is represented by its agent who conducted the investigation and presents evidence that disciplinary action should be taken against the person and/or by the board's attorney. The person may present evidence personally or through an attorney, and witnesses may testify on behalf of the person.

c. Evidence includes the following:

- i. oral testimony given by witnesses at the hearing, except that, for good cause, testimony may be taken by deposition (cost of the deposition is borne by the requesting party);
- ii. documentary evidence, i.e., written or printed materials including public, business, institutional records, books and reports;
- iii. visual, physical and illustrative evidence;
- iv. admissions, which are written or oral statements of a party made either before or during the hearing;
- v. facts officially noted into the record, usually readily determined facts making proof of such unnecessary.

d. All testimony is given under oath. If the witness objects to swearing, the word "affirm" may be substituted.

9. The chairman of the board presides and the customary order of proceedings at a hearing is as follows.

a. The board's representative makes an opening statement of what he intends to prove, and what action, he wants the board to take.

b. The person, or his attorney, makes an opening statement, explaining why he believes that the charges against him are not legally founded.

c. The board's representative presents the case against the person.

d. The person, or his attorney, cross-examines.

e. The person presents evidence.

f. The board's representative cross-examines.

g. The board's representative rebuts the person's evidence.

h. Both parties make closing statements. The board's representative makes the initial closing statement and the final statement.

10. Motions may be made before, during, or after a hearing. All motions shall be made at an appropriate time according to the nature of the request. Motions made before or after the hearing shall be in writing. Those made during the course of the hearing may be made orally since they become part of the record of the proceeding.

11. a. The record of the hearing shall include:

i. all papers filed and served in the proceeding;

ii. all documents and/or other materials accepted as evidence at the hearing;

iii. statements of matters officially noticed;

iv. notices required by the statutes or rules; including notice of hearing;

v. affidavits of service or receipts for mailing or process or other evidence of service;

vi. stipulations, settlement agreements or consent orders, if any;

vii. records of matters agreed upon at a prehearing conference;

viii. reports filed by the hearing officer, if one is used;

ix. orders of the board and its final decision;

x. actions taken subsequent to the decision, including requests for reconsideration and rehearing;

xi. a transcript of the proceedings, if one has been made, or a tape recording or stenographic record.

b. The record of the proceeding shall be retained until the time for any appeal has expired, or until the appeal has been concluded. The record is not transcribed unless a party to the proceeding so requests, and the requesting party pays for the cost of the transcript.

12.a. The decision of the board shall be reached according to the following process.

i. determine the facts at issue on the basis of the evidence submitted at the hearing;

ii. determine whether the facts in the case support the charges brought against the person; and

iii. determine whether charges brought are a violation of the Louisiana Mental Health Counselor Licensing Act or rules and regulations of the board.

b. Deliberation

i. The board will deliberate in closed session;

ii. the board will vote on each charge as to whether the charge has been supported by the evidence; (the standard will be "preponderance of the evidence")

iii. after considering and voting on each charge, the board will vote on a resolution to dismiss the charges, withhold, deny, revoke or suspend any license issued or applied for or otherwise discipline a licensed professional counselor or applicant for licensure; and

iv. the board by affirmative vote of a majority of those members voting, shall be needed to withhold, deny,

revoke, or suspend any license issued or applied for in accordance with the provisions of this Chapter or otherwise discipline a licensed professional counselor or applicant.

c. Sanctions against the person who is party to the proceeding are based upon findings of fact and conclusion of law determined as a result of the hearing. The party is notified by mail of the final decision of the board.

13. Every order of the board shall take effect immediately on its being rendered unless the board in such order fixes a probationary period for an applicant or licensee. Such order shall continue in effect until expiration of any specified time period or termination by a court of competent jurisdiction. The board shall notify all licensees of any action taken against a licensee and may make public its orders and judgment in such manner and form as it deems proper if such orders and judgments are not consent orders or compromise judgments.

14.a. The board may reconsider a matter which it has decided. This may involve rehearing the case, or it may involve reconsidering the case on the basis of the record. Such reconsideration may occur when a party who is dissatisfied with a decision of the board files a motion requesting that the decision be reconsidered by the board.

b. The board shall reconsider a matter when ordered to do so by a higher administrative authority or when the case is remanded for reconsideration or rehearing by a court to which the board's decision has been appealed.

c. A motion by a party for reconsideration or rehearing must be in proper form and filed within ten days after notification of the board's decision. The motion shall set forth the grounds for the rehearing, which include one or more of the following:

i. the board's decision is clearly contrary to the law and evidence;

ii. there is newly discovered evidence by the party since the hearing which is important to the issues and which the party could not have discovered with due diligence before or during the hearing;

iii. there is a showing that issues not previously considered ought to be examined in order to dispose of the case properly; or

iv. it would be in the public interest to further consider the issues and the evidence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§1311. Consent Order

A. An order involving some type of disciplinary action may be made by the Board with the consent of the person. A consent order requires formal consent of four of seven members of the board. It is not the result of the board's deliberation; it is the board's acceptance of an agreement reached between the board and the person. The consent order is issued by the board to carry out the parties' agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§1313. Withdrawal of a Complaint

A. If the complainant wishes to withdraw the complaint, the inquiry is terminated, except in cases where the board judges the issues to be of such importance as to warrant completing the investigation in its own right and in the interest of public welfare.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§1315. Refusal to Respond or Cooperate with the Board

A. If the person does not respond to the original inquiry within a reasonable period of time as requested by the board, a follow-up letter shall be sent to the person by certified mail, return receipt requested.

B. If the person refuses to reply to the board's inquiry or otherwise cooperate with the board, the board shall continue its investigation. The board shall record the circumstances of the person's failure to cooperate and shall inform the person that the lack of cooperation may result in action which could eventually lead to the withholding, denial, revocation or suspension of his license, or application for licensure, or otherwise issue appropriate disciplinary sanction.

AUTHORITY NOTE: Promulgation in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§1317. Judicial Review of Adjudication

A. Any person whose license, or application for licensure, has been withheld, denied, revoked or suspended or otherwise disciplined by the board shall have the right to have the proceedings of the board reviewed by the state district court for the parish of East Baton Rouge, provided that such petition for judicial review is made within 30 days after the notice of the decision of the board. If judicial review is granted, the board's decision is enforceable in the interim unless the court orders a stay.

AUTHORITY NOTE: Promulgation in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§1319. Appeal

A. A person aggrieved by any final judgment rendered by the state district court may obtain a review of said final judgment by appeal to the appropriate circuit court of appeal. Pursuant to the applicable section of the Administrative Procedure Act, R.S. 49:950 et seq., this appeal shall be taken as in any other civil case.

AUTHORITY NOTE: Promulgation in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§1321. Reinstatement of Suspended or Revoked License

A. The board is authorized to suspend the license of a licensed professional counselor for a period not exceeding two years. At the end of this period, the board shall re-evaluate the suspension and may recommend to the chairman the reinstatement or revocation of the license. A person whose license has been revoked may apply for reinstatement after a period of not less than two years from

the date such denial or revocation is legally effective. The board may, upon favorable action by a majority of the board members present and voting, recommend such reinstatement.

AUTHORITY NOTE: Promulgation in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§1323. Declaratory Statements

A. The board may issue a declaratory statement in response to a request for clarification of the effect of the provisions contained in the Louisiana Mental Health Counselor Licensing Act, R.S. 37:1101 et seq., the rules and regulations promulgated by the board and/or the Code of Ethics of the American Counseling Association.

1. A request for declaratory statement is made in the form of a petition to the board. The petition should include at least:

a. the name and address of the petitioner;

b. specific reference to the statute, rule and regulation, or provision of the Code of Ethics to which the petitioner relates; and

c. a concise statement of the manner in which the petitioner is aggrieved by the statute, rules and regulations, or provision of the Code of Ethics by its potential application to him in which he is uncertain of its effect.

2. The petition shall be considered by the board within a reasonable period of time taking into consideration the nature of the matter and the circumstances involved.

3. The declaratory statement of the board in response to the petition shall be in writing and mailed to the petitioner at the last address furnished to the board.

AUTHORITY NOTE: Promulgation in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§1325. Injunction

A. The board may, through the attorney general of the state of Louisiana, apply for an injunction in any court of competent jurisdiction to enjoin any person from committing any act declared to be a misdemeanor by this Chapter, any rules and regulations adopted by the board, and any codes of ethics adopted by the board.

B. If it is established that the defendant has been or is committing an act in violation of this Chapter or of any rules or regulations adopted pursuant to this Chapter, including any codes of ethics adopted by the board, the court, or any judge thereof, shall enter a decree enjoining said defendant from further committing such act.

C. In case of violation of any injunction issued under the provision of this Section, this court, or any judges thereof, may summarily try and punish the offender for contempt of court.

D. Such injunctive proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided in this Chapter.

AUTHORITY NOTE: Promulgation in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

Chapter 15. Privileged Communication for Licensed Professional Counselors

§1501. Privileged Communications with Clients

A. The confidential relations and communications between a licensed professional counselor and client are placed upon the same basis as those provided by statute between an attorney and client. Nothing in these rules shall be construed to require that any such privileged communication be disclosed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§1503. Privileged Communication between Health Care Provider and Patient

A. R.S. 13:3734.A.(1), states that "health care provider" means a hospital, as defined in R.S. 40:2102, hereof, and means a person, corporation, facility, or institution licensed by the state to provide health care or professional services as a physician, hospital, dentist, registered or licensed practical nurse, pharmacist, optometrist, podiatrist, chiropractor, physical therapist, psychologist, or licensed professional counselor and an officer, employee, or agent thereof acting in the course and scope of his employment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

Chapter 17. Exclusions for Licensed Professional Counselors

§1701. Scope

A. The following persons and their activities are exempted from the licensing requirements of R.S. 37:1101-1122 and these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§1703. Exemptions

A. A certified school counselor who meets the standards prescribed by the State Department of Education and the board of Elementary and Secondary Education, while practicing school counseling within the scope of his employment by a board of education or by a private school. Nothing herein shall be construed to allow such persons to render mental health counseling services to the public unless they have also been licensed under the provisions of R.S.37:1107

B. Any nonresident temporarily employed in this state to render mental health counseling services for not more than 30 days a year, who meets the requirements for licensure in R.S. 37:1107 or who holds a valid license and certificate issued under the authority of the laws of another state.

C. Any student in an accredited education institution, while carrying out activities that are part of the prescribed course of study, provided such activities are supervised by a professional mental health counselor. Such student shall hold himself out to the public only by clearly indicating his student status and the profession in which he is being trained.

D. Any persons licensed, certified, or registered under any other provision of the state law, as long as the services rendered are consistent with their laws, professional training, and code of ethics, provided they do not represent themselves as licensed professional counselors or mental health counselors, unless they have also been licensed under the provisions of R.S.37:1107.

E. Any priest, rabbi, Christian Science practitioner, or minister of the gospel of any religious denomination, provided they are practicing within the employment of their church or religious affiliated institution and they do not represent themselves as licensed professional counselors or mental health counselors unless they have also been licensed under the provisions of R.S.37:1107.

F. Any person with a master's degree in counseling while practicing mental health counseling under the board approved supervision of a licensed professional counselor. The supervisee must use the title "counselor intern" and shall not represent himself to the public as a licensed professional counselor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

Chapter 21. Code of Conduct for Licensed Professional Counselors

§2101. Preamble

A. The Louisiana Licensed Professional Board of Examiners is dedicated to the enhancement of the worth, dignity, potential and uniqueness of each individual in the state of Louisiana.

B. Specification of a code of conduct enables the Board to clarify to present and future counselors and to those served by counselors the responsibilities held in common by persons practicing mental health counseling.

C. Mental health counseling, as defined in the licensure law, is "assisting an individual or group, through the counseling relationship, to develop an understanding of personal problems, to define goals and to plan actions reflecting his or their interests, abilities, aptitudes, and needs as these are related to personal and social concerns, educational progress, and occupations and careers."

D. The existence of this code of conduct serves to govern the practice of mental health counseling and the professional functioning of Licensed Professional Counselors in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§2103. Counseling Relationship

A. Client Welfare

1. Primary Responsibility. The primary responsibility of counselors shall be to respect the dignity and to promote the welfare of clients.

2. Positive Growth and Development. Counselors shall encourage client growth and development in ways that foster the clients' interest and welfare; counselors shall avoid fostering dependent counseling relationships.

3. Counseling Plans. Counselors and their clients shall work jointly in devising integrated, individual counseling

plans that offer reasonable promise of success and are consistent with abilities and circumstances of clients. Counselors and clients shall regularly review counseling plans to ensure their continued viability and effectiveness, respecting clients' freedom of choice.

4. Family Involvement. Counselors shall recognize that families are usually important in clients' lives and shall strive to enlist family understanding and involvement as a positive resource, when appropriate.

5. Career and Employment Needs. Counselors shall work with their clients in considering employment in jobs and circumstances that are consistent with the clients' overall abilities, vocational limitations, physical restrictions, general temperament, interest and aptitude patterns, social skills, education, general qualifications, and other relevant characteristics and needs. Counselors shall neither place nor participate in placing clients in positions that will result in damaging the interest and the welfare of clients, employers, or the public.

B. Respecting Diversity

1. Nondiscrimination. Counselors shall not condone or engage in discrimination based on age, color, culture, disability, ethnic group, gender, race, religion, sexual orientation, marital status, or socioeconomic status.

2. Respecting Differences. Counselors shall actively attempt to understand the diverse cultural backgrounds, of the clients with whom they work. This includes, but is not limited to, learning how the counselor's own cultural/ethnic/racial identity impacts her/his values and beliefs about the counseling process.

C. Client Rights

1. Disclosure to Clients. When counseling is initiated, and throughout the counseling process as necessary, counselors shall inform clients of the purposes, goals, techniques, procedures, limitations, potential risks and benefits of services to be performed, and other pertinent information. Counselors shall take steps to ensure that clients understand and implications of diagnosis, the intended use of tests and reports, fees, and billing arrangements. Clients have the right to expect confidentiality and to be provided with an explanation of its limitations, including supervision and/or treatment team professionals; to obtain clear information about their case records; to participate in the ongoing counseling plans; and to refuse any recommended services and be advised of the consequences of such refusal.

2. Freedom of Choice. Counselors shall offer clients the freedom to choose whether to enter into a counseling relationship and to determine which professional(s) will provide counseling. Restrictions that limit choices of clients shall be fully explained.

3. Inability to Give Consent. When counseling minors or persons unable to give voluntary informed consent, counselors shall act in these clients' best interests.

D. Clients Served by Others

1. If a client is receiving services from another mental health professional, counselors, with clients consent, shall inform the professional persons already involved and develop clear agreements to avoid confusion and conflict for the client.

E. Personal Needs and Values

1. Personal Needs. In the counseling relationship, counselors shall be aware of the intimacy and responsibilities inherent in the counseling relationship, maintain respect for clients, and shall avoid actions that seek to meet their personal needs at the expense of clients.

2. Personal Values. Counselors shall be aware of their own values, attitudes, beliefs, and behaviors and how these apply in a diverse society, and shall avoid imposing their values on clients.

F. Dual Relationships

1. Avoid When Possible. Counselors shall be aware of their influential positions with respect to clients, and they shall avoid exploiting the trust and dependency of clients. Counselors shall make every effort to avoid dual relationships with clients that could impair professional judgement or increase the risk of harm to clients. (Examples of such relationships include, but are not limited to, familial, social, financial, business, or close personal relationships with clients.) When a dual relationship cannot be avoided, counselors shall take appropriate professional precautions such as informed consent, consultation, supervision, and documentation to ensure that judgment is not impaired and no exploitation occurs.

2. Superior/Subordinate Relationships. Counselors shall not accept as clients superiors or subordinates with whom they have administrative, supervisory, or evaluative relationships.

G. Sexual Intimacies with Clients

1. Current Clients. Counselors shall not have any type of sexual intimacies with clients and shall not counsel persons with whom they have had a sexual relationship.

2. Former Clients. Counselors shall not engage in sexual intimacies with former clients within a minimum of two years after terminating the counseling relationship. Counselors who engage in such relationship after two years following termination shall have the responsibility to thoroughly examine and document that such relations did not have an exploitative nature, based on factors such as duration of counseling, amount of time since counseling, termination circumstances, clients's personal history and mental status, adverse impact on the client, and actions by the counselor suggesting a plan to initiate a sexual relationship with the client after termination.

H. Multiple Clients. When counselors agree to provide counseling services to two or more persons who have a relationship (such as husband and wife, or parents and children), counselors shall clarify at the outset which person or persons are clients and the nature of the relationships they will have with each involved person. If it becomes apparent that counselors may be called upon to perform potentially conflicting roles, they shall clarify, adjust, or withdraw from roles appropriately.

I. Group Work

1. Screening. Counselors shall screen prospective group counseling/therapy participants. To the extent possible, counselors shall select members whose needs and goals are compatible with goals of the group, who will not impede the group process, and whose well-being will not be jeopardized by the group experience.

2. Protecting Clients. In a group setting, counselors shall take reasonable precautions to protect clients from physical or psychological trauma.

J. Fees and Bartering

1. Advance Understanding. Counselors shall clearly explain to clients, prior to entering the counseling relationship, all financial arrangements related to professional services including the use of collection agencies or legal measures for nonpayment.

2. Establishing Fees. In establishing fees for professional counseling services, counselors shall consider the financial status of clients and locality. In the event that the established fee structure is inappropriate for a client, assistance shall be provided in attempting to find comparable services of acceptable cost.

3. Bartering Discouraged. Counselors shall ordinarily refrain from accepting goods or services from clients in return for counseling services because such arrangements create inherent potential for conflicts, exploitation, and distortion of the professional relationship. Counselors may participate in bartering only if the relationship is not exploitive, if the client requests it, if a clear written contract is established, and if such arrangements are an accepted practice among professionals in the community.

4. Pro Bono Service. Counselors shall contribute to society by devoting a portion of their professional activity to services for which there is little or no financial return (pro bono).

K. Termination and Referral

1. Abandonment Prohibited. Counselors shall not abandon or neglect clients in counseling. Counselors shall assist in making appropriate arrangements for the continuation of treatment, when necessary, during interruptions such as vacations, and following termination.

2. Inability to Assist Clients. If counselors determine an inability to be of professional assistance to clients, they shall avoid entering or immediately terminate a counseling relationship. Counselors shall be knowledgeable about referral resources and suggest appropriate alternatives. If clients decline the suggested referral, counselors shall discontinue the relationship.

3. Appropriate Termination. Counselors shall terminate a counseling relationship, securing client agreement when possible, when it is reasonably clear that the client is no longer benefitting, when services are no longer required, when counseling no longer serves the client's needs or interests, when agency or institution limits do not allow provision of further counseling services.

L. Computer Technology

1. Use of Computers. When computer applications are used in counseling services, counselors shall ensure that:

a. the client is intellectually, emotionally, and physically capable of using the computer application;

b. the computer application is appropriate for the needs of the client;

c. the client understands the purpose and operation of the computer applications; and

d. a follow-up of client use of a computer application is provided to correct possible misconceptions, discover inappropriate use, and assess subsequent needs.

2. Explanation of Limitations. Counselors shall ensure that clients are provided information as a part of the

counseling relationship that adequately explains the limitations of computer technology.

3. Access to Computer Applications. Counselors shall provide for equal access to computer applications in counseling services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§2105. Confidentiality

A. Right to Privacy

1. Respect for Privacy. Counselors shall respect their clients' right to privacy and avoid illegal and unwarranted disclosures of confidential information.

2. Client Waiver. The right to privacy may be waived by the client or their legally recognized representative.

3. Exceptions. The general requirement that counselors shall keep information confidential does not apply when disclosure is required to prevent clear and imminent danger to the client or others or when legal requirements demand that confidential information be revealed. Counselors shall consult with other professionals when in doubt as to the validity of an exception.

4. Contagious, Fatal Diseases. A counselor who receives information confirming that a client has a disease commonly known to be both communicable and fatal shall be justified in disclosing information to an identifiable third party, who by his or her relationship with the client is at a high risk of contracting the disease. Prior to making a disclosure the counselor shall ascertain that the client has not already informed the third party about his or her disease and that the client is not intending to inform the third party in the immediate future.

5. Court Ordered Disclosure. When court ordered to release confidential information without a client's permission, counselors shall request to the court that the disclosure not be required due to potential harm to the client or counseling relationship.

6. Minimal Disclosure. When circumstances require the disclosure of confidential information, only essential information shall be revealed. To the extent possible, clients are informed before confidential information is disclosed.

7. Explanation of Limitations. When counseling is initiated and throughout the counseling process as necessary, counselors shall inform clients of the limitations of confidentiality and identify foreseeable situations in which confidentiality must be breached.

8. Subordinates. Counselors shall make every effort to ensure that privacy and confidentiality of clients are maintained by subordinates including employees, supervisees, clerical assistants, and volunteers.

9. Treatment Teams. If client treatment will involve a continued review by a treatment team, the client shall be informed of the team's existence and composition.

B. Groups and Families

1. Group Work. In group work, counselors shall clearly define confidentiality and the parameters for the specific group being entered, explain its importance, and discuss the difficulties related to confidentiality involved in group work. The fact that confidentiality cannot be guaranteed shall be clearly communicated to group members.

2. Family Counseling. In family counseling, information about one family member shall not be disclosed to another member without permission. Counselors shall protect the privacy rights of each family member.

C. Minor or Incompetent Clients. When counseling clients who are minors or individuals who are unable to give voluntary, informed consent, parents or guardians shall be included in the counseling process as appropriate. Counselors shall act in the best interests of clients and take measures to safeguard confidentiality.

D. Records

1. Requirement of Records. Counselors shall maintain records necessary for rendering professional services to their clients and as required by laws, regulations, or agency or institution procedures.

2. Confidentiality of Records. Counselors shall be responsible for securing the safety and confidentiality of any counseling records they create, maintain, transfer, or destroy whether the records are written, taped, computerized, or stored in any other medium.

3. Permission to Record or Observe. Counselors shall obtain permission from clients prior to electronically recording or observing sessions.

4. Client Access. Counselors shall recognize that counseling records are kept for the benefit of clients, and therefore shall provide access to records and copies of records when requested by competent clients, unless the records contain information that may be misleading and detrimental to the client. In situations involving multiple clients, access to records shall be limited to those parts of records that do not include confidential information related to another client.

5. Disclosure or Transfer. Counselors shall obtain written permission from clients to disclose or transfer records to legitimate third parties unless exceptions to confidentiality exist as listed in §2105.A. Steps shall be taken to ensure that receivers of counseling records are sensitive to their confidential nature.

E. Research and Training

1. Data Disguise Required. Use of data derived from counseling relationships for purposes of training, research, or publication shall be confined to content that is disguised to ensure the anonymity of the individuals involved.

2. Agreement for Identification. Identification of a client in a presentation or publication shall be permissible only when the client has reviewed the material and has agreed to its presentation or publication.

F. Consultation

1. Respect for Privacy. Information obtained in a consulting relationship shall be discussed for professional purposes only with persons clearly concerned with the case. Written and oral reports shall present data germane to the purposes of the consultation, and every effort shall be made to protect client identity and avoid undue invasion of privacy.

2. Cooperation Agencies. Before sharing information, counselors shall make efforts to ensure that there are defined policies in other agencies serving the counselor's clients that effectively protect the confidentiality of information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§2107. Professional Responsibilities

A. Standards Knowledge. Counselors shall have a responsibility to read, understand, and follow the Code of Ethics and the Standards of Practice.

B. Professional Competence

1. Boundaries of Competence. Counselors shall practice only within the boundaries of their competence, based on their education, training, supervised experience, state and national professional credentials, and appropriate professional experience. Counselors shall demonstrate a commitment to gain knowledge, personal awareness, sensitivity, and skills pertinent to working with a diverse client population. The Louisiana Licensed Professional Counselors Board of Examiners shall require their licensees to submit to this board a written statement of area(s) of intended practice along with supporting documentation of qualifications for the respective area(s) in which practice is intended.

2. New Specialty Areas of Practice. Counselors shall practice in specialty areas new to them only after appropriate education, training, and supervised experience. While developing skills in new specialty areas, counselors shall take steps to ensure the competence of their work and to protect others from possible harm. The Louisiana Licensed Professional Counselors Board of Examiners shall require their licensees to submit to this board a written statement of new area(s) of intended practice along with supporting documentation of qualifications for the respective area(s) in which practice is intended.

3. Qualified for Employment. Counselors shall accept employment only for positions for which they are qualified by education, training, supervised experience, state and national professional credentials, and appropriate professional experience. Counselors shall hire for professional counseling positions only individuals who are qualified and competent.

4. Monitor Effectiveness. Counselors shall continually monitor their effectiveness as professionals and take steps to improve when necessary. Counselors in private practice shall take reasonable steps to seek out peer supervision to evaluate their efficacy as counselors.

5. Ethical Issues Consultation. Counselors shall take reasonable steps to consult with other counselors or related professionals when they have questions regarding their ethical obligations or professional practice.

6. Continuing Education. Counselors shall recognize the need for continuing education to maintain a reasonable level of awareness of current scientific and professional information in their fields of activity. They shall take steps to maintain competence in the skills they use, are open to new procedures, and keep current when the diverse and/or special populations with whom they work.

7. Impairment. Counselors shall refrain from offering or accepting professional services when their physical, mental or emotional problems are likely to harm a client or others. They shall be alert to the signs of impairment, seek assistance for problems, and, if necessary, limit, suspend, or terminate their professional responsibilities.

C. Advertising and Soliciting Clients

1. **Accurate Advertising.** There are no restrictions on advertising by counselors except those that can be specifically justified to protect the public from deceptive practices. Counselors shall advertise or represent their services to the public by identifying their credentials in an accurate that is not false, misleading, deceptive, or fraudulent. Counselors shall only advertise the highest degree earned which is in counseling or a closely related field from a college or university that was accredited by one of the regional accrediting bodies recognized by the Council on Postsecondary Accreditation at the time the degree was awarded.

2. **Testimonials.** Counselors who use testimonials shall not solicit them from clients or other persons who, because of their particular circumstances, may be vulnerable to undue influence.

3. **Statements by Others.** Counselors shall make reasonable efforts to ensure that statements made by others about them or the profession of counseling are accurate.

4. **Recruiting through Employment.** Counselors shall not use their places of employment or institutional affiliation to recruit or gain clients, supervisees, or consultees for their private practices.

5. **Products and Training Advertisements.** Counselors who develop products related to their profession or conduct workshops or training events shall ensure that the advertisements concerning these products or events are accurate and disclose adequate information for consumers to make informed choices.

6. **Promoting to Those Served.** Counselors shall not use counseling, teaching, training, or supervisory relationships to promote their products or training events in a manner that is deceptive or would exert undue influence on individuals who may be vulnerable. Counselors may adopt textbooks they have authored for instruction purposes.

7. **Professional Association Involvement.** Counselors shall actively participate in local, state, and national associations that foster the development and improvement of counseling.

D. Credentials

1. **Credentials Claimed.** Counselors shall claim or imply only professional credentials possessed and are responsible for correcting any known misrepresentations of their credentials by others. Professional credentials shall include graduate degrees in counseling or closely related mental health fields, accreditation of graduate programs, national voluntary certifications, government-issued certifications or licenses, ACA professional membership, or any other credential that might indicate to the public specialized knowledge or expertise in counseling.

2. **ACA Professional Membership.** ACA professional members may announce to the public their membership status. Regular members shall not announce their ACA membership in a manner that might imply they are credentialed counselors.

3. **Credential Guidelines.** Counselors shall follow the guidelines for use of credentials that have been established by the entities that issue the credentials.

4. **Misrepresentation of Credentials.** Counselors shall not attribute more to their credentials than the credentials

represent, and shall not imply that other counselors are not qualified because they do not possess certain credentials.

5. Doctoral Degrees from Other Fields.

a. Counselors who hold a master's degree in counseling or a closely related mental health field, but hold a doctoral degree from other than counseling or a closely related field shall not use the title, "Dr." in their practices and shall not announce to the public in relation to their practice or status as a counselor that they hold a doctorate.

b. A doctoral degree in counseling or a closely related field is defined as a doctoral degree from a regionally accredited university that shall conform to one of the criteria below:

i. a CACREP accredited doctoral counseling program;

ii. a doctoral counseling program incorporating the work "counseling" or "counselor" in its title;

iii. a doctoral program incorporating a counseling related term in its title (e.g., Marriage and Family Therapy); or

iv. a doctoral program in a behavioral science that would augment the counseling skills of a Licensed Professional Counselor.

E. Public Responsibility

1. **Nondiscrimination.** Counselors shall not discriminate against clients, students, or supervisees in a manner that has a negative impact based on their age, color, culture, disability, ethnic group, gender, race, religion, sexual orientation, or socioeconomic status, or for any other reason.

2. **Sexual Harassment.** Counselors shall not engage in sexual harassment. Sexual harassment is defined as sexual solicitation, physical advances, or verbal or nonverbal conduct that is sexual in nature, that occurs in connection with professional activities or roles, and that either: (a) is unwelcome, is offensive, or creates a hostile workplace environment, and counselors know or are told this; or (b) is sufficiently severe or intense to be perceived as harassment to a reasonable person in the context. Sexual harassment can consist of a single intense or severe act or multiple persistent or pervasive acts.

3. **Reports to Third Parties.** Counselors shall be accurate, honest, and unbiased in reporting their professional activities and judgments to appropriate third parties including courts, health insurance companies, those who are the recipients of evaluation reports, and others.

4. **Media Presentations.** When counselors provide advice or comment by means of public lectures, demonstrations, radio or television programs, prerecorded tapes, printed articles, mailed material, or other media, they shall take reasonable precautions to ensure that:

a. the statements are based on appropriate professional counseling literature and practice;

b. the statements are otherwise consistent with the Code of Ethics and the Standards of Practice; and

c. the recipients of the information are not encouraged to infer that a professional counseling relationship has been established.

5. **Unjustified Gains.** Counselors shall not use their professional positions to seek or receive unjustified personal gains, sexual favors, unfair advantage, or unearned goods or services.

F. Responsibility to Other Professionals

1. Different Approaches. Counselors shall be respectful of approaches to professional counseling that differ from their own. Counselors shall know and take into account the traditions and practices of other professional groups with which they work.

2. Personal Public Statements. When making personal statements in a public context, counselors shall clarify that they are speaking from their personal perspectives and that they are not speaking on behalf of all counselors or the profession.

3. Clients Served by Others. When counselors learn that their clients are in a professional relationship with another mental health professional, they shall request release from clients to inform the other professionals and strive to establish positive and collaborative professional relationships.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§2109. Relationships with Other Professionals

A. Relationships with Employers and Employees

1. Role Definition. Counselors shall define and describe for their employers and employees the parameters and levels of their professional roles.

2. Agreements. Counselors shall establish working agreements with supervisors, colleagues, and subordinates regarding counseling or clinical relationships, confidentiality, adherence to professional standards, distinction between public and private material, maintenance and dissemination of recorded information, workload, and accountability. Working agreements in each instance shall be specified and made known to those concerned.

3. Negative Conditions. Counselors shall alert their employers to conditions that may be potentially disruptive or damaging to the counselor's professional responsibilities or that may limit their effectiveness.

4. Evaluation. Counselors shall submit regularly to professional review and evaluation by their supervisor or the appropriate representative of the employer.

5. In-Service. Counselors shall be responsible for in-service development of self and staff.

6. Goals. Counselors shall inform their staff of goals and programs.

7. Practices. Counselors shall provide personnel and agency practices that respect and enhance the rights and welfare of each employee and recipient of agency services. Counselors shall strive to maintain the highest levels of professional services.

8. Personnel Selection and Assignment. Counselors shall select competent staff and assign responsibilities compatible with their skills and experiences.

9. Discrimination. Counselors, as either employers or employees, shall not engage in or condone practices that are inhumane, illegal, or unjustifiable (such as considerations based on age, color, culture, disability, ethnic group, gender, race, religion, sexual orientation, or socioeconomic status) in hiring, promotion, or training.

10. Professional Conduct. Counselors shall have a responsibility both to clients and to the agency or institution

within which services are performed to maintain high standards of professional conduct.

11. Exploitive Relationships. Counselors shall not engage in exploitive relationships with individuals over whom they have supervisory, evaluative, or instructional control or authority.

12. Employer Policies. The acceptance of employment in an agency or institution implies that counselors shall be in agreement with its general policies and principles. Counselors shall strive to reach agreement with employers as to acceptable standards of conduct that allow for changes in institutional policy conducive to the growth and development of clients.

B. Consultation

1. Consultation as an Option. Counselors may choose to consult with any other professionally competent persons about their clients. In choosing consultants, counselors shall avoid placing the consultant in a conflict of interest situation that would preclude the consultant being a proper party to the counselor's efforts to help the client. Should counselors be engaged in a work setting that compromises this consultation standard, they shall consult with other professionals whenever possible to consider justifiable alternatives.

2. Consultant Competency. Counselors shall be reasonably certain that they have or the organization represented has the necessary competencies and resources for giving the kind of consulting services needed and that appropriate referral resources are available.

3. Understanding with Clients. When providing consultation, counselors shall attempt to develop with their clients a clear understanding of problem definition, goals for change, and predicted consequences of interventions selected.

4. Consultant Goals. The Consulting relationship is one in which client adaptability and growth toward self-direction shall be consistently encouraged and cultivated.

C. Fees for Referral

1. Accepting Fees from Agency Clients. Counselors shall refuse a private fee or other remuneration for rendering services to persons who are entitled to such services through the counselor's employing agency or institution. The policies of a particular agency may make explicit provisions for agency clients to receive counseling services from members of its staff in private practice. In such instances, the clients must be informed of other options open to them should they seek private counseling services.

2. Referral Fees. Counselors shall not accept a referral fee from other professionals.

D. Subcontractor Arrangements. When counselors work as subcontractors for counseling services for a third party, they shall have a duty to inform clients of the limitations of confidentiality that the organization may place on counselors in providing counseling services to clients. The limits of such confidentiality ordinarily shall be discussed as part of the intake session.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§2111. Evaluation, Appraisal, and Interpretation

A. General

1. **Appraisal Techniques.** The primary purpose of appraisal (henceforth known as "appraisal") is to provide measures that are objective and interpretable in either comparative or absolute terms. Counselors shall recognize the need to interpret the statements in this section as applying to the whole range of appraisal techniques, including test and non-test data. Counselors shall recognize their legal parameters in utilizing formalized appraisal techniques and adhere to such.

2. **Client Welfare.** Counselors shall promote the welfare and best interests of the client in the development, publication and utilization of appraisal techniques. They shall not misuse appraisal results and interpretations and shall take reasonable steps to prevent others from misusing the information these techniques provide. They shall respect the client's right to know the result, the interpretations made, and the bases for their conclusions and recommendations.

B. Competence to Use and Interpret Tests

1. **Limits of Competence.** Counselors shall recognize the limits of their competence and perform only those testing and appraisal services for which they have been trained and is within RS 37:1101-1122. They shall be familiar with reliability, validity, related standardization, error of measurement, and proper application of any technique utilized. Counselors using computer-based test interpretations shall be trained in the construction being measured and the specific instrument being used prior to using this type of computer application. Counselors shall take reasonable measures to ensure the proper use of formalized appraisal techniques by persons under their supervision.

2. **Appropriate Use.** Counselors shall be responsible for the appropriate application, scoring, interpretation, and use of appraisal instruments, whether they score and interpret such tests themselves or use computerized or other services.

3. **Decisions Based on Results.** Counselors shall be responsible for decisions involving individuals or policies that are based on appraisal results have a thorough understanding of formalized measurement technique, including validation criteria, test research, and guidelines for test development and use.

4. **Accurate Information.** Counselors shall provide accurate information and avoid false claims or misconceptions when making statements about formalized appraisal instruments or techniques.

C. Informed Consent

1. **Explanation to Clients.** Prior to performing such, counselors shall explain the nature and purposes of a formal appraisal and the specific use of results in language the client (or other legally authorized person on behalf of the client) can understand, unless as explicit exception to this right has been agreed upon in advance. Regardless of whether scoring and interpretation are completed by counselors, or by computer or other outside services, counselors shall take reasonable steps to ensure that appropriate explanations are given to the client.

2. **Recipients of Results.** The examinee's welfare, explicit understanding, and prior agreement shall determine the recipients of test results. Counselors shall include

accurate and appropriate interpretations with any release of individual or group test results.

D. Release of Information to Competent Professionals

1. **Misuse of Results.** Counselors shall not misuse appraisal results, including test results, and interpretations, and shall take reasonable steps to prevent the misuse of such by others.

2. **Release of Raw Data.** Counselors shall ordinarily release data (e.g., protocols, counseling or interview notes, or questionnaires) in which the client is identified only with the consent of the client or the client's legal representative. Such data are usually released only to persons recognized by counselors as competent to interpret the data.

E. Test Selection

1. **Appropriateness of Instruments.** Counselors shall carefully consider the validity, reliability, psychometric limitations, and appropriateness of instruments when selecting tests for use in a given situation or with a particular client.

2. **Culturally Diverse Populations.** Counselors shall be cautious when selecting tests for culturally diverse populations to avoid inappropriateness of testing that may be outside of socialized behavioral or cognitive patterns.

F. Conditions of Test Administration

1. **Administration Conditions.** Counselors shall administer tests under the same conditions that were established in their standardization. When tests are not administered under standard conditions or when unusual behavior or irregularities occur during the testing session, those conditions shall be noted in interpretation, and the results may be designated as invalid or of questionable validity.

2. **Computer Administration.** Counselors shall be responsible for ensuring that administration programs function properly to provide clients with accurate results when a computer or other electronic methods are used for test administration.

3. **Unsupervised Test-Taking.** Counselors shall not permit unsupervised or inadequately supervised use of tests or appraisals unless the tests or appraisals are designed, intended, and validated for self-administration and/or scoring.

4. **Disclosure of Favorable Conditions.** Prior to test administration, conditions that produce most favorable test results shall be made known to the examinee.

G Diversity in Testing Counselors shall be cautious in using appraisal techniques, making evaluations, and interpreting the performance of populations not represented in the norm group on which an instrument was standardized. They shall recognize the effects of age, color, culture, disability, ethnic group, gender, race, religion, sexual orientation, and socioeconomic status on test administration and interpretation and place test results in proper perspective with other relevant factors.

H. Test Scoring and Interpretation

1. **Reporting Reservations.** In reporting appraisal results, counselors shall indicate any reservations that exist regarding validity or reliability because of the circumstances of the appraisal or the inappropriateness of the norms for the person tested.

2. **Research Instruments.** Counselors shall exercise caution when interpreting the results of research instruments

possessing insufficient technical data to support respondent results. The specific purposes for the use of such instruments shall be stated explicitly to the examinee.

3. Testing Services. Counselors who provide test scoring and test interpretation services to support the appraisal process shall confirm the validity of such interpretations. They shall accurately describe the purpose, norms, validity, reliability, and applications of the procedures and any special qualifications applicable to their use. The public offering of an automated test interpretations service is shall be considered a professional-to-professional consultation. The formal responsibility of the consultant shall be to the consultee, but the ultimate and overriding responsibility shall be to the client.

I. Test Security. Counselors shall maintain the integrity and security of tests and other appraisal techniques consistent with legal and contractual obligations. Counselors shall not appropriate, reproduce, or modify published tests or parts thereof without acknowledgment and permission from the publisher.

J. Obsolete Tests and Outdated Test Results. Counselors shall not use data or test results that are obsolete or outdated for the current purpose. Counselors shall make every effort to prevent the misuse of obsolete measures and test data by others.

K. Test Construction. Counselors shall use established scientific procedures, relevant standards, and current professional knowledge for test design in the development, publication, and utilization of appraisal techniques.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§2113. Teaching, Training, and Supervision

A. Counselor Educators and Trainers

1. Educators as Teachers and Practitioners. Counselors who are responsible for developing, implementing, and supervising educational programs shall be skilled as teachers and practitioners. They shall be knowledgeable regarding the ethical, legal, and regulatory aspects of the profession, shall be skilled in applying that knowledge, and shall make students and supervisees aware of their responsibilities. Counselors shall conduct counselor education and training programs in an ethical manner and shall serve as role models for professional behavior. Counselor educators shall make an effort to infuse material related to human diversity into all courses and/or workshops that are designed to promote the development of professional counselors.

2. Relationship Boundaries with Students and Supervisees. Counselors shall clearly define and maintain ethical, professional, and social relationship boundaries with their students and supervisees. They shall be aware of the differential in power that exists and the student's or supervisee's possible incomprehension of that power differential. Counselors shall explain to students and supervisees the potential for the relationship to become exploitive.

3. Sexual Relationships. Counselors shall not engage in sexual relationships with students or supervisees and shall not subject them to sexual harassment.

4. Contributions to Research. Counselors shall give credit to students or supervisees for their contributions to research and scholarly projects. Credit shall be given through co-authorship, acknowledgment, footnote statement, or other appropriate means, in accordance with such contributions.

5. Close Relatives. Counselors shall not accept close relatives as students or supervisees.

6. Supervision Preparations. Counselors who offer clinical supervision services shall be adequately prepared in supervision methods and techniques. Counselors who are doctoral students serving as practicum or internship supervisors to master's level students shall be adequately prepared and supervised by the training program.

7. Responsibility for Services to Clients. Counselors who supervise the counseling services of others shall take reasonable measures to ensure that counseling services provided to clients are professional.

8. Endorsement. Counselors shall not endorse students or supervisees for certification, licensure, employment, or completion of an academic or training program if they believe students or supervisees are not qualified for the endorsement. Counselors shall take reasonable steps to assist students or supervisees who are not qualified for endorsement to become qualified.

B. Counselor Education and Training Programs

1. Orientation. Prior to admission, counselors shall orient prospective students to the counselor education or training program's expectations, including but not limited to the following:

- a. the type and level of skill acquisition required for successful completion of the training;
- b. subject matter to be covered;
- c. basis for evaluation;
- d. training components that encourage self-growth or self-disclosure as part of the training process;
- e. the type of supervision settings and requirements of the sites for required clinical field experiences;
- f. student and supervisee evaluation and dismissal policies and procedures; and
- g. up-to-date employment prospects for graduates.

2. Integration of Study and Practice. Counselors shall establish counselor education and training programs that integrate academic study and supervised practice.

3. Evaluation. Counselors shall clearly state to students and supervisees, in advance of training, the levels of competency expected, appraisal methods, and timing of evaluations for both didactic and experiential components. Counselors shall provide students and supervisees with periodic performance appraisal and evaluation feedback throughout the training program.

4. Teaching Ethics. Counselors shall make students and supervisees aware of the ethical responsibilities and standards of the profession and the students' and supervisees' ethical responsibilities to the profession.

5. Peer Relationships. When students or supervisees are assigned to lead counseling groups or provide clinical supervision for their peers, counselors shall take steps to ensure that students and supervisees placed in these roles do not have personal or adverse relationships with peers and that they understand they have the same ethical obligations as counselor educators, trainers, and supervisors. Counselors

shall make every effort to ensure that the rights of peers are not compromised when students or supervisees are assigned to lead counseling groups or provide clinical supervision.

6. Varied Theoretical Positions. Counselors shall present varied theoretical positions so that students and supervisees may make comparisons and have opportunities to develop their own positions. Counselors shall provide information concerning the scientific bases of professional practice.

7. Field Placement. Counselors shall develop clear policies within their training program regarding field placement and other clinical experiences. Counselors shall provide clearly stated roles and responsibilities for the student or supervisee, the site supervisor, and the program supervisor. They shall confirm that site supervisors are qualified to provide supervision and are informed of their professional and ethical responsibilities in this role.

8. Dual Relationships as Supervisors. Counselors shall avoid dual relationships such as performing the role of site supervisor and training program supervisor in the student's or supervisee's training program. Counselors shall not accept any form of professional services, fees, commissions, reimbursement, or remuneration from a site for student or supervisee placement.

9. Diversity in Programs. Counselors shall be responsive to their institution's and program's recruitment and retention needs for training program administrators, faculty, and students with diverse backgrounds and special needs.

C. Students and Supervisees

1. Limitations. Counselors, through ongoing evaluation and appraisal, shall be aware of the academic and personal limitations of students and supervisees that might impede performance. Counselors shall assist students and supervisees in securing remedial assistance when needed, and dismiss from the training program supervisees who are unable to provide competent service due to academic or personal limitations. Counselors shall seek professional consultation and document their decision to dismiss or refer students or supervisees for assistance. Counselors shall assure that students and supervisees have recourse to address decisions made, to require them to seek assistance, or to dismiss them.

2. Self-Growth Experience. Counselors shall use professional judgment when designing training experiences conducted by the counselors themselves that require student and supervisee self-growth or self-disclosure. Safeguards shall be provided so that students and supervisees are aware of the ramifications their self-disclosure may have on counselors whose primary role as teacher, trainer, or supervisor requires acting on ethical obligations to the profession. Evaluative components of experiential training experiences shall explicitly delineate predetermined academic standards that are separate and not dependent on the student's level of self-disclosure.

3. Counseling for Students and Supervisees. If students or supervisees request counseling, supervisors or counselor educators shall provide them with acceptable referrals. Supervisors or counselor educators shall not serve as counselor to students or supervisees over whom they hold administrative, teaching, or evaluative roles unless this is a brief role associated with a training experience.

4. Clients of Students and Supervisees. Counselors shall make every effort to ensure that the clients at field placements are aware of the services rendered and the qualifications of the students and supervisees rendering those services. Clients shall receive professional disclosure information and shall be informed of the limits of confidentiality. Client permission shall be obtained in order for the students and supervisees to use any information concerning the counseling relationship in the training process.

5. Standards for Students and Supervisees. Students and supervisees preparing to become counselors shall adhere to the Code of Ethics and the Standards of Practice. Students and supervisees shall have the same obligations to clients as those required of counselors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28::

§2115. Research and Publication

A. Research Responsibilities

1. Use of Human Subjects. Counselors shall plan, design, conduct, and report research in a manner consistent with pertinent ethical principles, federal and state laws, host institutional regulations, and scientific standards governing research with human subjects. Counselors shall design and conduct research that reflects cultural sensitivity appropriateness.

2. Deviation from Standard Practices. Counselors shall seek consultation and observe stringent safeguards to protect the rights of research participants when a research problem suggests a deviation from standard acceptable practices.

3. Precautions to Avoid Injury. Counselors who conduct research with human subjects shall be responsible for the subjects' welfare throughout the experiment and shall take reasonable precautions to avoid causing injurious psychological, physical, or social effects to their subjects.

4. Principal Researcher Responsibility. The ultimate responsibility for ethical research practice shall lie with the principal researcher. All others involved in the research activities shall share ethical obligations and full responsibility for their own actions.

5. Minimal Interference. Counselors shall take reasonable precautions to avoid causing disruptions in subjects' lives due to participation in research.

6. Diversity. Counselors shall be sensitive to diversity and research issues with special populations. They shall seek consultation when appropriate.

B. Informed Consent

1. Topics Disclosed. In obtaining informed consent for research, counselors shall use language that is understandable to research participants and that:

a. accurately explains the purpose and procedures to be followed;

b. identifies any procedures that are experimental or relatively untried;

c. describes the attendant discomforts and risks;

d. describes the benefits or changes in individuals or organizations that might be reasonably expected;

e. discloses appropriate alternative procedures that would be advantageous for subjects;

f. offers to answer any inquiries concerning the procedures;

g. describes any limitations on confidentiality; and

h. instructs that subjects are free to withdraw their consent and to discontinue participation in the project at any time.

2. Deception. Counselors shall not conduct research involving deception unless alternative procedures are not feasible and the prospective value of the research justifies the deception. When the methodological requirements of a study necessitate concealment or deception, the investigator shall be required to explain clearly the reasons for this action as soon as possible.

3. Voluntary Participation. Participation in research shall be typically voluntary and without any penalty for refusal to participate. Involuntary participation shall be appropriate only when it can be demonstrated that participation will have no harmful effects on subjects and is essential to the investigation.

4. Confidentiality of Information. Information obtained about research participants during the course of an investigation is confidential. When the possibility exists that others may obtain access to such information, ethical research practice requires that the possibility, together with the plans for protecting confidentiality, shall be explained to participants as a part of the procedure for obtaining informed consent.

5. Persons Incapable of Giving Informed Consent. When a person is incapable of giving informed consent, counselors shall provide an appropriate explanation, obtain agreement for participation and shall obtain appropriate consent from a legally authorized person.

6. Commitments to Participants. Counselors shall take reasonable measures to honor all commitments to research participants.

7. Explanations after Data Collections. After data are collected, counselors shall provide participants with full clarification of the nature of the study to remove any misconceptions. Where scientific or human values justify delaying or withholding information, counselors shall take reasonable measures to avoid causing harm.

8. Agreements to Cooperate. Counselors who agree to cooperate with another individual in research or publication incur an obligation to cooperate as promised in terms of punctuality of performance and with regard to the completeness and accuracy of the information required.

9. Informed Consent for Sponsors. In the pursuit of research, counselors shall give sponsors, institutions, and publication channels the same respect and opportunity for giving informed consent that they accord to individual research participants. Counselors shall be aware of their obligation to future research workers and ensure that host institutions are given feedback information and proper acknowledgment.

C. Reporting Results

1. Information Affecting Outcome. When reporting research results, counselors shall explicitly mention all variables and conditions known to the investigator that may have affected the outcome of a study or the interpretation of data.

2. Accurate Results. Counselors shall plan, conduct, and report research accurately and in a manner that

minimizes the possibility that results will be misleading. They shall provide thorough discussions of the limitations of their data and alternative hypotheses. Counselors shall not engage in fraudulent research, distort data, misrepresent data, or deliberately bias their results.

3. Obligation to Report Unfavorable Results. Counselors shall communicate to other counselors the results of any research judged to be of professional value. Results that reflect unfavorably on institutions, programs, services, prevailing opinions, or vested interests shall not withheld.

4. Identity of Subjects. Counselors who supply data, aid in the research of another person, report research results, or make original data available shall take due care to disguise the identity of respective subjects in the absence of specific authorization from the subjects to do otherwise.

5. Replication Studies. Counselors shall be obligated to make available sufficient original research data to qualified professionals who may wish to replicate the study.

D. Publication

1. Recognition of Others. When conducting and reporting research, counselors shall be familiar with and give recognition to previous work on the topic, observe copyright laws, and give full credit to those to whom credit is due.

2. Contributors. Counselors shall give credit through joint authorship, acknowledgment, footnote statements, or other appropriate means to those who have contributed significantly to research or concept development in accordance with such contributions. The principal contributor shall be listed first and minor technical or professional contributions shall be acknowledged in notes or introductory statements.

3. Student Research. For an article that is substantially based on a student's dissertation or thesis, the student shall be listed as the principal author.

4. Duplicate Submission. Counselors shall submit manuscripts for consideration to only one journal at a time. Manuscripts that are published in whole or in substantial part in another journal or published work shall not be submitted for publication without acknowledgment and permission from the previous publication.

5. Professional Review. Counselors who review material submitted for publication, research, or other scholarly purposes shall respect the confidentiality and proprietary rights of those who submitted it.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§2117. Resolving Ethical Issues

A. Knowledge of Standards. Counselors shall be familiar with the Code of Ethics and the Standards of Practice and other applicable ethics codes from other professional organizations of which they are members, or from certification and licensure bodies. Lack of knowledge or misunderstanding of an ethical responsibility shall not be a defense against a charge of unethical conduct.

B. Suspected Violations.

1. Ethical Behavior Expected. Counselors shall expect professional associates to adhere to Code of Ethics. When counselors possess reasonable cause that raises doubts as to whether a counselor is acting in an ethical manner, they shall take appropriate action.

2. Consultation. When uncertain as to whether a particular situation or course of action may be in violation of Code of Ethics, counselors shall consult with other counselors who are knowledgeable about ethics, with colleagues, or with appropriate authorities.

3. Organization Conflicts. If the demands of an organization with which counselors are affiliated pose a conflict with Code of Ethics, counselors shall specify the nature of such conflicts and express to their supervisors or other responsible officials their commitment to Code of Ethics. When possible, counselors shall work toward change within the organization to allow full adherence to Code of Ethics.

4. Informal Resolution. When counselors have reasonable cause to believe that another counselor is violating an ethical standard, they shall attempt to first resolve the issue informally with the other counselor if feasible, providing that such action does not violate confidentiality rights that may be involved.

5. Reporting Suspected Violations. When an informal resolution is not appropriate or feasible, counselors, upon reasonable cause, shall take action such as reporting the suspected ethical violation to state or national ethics committee, unless this action conflicts with confidentiality rights that cannot be resolved.

6. Unwarranted Complaints. Counselors shall not initiate, participate in, or encourage the filing of ethics complaints that are unwarranted or intend to harm a counselor rather than to protect clients or the public.

C. Cooperation with Ethics Committees. Counselors shall assist in the process of enforcing Code of Ethics. Counselors shall cooperate with investigations, proceedings, and requirements of the ACA Ethics Committee or ethics committees of other duly constituted associations or boards having jurisdiction over those charged with a violation. Counselors shall be familiar with the ACA Policies and Procedures and use it as a reference in assisting the enforcement of the Code of Ethics.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§2118. Appendix C Declaration of Practices and Procedures for Licensed Professional Counselors

A. The following comprises the information that must be available in writing for each client seen by a Licensed Professional Counselor/Counselor Intern in the state of Louisiana. Counselors/Counselor Interns must read and incorporate the Code of Conduct for Professional Counselors in their declaration statement.

1. LPC/Counselor Intern's name, mailing address, and telephone number.

2. Qualifications

a. Include degrees earned and institution(s) attended.

b. Give your license number, specifying the LPC Board of Examiners including address and telephone number as the grantor of your license.

c. An individual under supervision must refer to him/herself as a Counselor Intern and include the name and address of his/her Board approved supervisor.

3. Counseling Relationship

a. Provide a general statement about the dynamics of the counseling relationship.

b. Include general goals for clients.

4. Areas of Expertise

a. List your areas of expertise such as career counseling, marriage and family counseling, adolescents, etc.

b. List your national certifications in counseling.

5. Fee Scales

a. List your fees and describe your billing policies.

b. Describe your policy on scheduling and breaking appointments.

c. State your policy on insurance payments.

6. Explanation of the Types of Services Offered and Clients Serves

a. Include the theoretical basis and the type of techniques and/or strategies that you use in therapy; b) specify the modality you use such as group and/or individual therapy.

c. Specify the type(s) of clients you serve.

7. Code of Conduct: state that you are required by state law to adhere to a Code of Conduct for your practice which is determined by the Louisiana Licensing Board, and a copy of this Code is available on request.

8. Privileged Communication. Describe the rules governing privileged communication and include the limits of confidentiality.

9. Emergency Situations. Describe your policy for emergency client situations.

10. Client Responsibilities. List client responsibilities, e.g. clients are expected to follow office procedures for keeping appointments, clients must pay for services at the time of each visit, and clients must (terminate the counseling relationship before being seen by another mental health professional) notify the counselor of any other ongoing professional mental health relationship. If a client is seeing another mental health professional (psychologist, board certified social worker, etc.), then permission must be granted by the first therapist for the second to work with the same client. (See Code of Conduct).

11. Physical Health. Suggest that client have a complete physical examination if he/she has not had one within the past year. Also have client list any medications that he/she may be taking.

12. Potential Counseling Risks. Indicate that as a result of mental health counseling, the client may realize that he/she has additional issues which may not have surfaced prior to the onset of the counseling relationship. The counselor may also indicate possible risk within specific specialty areas (i.e., Marriage and Family) as one partner changes, additional strain may be placed on the marital relationship if the other partner refuses to work).

13. It is also required that a place be provided for the signatures of the counselor/counselor intern, the client(s), and the counselor intern's supervisor. A general statement indicating that the client has read and understands the declaration statement and the date of the signature must also be included.

B. To practice mental health counseling in Louisiana the Licensed Professional Counselor must have a copy of his/her declaration statement on file in the LPC Board office. The

Counselor Intern must include a copy of his/her declaration statement with his/her Registration of Supervision. The Code of Conduct can be duplicated for clients and additional copies are available from the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

Subpart 2. Professional Standards for Licensed Marriage and Family Therapists

Chapter 27. General Provisions

§2701. Statement of Purpose

A. "The legislature does further hereby find and declare that marriage and family therapy in this state is a professional practice which affects the public safety and welfare of the citizens of the state and requires appropriate regulation and control in the public interest. It is a purpose of this Chapter to establish a regulatory structure and procedures that will ensure that the public is protected from the unprofessional, improper, unauthorized, and unqualified practice of marriage and family therapy." (R.S. 37:1102)

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§2703. Statutory Authority of the Marriage and Family Therapy Advisory Committee

A. The Marriage and Family Therapy Advisory Committee was created and empowered by Act 1195 of the 2001 Legislature to provide for the regulation of the use of the title "Licensed Marriage and Family Therapist" (R.S. 37:1101-1122). Therefore, the Louisiana Licensed Professional Counselors Board of Examiners, hereafter referred to as the board, establishes the Marriage and Family Therapy Advisory Committee as directed by the 2001 Legislature. The Marriage and Family Therapy Advisory Committee shall develop the rules and regulations herein pursuant to the authority granted to, and imposed upon said advisory committee under the provisions of the Louisiana Revised Statutes, Title 37, Chapter 13: §1101-1122. The Health and Welfare Committees in the House and Senate shall jointly approve these rules and regulations. The board shall promulgate these rules and regulations [R.S. 37:1104(B)(2)(b)]. The board shall approve, revoke, suspend, and renew the license of applicants for licensure as licensed marriage and family therapists upon recommendation of the Marriage and Family Therapy Advisory Committee. [R.S. 37:1105(G)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§2705. Description of Organization

A. The Marriage and Family Therapy Advisory Committee, hereafter referred to as the advisory committee, consists of three members, who shall be residents of the state of Louisiana. All candidates and advisory committee members shall be licensed marriage and family therapists except for the first three members who shall be members of the American Association for Marriage and Family Therapy. These first three advisory committee members shall be

eligible for licensure as licensed marriage and family therapists under Title 37, Chapter 13 as soon as these Rules and regulations are approved. Two advisory committee members shall be members of the board.

B. The governor shall make appointments to the board and the advisory committee from a list of qualified candidates submitted by the board of the Louisiana Association of Marriage and Family Therapy, hereinafter referred to as LAMFT. LAMFT shall specify which candidates are to be appointed to the board. Each appointment by the governor shall be submitted to the Senate for confirmation.

C. Board member terms shall be for four years; non-board member terms shall be for three years. No advisory committee member shall serve more than two full consecutive terms.

D. Any vacancy occurring in advisory committee membership, other than by expiration of term, shall be filled for the remainder of the unexpired term by the governor within 30 days from a list of qualified candidates supplied by the LAMFT board as prescribed in Section 1104 of R.S. 37:1101-1122.

E. No advisory committee member shall be liable in any civil action for any act performed in good faith in the execution of his or her duties under Chapter 13 of Title 37.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§2707. Reimbursement

A. Each advisory committee member shall serve without compensation, but shall be reimbursed for actual travel, incidental, and clerical expenses incurred while engaged on official board or advisory committee business.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§2709. Notification of Change

A. Licensed marriage and family therapists/interns and LMFT-approved supervisors/supervisors-in-training shall notify the Licensed Professional Counselors Board of Examiners in writing of any and all changes in name, address, and phone number within 30 days. Failure to do so will result in a fine as set forth in §901.D.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

Chapter 29. Advisory Committee Meetings, Procedures, Records, Powers and Duties

§2901. Officers

A. The advisory committee shall elect from its membership a chair, vice chair, and secretary. The chair shall preside at all meetings at which he or she is in attendance and perform all duties prescribed by Chapter 13 of Title 37 and these rules. The chair is authorized by the board to make day-to-day decisions regarding advisory committee activities to facilitate its responsiveness and effectiveness. The vice chair shall perform the duties of the chair if the chair is absent or disabled. If the office of chair becomes vacant, the

vice chair shall serve as chair until a successor is named. The secretary shall keep the minutes of the advisory committee meetings and send them to the advisory committee members and the clerical secretary before the next meeting of the advisory committee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Professional Counselors, LR 28:

§2903. Meetings

A. The advisory committee shall be domiciled in Baton Rouge and shall hold its meetings in places to be designated by the advisory committee. Advisory committee meetings shall be held at least semiannually. The advisory committee shall hold meetings regularly, with prior approval from the Board, to conduct its business. Reasonable notice of all advisory committee meetings will be given by posting the meeting place, time, and agenda 24 hours before the meeting on the door and in two places in the building housing the office of the board and on the door of the location of the meeting, if different from the board office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Professional Counselors, LR 28:

§2905. Quorum

A. Two members of the advisory committee shall constitute a quorum at any meeting or hearing for the transaction of business.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Professional Counselors, LR 28:

§2907. Procedures

A. The advisory committee shall develop such rules and regulations as it deems necessary to effect the provisions of Act 1195 (Chapter 13, R.S. 37:1101-1122). The board shall promulgate these rules and regulations. The House and Senate Health and Welfare Committees shall jointly approve these rules and regulations.

B. The advisory committee shall review applications for examination, licensure, and renewal for recommended approval to the board. The advisory committee shall recommend to the board to withhold, deny, revoke, or suspend any license of an applicant, or impose any other sanctions on licensed marriage and family therapists.

C. The advisory committee shall submit an annual report to the board containing its professional actions during the year. The advisory committee hereby adopts Robert's Rules of Order Revised as the basis of its parliamentary decisions except as otherwise provided by advisory committee rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Professional Counselors, LR 28:

§2909. Code of Ethics

A. The advisory committee has adopted the Code of Ethics of the American Association for Marriage and Family Therapy (AAMFT), including any revisions or additions

deemed appropriate or necessary by the board as recommended by advisory committee. AAMFT has given its written permission to use its code of ethics.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Professional Counselors, LR 28:

§2911. Records

A. The advisory committee shall maintain records of pertinent matters relating to application, licensure, and discipline. Registers of approved supervisors and supervisors-in-training and a register of licensed marriage and family therapists shall be made available to the public.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Professional Counselors, LR 28:

Chapter 31. License of Title for Marriage and Family Therapy

§3101. License of Title for Marriage and Family Therapy

A. As stated in R.S. 37:1122.A, no person, unless licensed as a marriage and family therapist, shall advertise as being a "licensed marriage and family therapist" or hold themselves out to the public or make use of any title, words, letters or abbreviations that may reasonably be confused with the title "licensed marriage and family therapist."

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§3103. Practice of Marriage and Family Therapy by Other Licensed Mental Health Professionals

A. Nothing in this subpart shall be construed as prohibiting qualified members of other professional groups including but not limited to clinical social workers, psychiatric nurses, psychologists, physicians, licensed professional counselors, or members of the clergy, including Christian Science practitioners, from doing or advertising that they perform work of a marriage and family therapy nature consistent with the accepted standards of their respective professions. No such person, however, shall use the title, or use any words or abbreviations that may reasonably be confused with the title, "licensed marriage and family therapist."

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§3105. Definitions for Licensed Marriage and Family Therapists

Advisory Committee—the Marriage and Family Therapy Advisory Committee.

Assessment—

1. the evaluation through the use of systems oriented methods and processes of:

- a. individual;
- b. couple;

- c. family; and
- d. larger systems ;
- 2. for the purpose of :
 - a. developing treatment plans;
 - b. monitoring psychotherapeutic processes;
 - c. measuring psychotherapeutic progress; and
 - d. measuring psychotherapeutic outcomes;
- 3. such evaluation may include the use of :
 - a. informal; or
 - b. formal instruments;
- 4. for which the licensed marriage and family therapist has received:
 - a. appropriate training; and
 - b. supervision in:
 - i. individual settings; and
 - ii. group settings.

Board—the Louisiana Licensed Professional Counselors Board of Examiners

Marriage and Family Therapy—the professional application of psychotherapeutic and family systems theories and techniques in the assessment and treatment of

- 1. individuals;
- 2. couples, and
- 3. families.

Qualified Supervision—the supervision of the clinical services of an applicant working toward licensure as a licensed marriage and family therapist

- 1. in accordance with standards developed by the advisory committee and
- 2. by an individual who has been recognized by the advisory committee as an LMFT-approved supervisor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

Chapter 33. Requirements for Licensure

§3301. General Provisions

A. The board upon recommendation of the marriage and family therapy advisory committee shall license to practice all persons who present satisfactory evidence of qualifications as specified in these rules and regulations of the advisory committee. Such licensure shall be signed by the chairman and vice chairman of the board and the chairman and vice chairman of the advisory committee. No license shall be denied any applicant based upon the applicant's race, religion, creed, national origin, sex, or physical impairment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§3303. Definitions

Allied Mental Health Discipline—includes, but may not be limited to, mental health counseling, social work, psychology, psychiatric nursing, and psychiatry.

Applicant—any individual seeking licensure who has submitted an official application and paid the application fee.

Appropriate Graduate Degree—a master's or doctoral degree from a college or university accredited by the

Southern Association of Colleges and Schools (SACS), or a comparable accrediting body. If a discipline requires a specific terminal degree, that degree will be considered the appropriate degree.

Client Contact Hour—A 50-minute period a therapist spends working face-to-face with an individual, couple, family, or group.

Direct Client Contact—face-to-face (therapist and client) therapy with individuals, couples, families, and/or groups from a relational perspective. Activities such as telephone contact, case planning, observation of therapy, record keeping, travel, administrative activities, consultation with community members or professionals, or supervision, are not considered direct client contact. Assessments done face-to-face and more than clerical in nature and focus may be counted as direct client contact. Psychoeducation may be counted as direct client contact.

Licensed Marriage And Family Therapist Intern Or MFT Intern—a person who has earned a qualifying graduate degree and is receiving MFT approved postgraduate supervision.

Recognized Educational Institution—a postgraduate training institute or any regionally accredited educational institution that grants a master's or doctoral degree that meets the standards established by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) as determined by the advisory committee or, until June 30, 2003, the standards for marriage and family counseling or therapy established by the Council on Accreditation of Counseling and Related Educational Programs (CACREP) as determined by the ad hoc committee on licensure and supervision .

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§3305. General Licensing Requirements

- A. To become licensed, an applicant must:
 - 1. be of good moral character;
 - 2. never have engaged in any practice or conduct that would be grounds for refusing to issue a license;
 - 3. be qualified for licensure pursuant to the requirements provided for in this Subpart;
 - 4. file a completed application form, accompanied by the required fee;
 - 5. ask that official transcripts be sent directly from the education institution for the applicants' files;
 - 6. provide a statement of practice (refer to the Appendix) for review and approval by the advisory committee. Applicants also licensed by one or more other allied mental health professions may integrate the requirements specific to licensed marriage and family therapy as determined by the advisory committee into any similar informed consent document required for licensure by such allied mental health professions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§3307. Specific Licensing Requirements for

Applications Made on or before January 1, 2003

A. On applications postmarked on or before January 1, 2003, the board upon recommendation of the advisory committee shall issue licenses to applicants who meet the requirements in this section.

1. Specific requirements for §3307 may be met in one of four ways:

a. an appropriate graduate degree and two years of supervised clinical experience:

i. the applicant must have an appropriate graduate degree in:

- (a). marriage and family therapy; or
- (b). an allied mental health discipline; and

ii. have completed, after the receipt of a qualifying degree:

(a). at least two years of supervised clinical experience; and

(b). a minimum of 1,000 hours of direct client contact;

(i.) in the practice of marriage and family

therapy; or

(ii.) as part of the scope of practice of an allied mental health discipline;

b. persons with appropriate graduate degrees who do not meet the two years of supervised clinical experience may apply to become MFT interns:

i. the minimum of 1,000 hours of direct client contact may be met by:

(a). supervised clinical experience obtained in the degree program beyond that required for the degree; and

(b). supervision recommended for approval by the advisory committee;

ii. applicants may not become licensed without two years of post-degree clinical experience;

c. current clinical membership in the Association for Marriage and Family Therapy (AAMFT);

i. verification of such membership sent directly from AAMFT will be accepted as a presumption of having met both the educational and clinical experience required;

d. a valid license from a licensing body that requires standards substantially equivalent to the licensing requirements for licensed marriage and family therapists in Louisiana as specified in Subparagraph A.1.a.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§3309. Specific Licensing Requirements for

Applications Made after January 1, 2003

A. For applications postmarked after January 1, 2003, the board upon recommendation of the advisory committee shall issue licenses to applicants who meet the requirements in this section.

1. Summary of Specific Requirements for §3309

a. Academic Requirements

i. A master's or doctoral degree from a marriage and family therapy program that meets the standards established by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) as determined by the advisory committee in a regionally accredited educational institution or training from a

postgraduate training institute that meets the standards established by COAMFTE as determined by the advisory committee; or

ii. until June 30, 2003, a master's or doctoral degree in mental health counseling with a specialization in marriage and family counseling that substantially meets the standards established by the Council on Accreditation of Counseling and Related Educational Programs (CACREP) as determined by the ad hoc committee on licensure and supervision from a regionally accredited educational institution or training from a postgraduate training institute that meets the standards established by CACREP as determined by the ad hoc committee on licensure and supervision; or

iii. an appropriate graduate degree in an allied mental health field from a regionally accredited educational institution with graduate level coursework equivalent to:

(a). a master's degree in marriage and family therapy that meets the standards established by COAMFTE as determined by the advisory committee and specified in §3311 Academic Requirements for Equivalency; or

(i). until June 30, 2003, the standards for marriage and family counseling or therapy established by CACREP as determined by the ad hoc committee on licensure and supervision and specified in §3311. Academic Requirements for Equivalency.

b. Supervision Requirements

i. Applicants must complete a minimum of two years of supervised work experience in marriage and family therapy as specified in §3315 Supervision Requirements after receipt of a qualifying degree.

c. Examination Requirements

i. Applicants must pass the national examination in marriage and family therapy as specified in §3313 Examination Requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§3311. Academic Requirements for Equivalency after January 1, 2003

A. General

1. An applicant must have completed a minimum of forty eight semester hours or its equivalent of graduate coursework.

2. One course is defined as three semester credits, four quarter credits, or 45 didactic contact hours (i.e., lecture hours).

3. If titles of academic courses are not self-explanatory, their content and relevance must be substantiated by the applicant through course descriptions in official school catalogs, bulletins, syllabi, or by other means approved by the advisory committee.

4. Undergraduate level courses will not meet academic requirements unless the applicant's official transcript clearly shows that the course was given graduate credit.

5. Only coursework taken for credit and receiving a passing grade will be accepted.

6. Coursework taken outside of a program of studies for which a degree was granted must receive an "A," "B," or "pass."

7. In a postgraduate training program, a minimum of 45 contact hours will be considered equivalent to a three-hour semester credit course.

8. An applicant who wishes to make up academic deficiencies may propose a plan of additional coursework to the advisory committee.

9. An applicant who has completed a master's degree program in marriage and family therapy or counseling that was accredited by the Council on the Accreditation of Counseling and Related Educational Programs (CACREP) and has a minimum of six graduate courses in Marriage and Family Therapy, will be determined by the Advisory Committee and the Board to have met the equivalency of standards established by the Commission on Accreditation for Marriage and Family Education (COAMFTE).

B. Specific equivalency requirements that meet the standards for marriage and family therapy established by COAMFTE as determined by the advisory committee.

1. Academic Course Content. An applicant with a graduate degree in an allied mental health field must have coursework in each of the following areas (one course equals three semester hours).

a. Theoretical Knowledge of Marriage and Family Therapy—a minimum of two courses.

i. Courses in this area shall contain such content as the historical development, theoretical and empirical foundations, and contemporary conceptual directions of the field of marriage and family therapy and will be related conceptually to clinical concerns. Students will be able to conceptualize and distinguish the critical epistemological issues in the profession of marriage and family therapy. Materials covered will provide a comprehensive survey and substantive understanding of the major models of marriage, couple, and family therapy.

b. Clinical Knowledge of Marriage and Family Therapy—a minimum of four courses.

i. Courses in this area shall contain such content as:

(a). couple and family therapy practice and be related conceptually to theory;

(b). contemporary issues, which include but are not limited to gender, violence, addictions, and abuse, in the treatment of individuals, couples, and families from a relational/systemic perspective;

(c). a wide variety of presenting clinical problems;

(d). issues of gender and sexual functioning, sexual orientation, and sex therapy as they relate to couple, marriage and family therapy theory and practice;

(e). diversity and discrimination as it relates to couple and family therapy theory and practice.

c. Assessment and Treatment in Marriage and Family Therapy—a minimum of two courses

i. Courses in this area shall contain such content from a relational/systemic perspective as: 1) psychopharmacology, physical health and illness, traditional psychodiagnostic categories, and the assessment and treatment of major mental health issues; One course must be in psychopathology.

d. Individual, Couple, and Family Development—a minimum of one course.

i. Courses in this area shall contain such content as individual, couple, and family development across the lifespan.

e. Professional Identity and Ethics—a minimum of 1 course.

i. Courses in this area shall contain such content as:

(a). professional identity, including professional socialization, scope of practice, professional organizations, licensure, and certification;

(b). ethical issues related to the profession of marriage and family therapy and the practice of individual, couple, and family therapy. A generic course in ethics does not meet this standard;

(c). the AAMFT Code of Ethics, confidentiality issues, the legal responsibilities and liabilities of clinical practice and research, family law, record keeping, reimbursement, and the business aspects of practice;

(d). the interface between therapist responsibility and the professional, social, and political context of treatment.

f. Research—a minimum of one course.

i. Courses in this area shall include significant material on research in couple and family therapy; focus on content such as research methodology, data analysis and the evaluation of research, and include quantitative and qualitative research.

g. Additional Learning—a minimum of one course.

i. Courses in this area will augment students' specialized interest and background in individual, couple, and family therapy and may be chosen from coursework offered in a variety of disciplines.

2. Supervised Clinical Practicum—five hundred supervised direct client contact hours with 100 hours of face-to-face supervision. At least 250 of these hours will be with couples or families present in the therapy room.

a. The training of the supervisor must be equivalent to that of an AAMFT approved supervisor or AAMFT supervisor candidate.

b. If a student is simultaneously being supervised and having direct client contact, the time may be counted as both supervision time and direct client contact time.

C. Until June 30, 2003, specific equivalency requirements that meet the standards for marriage and family counseling/therapy established by CACREP as determined by the committee on mental health counseling licensure/supervision for the advisory committee.

1. Academic Course Content: To fulfill the CACREP requirements of the academic component for eligibility, the applicant must have completed a minimum of four courses from the following areas.

a. Foundations of Marital, Couple, And Family Counseling/Therapy:

i. The history of marital, couple, and family counseling/therapy including philosophical and etiological premises that define the practice of marital, couple, and family counseling/therapy;

ii. the structure and operations of professional organizations, preparation standards, and credentialing bodies pertaining to the practice of marital, couple, and family counseling/therapy (e.g., the International Association of Marriage and Family Counselors);

iii. the ethical and legal considerations specifically related to the practice of marital, couple, and family counseling/therapy (e.g., the *ACA* and *IAMFC Code of Ethics*);

iv. the implications of professional issues unique to marital, couple, and family counseling/therapy including recognition, reimbursement, and right to practice;

v. the role of marital, couple, and family counselors/therapists in a variety of practice settings and in relation to other helping professionals; and

vi. the role of racial, ethnic, and cultural heritage, nationality, socioeconomic status, family structure, age, gender, sexual orientation, religious and spiritual beliefs, occupation, physical and mental status, and equity issues in marital, couple, and family counseling/therapy.

b. Contextual Dimensions of Marital, Couple, and Family Counseling/Therapy

i. Marital, couple, and family life cycle dynamics, healthy family structures, and development in a multicultural society, family of origin and intergenerational influences, cultural heritage, socioeconomic status, and belief systems;

ii human sexuality issues and their impact on family and couple functioning, and strategies for their resolution; and

iii. societal trends and treatment issues related to working with diverse family systems (e.g., families in transition, dual-career couples, and blended families).

c. Knowledge and Skill Requirements For Marital, Couple, and Family Counselor/Therapists

i. Family systems theories and other relevant theories and their application in working with couples and families, and other systems (e.g., legal, legislative, school and community systems) and with individuals;

ii. interviewing, assessment, and case management skills for working with individuals, couples, families, and other systems; and implementing appropriate skill in systemic interventions;

iii. preventive approaches for working with individuals, couples, families, and other systems such as pre-marital counseling, parenting skills training, and relationship enhancement;

iv. specific problems that impede family functioning, including issues related to socioeconomic disadvantage, discrimination and bias, addictive behaviors, person abuse, and interventions for their resolution; and

v. research and technology applications in marital, couple, and family counseling/therapy.

2. The supervised CACREP clinical practice must include:

a. a 100-hour practicum, of which forty hours must be direct client contact, and

b. a 600-hour internship, of which two hundred forty hours must be direct hour contact. The requirements for this internship are:

i. it must occur in a counseling setting, under the clinical supervision of a site supervisor;

ii. direct service clock hours are defined as work with couples, families, and individuals from a systems perspective;

iii. at least half of the direct service clock hours must be with couples and family units.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§3313. Examination Requirements

A. The examination for licensure shall be the national marriage and family therapy examination as determined by the advisory committee.

B. Applicants for licensure are not eligible for examination until approved by the advisory committee.

C. Passing scores on the examination are determined by the testing agency.

D. Any person who fails an examination shall not be admitted to a subsequent examination for at least six months.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§3715. Supervision Requirements

A. General Provisions

1. Applicants who apply before January 1, 2003, who meet the degree requirements but do not meet the experience requirements and applicants who apply after January 1, 2003, who meet the degree requirements must successfully complete two years of work experience in marriage and family therapy under qualified supervision in accordance with COAMFTE supervision standards as described in this section.

B. Definitions for Supervision

Co-Therapy Supervision—supervision outside the session on cases in which the supervisor is a co-therapist.

Consultation—a voluntary relationship between professionals of relative equal expertise or status wherein the person being consulted offers his/her best advice or information on an individual case or problem for use by the person asking for assistance. The consultant has no functional authority over the person asking for assistance, no legal or professional accountability for either the services performed or the welfare of the client. Consultation is not supervision. Experience under contract for consultation will not be credited toward fulfillment of supervision requirements.

Group Supervision—face to face supervision of more than two MFT Interns and no more than six MFT Interns per group regardless of the number of supervisors. Group supervision provides the opportunity for the supervisees to interact with other supervisees and offers a different learning experience than that obtained from individual supervision.

Individual Supervision—face-to-face supervision of one or two individuals by one supervisor.

LMFT-Approved Supervisor—an individual who has met requirements and takes responsibility for the practice of the supervisee during a specific time to enable the supervisee to meet the requirements of licensing. The supervisor is responsible for the delivery of services, the representation to the public of services, and the supervisor/supervisee relationship.

LMFT-Approved Supervisor Candidate—an individual under the supervision of an LMFT-approved supervisor for the purpose of qualifying as an LMFT-approved supervisor.

Live Supervision—supervision (individual and /or group) in which the supervisor directly observes the case while the therapy is being conducted and has the opportunity to provide supervisory input during the session. When a supervisor conducts live supervision the time is counted as individual supervision for up to two interns providing therapy in the room with the client(s) and for up to two interns observing the therapy and interacting with the supervisor. The time is counted as group supervision when more than two MFT interns involved in direct client contact or more than two observers interacting with the supervisor are present, providing that there are no more than six interns involved.

MFT Intern—a individual who has been recommended by the LMFT Advisory Committee and approved by the Board for supervision by an LMFT-approved supervisor.

Qualified Supervision—supervision of the clinical services of an MFT intern by a supervisor recommended by the MFT Advisory Committee and approved by the Board.

Supervision—the professional relationship between a supervisor and supervisee that promotes the development of responsibility, skill, knowledge, and ethical standards in the practice of licensed marriage and family therapy. In addition to monitoring the MFT intern's supervised interaction with clients, the supervisor provides regular, face-to-face guidance and instruction. Supervision may include, without being limited to, the review of case presentations, audiotapes, videotapes, and direct observation.

Supervised Experience Plan—a written agreement on a form required by the advisory committee that establishes the supervisory framework for postgraduate clinical experience and describes the expectations and responsibilities of the supervisor and the supervisee.

Supervision-in-Training Plan—a written agreement on a form required by the advisory committee that establishes the supervisory framework for supervision of a licensed marriage and family therapist-in-training to become an LMFT approved supervisor.

Work Experience—includes direct client contact and activities such as telephone contact, case planning, observation of therapy, record keeping, travel, administrative activities, consultation with community members or professionals, or supervision,

C. Supervision Requirements for Licensure

1. After receipt of a qualifying degree an applicant must complete a minimum of two years of work experience in marriage and family therapy that includes at least three thousand hours of clinical services to individuals, couples, or families.

a. At least 2,000 hours of these hours must be direct clinical services.

b. The remaining 1,000 hours may come from related experiences that may include but are not limited to workshops, public relations, writing case notes, consulting with referral sources, etc.

c. Supervisees should apply systemic theories and treatment with all clients and make every effort to work with as many couples and families as possible.

2. The required supervision must include at least two hundred hours of supervision, of which at least 100 hours must be individual supervision. Up to 100 hours of supervision received during a graduate program that can be

documented as systemic may be counted toward the 200 hours.

3. The work experience shall be obtained over not less than two years.

4. After the supervision plan is submitted and fees are paid, the board upon recommendation of the advisory committee will approve supervisors before supervision begins. Supervision hours may not be counted until after approval. Approval of a supervised experience plan does not mean that the supervised experience when completed will be automatically approved.

5. To meet the requirements of the supervised clinical experience, the supervisee must:

a. meet face-to-face with the supervisor for sustained and intense learning customarily for one hour per 10 hours of client contact, with once every other week, the minimum; and three times a week ordinarily the maximum;

b. file with the advisory committee a supervised experience plan as defined in §3315.B Definitions for Supervision.

6. It is recommended that the supervisory experience include sequentially at least two supervisors with diverse family therapy orientations, such as, but not limited to, narrative, MRI, Bowenian, structural, strategic, behavioral, or solution focused.

7. The following are not acceptable as approved supervision:

a. peer supervision (supervision by a person of equivalent, rather than superior, qualifications, status and experience);

b. supervision by current or former family members (such as parents, spouse, former spouse, siblings, children, cousins, present or former in-laws, aunts, uncles, grandparents, grandchildren, step-children), anyone sharing the same household, employees, or any other person where the nature of the personal relationship prevents or makes difficult the establishment of a professional relationship. For purposes of this rule, a supervisor shall not be considered an employee of the supervisee if the only compensation received by the supervisor consists of payment for actual supervisory hours;

c. administrative supervision (administrative supervision by an institutional director or executive, for example, conducted to evaluate job performance or for case management rather the clinical supervision of the quality of therapy given to clients);

d. a primarily didactic process wherein techniques or procedures are taught in a group setting, classroom, workshop, or seminar;

e. consultation, staff development, or orientation to a field program, or role-playing of family interrelationships as a substitute for current clinical practice in an appropriate clinical situation.

D. Qualifications of a Supervisor and Supervisor Candidate

1. Supervision not provided by an LMFT-approved supervisor or an LMFT supervisor candidate as determined by the advisory committee will not be counted toward licensure.

2. A supervisor may not have more than ten supervisees and/or supervisor candidates at the same time.

3. A person who wishes to become an LMFT-approved supervisor must be a licensed marriage and family therapist and must submit a completed application that documents that he or she meets the requirements in one of two ways.

a. The applicant may meet the requirements by meeting the following requirements.

i. Coursework requirements:

(a). a one-semester graduate course in marriage and family therapy supervision from a regionally accredited institution; or

(b). an equivalent course of study consisting of a 30-hour didactic component and a 15-hour interactive component in the study of marriage and family therapy supervision approved by the advisory committee. The interactive component must include a minimum of four persons.

ii. Experience Requirements

(a). has at least two years experience as a licensed as a Marriage and Family therapist.

iii. Supervision of Supervision

(a). Before January 1, 2004, an applicant must have 36 hours of supervision of supervision for marriage and family therapy from a person considered to be a qualified supervisor by the advisory committee.

(b). Before January 1, 2004, applicants with a degree in marriage and family therapy or its equivalent as determined by the advisory committee who meet the requirements in a, b, and c in this Paragraph will not be required to obtain the 36 hours of supervision of supervision.

(c). After January 1, 2004, supervision of supervision must be taken from an LMFT-approved supervisor.

b. Designation as an AAMFT Approved Supervisor qualifies a person to become an LMFT approved supervisor. Documentation must be submitted and recommended by the advisory committee for board approval.

4. LMFT Approved Supervisor-in-Training

a. A person who wishes to become an LMFT approved supervisor in-training must submit an application provided by the board upon recommendation of the advisory committee that:

i. includes documentation that he or has at least two years experience as a Licensed Marriage and Family Therapist;

ii. either documents that he or she has met the coursework and interactional requirement specified in Subparagraph D.3.b or proposes how this requirement shall be met;

iii. includes the name of the LMFT-approved supervisor who will be supervising his or her supervision and the approximate dates such supervision will begin and end.

b. The advisory committee will review the application and inform the individual in writing that the proposed supervision of supervision arrangement either has been approved or rejected. Any rejection letter will outline the reasons for rejection.

c. An advisory committee member cannot participate in deliberations or votes on any applicant who has been supervised by that advisory committee member.

d. Upon completion of the required hours of supervision of supervision, the supervisor-in-training must submit an application to become an LMFT approved supervisor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

Chapter 35. Renewal of License

§3501 General Provisions

A. Licenses shall be renewed every two years in January. The licensee shall submit an application form and payment of the renewal fee. Renewals must be postmarked no later than December 31. Upon approval by the advisory committee, the board shall issue a document renewing the license for two years.

B. A license not renewed shall lapse December 31. To renew a lapsed license, the licensee must pay all fees in arrears and provide documentation of the continuing education requirements. A lapsed license not renewed within two years will expire and the individual must re-apply under the current rules for licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1106, 1116-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§3503. Continuing Education Requirements

A. General Guidelines

1. A licensee must accrue 40 clock hours of continuing education by every renewal period every two years.

2. One continuing education unit (CEU) is equivalent to one clock hour.

3. Accrual of continuing education begins only after the date the license was issued.

4. Continuing education hours accrued beyond the required 40 clock hours may not be applied toward the next renewal period. Renewal periods run from January 1 to December 31

5. The licensee is responsible for keeping a personal record of his/her continuing education hours until official notification of renewal is received. Do not forward documentation of continuing education hours to the Board office as they are accrued.

6. At the time of renewal 10 percent of the licensees will be audited to ensure that the continuing education requirement is being met. Licensees audited will be requested by letter to submit documentation as specified in §3503.B of their continuing education hours.

7. Licensees will be asked in the renewal application to note any changes in areas of expertise. The advisory committee, at its discretion, may require the licensee to present satisfactory documentation supporting these changes.

8. A licensee must accrue three clock hours of training in ethics that specifically addresses ethics for licensed marriage and family therapy as defined in Subparagraph C.3.e every renewal period. A generic ethics class will not be acceptable.

9. Those licensed marriage and family therapists who hold another license that requires continuing education hours

may count the continuing education hours obtained for that license toward their LMFT CEU requirements. Of the 40 CEU's submitted, however, 20 hours must be in the area of marriage and family therapy with an emphasis upon systemic approaches or the theory, research, or practice of systemic psychotherapeutic work with couples or families including three hours of ethics specific to marriage and family therapy.

10. The approval of and requirements for continuing education are specified in Subsection C.

B. Types of documentation needed for continuing education audit:

1. copy of certificate of attendance for workshops, seminars, or conventions;

2. copy of transcript for coursework taken for credit/audit;

3. letter from workshop/convention coordinator verifying presentation;

4. copy of article plus the table of contents of the journal it appears in, copy of chapter plus table of contents for chapter authored for books, title page and table of contents for authoring or editing books, letter from conference coordinator or journal editor for reviewing refereed workshop presentations or journal articles.

C. Approved Continuing Education for Licensed Marriage and Family Therapists

1. Continuing education requirements are meant to ensure personal and professional development throughout an individual's career.

2. An LMFT may obtain the 40 clock hours of continuing education through the options listed. All continuing education hours may be obtained through Subparagraph a or 20 of the 40 hours may be obtained through Subparagraph b.

a. Direct participation in a structured educational format as a learner in continuing education workshops and presentations or in graduate coursework (either for credit or audit).

i. The advisory committee will accept workshops and presentations approved by the American Association for Marriage and Family Therapy (AAMFT) and its regional or state divisions including the Louisiana Association for Marriage and Family Therapy (LAMFT). Contact them directly to find out which organizations, groups, or individuals are approved providers graduate coursework either taken for credit or audit must be from a regionally accredited college or university and in the areas of marriage and family therapy described in Paragraph C.3.

ii. Licensees may receive one clock hour of continuing education for each hour of direct participation in a structured educational format as a learner. Credit cannot be given to persons who leave early from an approved session or to persons who do not successfully complete graduate coursework.

iii. Continuing education taken from organizations, groups, or individuals not holding provider status by one of the associations listed in Subclause (a) will be subject to approval by the advisory committee at the time of renewal.

(a). The advisory committee will not pre-approve any type of continuing education.

(b). The continuing education must be in one of the seven approved content areas listed in §3503.C and given by a qualified presenter.

(c). A qualified presenter is considered to be someone at the master's level or above trained in marriage and family therapy or another appropriate mental health field.

(d). One may receive one clock hour of continuing

education for each hour of direct participation in a structured educational format as a learner.

(e). Credit cannot be granted for business/governance meetings; breaks; and social activities including meal functions, except for the actual time of an educational content speaker.

(f). Credit may not be given for marketing the business aspects of one's practice, time management, supervisory sessions, staff orientation, agency activities that address procedural issues, personal therapy, or other methods not structured on sound educational principles or for content contrary to the LMFT Code of Ethics (Chapter 43).

b. Optional Ways to Obtain Continuing Education (Twenty Hours Maximum)

i. Licensees may receive one clock hour of continuing education for each hour of direct work in:

(a). teaching a marriage and family therapy course (10 hours maximum) in an area as described in Paragraph C.3 in an institution accredited by a regional accrediting association. Continuing education hours may be earned only for the first time the individual teaches the course; or

(b). authoring, editing, or reviewing professional manuscripts or presentations (10 hours maximum) in an area of marriage and family therapy as described in Paragraph C.3. Articles must be published in a professional refereed journal.

ii. Presentations at workshops, seminars, symposia, and meetings in an area of marriage and family therapy as described in Paragraph C.3 may count for up to 10 hours maximum at a rate of two clock hours per one-hour presentation. Presenters must meet the qualifications stated in Subparagraph 2.a. The presentation must be to the professional community, not to the lay public or a classroom presentation.

3. Continuing education hours must be relevant to the practice of marriage and family therapy and generally evolve from the following seven areas.

a. Theoretical Knowledge of Marriage and Family Therapy. Continuing education in this area shall contain such content as the historical development, theoretical and empirical foundations, and contemporary conceptual directions of the field of marriage and family therapy and will be related conceptually to clinical concerns.

b. Clinical Knowledge of Marriage and Family Therapy: Continuing education in this area shall contain such content as:

i. couple and family therapy practice and be related conceptually to theory;

ii. contemporary issues, which include but are not limited to gender, violence, addictions, and abuse, in the

treatment of individuals, couples, and families from a relational/systemic perspective;

- iii. a wide variety of presenting clinical problems;
- iv. issues of gender and sexual functioning, sexual orientation, and sex therapy as they relate to couple, marriage and family therapy theory and practice;
- v. diversity and discrimination as it relates to couple and family therapy theory and practice.

c. Assessment and Treatment in Marriage and Family Therapy. Continuing education in this area shall contain such content from a relational/systemic perspective as psychopharmacology, physical health and illness, traditional psychodiagnostic categories, and the assessment and treatment of major mental health issues.

d. Individual, Couple, and Family Development. Continuing education in this area shall contain such content as individual, couple, and family development across the lifespan.

e. Professional Identity and Ethics in Marriage and Family Therapy. Continuing education in this area shall contain such content as:

- i. professional identity, including professional socialization, scope of practice, professional organizations, licensure and certification;
- ii. ethical issues related to the profession of marriage and family therapy and the practice of individual, couple and family therapy. Generic education in ethics does not meet this standard;
- iii. the AAMFT Code of Ethics, confidentiality issues, the legal responsibilities and liabilities of clinical practice and research, family law, record keeping, reimbursement, and the business aspects of practice;
- iv. the interface between therapist responsibility and the professional, social, and political context of treatment.

f. Research in Marriage and Family Therapy. Continuing education in this area shall include significant material on research in couple and family therapy; focus on content such as research methodology, data analysis and the evaluation of research, and include quantitative and qualitative research.

g. Supervision in Marriage and Family Therapy: Continuing education in this area include studies in theory and techniques of supervision as well as ethical and legal issues, case management, and topics relative to the specific supervised training.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

Chapter 37. Reciprocity and Provisional Licenses

§3701. States, Territories, and Commonwealths

A. Upon application accompanied by the required fee:

1. the board through the advisory committee may issue a license to any person who has a valid license as a marriage and family therapist from a licensing body that requires standards substantially equivalent to the licensing requirements for licensed marriage and family therapists in Louisiana;

2. the board through the advisory committee may develop rules to provide for the issuance of provisional

licenses for licensed marriage and family therapists for up to one year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

Chapter 39. Disciplinary Proceedings

§3901. Causes for Administrative Action

A. The board, upon recommendation of the advisory committee, after due notice and hearing as set forth herein and the Administrative Procedure Act, R.S. 49:950 et seq., may withhold, deny, revoke or suspend any license issued or applied for or otherwise discipline a licensed marriage and family therapist on a finding that the person has violated R.S. 37: 1101-1122, any of the rules, regulations, and ethical standards for licensed marriage and family therapy promulgated by the board for the advisory committee, or prior final decisions and/or consent orders involving the licensed marriage and family therapist or applicant for licensure. Additionally, the Board, upon recommendation of the advisory committee, may withhold, deny, revoke, or suspend any license issued or applied for, or otherwise discipline or an LMFT as provided by other applicable state or federal laws, including but not limited to the following violations:

1. failure to pay court-ordered child support (R.S. 37:2952 et seq.);
2. failure to pay certain student loans (R.S. 37:2951 et seq.);
3. failure to report suspected cases of child abuse or neglect (R.S. 14:403 et seq.);
4. failure to report suspected cases of abuse of the elderly (R.S. 14:403.2 et seq.);
5. failure to maintain patient records as required by law (R.S. 40:1299.96 et seq.)

B. Sometimes hereinafter, where the context allows, a licensed marriage and family therapist or applicant for licensure may be referred to as a licensee or applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Professional Counselors, LR 28:

§3903. Disciplinary Process and Procedures

A. The purpose of the following rules and regulations is to supplement and effectuate the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., regarding the disciplinary process and procedures incident thereto. These rules and regulations are not intended to amend or repeal the provisions of the Administrative Procedure Act, and to the extent any of these rules and regulations are in conflict therewith, the provisions of the Administrative Procedure Act shall govern.

B. A disciplinary proceeding, including the formal hearing, is less formal than a judicial proceeding. It is not subject to strict evidentiary rules and technicalities, but must be conducted in accordance with considerations of fair play and constitutional requirements of due process.

C. The purpose of a disciplinary proceeding is to determine contested issues of law and fact; whether the person did certain acts or omissions and, if he did, whether those acts or omissions violated the Louisiana Mental Health

Counselor Licensing Act, the rules and regulations and ethical standards for licensed marriage family therapy promulgated by the board for the advisory committee, or prior Final Decisions and/or Consent Orders involving the licensed marriage and family therapist or applicant for licensure and to determine the appropriate disciplinary action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§3905. Initiation of Complaints

A. Any person or the advisory committee on their own initiative may initiate complaints.

B. All complaints shall be addressed "confidential" to the ad hoc Committee for Disciplinary Affairs (hereafter referred to as the disciplinary committee) and shall be sent to the board office. A member of the advisory committee shall be appointed to serve on the ad hoc Committee for Disciplinary Affairs, by the chair of the Board, and shall be empowered to act on behalf of the Advisory committee. He/she shall concur or disagree with the recommendation of the disciplinary committee chair and such concurrence or disagreement shall constitute the official recommendation of the advisory committee as to the complaint in question. The disciplinary committee shall convey the complaint to the board. By a simple majority, the Disciplinary Committee shall vote to investigate or deny the charge. If a denial, the chair of the Disciplinary Committee shall prepare the letters of denial. If an agreement to investigate, the board shall request that the Disciplinary Committee notify the person that allegations have been made that he/she may have committed a breach of statute, rule and regulation, ethical code, and/or prior final decisions or consent orders and that he/she must respond in writing to the Disciplinary Committee within a specified time period. A response is to be made to the disciplinary committee at the board office address. The complaint letter of alleged violations shall not be given initially to the person. However, sufficiently specific allegations shall be conveyed to the person for his/her response. Once the person has answered the complaint, a determination will be made if a disciplinary proceeding is required. The Disciplinary Committee shall inform the board of its decision.

C. Pursuant to its authority to regulate this industry, the board, upon recommendation of the advisory committee through its Disciplinary Committee, may issue subpoenas to secure evidence of alleged violations of the Louisiana Mental Health Counselor Licensing Act, any of the rules and regulations or ethical standards for licensed marriage and family therapists promulgated by the board for the advisory committee, or prior final decisions and/or consent orders involving the licensed marriage and family therapist or applicant for licensure. The subpoenaed confidential or privileged records of a patient or client are to be sanitized by the custodian of such records so as to maintain the anonymity of the patient or client.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§3907. Informal Disposition of Complaints

A. The board, upon recommendation of the Disciplinary Committee and the person accused of a violation may settle some complaints informally without a formal hearing. The disciplinary committee shall guide cases through any informal process, and, failing resolution, may recommend a formal hearing. The following types of informal dispositions may be utilized.

1. Disposition by Correspondence. For less serious complaints, the disciplinary committee may write to the person explaining the nature of the complaint received. The person's subsequent response may satisfactorily explain the situation, and the matter may be dropped. If the situation is not satisfactorily explained, it shall be pursued through an informal conference or formal hearing.

2. Informal Conference

a. The disciplinary committee may hold a conference with the person in lieu of, or in addition to, correspondence in cases of less serious complaints. If the situation is satisfactorily explained in conference, a formal hearing is not scheduled.

b. The person shall be given adequate notice of the conference, of the issues to be discussed, and of the fact that information brought out of the conference may later be used in a formal hearing.

3. Settlement. An agreement worked out between the person making the complaint and the person accused of a violation does not preclude disciplinary action by the board. The board must consider the nature of the alleged offense and the evidence before it.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§3909. Formal Hearing

A. The board upon recommendation of the Disciplinary Committee has the authority, granted by R.S. 37:1101 et seq., to bring administrative proceedings against persons to whom it has issued a license upon recommendation of the advisory committee to practice as a licensed marriage and family therapist or any applicant requesting a license. The person has the right to:

1. appear and be heard, either appearing alone or with counsel;
2. the right of notice;
3. a statement of what accusations have been made;
4. the right to present evidence and to cross-examine; and
5. the right to have witnesses subpoenaed.

B. If the person does not appear, either in person or through counsel, after proper notice has been given, the person may be considered to have waived these rights and the board may proceed with the hearing without the presence of the person.

C. The process of administrative action shall include certain steps and may include other steps as follows.

1. The disciplinary committee receives a complaint alleging that a person has acted in violation of the Louisiana Mental Health Counselor Licensing Act, the rules and regulations and ethical standards for licensed marriage and family therapists promulgated by the board for the advisory

committee. Communications from the complaining party shall not be revealed to any person until and unless a formal complaint is filed except those documents being subpoenaed by a court.

2.a. The disciplinary counsel investigates the complaint to determine if there is sufficient evidence to warrant disciplinary proceedings. No board member, other than disciplinary committee members may communicate with any party to a proceeding or his/her representative concerning any issue of fact or law involved in this stage of the proceeding.

b. A decision to initiate a formal complaint or charge may be made by the board if one or more of the following conditions exists:

- i. the complaint is sufficiently serious;
- ii. the person fails to respond to the Ad Hoc Disciplinary Affairs Committee's correspondence concerning the complaint;
- iii. the person's response to the Ad Hoc Disciplinary Affairs Committee letter or investigation demand is not convincing that no action is necessary;
- iv. an informal approach is used, but fails to resolve all of the issues.

3. A Notice of Hearing is issued pursuant to R.S. 49:955, charging the violation of one or more of the provisions of the Louisiana Mental Health Counselor Licensing Act, the rules and regulations and ethical standards for licensed marriage and family therapists promulgated by the board for the advisory committee thereto, or prior final decisions and/or consent orders involving the person.

4. The Board chair or disciplinary counsel sets a time and place for a hearing.

5.a. At least 20 days prior to the date set for the hearing, a copy of the charges and a notice of the time and place of the hearing are sent by certified mail to the last known address of the person accused. If the mailing is not returned to the board, it is assumed to have been received. It is the person's obligation to keep the board informed of his whereabouts. The board will conduct the hearing, with the accused person in absentia, in the event that certified mail at the last known address is unsuccessful.

b. The content of the charges limits the scope of the hearing and the evidence that may be introduced. The charges may be amended at any time up to ten days prior to the date set for the hearing.

c. If the Disciplinary Committee is unable to describe the matters involved in detail at the time the sworn complaint is filed, this complaint may be limited to a general statement of the issues involved. Thereafter, upon the person's request, the board shall supply a more definite and detailed statement to the person.

6. Except for extreme emergencies, motions requesting a continuance of a hearing shall be filed at least five days prior to the time set for the hearing. The motion shall contain the reason for the request, which reason must have relevance to due process. The decision to grant or deny a motion to continue shall be left to the discretion of the Board chair and may only be granted for compelling reasons.

7.a. The Board chair or disciplinary counsel issues subpoenas for the board for disciplinary proceedings, and

when requested to do so, may issue subpoenas for any other party. Subpoenas include:

- i. a subpoena requiring a person to appear and give testimony; and
- ii. a subpoena duces tecum, which requires that a person produce books, records, correspondence, or other materials over which he/she has custody.

b. A motion to limit or quash a subpoena may be filed with the board, but not less than 72 hours prior to the hearing.

8. a. The hearing is held, at which time the board's primary role is to hear evidence and argument and to reach a decision. Any board member, who, because of bias, interest, or other conflict is unable to participate in the hearing, shall be recused from the particular proceeding. The reasons for the recusal are made part of the record. The board shall be assisted and advised at the hearing by its general counsel, who shall not participate in any other manner in the investigation or prosecution of charges. The general counsel shall also attend the board's deliberations, advise the board at such deliberations, and assist the board with development and drafting of its findings.

b. The disciplinary counsel who conducted the investigation represents the board and presents evidence that disciplinary action should be taken against the person. The person may present evidence personally or through an attorney, and witnesses may testify on behalf of the person.

c. Evidence includes the following:

i. oral testimony given by witnesses at the hearing, except that, for good cause, testimony may be taken by deposition (cost of the deposition is borne by the requesting party);

ii. documentary evidence, i.e., written or printed materials including public, business, institutional records, books and reports;

iii. visual, physical and illustrative evidence;

iv. admissions, which are written or oral statements of a party made either before or during the hearing;

v. facts officially noted into the record, usually readily determined facts making proof of such unnecessary.

d. All testimony is given under oath. If the witness objects to swearing, an affirmation may be substituted.

9. The board chair presides as chair of the board over all hearings for licensed marriage and family therapists. The customary order of proceedings at a hearing is as follows.

a. The disciplinary counsel makes an opening statement of what he/she intends to prove, and what action, he/she wants the board to take.

b. The person, or his/her attorney, makes an opening statement, explaining why he/she believes that the charges against him/her are not legally founded.

c. The disciplinary counsel presents the case against the person.

d. The person, or his/her attorney, cross-examines.

e. The person presents evidence.

f. The disciplinary counsel cross-examines.

g. The rebuts the person's evidence.

10. Both parties make closing statements. The disciplinary counsel makes the initial closing statement and any final statement.

11. Motions may be made before, during, or after a hearing. All motions shall be made at an appropriate time according to the nature of the request. Motions made before or after the hearing shall be in writing. Those made during the course of the hearing may be made orally, and become part of the record of the proceeding.

12.a. The record of the hearing shall include:

- i. all papers filed and served in the proceeding;
- b. all documents and/or other materials accepted as evidence at the hearing;
- ii. statements of matters officially noticed;
- c. notices required by the statutes or rules; including notice of hearing;
- d. affidavits of service or receipts for mailing or process or other evidence of service;
- e. stipulations, settlement agreements or consent orders, if any;
 - i. records of matters agreed upon at a prehearing conference;
 - ii. orders of the board and its final decision;
 - iii. actions taken subsequent to the decision, including requests for reconsideration and rehearing;
 - iv. a transcript of the proceedings, if one has been made, or a tape recording or stenographic record.
- f. The record of the proceeding shall be retained until the time for any appeal has expired, or until the appeal has been concluded. The record is not transcribed unless a party to the proceeding so requests, and the requesting party pays for the cost of the transcript.

13.a. The decision of the board shall be reached according to the following process.

- i. Determine the facts at issue on the basis of the evidence submitted at the hearing.
- ii. Determine whether the facts in the case support the charges brought against the person.
- iii. Determine whether charges brought are a violation of the Louisiana Mental Health Counselor Licensing Act or rules and regulations and ethical standards for licensed marriage and family therapy promulgated by the board for the advisory committee.
- b. Deliberation
 - i. The board will deliberate in closed session.
 - ii. The advisory committee shall make its recommendation as to each charge presented.
 - iii. The board will vote on each charge as to whether the charge has been supported by the evidence. (The standard will be *preponderance of the evidence*).
 - iv. After considering and voting on each charge, the hearing panel will vote on a resolution to dismiss the charges, withhold, deny, revoke or suspend any license issued or applied for or otherwise discipline a licensed marriage and family therapist or applicant for licensure.
 - v. The board by affirmative majority vote may vote to recommend that the board withhold, deny, revoke, or suspend any license issued or applied for in accordance with the provisions of R.S. 37, Chapter 13, or otherwise discipline a licensed marriage and family therapist or applicant. The board, upon reaching a decision, will inform the board of their decision.
- c. Sanctions against the person who is party to the proceedings are based upon findings of fact and conclusions

of law determined as a result of the hearing. The party is notified by certified mail of the final decision of the board.

14. Every order of the board shall take effect immediately on its being rendered unless the board in such order fixes a probationary period for an applicant or licensee. Such order shall continue in effect until expiration of any specified time period or termination by a court of competent jurisdiction. The board shall notify all licensees of any action taken against a licensee and may make public its orders and judgment in such manner and form as it and the advisory committee deem proper if such orders and judgments are not consent orders or compromise judgments.

15.a. The board may reconsider a matter that it has decided. This may involve rehearing the case, or it may involve reconsidering the case on the basis of the record. Such reconsideration may occur when a party who is dissatisfied with a decision of the board files a motion requesting that the board reconsider the decision.

b. The board shall reconsider a matter when ordered to do so by a higher administrative authority or when the case is remanded for reconsideration or rehearing by a court to which the board's decision has been appealed.

c. A motion by a party for reconsideration or rehearing must be in proper form and filed within ten days after notification of the board's decision. The motion shall set forth the grounds for the rehearing, which include one or more of the following.

- i. The board's decision is clearly contrary to the law and evidence.
- ii. There is newly discovered evidence by the party since the hearing which is important to the issues and which the party could not have discovered with due diligence before or during the hearing.
- iii. There is a showing that issues not previously considered ought to be examined in order to dispose of the case properly.
- iv. It would be in the public interest to further consider the issues and the evidence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§3911. Consent Order

A. The Board may issue an order involving some type of disciplinary action with the consent of the person. A consent order requires a simple majority of the board. This consent order is not the result of the board's deliberation, but rather the board's acceptance upon recommendation of disciplinary committee to the board of an agreement reached between the board's agents and the person. The board issues the consent order to carry out the parties' agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1106, 1116-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28

§3913. Withdrawal of a Complaint

A. If the complainant wishes to withdraw the complaint, the inquiry is terminated, except in cases where the board judges the issues to be of such importance as to warrant completing the investigation in its own right and in the interest of public welfare.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§3915. Refusal to Respond or Cooperate with the Board

A. If the person does not respond to the original inquiry within a reasonable period of time as requested by the board, a follow-up letter shall be sent to the person by certified, restricted delivery mail.

B. If the person refuses to reply to the board's inquiry or otherwise cooperate with the board, the board shall continue its investigation. The board shall record the circumstances of the person's failure to cooperate and shall inform the person that the lack of cooperation may result in action by the board that could eventually lead to the withholding, denial, revocation or suspension of his/her license, or application for licensure, or otherwise issue appropriate disciplinary sanction.

AUTHORITY NOTE: Promulgation in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgation by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§3917. Judicial Review of Adjudication

A. Any person whose license, or application for licensure, has been withheld, denied, revoked or suspended or otherwise disciplined by the board shall have the right to have the proceedings of the board reviewed by the 19th Judicial District Court for the parish of East Baton Rouge, provided that such petition for judicial review is filed within thirty days after receipt of the notice of the decision of the board. If judicial review is granted, the board's decision remains enforceable in the interim unless the 19th Judicial District Court orders a stay. Pursuant to the applicable section of the Louisiana Administrative Procedure Act, LSA R.S. 49:950 et seq., this appeal shall be taken as in any other civil case.

AUTHORITY NOTE: Promulgation in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgation by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§3919. Further Appeal

A. A person aggrieved by any final judgment rendered by the state district court may obtain a review of said final judgment by appeal to the appropriate circuit court of appeal.

AUTHORITY NOTE: Promulgation in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgation by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§3921. Reinstatement of Suspended or Revoked License

A. The board is authorized to suspend the license of a licensed marriage and family therapist for a period not exceeding two years. At the end of this period, the Board shall re-evaluate the suspension and may reinstate or revoke the license. A person whose license has been revoked may apply for reinstatement after a period of not less than two years from the date such denial or revocation is legally effective.

AUTHORITY NOTE: Promulgation in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgation by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§3923. Declaratory Statements

A. The board upon recommendation of the advisory committee may issue a declaratory statement in response to a request for clarification of the effect of the provisions contained in the Louisiana Mental Health Counselor Licensing Act, R.S. 37:1101 et seq., the rules, regulations, and ethical standards promulgated by the board for the advisory committee.

1. A request for declaratory statement is made in the form of a petition to the Licensed Marriage and Family Therapists Advisory Committee. The petition should include at least:

- a. the name and address of the petitioner;
- b. specific reference to the statute, rule and regulation, or provision of the Code of Ethics to which the petitioner relates; and
- c. a concise statement of the manner in which the petitioner is aggrieved by the statute, rules and regulations, or ethical standards by its potential application to him in which he is uncertain of its effect.

2. The advisory committee shall consider the petition within a reasonable period of time, taking into consideration the nature of the matter and the circumstances involved.

3. The declaratory statement shall be in writing and mailed to the petitioner at the last address furnished to the board.

AUTHORITY NOTE: Promulgation in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgation by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§3925. Injunction

A. The board upon recommendation of the LMFT Advisory Committee may, through the Louisiana attorney general, apply for an injunction in any court of competent jurisdiction to enjoin any person from committing any act declared to be a misdemeanor by R.S. 37, Chapter 13.

B. If it is established that the defendant has been or is committing an act declared to be a misdemeanor by R.S. 37, Chapter 13, the court, may enter a decree enjoining the defendant from further committing such act.

C. In case of violation of any injunction issued under the provision of §1325, a court, or any judges thereof, may summarily try and punish the offender for contempt of court.

D. Such injunctive proceedings shall be in addition to, and not in lieu of, all other penalties and other remedies provided in R.S. 37, Chapter 13.

AUTHORITY NOTE: Promulgation in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgation by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

Chapter 41. Informed Consent

§4101. General Provisions

A. Licensed marriage and family therapists obtain appropriate informed consent to therapy or related procedures before the formal therapeutic process begins. Information provided to clients by licensed marriage and family therapists about the treatment process shall include, but is not limited to, the therapist's statement of practice as

outlined in the Appendix. The therapist should be sure that the client understands all information provided before asking for consent to treatment. The content of informed consent may vary depending on the client and treatment plan; however, informed consent generally necessitates that the client:

1. has the capacity to consent;
2. has been adequately informed of the ethical and practical components of treatment processes and procedures, including but not limited to, the use of audio or video taping, or the use of observers, supervisors, or therapy teams during therapy;
3. has been adequately informed of potential therapy outcomes, including the risks and benefits of treatment, not only for recognized approaches, but also for approaches for which generally recognized standards do not yet exist;
4. has freely and without undue influence expressed consent; and
5. has provided consent that is appropriately documented.

B. When persons, due to age or mental status, are legally incapable of giving informed consent, licensed marriage and family therapists obtain informed permission from a legally authorized person, if such substitute consent is legally permissible.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

Chapter 43. Privileged Communications

§4301 Privileged Communication with Clients

A. Licensed marriage and family therapists disclose to clients and other interested parties, as early as feasible in their professional contacts, the nature of confidentiality in the therapeutic process and possible limitations of the clients' right to confidentiality. Therapists review with clients the circumstances where confidential information may be requested and where disclosure of confidential information may be legally required. Circumstances may necessitate repeated disclosures. Licensed marriage and family therapists also shall be aware of specific ethical requirements concerning licensed marriage and family therapy as specified in the Code of Ethics (Chapter 47) and in §4301.C.

B. Licensed marriage and family therapists do not disclose client confidences except by written authorization or waiver, court order, or where mandated or specifically permitted by law, or reasonably necessary to protect the client or other parties from a clear and imminent threat of serious physical harm. Verbal authorization may be sufficient in emergency situations or where otherwise permitted by law.

C. Licensed marriage and family therapists shall be cognizant of and adhere to any confidentiality requirement that may differ from requirements in other licenses they hold. Licensed marriage and family therapists have unique confidentiality concerns because the client in a therapeutic relationship may be more than one person. Therapists respect and guard the confidences of each individual client within the system of which they are working as well as the confidences of the system.

1. When providing couple, family, or group treatment, a licensed marriage and family therapist shall not disclose information outside the treatment context without a written authorization from each individual competent to execute a waiver.

2. In the context of couple, family, or group treatment, the therapist may not reveal any individual's confidences to others in the client unit without the prior written permission of that individual.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

Chapter 45. Exemptions

§4501. Exemptions

A. No person shall be required to obtain a license as a licensed marriage and family therapist. The practice of marriage and family therapy is not prohibited by Act 1195. As stated in R.S. 37:1122.A, the only prohibition is the use of the title "licensed marriage and family therapist."

B. Nothing in this Chapter shall prevent qualified members of other professional groups as defined by the board upon recommendation of the advisory committee including but not limited to clinical social workers, psychiatric nurses, psychologists, physicians, licensed professional counselors, or members of the clergy, including Christian Science practitioners, from doing or advertising that they perform work of a marriage and family therapy nature consistent with the accepted standards of their respective professions. However, no such person shall use the title "licensed marriage and family therapist." (R.S. 37:1121)

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

Chapter 47. Code of Ethics

§4701. General

A. The Marriage and Family Therapy Advisory Committee strives to honor the public trust in licensed marriage and family therapists by setting the standards for ethical practice as described in this code of ethics.

B. Licensed marriage and family therapists have an obligation to be familiar with this code of ethics and its application to their professional services. They also must be familiar with any applicable ethical codes that govern other licensure that they hold or are responsible for through certification or membership in professional organizations. Lack of awareness or misunderstanding of an ethical standard is not a defense to a charge of unethical conduct.

C. These ethical standards govern the practice of licensed marriage and family therapy and professional functioning of the advisory committee and shall be enforced by the board through the advisory committee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§4703. Resolving Ethical Issues

A. The absence of an explicit reference to a specific behavior or situation in the Code does not mean that the behavior is ethical or unethical. The standards are not exhaustive. Licensed marriage and family therapists shall consult with other licensed marriage and family therapists who are knowledgeable about ethics, with colleagues, with LMFT-approved supervisors, or with appropriate authorities when:

1. they are uncertain if the ethics of a particular situation or course of action is in violation of this code; or
2. provisions in the ethical codes that regulate licensure that they may hold in other professions differs from provisions in this code; or
3. provisions in the ethical codes that regulate their membership or certification in a professional organization differs from provisions in this code.

AUTHORITY NOTE: Promulgated in accordance with R.S.37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§4705. Responsibility to Clients

A. Licensed marriage and family therapists advance the welfare of families and individuals. They respect the rights of those persons seeking their assistance and make reasonable efforts to ensure that their services are used appropriately.

B. Licensed marriage and family therapists provide professional assistance to persons without discrimination on the basis of race, age, ethnicity, socioeconomic status, disability, gender, health status, religion, national origin, or sexual orientation.

C. Licensed marriage and family therapists obtain appropriate informed consent to therapy or related procedures early in the therapeutic relationship, usually before the therapeutic relationship begins, and use language that is reasonably understandable to clients. The licensed marriage and family therapist will provide all clients with a statement of practice subject to review and approval by the advisory committee (See Appendix). The content of informed consent may vary depending upon the therapist's areas of expertise, the client(s) and treatment plan.

1. Informed consent generally necessitates that the client:
 - a. has the capacity to consent;
 - b. has been adequately informed of significant information concerning treatment processes and procedures;
 - i. has been adequately informed of potential risks and benefits of treatments for which generally recognized standards do not yet exist;
 - c. has freely and without undue influence signed a statement of practice.

2. When persons, due to age or mental status, are legally incapable of giving informed consent, licensed marriage and family therapists obtain informed permission from a legally authorized person, if such substitute consent is legally permissible.

D. Licensed marriage and family therapists are aware of their influential positions with respect to clients, and they avoid exploiting the trust and dependency of such persons. Therapists, therefore, make every effort to avoid conditions and multiple relationships with clients that could impair

professional judgment or increase the risk of exploitation. Such relationships include, but are not limited to, business or close personal relationships with a client or the client's immediate family. When the risk of impairment or exploitation exists due to conditions or multiple roles, therapists take appropriate precautions.

E. Sexual intimacy with clients is prohibited.

F. Sexual intimacy with former clients is likely to be harmful and is therefore prohibited for two years following the termination of therapy or last professional contact. In an effort to avoid exploiting the trust and dependency of clients, licensed marriage and family therapists should not engage in sexual intimacy with former clients after the two years following termination or last professional contact. Should therapists engage in sexual intimacy with former clients following two years after termination or last professional contact, the burden shifts to the therapist to demonstrate that there has been no exploitation or injury to the former client or to the client's immediate family.

G. Licensed marriage and family therapists comply with applicable laws regarding the reporting of alleged unethical conduct.

H. Licensed marriage and family therapists do not use their professional relationships with clients to further their own interests.

I. Licensed marriage and family therapists respect the rights of clients to make decisions and help them to understand the consequences of these decisions. Therapists clearly advise the clients that they have the responsibility to make decisions regarding relationships such as cohabitation, marriage, divorce, separation, reconciliation, custody, and visitation.

J. Licensed marriage and family therapists continue therapeutic relationships only so long as it is reasonably clear that clients are benefiting from the relationship.

K. Licensed marriage and family therapists assist persons in obtaining other therapeutic services if the therapist is unable or unwilling, for appropriate reasons, to provide professional help.

L. Licensed marriage and family therapists do not abandon or neglect clients in treatment without making reasonable arrangements for the continuation of such treatment.

M. Licensed marriage and family therapists obtain written informed consent from clients before videotaping, audio recording, or permitting third-party observation.

N. Licensed marriage and family therapists, upon agreeing to provide services to a person or entity at the request of a third party, clarify, to the extent feasible and at the outset of the service, the nature of the relationship with each party and the limits of confidentiality.

AUTHORITY NOTE: In accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated in accordance with the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§4707. Confidentiality

A. Licensed marriage and family therapists have unique confidentiality concerns because the client in a therapeutic relationship may be more than one person. Therapists respect and guard the confidences of each individual client.

B. Licensed marriage and family therapists disclose to clients and other interested parties, as early as feasible in their professional contacts, the nature of confidentiality and

possible limitations of the clients' right to confidentiality. Therapists review with clients the circumstances where confidential information may be requested and where disclosure of confidential information may be legally required. Circumstances may necessitate repeated disclosures.

C. Licensed marriage and family therapists do not disclose client confidences except by written authorization or waiver, or where mandated or permitted by law. Verbal authorization will not be sufficient except in emergency situations, unless prohibited by law, specifically in instances of danger to self or others, suspected child abuse/neglect, elderly abuse/neglect, or disabled adult abuse/neglect. When providing couple, family or group treatment, the therapist does not disclose information outside the treatment context without a written authorization from each individual competent to execute a waiver. In the context of couple, family or group treatment, the therapist may not reveal any individual's confidences to others in the client unit without the prior written permission of that individual.

D. Licensed marriage and family therapists use client and/or clinical materials in teaching, writing, consulting, research, and public presentations only if a written waiver has been obtained in accordance with this section, or when appropriate steps have been taken to protect client identity and confidentiality.

E. Licensed marriage and family therapists store, safeguard, and dispose of client records in ways that maintain confidentiality and in accord with applicable laws and professional standards.

F. Subsequent to the therapist moving from the area, closing the practice, or upon the death of the therapist, a marriage and family therapist arranges for the storage, transfer, or disposal of client records in ways that maintain confidentiality and safeguard the welfare of clients.

G. Licensed marriage and family therapists, when consulting with colleagues or referral sources, do not share confidential information that could reasonably lead to the identification of a client, research participant, supervisee, or other person with whom they have a confidential relationship unless they have obtained the prior written consent obtained in accordance with this section of the client, research participant, supervisee, or other person with whom they have a confidential relationship. Information may be shared only to the extent necessary to achieve the purposes of the consultation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§4709. Professional Competence and Integrity

A. Licensed marriage and family therapists maintain high standards of professional competence and integrity.

B. Licensed marriage and family therapists pursue knowledge of new developments and maintain competence in licensed marriage and family therapy through education, training, or supervised experience.

C. Licensed marriage and family therapists maintain adequate knowledge of and adhere to applicable laws, ethics, and professional standards.

D. Licensed marriage and family therapists seek appropriate professional assistance for their personal problems

or conflicts that may impair work performance or clinical judgment.

E. Licensed marriage and family therapists do not provide services that create a conflict of interest that may impair work performance or clinical judgment.

F. Licensed marriage and family therapists, as presenters, teachers, supervisors, consultants and researchers, are dedicated to high standards of scholarship, present accurate information, and disclose potential conflicts of interest.

G. Licensed marriage and family therapists maintain accurate and adequate clinical and financial records.

H. While developing new skills in specialty areas, licensed marriage and family therapists take steps to ensure the competence of their work and to protect clients from possible harm. Licensed marriage and family therapists practice in specialty areas new to them only after appropriate education, training, or supervised experience.

I. Licensed marriage and family therapists do not engage in sexual or other forms of harassment of clients, students, trainees, supervisees, employees, colleagues, or research subjects.

J. Licensed marriage and family therapists do not engage in the exploitation of clients, students, trainees, supervisees, employees, colleagues, or research subjects.

K. Licensed marriage and family therapists do not give to or receive from clients:

1. gifts of substantial value; or
2. gifts that impair the integrity or efficacy of the therapeutic relationship.

L. Licensed marriage and family therapists do not diagnose, treat, or advise on problems outside the recognized boundaries of their competencies.

M. Licensed marriage and family therapists make efforts to prevent the distortion or misuse of their clinical and research findings.

N. Licensed marriage and family therapists, because of their ability to influence and alter the lives of others, exercise special care when making public their professional recommendations and opinions through testimony or other public statements.

O. To avoid a conflict of interests, licensed marriage and family therapists who treat minors or adults involved in custody or visitation actions may not also perform forensic evaluations for custody, residence, or visitation of the minor. The marriage and family therapist who treats the minor may provide the court or mental health professional performing the evaluation with information about the minor from the marriage and family therapist's perspective as a treating marriage and family therapist, so long as the marriage and family therapist does not violate confidentiality.

P. Licensed marriage and family therapists are in violation of this Code and subject to revocation or suspension of licensure or other appropriate action by the board through the advisory committee if they:

1. are convicted of any felony;
2. are convicted of a misdemeanor related to their qualifications or functions;
3. engage in conduct which could lead to conviction of a felony, or a misdemeanor related to their qualifications or functions;

4. are expelled from or disciplined by professional organizations;

5. have their licenses or certificates suspended or revoked or are otherwise disciplined by other regulatory bodies;

6. continue to practice licensed marriage and family therapy while no longer competent to do so because they are impaired by physical or mental causes or the abuse of alcohol or other substances; or

7. fail to cooperate with the board through the advisory committee at any point from the inception of an ethical complaint through the completion of all proceedings regarding that complaint.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§4711. Responsibility to Students and Supervisees

A. Licensed marriage and family therapists do not exploit the trust and dependency of students and supervisees.

B. Licensed marriage and family therapists are aware of their influential positions with respect to students and supervisees, and they avoid exploiting the trust and dependency of such persons. Licensed marriage and family therapists, therefore, make every effort to avoid conditions and multiple relationships that could impair professional objectivity or increase the risk of exploitation. When the risk of impairment or exploitation exists due to conditions or multiple roles, licensed marriage and family therapists take appropriate precautions.

C. Licensed marriage and family therapists do not provide therapy to current students or supervisees.

D. Licensed marriage and family therapists do not engage in sexual intimacy with students or supervisees during the evaluative or training relationship between the therapist and student or supervisee. Should a supervisor engage in sexual activity with a former supervisee, the burden of proof shifts to the supervisor to demonstrate that there has been no exploitation or injury to the supervisee.

E. Licensed marriage and family therapists do not permit students or supervisees to perform or to hold themselves out as competent to perform professional services beyond their training, level of experience, and competence.

F. Licensed marriage and family therapists take reasonable measures to ensure that services provided by supervisees are professional.

G. Licensed marriage and family therapists avoid accepting as supervisees or students those individuals with whom a prior or existing relationship could compromise the therapist's objectivity. When such situations cannot be avoided, therapists take appropriate precautions to maintain objectivity. Examples of such relationships include, but are not limited to, those individuals with whom the therapist has a current or prior sexual, close personal, immediate familial, or therapeutic relationship.

H. Licensed marriage and family therapists do not disclose supervisee confidences except by written authorization or waiver, or when mandated or permitted by law. In educational or training settings where there are multiple supervisors, disclosures are permitted only to other professional colleagues, administrators, or employers who share responsibility for training of the supervisee. Verbal

authorization will not be sufficient except in emergency situations, unless prohibited by law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§4713. Responsibility to Research Participants

A. Investigators respect the dignity and protect the welfare of research participants, and are aware of applicable laws and regulations and professional standards governing the conduct of research.

B. Investigators are responsible for making careful examinations of ethical acceptability in planning studies. To the extent that services to research participants may be compromised by participation in research, investigators seek the ethical advice of qualified professionals not directly involved in the investigation and observe safeguards to protect the rights of research participants.

C. Investigators requesting participant involvement in research inform participants of the aspects of the research that might reasonably be expected to influence willingness to participate. Investigators are especially sensitive to the possibility of diminished consent when participants are also receiving clinical services, or have impairments which limit understanding and/or communication, or when participants are children.

D. Investigators respect each participant's freedom to decline participation in or to withdraw from a research study at any time. This obligation requires special thought and consideration when investigators or other members of the research team are in positions of authority or influence over participants. Licensed marriage and family therapists, therefore, make every effort to avoid multiple relationships with research participants that could impair professional judgment or increase the risk of exploitation.

E. Information obtained about a research participant during the course of an investigation is confidential unless there is a waiver previously obtained in writing. When the possibility exists that others, including family members, may obtain access to such information, this possibility, together with the plan for protecting confidentiality, is explained as part of the procedure for obtaining informed consent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§4715. Responsibility to the Profession

A. Licensed marriage and family therapists respect the rights and responsibilities of professional colleagues and participate in activities that advance the goals of the profession.

B. Licensed marriage and family therapists remain accountable to the standards of the profession when acting as members or employees of organizations. If the mandates of an organization with which a licensed marriage and family therapist is affiliated, through employment, contract or otherwise, conflict with the LMFT Code of ethics licensed marriage and family therapists make known to the organization their commitment to the LMFT Code of ethics and attempt to resolve the conflict in a way that allows the fullest adherence to the Code of ethics.

C. Licensed marriage and family therapists assign publication credit to those who have contributed to a publication in proportion to their contributions and in accordance with customary professional publication practices.

D. Licensed marriage and family therapists do not accept or require authorship credit for a publication based on research from a student's program, unless the therapist made a substantial contribution beyond being a faculty advisor or research committee member. Coauthorship on a student thesis, dissertation, or project should be determined in accordance with principles of fairness and justice.

E. Licensed marriage and family therapists who are the authors of books or other materials that are published or distributed do not plagiarize or fail to cite persons to who credit for original ideas or work is due.

F. Licensed marriage and family therapists who are the authors of books or other materials published or distributed by an organization take reasonable precautions to ensure that the organization promotes and advertises the materials accurately and factually.

G. Licensed marriage and family therapists participate in activities that contribute to a better community and society, including devoting a portion of their professional activity to services for which there is little or no financial return.

H. Licensed marriage and family therapists are concerned with developing laws and regulations pertaining to licensed marriage and family therapy that serve the public interest, and with altering such laws and regulations that are not in the public interest.

I. Licensed marriage and family therapists encourage public participation in the design and delivery of professional services and in the regulation of practitioners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors, LR 28:

§4717. Financial Arrangements

A. Licensed marriage and family therapists make financial arrangements with clients, third-party payors, and supervisees that are reasonably understandable and conform to accepted professional practices.

B. Licensed marriage and family therapists do not offer or accept kickbacks, rebates, bonuses, or other remuneration for referrals; fee-for-service arrangements are not prohibited.

C. Prior to entering into the therapeutic or supervisory relationship, licensed marriage and family therapists clearly disclose and explain to clients and supervisees:

1. all financial arrangements and fees related to professional services, including charges for canceled or missed appointments;
2. the use of collection agencies or legal measures for nonpayment; and
3. the procedure for obtaining payment from the client, to the extent allowed by law, if payment is denied by the third-party payor.
4. Once services have begun, therapists provide reasonable notice of any changes in fees or other charges.

D. Licensed marriage and family therapists give reasonable notice to clients with unpaid balances of their intent to seek collection by agency or legal recourse. When such action is taken, therapists will not disclose clinical information.

E. Licensed marriage and family therapists represent facts truthfully to clients, third party payors, and supervisees regarding services rendered.

F. Licensed marriage and family therapists ordinarily refrain from accepting goods and services from clients in return for services rendered. Bartering for professional services may be conducted only if:

1. the supervisee or client requests it;
2. the relationship is not exploitative;
3. the professional relationship is not distorted; and
4. a clear written contract is established.

G. Licensed marriage and family therapists may not withhold records under their immediate control that are requested and needed for a client's treatment solely because payment has not been received for past services, except as otherwise provided by law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

§4719. Advertising

A. Licensed marriage and family therapists engage in appropriate informational activities, including those that enable the public, referral sources, or others to choose professional services on an informed basis.

B. Licensed marriage and family therapists accurately represent their competencies, education, training, and experience relevant to their practice of licensed marriage and family therapy.

C. Licensed marriage and family therapists ensure that advertisements and publications in any media (such as directories, announcements, business cards, newspapers, radio, television, Internet, and facsimiles) convey information that is necessary for the public to make an appropriate selection of professional services. Information could include:

1. office information, such as name, address, telephone number, credit card acceptability, fees, languages spoken, and office hours;
2. qualifying clinical degree (see §10(F));
3. other earned degrees (see §10[F]) and state or provincial licensures and/or certifications;
4. licensed marriage and family therapist status; and
5. description of practice.

D. Licensed marriage and family therapists do not use names that could mislead the public concerning the identity, responsibility, source, and status of those practicing under that name, and do not hold themselves out as being partners or associates of a firm if they are not.

E. Licensed marriage and family therapists do not use any professional identification (such as a business card, office sign, letterhead, Internet, or telephone or association directory listing) if it includes a statement or claim that is false, fraudulent, misleading, or deceptive.

F. In representing their educational qualifications, licensed marriage and family therapists list and claim as evidence only those earned degrees:

1. from institutions accredited by regional accreditation sources recognized by the United States Department of Education,

2. from institutions recognized by states or provinces that license or certify licensed marriage and family therapists, or

3. from equivalent foreign institutions.

G Licensed marriage and family therapists correct, wherever possible, false, misleading, or inaccurate information and representations made by others concerning the therapist's qualifications, services, or products.

H. Licensed marriage and family therapists make certain that the qualifications of their employees or supervisees are represented in a manner that is not false, misleading, or deceptive.

I. Licensed marriage and family therapists do not represent themselves as providing specialized services unless they have the appropriate education, training, or supervised experience.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors, LR 28:

§4720. AppendixC Statement of Practice for Licensed Marriage and Family Therapists

A. Each licensed marriage and family therapist/MFT intern in Louisiana shall write statement of practice incorporating the following information to provide to all clients. LMFT's also licensed in other mental health professions may need to add additional information required by that licensure. This statement is subject to review and approval by the advisory committee. Sample statements of practice are available from the board office.

1. Your name, mailing address, and telephone number.

2. Qualifications:

a. degrees earned and institution(s) attended;

b. your LMFT licensure number, noting that the Board of Examiners is the grantor of your license. Include the address and telephone number of the board;

c. other licensure numbers, including the name, address, and telephone number of the grantor;

d. An MFT intern must use this title and include the name and address of his/her approved supervisor and a brief explanation of how supervision affects the therapy provided.

3. Specify the type(s) of clients you serve.

4. Specialty Areas

a. List your specialty areas such as family of origin, parenting, stepfamilies, adolescents, marriage, etc.

b. List your national certifications.

5. What Clients can Expect from Therapy

a. Briefly describe the theoretical orientation and the type of techniques and/or strategies that you use in therapy.

b. Briefly describe your philosophical view of therapy, including clients' input for treatment plans.

c. Briefly describe your general goals and objectives for clients.

6. Note Any Expectations that You Have for Clients

a. For example, clients:

i. must make their own decisions regarding such things as deciding to marry, divorce, separate, reconcile, and how to set up custody and visitation; that is, you may help them understand the consequences of these decisions, but your code of ethics does not allow you to advise a specific decision.

ii. must notify you before beginning therapy of any other ongoing professional mental health relationship or other professional relationship that might impact the therapy

iii. must inform you during the therapy before being seeing another mental health professional or professional in another discipline that might impact the therapy.

iv. are expected to follow through on homework assignments;

v. are expected to inform you on their intake form and during therapy of their general physical health, any medical treatments that may impact their therapy and any medications that they are taking.

7. Code of Ethics

a. State that you are required by state law to adhere to The Louisiana Code of Ethics for Licensed Marriage and Family Therapists; and

b. that a copy is available on request;

c. you might want to specifically note some of the provisions in the Code of Ethics that you would like clients to be aware of.

8. Describe the rules governing privileged communication for Licensed Marriage and Family Therapists:

a. Include instances where confidentiality may be waived. This includes, but is not limited to danger to self or others, suspected child abuse/neglect, elderly abuse/neglect, or disabled adult abuse/neglect.

b. Include the information that when providing couple, family or group treatment, a licensed marriage and family therapist cannot:

i. disclose any information outside the treatment context without a written authorization from each individual competent to execute a waiver; and

ii. may not reveal any individual's confidences to others in the client unit without the prior written permission of that individual.

c. If you audio- or video-tape sessions, include information specific to their use.

d. See Chapter 39 and the Code of Ethics in the Appendix for rules on privileged communication

9. State your policy for emergency client situations.

10. Fees, Office Procedures, Insurance Policies

a. List your fees and describe your billing policies;

b. State your policy on insurance payments.

c. Describe your policy on payments, scheduling and breaking appointments, etc.

11. Adequately inform clients of potential risks and benefits of therapy. For example:

a. clients may realize that they have additional issues that they were not aware of before the therapy as a result of the therapy;

b. making changes through therapy may bring about unforeseen changes in a person's life;

c. individual issues may surface for each spouse as clients work on a marital relationship;

d. making changes in communication and/or ways of interacting with others may produce adverse responses from others;

e. marital or family conflicts may intensify as feelings are expressed;

f. individuals in marital or family therapy may find that spouses or family members are not willing to change.

12. Briefly add any additional information that you believe is important for your clients to be informed about your qualifications and the therapy that you provide.

13. End with a general statement indicating that the client(s) have read and understand the statement of practice, providing spaces for the date, client(s)' signatures, and your signature. MFT Interns need to have a line for their LMFT-approved supervisor's signature.

B. Provide clients with a copy or copies of the signed statement of practice.

C. A Licensed Marriage and Family Therapist/MFT Intern must have a copy of his/her statement of practice on file in the board office. An MFT Intern must include a copy of his/her statement of practice with his/her Registration of Supervision. The Code of Ethics can be duplicated for clients and additional copies are available at www.lpcboard.org or from the board office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 28:

Interested parties may submit written comments to Gary S. Grand, Board Chair, Licensed Professional Counselors Board of Examiners, 8631 Summa Avenue, Baton Rouge, LA, 70809. Written comments will be accepted through October 10, 2002. A public hearing will be held on October 29, 2002, 5 p.m., Central State Hospital, West Shamrock, Building 14, Room 127, Pineville, LA.

Gary S. Grand
Board Chair

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Licensure of Licensed Professional Counselors and Licensed Marriage and Family Therapists

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

There will be a one-time implementation cost of \$3,875 that includes the cost of promulgating the rules (\$2,000), legal fees (\$425), postage (\$510), forms (\$40), licenses (\$500) and staff time (\$400). Additional expenses associated with the reimbursement of board and advisory committee members for travel, incidental, and clerical expenses incurred while engaged in official board activities are estimated to be \$9,000 for FY 02-03; \$13,000 for FY 03-04; and \$13,000 for FY 04-05. The cost will be absorbed within the budget of the Licensed Professional Counselors (LPC) Board. There will be no impact to other state or local governmental units.

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

Additional revenues from initial licensure (approximately 250 individuals) and renewals every 2 years to be collected by the board are forecasted to be \$55,000 in FY 02-03; \$5,000 in FY 03-04; and \$42,500 in FY 04/05. There will be no impact to other state or local governmental units.

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

Additional cost for LPCs and Licensed Marriage and Family Therapists (LMFTs) should be as follows: \$200 for Applicant fees; \$100 for Registration for Supervision fee; \$150 for Renewal of License fee; \$50 for Late Fees; \$50 for Name Change/Duplicate License fee; and \$25 for Copy of File fee.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule will generate a new licensed professional category, thus, increasing the opportunity for employment for those who qualify. Individuals wishing to be licensed through the "grandfathering" process will realize an economic advantage by not having to comply with more stringent licensing qualifications.

Lin Falcon
Administrative Assistant
0209#052

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Office of the Secretary Bureau of Community Supports and Services

Home and Community Based Services Waivers Provider Enrollment Requirement

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

Under the provisions of Section 1915(c) of the Social Security Act, states may provide services not generally reimbursable by Medicaid to groups of individuals in the community who meet the qualifications for institutional care. Such programs are known as Home and Community Based Services Waiver Programs.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services currently administers five Home and Community Based Services Waiver Programs: the Elderly and Disabled Adult Waiver, the Mentally Retarded/Developmental Disabilities (MD/DD) Waiver, the Children's Choice Waiver, the Personal Care Attendant Waiver, and the Adult Day Health Care Waiver.

Participation by service providers in these programs is voluntary. Knowledge of the waiver populations as well as the supports and services available in the community and from the Bureau of Community Supports and Services is considered crucial for the effective delivery of services by these providers. Act 13 of the 2002 Regular Session of the Louisiana Legislature authorizes the Department of Health and Hospitals to suspend the enrollment of new private MR/DD waiver service providers until such time as it has completed drafting the minimum qualifications and standards of performance expected of such providers. In

order to increase provider knowledge of available supports and services and ensure the quality of services rendered, the department adopted an Emergency Rule requiring attendance at the BCSS provider enrollment orientation sessions prior to enrollment as a Medicaid provider of services for certain designated waivers (*Louisiana Register*, Volume 28, Number 8). The department now proposes to adopt a Rule to continue the provisions of the August 4, 2002 Emergency Rule.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this Rule will have a positive impact on family functioning as described in R.S. 49:972, since it will enhance provider knowledge and service quality

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services adopts the following provisions governing participation as a Medicaid provider in designated Home and Community Based Services Waivers.

Attendance at a provider enrollment orientation shall be required prior to enrollment as a Medicaid provider of services under the following waivers:

1. the Elderly and Disabled Adult Waiver;
2. the Mental Retardation/Developmental Disabilities Waiver; and
3. the Children's Choice Waiver.

The frequency of the provider enrollment orientations shall be determined by the Bureau of Community Supports and Services, but they shall be conducted at least semi-annually.

Interested persons may submit written comments to Barbara Dodge at the Bureau of Community Supports and Services, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, October 29, 2002 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views, or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Home and Community Based Services Waivers Provider Enrollment Requirement

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

It is anticipated that there will be no estimated costs to the state as a result of implementation of this proposed Rule. It is anticipated that \$216 (\$108 SGF and \$108 FED) will be expended in SFY 2002-03 for the state's administrative expense for promulgation of this proposed Rule and the final Rule.

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

It is anticipated that implementation of this proposed Rule will have no effect on federal revenue collections.

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

The implementation of this proposed Rule may have an economic cost to prospective waiver services providers as it will require attendance at a provider orientation (approximately a 6.5-hour course) prior to enrollment as a Medicaid provider. However, there should be a positive effect for the families as waiver providers will be better trained and informed about waiver supports and services prior to enrolling in Medicaid.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Ben A. Bearden
Director
0209#085

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Office of the Secretary Bureau of Community Supports and Services

Mentally Retarded/Developmentally Disabled Waiver Supervised Independent Living

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

The Department of Health and Hospitals, Bureau of Community Supports and Services provides reimbursement for Supervised Independent Living (SIL) services under the Mentally Retarded/Developmentally Disabled (MR/DD) Waiver. SIL services include comprehensive plan of care development, implementation and monitoring; training; consultation and companion services. An Emergency Rule was adopted in July of 1995 to revise the reimbursement methodology for SIL services (*Louisiana Register*, Volume 21, Number 7), and it was subsequently repealed in October of 1995 (*Louisiana Register*, Volume 21, Number 10). As a result of allocation of additional funds by the legislature during the 2001 Regular Session, a rule was adopted to increase the reimbursement rates for SIL day and night companion services (*Louisiana Register*, Volume 27, Number 11).

During the 2002 Regular Session, the legislature again allocated additional funds for SIL services. In compliance with Act 13 of the 2002 Regular Session, the Bureau of Community Supports and Services adopted an Emergency Rule to increase the reimbursement rate for a certain designated procedure code for SIL services (*Louisiana Register*, Volume 28, Number 8). The department now proposes to adopt a Rule to continue the provisions of the July 18, 2002 Emergency Rule.

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

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services increases the Supervised Independent Living per diem rate as follows:

Procedure Code	Name	Current Rate	New Rate
Z0006	SIL Per Diem	\$22.76	\$34.98

Interested persons may submit written comments to Barbara Dodge at the following address: Bureau of Community Supports and Services, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, October 29, 2002 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, LA. At that time, all interested persons will be afforded an opportunity to submit data, views, or arguments either orally or in writing. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Mentally Retarded/Developmentally Disabled WaiverC Supervised Independent Living**

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

It is anticipated that the implementation of this proposed Rule will increase state program costs by approximately \$1,455,263 for SFY 2002-03, \$1,574,961 for SFY 2003-04, and \$1,622,209 for SFY 2004-05. It is anticipated that \$162 (\$81 SGF and \$81 FED) will be expended in SFY 2002-2003 for the state's administrative expense for promulgation of this proposed Rule and the final Rule.

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

It is anticipated that the implementation of this proposed Rule will increase federal revenue collections by approximately \$3,569,699 for SFY 2002-03, \$3,863,439 for SFY 2003-04, and \$3,979,343 for SFY 2004-05.

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

Implementation of this proposed Rule will increase expenditures (approximately 54 percent in the per diem rate) to providers of Supervised Independent Living services by approximately \$5,024,800 for SFY 2002-03, \$5,438,400 for SFY 2003-04, and \$5,601,552 for SFY 2004-05.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed Rule that increases reimbursement rates by 54 percent could increase provider participation and/or competition for clients in the Supervised Independent Living Program.

Ben A. Bearden
Director
0209#086

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

**Emergency Medical Transportation Program
Emergency Ambulance Services
Reimbursement Increase**

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing provides reimbursement for emergency ambulance transportation services. Reimbursement for these services is the base rate established by the bureau minus the amount which any third party coverage would pay. As a result of the allocation of additional funds by the legislature during the 2001 Regular Session, the bureau increased the reimbursement for certain designated procedure codes for emergency ambulance transportation services by 1.4 percent (*Louisiana Register*, Volume 27, Number 11).

As a result of the allocation of additional funds by the legislature during the 2002 Regular Session, the bureau adopted an Emergency Rule to increase the reimbursement for certain designated procedure codes for emergency ambulance transportation services by either 5 percent or 6 percent (*Louisiana Register*, Volume 28, Number 7). The bureau now proposes to adopt a Rule to continue the provisions contained in the July 6, 2002 Emergency Rule.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of the family has been considered. This proposed Rule has no known impact on family functioning, stability, or autonomy as described in R.S. 43:972.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing increases the reimbursement for the following designated procedure codes for emergency ambulance transportation services by 5 percent.

A0427	ALS-Emergency
A0433	ALS2
A0434	Speciality care transport

Reimbursement for the following designated procedure code for emergency ambulance transportation services will be increased by 6 percent.

A0425	Ground mileage
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Implementation of the provisions of this Rule shall be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

Interested persons may submit written comments to Ben A. Bearden at the Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to all inquiries regarding this Rule. A public hearing on this proposed Rule is scheduled for Tuesday, October 29, 2002 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views, or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Emergency Medical Transportation
Program C Emergency Ambulance
Services C Reimbursement Increase**

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

It is anticipated that the implementation of this proposed Rule will increase state program costs by approximately \$447,413 for SFY 2002-03, \$468,562 for SFY 2003-04, and \$482,618 for SFY 2004-05. It is anticipated that \$162 (\$81 SGF and \$81 FED) will be expended in SFY 2002-2003 for the state's administrative expense for promulgation of this proposed Rule and the final Rule.

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

It is anticipated that the implementation of this proposed Rule will increase federal revenue collections by approximately \$1,097,404 for SFY 2002-03, \$1,149,399 for SFY 2003-04, and \$1,183,881 for SFY 2004-05.

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

This Rule will result in an increase in reimbursement (5 percent to 6 percent) for certain designated procedure codes to providers of emergency ambulance transportation. Implementation of this proposed Rule will increase payments to providers of emergency ambulance transportation services by approximately \$1,544,655 for SFY 2002-03, \$1,617,961 for SFY 2003-04, and \$1,666,499 for SFY 2004-05.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Ben A. Bearden
Director
0209#083

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

**Medicaid Eligibility
Family Practice Examination**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt the following Rule in the Medical Assistance Program as authorized by R.S. 34:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing is the single state agency responsible for the administration of the Medicaid Program, including the determination of eligibility. Eligibility for the Medicaid Program is limited to certain groups of individuals as authorized by Congress. Specific requirements must be met in order to qualify as a member of these groups. Categorical eligibility for members of certain groups is based on a medical determination of a physical or mental defect, illness, or impairment meeting established criteria. Medical documentation obtained from licensed physicians, clinics, hospitals, and other sources is reviewed in making this eligibility determination. If documentation is not available for the medical eligibility determination, the bureau may assist the applicant by providing reimbursement to an enrolled Medicaid provider for a medical examination. The bureau has determined that it is necessary to increase the reimbursement for family practice examinations in order to ensure continued access to medical examinations for those applicants who do not have medical documentation.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability, or autonomy as described in R.S. 49:972 as it will assist applicants who have no other means to obtain the medical documentation necessary for the determination of Medicaid eligibility.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing increases the reimbursement fee for the family practice examination to \$100. The family practice examination consists of a medical examination and a written report describing the Medicaid applicant's medical condition. Reimbursement is only available to Medicaid enrolled physicians, clinics, and

hospitals. Providers shall be notified of future changes to the reimbursement fee for the family practice examination by means of a Potpourri published in the *Louisiana Register*.

Interested persons may submit written comments to Ben A. Bearden at Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to all inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, October 29, 2002 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views, or arguments either orally or in writing. The deadline for written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

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

**RULE TITLE: Medicaid EligibilityC Family Practice
Examination**

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

It is anticipated that implementation of this proposed Rule will increase state program costs by approximately \$226 for SFY 2002-2003 and \$290 for SFYs 2003-2004 and 2004-2005. Requests for medical examinations are rare and none were performed in SFY 2001-2002. It is anticipated that \$162 (\$81 SGF and \$81 FED) will be expended in SFY 2002-03 for the state's administrative expense for promulgation of this proposed Rule and the final Rule.

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

It is anticipated that implementation of this proposed Rule will increase federal revenue collections by approximately \$436 for SFY 2002-2003, and \$710 for SFYs 2003-2004 and 2004-2005.

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

It is anticipated that the implementation of this proposed Rule will have an economic benefit to directly affected persons as they will not have to incur the expense of obtaining the medical documentation necessary for the eligibility determination process. Implementation of this proposed Rule will increase expenditures to providers of family practice examinations (less than 10 per year) by approximately \$500 in SFY 2002-2003, and \$1000 in SFYs 2003-2004 and 2004-2005.

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

There is no known effect on competition and employment.

Ben A. Bearden
Director
0209#080

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Nursing Facilities
Reimbursement Methodology
Minimum Data Set Verification
(LAC 50:VII.1301, 1303, 1313 and 1315)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to amend LAC 50:VII.1301 and 1303 and to adopt new provisions under the Medical Assistance Program as authorized by R.S. 46:2742 and R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted a Rule establishing a system of prospective payment for nursing facilities based on recipient care needs that incorporated acuity measurements as determined under the Resource Utilization Group III (RUG III) resident classification methodology (*Louisiana Register*, Volume 28, Number 6). This system established a facility specific price for the Medicaid nursing facility residents served. It also provided for enhanced reimbursement for Medicaid residents who require skilled nursing services for an infectious disease and technology dependent care. The bureau has determined that it is necessary to amend the June 20, 2002 Rule by incorporating new definitions and revising current definitions in §1301 as well as revising the provisions governing the submission of cost reports in §1303. In addition, the bureau proposes to adopt provisions governing verification of minimum data set (MDS) assessments and the appeal process for dispute of MDS review findings.

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

Title 50

PUBLIC HEALTHC MEDICAL ASSISTANCE

Part VII. Long Term Care Services

Subpart 1. Nursing Facilities

Chapter 13. Reimbursement

§1301. Definitions

Calendar Quarter^{Ca} three-month period beginning January 1, April 1, July 1, or October 1.

Case Mix Index^{Ca} numerical value that describes the resident's relative resource use within the groups under the Resource Utilization Group (RUG-III) classification system

prescribed by the department based on the resident's MDS assessment. Two average CMIs will be determined for each facility on a quarterly basis, one using all residents (the facility average CMI) and one using only Medicaid residents (the Medicaid average CMI).

Delinquent MDS Resident Assessment Can MDS assessment that is more than 121 days old, as measured by the R2b date field on the MDS.

Minimum Data Set (MDS) A core set of screening and assessment data, including common definitions and coding categories, that form the foundation of the comprehensive assessment for all residents of long term care facilities certified to participate in the Medicaid program. The items in the MDS standardize communication about resident problems, strengths, and conditions within facilities, between facilities, and between facilities and outside agencies. The Louisiana system will employ the MDS 2.0 or subsequent revisions as approved by the Center for Medicare and Medicaid Services.

MDS Supportive Documentation Guidelines The department's publication of the minimum medical record documentation guidelines for the MDS items associated with the RUG-III classification system. These guidelines shall be maintained by the department and updated and published as necessary.

On-Site MDS Review A systematic official verification, including the final written report of the examination of original medical record documentation supporting resident assessment data.

Point-in-Time A report that reflects the residents in the facility on the last day of the previous calendar quarter.

RUG-III Resident Classification System The resource utilization group used to classify residents. When a resident classifies into more than 1 RUG-III group, the RUG-III group with the greatest CMI will be utilized to calculate the facility average CMI and Medicaid average CMI.

Unsupported MDS Resident Assessment Can assessment where one or more data items that are used to classify a resident pursuant to the RUG-III, 34-group, resident classification system is not supported according to the MDS supporting documentation guidelines and a different RUG-III classification would result in order for the MDS assessment to be considered "unsupported."

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 46:2742, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1473 (June 2002), amended LR 28:1790 (August 2002), LR 28:

§1303. Cost Reports

A.1. - 4. ...

B. Cost reports must be prepared in accordance with the cost reporting instructions adopted by the Medicare Program and using the definition of allowable and non allowable cost contained in the Medicare/Medicaid provider reimbursement manual, with the following exceptions.

1. Cost reports must be submitted annually. The due date for filing annual cost reports is the last day of the fifth month following the facility's fiscal year end.

2. There shall be no automatic extension of the due date for the filing of cost reports. If a provider experiences unavoidable difficulties in preparing its cost report by the prescribed due date, one 30-day extension may be permitted, upon written request submitted to the Medicaid Program prior to the due date. The request must explain in detail why the extension is necessary. Extensions beyond 30 days may be approved for situations beyond the facility's control. An extension will not be granted when the provider agreement is terminated or a change in ownership occurs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 46:2742, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1473 (June 2002), amended LR 28:1790 (August 2002), LR 28:

§1313. Verification of Minimum Data Set Assessments

A. The department or its contractor shall provide each nursing facility with a point-in-time preliminary case mix index (CMI) report by approximately the fifteenth day of the second month following the beginning of a calendar quarter. This preliminary CMI report will serve as notice of the MDS assessments transmitted and provide an opportunity for the nursing facility to correct and transmit any missing MDS assessments or tracking records or apply the CMS correction policy where applicable. The department or its contractor shall provide each nursing facility with a final CMI report utilizing MDS assessments after allowing the facilities a reasonable amount of time to process their corrections (approximately two weeks).

1. If the department or its contractor determines that a nursing facility has delinquent MDS resident assessments, for purposes of determining both average CMIs, such assessments shall be assigned the case mix index associated with the RUG-III group "BC1-Delinquent." A delinquent MDS shall be assigned a CMI value equal to the lowest CMI in the RUG-III classification system.

B. The department or its contractor shall periodically review the MDS supporting documentation maintained by nursing facilities for all residents, regardless of payer type. Such reviews shall be conducted as frequently as deemed necessary by the department. The department shall notify facilities of the MDS reviews not less than two business days prior to the start of the MDS review date and a fax, electronic mail or other form of communication will be provided to the administrator and MDS coordinator on the same date identifying documentation that will be required to be available at the start of the on-site MDS review.

1. The department or its contractor shall review a sample of MDS resident assessments equal to the greater of 20 percent of the occupied bed size of the facility or 10 assessments and shall include those transmitted assessments posted on the most current point-in-time report. The MDS review will determine the percentage of assessments in the sample that are unsupported MDS resident assessments. The department may review additional or alternative MDS assessments, if it is deemed necessary.

2. When conducting the MDS reviews, the department or its contractor shall consider all MDS supporting documentation that is provided by the nursing facility and is available to the RN reviewers prior to the exit conference. MDS supporting documentation that is provided by the

nursing facility after the exit conference shall not be considered for the MDS review.

3. Upon request by the department or its contractor, the nursing facility shall be required to produce a computer-generated copy of the transmitted MDS assessment which shall be the basis for the MDS review.

4. After the close of the MDS review, the department or its contractor will submit an MDS review findings report to the facility within 10 business days following the exit conference.

5. The following corrective action will apply to those facilities with unsupported MDS resident assessments identified during an on-site review.

a. If the percentage of unsupported assessments in the initial on-site review sample is greater than 25 percent, the sample shall be expanded to include another 20 percent of remaining resident assessments.

b. If the percentage of unsupported assessments in the total sample is equal to or less than the threshold percentage as shown in column (B) of the table in Subparagraph d below, no corrective action will be applied.

c. If the percentage of unsupported assessments in the total sample is greater than the threshold percentage as shown in column (B) of the table in Subparagraph d below, the RUG-III classification shall be recalculated for the unsupported MDS assessments based upon the available documentation obtained during the review process. The facility's CMI and resulting Medicaid rate shall be recalculated for the quarter in which the point-in-time roster was used to determine the Medicaid rate. A follow-up review process described in Subparagraphs d and e may be utilized at the discretion of the department.

d. Those providers exceeding the thresholds [see column (B) of the table in Subparagraph e] during the initial on-site review will be given 90 days to correct their assessing and documentation processes. A follow-up MDS review may be performed at the discretion of the Department at least 30 days after the facility's 90-day correction period. The department shall notify the facility not less than two business days prior to the start of the MDS review date. A FAX, electronic mail, or other form of communication will be provided to the administrator and MDS coordinator on the same date identifying documentation that must be available at the start of the on-site MDS review.

e. After the follow-up MDS review, if the percentage of unsupported assessments in the total sample is greater than the threshold percentage as shown in column (B) of the following table, the RUG-III classification shall be recalculated for the unsupported MDS assessments based upon the available documentation obtained during the review process. The facility's CMI and resulting Medicaid rate shall be recalculated for the quarter in which the point-in-time roster was used to determine the Medicaid rate. In addition, facilities found to have unsupported MDS resident assessments in excess of the threshold in Column (B) of the table below may be required to enter into an MDS Documentation Improvement Plan with the department of Health and Hospitals. Additional follow-up MDS reviews may be conducted at the discretion of the department.

Effective Date (A)	Threshold Percent (B)
January 1, 2003	Educational
January 1, 2004	40%
January 1, 2005	35%
January 1, 2006	25%

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 46:2742, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:

§1315. Appeal Process

A. If the facility disagrees with the review findings, a written request for an informal reconsideration must be submitted to the department or its contractor within 15 business days of the facility's receipt of the MDS review findings report. Otherwise, the results of the MDS review findings report are considered final and not subject to appeal. The department or its contractor will review the facility's informal reconsideration request within 10 business days and will send written notification of the final results of the reconsideration to the facility. No appeal of findings will be accepted until after communication of final results of the informal reconsideration process.

B. The provider has the right to request an appeal within 30 days of the written notice of the results of the informal reconsideration. Such request must be in writing to the Appeals Section. The request must contain a statement and be accompanied by supporting documents setting forth with particularity those asserted discrepancies which the provider contends are in compliance with the agency's regulations and the reasons for such contentions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 46:2742, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:

Implementation of the provisions of this Rule shall be contingent upon the approval of the State Plan amendment by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

Interested persons may submit written comments to Ben A. Bearden at the Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, October 29, 2002 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

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

**RULE TITLE: Nursing Facilities C Reimbursement
Methodology C Minimum Data Set Verification**

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

It is anticipated that the implementation of this proposed Rule will increase state program costs by approximately \$10,786 for SFY 2002-03, \$21, 552 for SFY 2003-04, and \$22,198 for SFY 2004-05. It is anticipated that \$648 (\$324 SGF and \$324 FED) will be expended in SFY 2002-2003 for the state's administrative expense for promulgation of this proposed Rule and the final Rule.

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

It is anticipated that the implementation of this proposed Rule will increase federal revenue collections by approximately \$10,786 for SFY 2002-03, \$21,552 for SFY 2003-04, and \$22,198 for SFY 2004-05.

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

This proposed Rule is being adopted to clarify and enhance the new reimbursement methodology. Implementation of this proposed Rule will result in an increase in expenditures for the administrative cost for implementation of this proposed Rule of approximately \$21,572 for SFY 2002-03, \$43,103 in 2003-04, and \$44,397 in SFY 2004-05.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Ben A. Bearden
Director
0209#081

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Medical Transportation Services
Non-Emergency Ambulance Services
Reimbursement Increase

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing provides reimbursement for non-emergency ambulance transportation services. Reimbursement for these services is the base rate established by the bureau minus the amount which any third party coverage would pay. As a result of the allocation of additional funds by the legislature during the 2001 Regular Session, the bureau adopted a Rule to increase the reimbursement for certain designated procedure codes for non-emergency ambulance transportation services (*Louisiana Register*, Volume 27, Number 11).

During the 2002 Regular Session, the legislature again allocated additional funds for non-emergency ambulance transportation services. In compliance with Act 13 of the 2002 Regular Session, the bureau adopted an Emergency Rule increasing the reimbursement for certain designated procedure codes for non-emergency ambulance transportation services (*Louisiana Register*, Volume 28, Number 7). The bureau now proposes to adopt a Rule to continue the provisions of the July 1, 2002 Emergency Rule.

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

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing increases the reimbursement for certain designated procedure codes for non-emergency ambulance transportation services to the following rates:

A0426	ALS non-emergency transport	\$178.26
A0428	BLS non-emergency transport	\$178.26
Z5100	Transfer, loaded miles, BLS, 1st trip	\$178.26
Z5101	Transfer, loaded miles, ALS, 1 st trip	\$178.26

Implementation of the provisions of this Rule shall be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

Interested persons may submit written comments to Ben A. Bearden at the Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to all inquiries regarding this Rule. A public hearing on this proposed Rule is scheduled for Tuesday, October 29, 2002 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views, or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

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

RULE TITLE: Medical Transportation Services C Non-Emergency Ambulance Services C Reimbursement Increase

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

It is anticipated that the implementation of this proposed Rule will increase state program costs by approximately \$268,310 for SFY 2002-03, \$276,275 for SFY 2003-04, and \$284,564 for SFY 2004-05. It is anticipated that \$162 (\$81 SGF and \$81 FED) will be expended in SFY 2002-2003 for the state's administrative expense for promulgation of this proposed Rule and the final Rule.

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

It is anticipated that the implementation of this proposed Rule will increase federal revenue collections by approximately \$658,056 for SFY 2002-03, \$677,715 for SFY 2003-04, and \$698,046 for SFY 2004-05.

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

This Rule will result in an increase in the reimbursement (16.7 percent) paid to providers of non-emergency ambulance transportation for certain designated procedure codes. Implementation of this proposed Rule will increase payments to providers of non-emergency transportation services by approximately \$926,204 for SFY 2002-03, \$953,990 for SFY 2003-04, and \$982,610 for SFY 2004-05.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Ben A. Bearden
Director
0209#084

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Insurance
Office of the Commissioner**

**Regulation 78C Policy Form Filing Requirements
(LAC 37:XIII.Chapters 59 and 101)**

Under the authority of Louisiana Revised Statutes Title 22, R.S. 49:950 et seq. and R.S. 22:620.A, the Department of Insurance is proposing to adopt the following Rule to establish reasonable requirements for *insurers* who seek to file insurance products in this state for approval. This Rule is necessary to provide for the uniform and practicable administration of the form filing, review and approval requirements of the Louisiana Insurance Code and to assist all *insurers* doing business in the State of Louisiana in complying with the form filing, review and approval requirements of the Louisiana Insurance Code.

Existing Chapter 59, Regulation 15C Rules, Rates, and Forms (By Lines) of the Department of Insurance is to be repealed in its entirety as of the effective date of this proposed regulation.

**Title 37
INSURANCE**

Part XIII. Regulations

**Chapter 59. Regulation 15C Rules, Rates, and Forms
(By Lines)**

§5901. Filing Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, October 1, 1958, repealed LR 28:

**Chapter 101. Regulation 78C Policy Form Filing
Requirements**

§10101. Purpose

A. The purpose of this regulation is:

1. to provide for the uniform and practicable administration of the form filing, review and approval requirements of the Louisiana Insurance Code;

2. to clarify the disparate provisions of R.S. 22:620.B;
3. to further protect the interests of insurance consumers and the public through improvements to the form filing, review and approval processes; and,

4. to assist all *insurers* doing business in the State of Louisiana in complying with the form filing, review and approval requirements of the Louisiana Insurance Code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and *Directive 169*.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 28:

§10103. Authority

A. This regulation is adopted pursuant to RS 22:3.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and *Directive 169*.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 28:

§10105. Applicability and Scope; Severability

A. This regulation applies to all *insurers* doing business in the State of Louisiana subject to the form filing, review and approval provisions of the Louisiana Insurance Code.

B. If any provision of this regulation, or its application to any person or circumstance, is held invalid, such determination shall not affect other provisions or applications of this regulation which can be given effect without the invalid provision or application, and to that end, the provisions of this regulation are severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and *Directive 169*.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 28:

§10107. Filing and Review of Health Insurance Policy

Forms and Related Matters

A. Definitions. As used in this Section, the following terms shall have the meaning or definition as indicated herein.

Affirmative Approval Department approval, as a result of the department taking action, following *compliance review* of a complete filing, or a filing pursuant to Section 4 D hereof.

Association Can organization legally formed for purposes other than the procurement of insurance and, depending upon the particular insurance products in question, meeting the requirements of R.S. 22:215 A(1)(a)(iv), or R.S. 22:215 A(4)(a), or R.S. 22:250.1(5)(b), or R.S. 22:1734(4), whichever is applicable.

Basic Insurance Policy Form Can insurance contractual agreement delineating the terms, provisions and conditions of a particular insurance product. It includes certificates of coverage and any other evidence of coverage, subscriber agreements, application forms where written application is required and is to be attached to the policy or be a part of the contract, and any life or health and accident rider or endorsement form. It does not include policies, riders, or endorsements designed, at the request of the individual policyholder, contract holder, or certificate holder, to delineate insurance coverage upon a particular subject or which relate to the manner of distribution of benefits or to the reservation of rights and benefits under such policy.

Certification of Compliance Certification by an *insurer*, executed by an officer or authorized representative of the *insurer* on a form prescribed by the department, that upon knowledge and belief a filing is complete and in compliance

with all applicable statutes, and rules and regulations promulgated by the department. A *Certification of Compliance* must be included with any filing for *certified approval*.

Certified Approval Expedited approval by the department of a complete filing based upon the inclusion of a *Statement of Compliance* and a *Certification of Compliance*, executed by an officer or authorized representative of the filing *insurer* on a form prescribed by the department. The department shall by *directive* determine those specific types of coverages and particular types of contracts for which the *certified approval* procedure is either required or available at the option of the *insurer*.

Complete Filing the filing of a single insurance product, including any required filing fees, a basic insurance policy form, application form and supplemental application form, if any, to be attached to the policy or be a part of the contract, any life or health and accident rider or endorsement forms, all items required under Subsection C hereof, "General Filing Requirements", and any other requirements as may be set forth in the applicable *Statement of Compliance*.

Compliance Audit a retrospective review conducted by the department of previously approved basic insurance policy forms to determine compliance with applicable law.

Compliance Review department review of a filing made pursuant to this Section to determine either that the filing is in compliance with all applicable statutes, rules and regulations, or that the filing should be disapproved for noncompliance.

Deemed Approval approval of a *complete filing* based upon notice, as provided herein, made to the department by the filing *insurer*, following expiration of the specific time periods as provided herein, where affirmative approval has not been granted and the filing has not been disapproved by the department.

Department the Louisiana Department of Insurance, and includes the Commissioner of Insurance.

Endorsement a written agreement attached to an insurance product to add or subtract coverage, or otherwise modify the product.

Insurance Product a basic insurance policy form delineating the terms, provisions and conditions of a specific type of coverage under a particular type of contract.

Insurer every person engaged in the business of making contracts of insurance, as further defined in R.S. 22:5. As used in this Section, *insurer* shall also include fraternal benefit societies and health maintenance organizations.

Method of Marketing marketing either through independent or captive agents; telephone, e-mail or direct mail solicitation; groups, organizations, associations or trusts; and/or the Internet.

Required Filing Fee the fee assessed per product or filing pursuant to state insurance law.

Rider an endorsement to an insurance product that modifies clauses and provisions of the product, including adding or excluding coverage.

Statement of Compliance a form prescribed by the department, detailing the requirements specific to a particular form of coverage and contract type.

Trust a fund established by an employer, two or more employers in the same industry, a labor union, or an association, pursuant to a trust instrument which transfers title to property and/or funds to one or more trustees to be administered as fiduciaries for the benefit of others, pursuant to R.S. 22:215 A.(1).

B. Filing Required

1. Pursuant to R.S. 22:620.A, no basic insurance policy form, or application form where written application is required and is to be attached to the policy or be a part of the contract, or printed rider or endorsement form, may be issued or delivered in this state unless and until it has been filed with and approved by the commissioner of insurance. This requirement also applies to any group health or accident insurance policy covering residents of Louisiana, regardless of where issued or delivered. Every page of each such form, including rider and endorsement forms, filed with the department must be identified by a form number in the lower left corner of the page.

2. A Health and Accident Transmittal Document must accompany every filing, describing the items included in the filing, the insurance product for which the filing is being made, and the method of marketing to be used for the product. If the filing will include life insurance to be offered as an optional benefit under the base health insurance contract, the policy forms should be submitted in triplicate, notwithstanding the provisions of Paragraph C.2 hereof, and include the appropriate *Statement of Compliance* for said life insurance product.

C. General Filing Requirements

1. The department shall designate, by *directive*, those insurance products which must be filed pursuant to the requirements for *certified approval* as set forth in Subsection F hereof, "Time Periods and Requirements for Certified Approval of Policy Form Filings." A directive issued pursuant to this Subsection may also designate those insurance products which may, at the discretion of the *insurer*, be filed either pursuant to said requirements for Certified Approval, or as ordinary filings subject to review as set forth in Subsection E hereof. All insurance products not so designated shall be filed pursuant to the requirements for Compliance Review as set forth in Subsection E hereof, "Time Periods and Requirements for Compliance Review of Basic Insurance Policy Forms".

2. Other than as specified in Subsection D hereof, "Exceptions", only complete filings will be accepted, whether by mail or as otherwise authorized. In order for the department to conduct a proper compliance review or compliance audit of an insurance product, all items associated therewith must be included. A filing will be determined incomplete and will be disapproved if it does not contain all applicable items.

a. All filings of an insurance product must include, in final wording, the following items, in order:

- i. required filing fee, per insurance product, per insurance company;
- ii. completed Health and Accident Transmittal Document, as prescribed by the department;
- iii. *Statement of Compliance* for said product;
- iv. policy forms filed for approval, in duplicate;
- v. application form, in duplicate;
- vi. rider or endorsement forms, in duplicate;

vii. copies of any sample identification card intended for issue to covered persons, in duplicate;

viii. initial premium rates and classification of risks; and

ix. stamped, self-addressed envelope of sufficient size for use in returning the company's set of the policy forms filed, unless filed electronically.

c. Filings of policy forms for one or more standardized Medicare Supplement insurance plans, or one or more standardized Medicare Select insurance plans, shall be considered a filing of one insurance product per *insurer*. Such filings must include, in final wording, the following items, in order:

i. required filing fee, per insurance product, per insurance company;

ii. required filing fee for premium rates, rating schedule and supporting documentation; and required filing fee for advertisements;

iii. completed Health and Accident Transmittal Document, as prescribed by the department;

iv. *Statement of Compliance* for said product;

v. policy forms filed for approval, in duplicate;

vi. outline of coverage, in duplicate;

vii. application form, in duplicate;

viii. replacement notice, in duplicate;

ix. rider or endorsement forms, in duplicate;

x. proposed plan of operation, as set forth in LAC 37:XIII.525.E for Medicare Select insurance plans, in duplicate;

xi. premium rates, rating schedule, and supporting documentation, in duplicate;

xii. any new related advertising as defined in Rule 3A, §4, in duplicate; and,

xiii. stamped, self-addressed envelope of sufficient size for use in returning the company's set of the policy forms filed, unless filed electronically.

c. Filings of policy forms for Long Term Care insurance must include, in final wording, the following items, in order:

i. required filing fee, per insurance product, per insurance company;

ii. completed Health and Accident Transmittal document, as prescribed by the department;

iii. *Statement of Compliance* for said product;

iv. policy forms filed for approval, in duplicate;

v. outline of coverage, in duplicate;

vi. application form, in duplicate;

vii. replacement notice, in duplicate;

viii. rider or endorsement forms, in duplicate;

ix. premium rates and classification of risks;

x. personal worksheet, as per Regulation 46, Appendix B, in duplicate;

xi. disclosure, as per Regulation 46, Appendix C, in duplicate;

xii. suitability letter, as per Regulation 46, Appendix D, in duplicate;

xiii. any new related advertising as defined in Rule 3, 3.4, in duplicate; and

xiv. stamped, self-addressed envelope of sufficient size for use in returning the company's set of the policy forms filed, unless filed electronically.

d. Filings of all group insurance products must include the group master contract, individual certificates or subscriber agreements or other statements of coverage, group application, individual enrollment forms, and any conversion insurance policy and application for conversion, if offered under the group master contract.

e. Filings of group health and accident products intended for issue to an association are limited to associations as defined herein and must include the association's constitution, by-laws, membership application, membership agreement and brochure of membership benefits other than the insurance products offered.

f. Filings of group health and accident products intended for issue to a trust are limited to trusts established by an employer or association and must include the trust agreement, articles of incorporation or other instrument creating the trust, and member adoption agreement. If the trust was established by an association, include the information described in Subparagraph C.2.e hereof.

g. Filings of amendatory riders or endorsements are permitted where the insurance product to be altered was originally certified or granted affirmative approval not more than three years prior to the filing of said amendatory rider or endorsement. Such filings must include specimen copies of the pertinent previously approved or certified forms, the dates previously approved or certified, and the specific terms and provisions being amended, underlined in red or similarly emphasized. Such filings must also include an affidavit, on a form prescribed by the department, affirming that the insurance product, if amended by rider or endorsement as requested, will be fully compliant with all pertinent statutes and regulations. Premium rates and classification of risks are not required with such filings.

h. Filings of amendatory riders or endorsements, as needed to bring into compliance with law any existing insurance products that have been previously certified or granted *affirmative approval* and are currently in force, but are no longer being marketed, must include specimen copies of the previously approved or certified forms, the dates previously approved or certified, and the specific terms and provisions being amended, underlined in red or similarly emphasized. Premium rates and classification of risks are not required with such filings. The transmittal document should advise that the previously approved or certified form is no longer being marketed.

D. Exceptions. Exceptions to the requirements for a complete filing may be allowed, at the discretion of the department, subject to the conditions stated herein, for the following policy forms.

1. Application forms or enrollment forms to be used with a particular insurance product, or with multiple insurance products, provided that the policy form filings and dates approved are identified for each previously approved product with which the application form or enrollment form will henceforth be used, and the application form or enrollment form is included with any subsequently filed basic insurance policy forms as needed to constitute a complete filing. No filing fees will be required for these filings.

2. Identification cards. No filing fees will be required for these filings.

3. Medicare supplement advertising. Such filings must include statutory filing fees.

4. Long term care advertising. No filing fees will be required for these filings.

5. Medicare supplement rate filings. Such filings must clearly indicate the percentage of increase in rates for each standardized plan and existing pre-standardized plan. Such filings must include statutory filing fees for standardized plans.

6. Exclusionary riders pursuant to R.S. 22:250.11.C; provided that the policy form filings and dates approved are identified for each previously approved product with which the rider form will henceforth be used. No filing fees will be required for these filings. The rider form shall be included with any subsequently filed basic insurance policy forms as needed to constitute a complete filing.

7. Assumption certificates, which must be filed in duplicate, with a single copy of the assumption agreement, letter of domiciliary state approval, information fully identifying the block of business being assumed, the number of covered lives residing in the state of Louisiana to be affected by the assumption, and the effective date of the assumption. No filing fees will be required for these filings.

8. Following approval of a complete filing of a Medicare Supplement insurance product, subsequent filings by the same *insurer* of standardized plans of insurance of the same type do not require inclusion of associated forms such as the replacement notice or plan of operation, unless changes have been made or the plan of operation has changed.

9. Following approval of a complete filing of a Long Term Care insurance product, subsequent filings by the same *insurer* of other Long Term Care products do not require inclusion of associated forms such as the replacement notice, personal worksheet, disclosure notice and suitability letter, unless changes have been made.

10. Forms for lines of insurance or insurance products specifically exempted pursuant to statute.

E. Time Periods and Requirements for Compliance Review of Basic Insurance Policy Forms

1. The time periods stated in this Section do not begin until the date a complete filing, or a filing pursuant to Subsection D hereof, "Exceptions," is received by the department.

2. If a filing made is incomplete, notice of disapproval in accordance with R.S. 22:621(6) will be issued for failure to comply with the requirements of this Regulation.

3. A basic insurance policy form must be submitted to the department in accordance with the "General Filing Requirements" of this Section no less than 45 days in advance of planned issuance, delivery or use.

4. If affirmatively approved by the department prior to expiration of the 45-day period allowed for department review of a filing, the policy forms filed may be used on or after the date approved.

5. If disapproved, the policy forms filed may not be used.

6. At the expiration of 45 days, if no order has been issued affirmatively approving or disapproving a filing, the *insurer* may submit written notice to the department that the filing has been deemed approved on a specific date, or advise when the filing is withdrawn from consideration.

Deemed approval shall not be effective until the *insurer* has so notified the department, by either ordinary mail, facsimile transmission or electronic mail.

7. The commissioner of insurance may send written notice prior to expiration of the initial 45-day period extending the time allowed for approval or disapproval by an additional 15 days.

a. If affirmatively approved by order of the commissioner prior to expiration of the 15-day extended period allowed for department review, the policy forms filed may be used on or after the date approved.

b. At the expiration of the 15-day extended period, if no order has been issued affirmatively approving or disapproving the policy form filing, the *insurer* may submit written notice to the department that the policy forms filing has been deemed approved on a specific date, or advise when the policy forms filing is withdrawn from consideration. Deemed approval shall not be effective until the *insurer* has so notified the department, by either ordinary mail, facsimile transmission or electronic mail.

F. Time Periods and Requirements for *Certified Approval* of Policy Form Filings

1. The department will make available *Statements of Compliance* setting forth the statutory and regulatory requirements specific to the various forms of coverage and contract types, as well as *Certification of Compliance* forms.

2. A policy form filing submitted for *certified approval* must include the following documents:

a. *Statement of Compliance* applicable to the form of coverage and contract type being submitted;

b. signed and dated *Certification of Compliance*;

c. all other items as set forth in Subsection 4C 2 hereof.

3. If the filing is incomplete, notice of disapproval in accordance with R.S. 22:621(6) will be issued for failure to comply with the requirements of this Regulation.

4. At the expiration of 15 days from acknowledged receipt of a filing by the department, if no order has been issued affirming *certified approval* or disapproving the policy form filing, the *insurer* may submit written notice to the department that the policy forms filing has been deemed approved on a specific date, or advise when the policy forms filing is withdrawn from consideration. Deemed approval shall not be effective until the *insurer* has so notified the department, by either ordinary mail, facsimile transmission or electronic mail.

5. No *insurer*, or officer, employee or representative of an *insurer*, shall file a *Certification of Compliance* containing false attestations, or from which material facts or information have been omitted. In the event that the department subsequently learns that a *Certification of Compliance* contained any inaccuracies, false attestations, or material omissions, approval of the subject forms may be withdrawn, and the *insurer* may be subjected to the provisions of Subsection I hereof.

G. Resubmission of Filings

1. When submitting revised forms in response to an order of disapproval, or withdrawal of approval, whether issued pursuant to Subsection E, Subsection F or Subsection I hereof, the revised forms will constitute a new filing; must comply with all provisions of this Section for such a filing; and, in addition to the required filing fee, must include:

a. an outline of the proposed revisions, referencing the specific sections and page numbers for each form being revised;

b. a restatement of the form with all necessary revisions, as set forth in the prior order of disapproval, underlined in red or similarly emphasized; and

c. a copy of the prior order of disapproval, or withdrawal of approval, issued by the department on the previous filing.

2. When submitting revisions to previously approved forms, the revised forms will constitute a new filing; must be a complete filing as set forth in Subsection C hereof, "General Filing Requirements"; and, in addition to the required filing fee, must include:

a. a copy of the previously approved form;

b. an outline of the proposed revisions, referencing the specific sections and page numbers for each previously approved form being revised;

c. a restatement of the form, with all proposed revisions underlined in red or similarly emphasized; and

d. a copy of the prior order of approval, issued by the department on the previous filing.

3. For simplicity, it is advisable that a unique form number be assigned to a substantially rewritten form, and that such form be filed as an original filing.

H. Compliance and Audits

1. Approval of a basic insurance policy form does not assure perpetual compliance. Following subsequent changes in applicable law, *insurers* shall not fail to revise and file updated insurance products, or amendatory riders or endorsements where appropriate, with the department for approval as required to maintain continuous compliance with the current requirements of law.

2. A retrospective review process will be utilized to verify compliance of approved filings and to assure that all approved filings remain in compliance with currently applicable law. Compliance audits may be conducted by random selection, prompted by complaints filed with the department or requests for information made by the department, or performed during the course of examinations conducted by the department.

3. *Insurers* shall notify the department in writing to advise when a previously approved basic insurance policy form will no longer be marketed in this state and is being permanently withdrawn from the market. Such notification shall also advise whether or not coverage issued in this state under the policy form remains in force and whether or not such existing business will continue to be renewed. The notification shall provide the policy form numbers being discontinued and dates originally approved by the department.

I. Withdrawal of Approval and Corrective Action

1. The department shall withdraw any affirmative approval of a filing previously granted, or withdraw any approval of a filing previously deemed approved by an *insurer*, if the department determines that any of the reasons for disapproval as stated in RS 22:621 apply to the filing in question. The notice of withdrawal of approval by the department shall state that such withdrawal of approval is effective 30 days after receipt of such notice by the affected *insurer*.

a. The affected *insurer* may request a hearing on the withdrawal of approval, by written request mailed to the department within 30 days of receipt of the notice of withdrawal of approval.

b. Upon receipt by the department of a request for a hearing, the 30-day notice period precedent to withdrawal of approval being effective shall be suspended for the duration of the hearing process, and shall recommence upon the date of a ruling adverse to the *insurer* requesting the hearing. Such suspension of the notice of withdrawal of approval shall be applicable to Paragraphs I.2, 3, 4 and 5 hereof.

2. Upon receipt of the notice of withdrawal of approval by the department, the affected *insurer* must:

a. immediately amend its procedures to assure that all in-force business is properly administered in accordance with the findings stated in the withdrawal of approval;

b. immediately review and ascertain any negative impact upon covered persons caused directly or indirectly by non-compliant provisions of the forms for which approval has been withdrawn; and

c. immediately review other products being marketed by the *insurer* to assure that they do not contain such non-compliant provisions.

3. Within 30 days of receipt of the notice of withdrawal of approval by the department, a corrective action plan must be submitted to the department by the affected *insurer*. The corrective action plan must include the following.

a. If the affected product will no longer be marketed, amendatory endorsement forms or rider forms to affect any in-force business written utilizing the non-compliant forms, correcting all areas of non-compliance as stated in the withdrawal of approval by the department; and a prototype of the notice to be utilized in notifying any affected policyholders of the changes to their existing coverage.

b. If the *insurer* desires to continue marketing the affected product, both:

i. a complete filing of properly revised forms in accordance with Paragraph G.1 hereof; and

ii. amendatory endorsement forms or rider forms to affect any in-force business written utilizing the non-compliant forms, correcting all areas of non-compliance as stated in the withdrawal of approval by the department; and a prototype of the notice to be utilized in notifying any affected policyholders of the changes to their existing coverage.

4. As of 30 days following receipt of the notice of withdrawal of approval by the department, an affected product shall not be marketed by the *insurer*, except in accordance with a corrective action plan approved by the department. The *insurer* has the obligation to timely notify its marketing force, or to otherwise adjust its business operations, accordingly.

5. The department may, in its discretion, extend the 30-day period for approval of a corrective action plan, upon the written request of the affected *insurer* and for good cause shown. In the event such an extension is granted, the date by which the *insurer* must cease marketing the affected product, except in accordance with a corrective action plan approved by the department, shall likewise be so extended.

6. Failure to timely respond as required herein shall result in a formal investigation to establish the extent of statutory violations, followed by an administrative hearing to determine appropriate sanctions against the *insurer*.

J. Appeals; Hearings. Any *insurer* or other person aggrieved by a failure to approve any filing, or the disapproval of any filing, or the withdrawal of approval of any filing, or any related action taken by the department pursuant to this Section, may request an administrative hearing in accordance with the provisions of Part XXIX of Title 22 of the Louisiana Revised Statutes. Pursuant to R.S. 22:1351, such demand must be in writing, must specify in what respects the company is aggrieved and the grounds to be relied upon as basis for relief to be demanded at the hearing, and must be made within 30 days of receipt of actual notice or, if actual notice is not received, within 30 days of the date such *insurer* or other person learned of the act, or failure to act, upon which the demand for hearing is based.

K. Maintenance of Records; Alteration of Forms Prohibited

1. Every *insurer* or other person filing policy forms, or related forms, for approval by the department shall maintain in their files the original set of any and all forms as returned by the department, along with all related correspondence and transmittal documents from the department. Alternatively, images of such documents may be maintained in electronic/digital form. Such files shall be available for inspection by the department upon request, and must be maintained until the forms have been withdrawn from the market in accordance with Paragraph H.4 hereof and no coverage issued on risks in this state utilizing such forms remains in force.

2. The alteration of, or any change to, any such form approved by the department is prohibited. Any such altered or changed form shall be submitted to the department as a new filing, and shall comply with all provisions of this Section applicable to a new filing. This Subsection shall not apply to typographical corrections and format improvements that do not affect the terms, provisions or clarity of the product.

3. A change of company name or logo, a change of address, and changes in listed officers do not require a new filing of forms when the department is otherwise properly notified of such change, and a copy of such notification is maintained on file by the *insurer*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and *Directive* 169.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 28:

§10109. Filing and Review of Life and Annuity Insurance Policy Forms and Related Matters

A. Definitions. As used in this Section, the following terms shall have the meaning or definition as indicated herein.

Affirmative Approval department approval, as a result of the department taking action, following *compliance review* of a complete filing, or a filing pursuant to Subsection D hereof.

Association Can organization which has been formed for purposes other than procuring insurance for the members or employees.

Basic Insurance Policy Form Can insurance contractual agreement delineating the terms, provisions and conditions of a particular insurance or annuity product. It includes certificates of coverage, application forms where written application is required and is to be attached to the policy or be a part of the contract, and any life or health and accident rider or endorsement form. It does not include policies, riders, or endorsements designed, at the request of the individual policyholder, contract holder, or certificate holder, to delineate insurance coverage upon a particular subject or which relate to the manner of distribution of benefits or to the reservation of rights and benefits under such policy.

Certification of Compliance Certification by an *insurer*, executed by an officer or authorized representative of the *insurer* on a form prescribed by the department, that upon knowledge and belief a filing is complete and in compliance with all applicable statutes, and rules and regulations promulgated by the department. A *Certification of Compliance* must be included with any filing for Certified Approval.

Certified Approval Expedited approval by the department of a complete filing based upon the inclusion of a *Statement of Compliance* and a *Certification of Compliance*, executed by an officer or authorized representative of the filing *insurer* on forms prescribed by the department. The department shall by *directive* determine those specific types of coverages and particular types of contracts for which the *certified approval* procedure is either required or available at the option of the *insurer*.

Complete Filing the filing of a single insurance product, including any required filing fees, a basic insurance policy form, application form and supplemental application form, if any, to be attached to the policy or be a part of the contract, any life or health and accident rider or endorsement forms, all items required under Subsection C hereof, "General Filing Requirements", and any other requirements as may be set forth in the applicable *Statement of Compliance*.

Compliance Audit Ca retrospective review conducted by the department of previously approved basic insurance policy forms to determine compliance with applicable law.

Compliance Review department review of a filing made pursuant to this Section to determine either that the filing is in compliance with all applicable statutes, rules and regulations, or that the filing should be disapproved for noncompliance.

Deemed Approval approval of a complete filing based upon notice, as provided herein, made to the department by the filing *insurer*, following expiration of the specific time periods as provided herein, where *affirmative approval* has not been granted and the filing has not been disapproved by the department.

Department the Louisiana Department of Insurance, and includes the commissioner of insurance.

Endorsement Ca written agreement attached to an insurance product to add or subtract coverage, or otherwise modify the product.

Insurance Product Ca basic insurance policy form delineating the terms, provisions and conditions of a specific type of coverage under a particular type of contract.

Insurer every person engaged in the business of making contracts of insurance, as further defined in R.S.

22:5. As used in this Section, *insurer* shall also include fraternal benefit societies.

Method of Marketing—marketing either through independent or captive agents; telephone, email or direct mail solicitation; groups, organizations, associations or trusts; and/or the Internet.

Required Filing Fee—the fee assessed per product or filing pursuant to state insurance law.

Rider—an endorsement to an insurance product that modifies clauses and provisions of the product, including adding or excluding coverage.

Statement of Compliance—a form prescribed by the department detailing the requirements specific to a particular form of coverage and contract type.

Trust—a fund established by an employer, two or more employers, a labor union, or an association, pursuant to a trust instrument which transfers title to property and/or funds to one or more trustees to be administered as fiduciaries for the benefit of others.

B. Filing Required

1. Pursuant to R.S. 22:620.A, no basic insurance policy form, or application form where written application is required and is to be attached to the policy or be a part of the contract, or printed rider or endorsement form, may be issued or delivered in this state unless and until it has been filed with and approved by the commissioner of insurance. This requirement applies to any group life insurance policy or annuity covering residents of Louisiana where issued or delivered in Louisiana. Every page of each such form, including rider and endorsement forms, filed with the department must be identified by a form number in the lower left corner of the page.

2. A Life and Annuity Transmittal Document must accompany every filing, describing the items included in the filing, the insurance or annuity product for which the filing is being made, and the method of marketing to be used for the product. If the filing will include health insurance to be offered as an optional benefit under the base life insurance contract, the policy forms should be submitted in triplicate, notwithstanding the provisions of Paragraph C.2 hereof, and include the appropriate *Statement of Compliance* for said health insurance product.

C. General Filing Requirements

1. The department shall designate, by directive, those insurance or annuity products which must be filed pursuant to the requirements for *certified approval* as set forth in Subsection F hereof, "Time Periods and Requirements for Certified Approval of Policy Form Filings." A directive issued pursuant to this Subsection may also designate those insurance or annuity products which may, at the discretion of the *insurer*, be filed either pursuant to said requirements for *certified approval*, or as ordinary filings subject to review as set forth in Subsection E hereof. All insurance or annuity products not so designated shall be filed pursuant to the requirements for *compliance review* as set forth in Subsection E hereof, "Time Periods and Requirements for Compliance Review of Basic Insurance Policy Forms."

2. Other than as specified in Subsection D hereof, "Exceptions," only complete filings will be accepted, whether by mail or as otherwise authorized. In order for the department to conduct a proper compliance review or compliance audit of an insurance or annuity product, all

items associated therewith must be included. A filing will be determined incomplete and will be disapproved if it does not contain all applicable items.

a. All filings of individual life insurance or annuity products must include, in final wording, the following items, in order:

- i. required filing fee, per insurance or annuity product, per company;
- ii. completed Life and Annuity Transmittal Document, as prescribed by the department;
- iii. *Statement of Compliance* for said product;
- iv. policy forms filed for approval, in duplicate;
- v. application form, in duplicate;
- vi. *rider* or endorsement forms, in duplicate;
- vii. actuarial memorandum describing the statutory reserves and nonforfeiture values that will be used for each plan of insurance, in duplicate;
- viii. life illustrations, if illustrated, in duplicate; and,
- ix. stamped, self-addressed envelope of sufficient size for use in returning the company's set of the policy forms filed, unless filed electronically.

b. Filings of all group life and annuity products must include, in final wording, the following:

- i. required filing fee, per insurance or annuity product, per insurance company;
- ii. completed Life and Annuity Transmittal Document, as prescribed by the department;
- iii. *Statement of Compliance* for said product;
- iv. group master contract, in duplicate;
- v. individual certificate, in duplicate;
- vi. group application, in duplicate;
- vii. *rider* or endorsement forms, in duplicate;
- viii. employee / member enrollment forms, in duplicate;
- ix. actuarial memorandum describing the statutory reserves and nonforfeiture values that will be used for each plan of insurance, in duplicate; and,
- x. stamped, self-addressed envelope of sufficient size for use in returning the company's set of the policy forms filed, unless filed electronically.

c. Filings of group life and annuity products intended for issue to an association are limited to associations as defined herein, and must include the association's constitution, by-laws, membership application, membership agreement and brochure of membership benefits other than the insurance products offered.

d. Filings of group life and annuity products intended for issuance to a *trust* are limited to *trusts* established by an employer or association and must include the *trust* agreement, articles of incorporation or other instrument creating the *trust*, and member adoption agreement. If the *trust* was established by an association, include the information described in Subparagraph C.2.c hereof.

e. Filings of amendatory *riders* or endorsements as needed to bring into compliance with law any existing insurance or annuity products that have been previously approved and are currently in force, but are no longer being marketed, must include specimen copies of the previously approved forms, the dates previously approved, and the specific terms and provisions being amended, underlined in red or otherwise noted. The transmittal letter should advise

that the previously approved form is no longer being marketed.

D. Exceptions. Exceptions to the requirements for a complete filing may be allowed, at the discretion of the department, subject to the conditions stated herein, for the following policy forms.

1. Application forms to be used with a particular insurance or annuity product, or with multiple insurance or annuity products, provided that the policy form filings and dates approved are identified for each previously approved product with which the application form will henceforth be used and, the application form is included with any subsequently filed basic insurance or annuity policy forms as needed to constitute a complete filing. No filings fees will be required for these filings.

2. Assumption certificates, which must be filed in duplicate, with a single copy of the assumption agreement, letter of domiciliary state approval, information fully identifying the block of business being assumed, the number of covered lives residing in the state of Louisiana to be affected by the assumption, and the effective date of the assumption. No filing fees will be required for these filings.

3. *Riders* or endorsement forms affecting previously approved life insurance or annuity products, provided that the policy form filings and dates approved are identified for each previously approved product with which the rider or endorsement form will henceforth be used. No filing fees will be required for these filings. The rider or endorsement forms shall be included with any subsequently filed basic insurance policy forms as needed to constitute a complete filing.

4. Forms for lines of insurance or insurance products specifically exempted pursuant to statute.

E. Time Periods and Requirements for Compliance Review of Basic Insurance Policy Forms

1. The time periods stated in this Section do not begin until the date a complete filing, or a filing pursuant to Subsection D hereof, "Exceptions" is received by the department.

2. If a filing made is incomplete, notice of disapproval in accordance with R.S. 22:621(6) will be issued for failure to comply with the requirements of this Regulation.

3. A basic insurance policy form must be submitted to the department in accordance with the General Filing Requirements of this Section no less than 45 days in advance of planned issuance, delivery or use.

4. If affirmatively approved by the department prior to expiration of the 45-day period allowed for department review of a filing, the policy forms filed may be used on or after the date approved.

5. If disapproved, the policy forms filed may not be used.

6. At the expiration of 45 days, if no order has been issued affirmatively approving or disapproving a filing, the *insurer* may submit written notice to the department that the filing has been deemed approved on a specific date, or advise when the filing is withdrawn from consideration. Deemed approval shall not be effective until the *insurer* has so notified the department, by either ordinary mail, facsimile transmission or electronic mail.

7. The commissioner of insurance may send written notice prior to expiration of the initial 45-day period

extending the time allowed for approval or disapproval by an additional 15 days.

a. If affirmatively approved by order of the commissioner prior to expiration of the 15-day extended period allowed for department review, the policy forms filed may be used on or after the date approved.

b. At the expiration of the 15-day extended period, if no order has been issued affirmatively approving or disapproving the policy form filing, the *insurer* may submit written notice to the department that the policy forms filing has been deemed approved on a specific date, or advise when the policy forms filing is withdrawn from consideration. Deemed approval shall not be effective until the *insurer* has so notified the department, by either ordinary mail, facsimile transmission or electronic mail.

F. Time Periods and Requirements for Certified Approval of Policy Form Filings

1. The department will make available "Statements of Compliance" setting forth the statutory and regulatory requirements specific to the various forms of coverage and contract types, as well as *Certification of Compliance* forms.

2. A policy form filing submitted for *certified approval* must include the following documents.

a. *Statement of Compliance* applicable to the form of coverage and contract type being submitted.

b. Signed and dated *Certification of Compliance*.

c. All other items as set forth in Paragraph C.2 hereof.

3. If the filing is incomplete, notice of disapproval in accordance with R.S. 22:621(6) will be issued for failure to comply with the requirements of this Regulation.

4. At the expiration of 15 days from acknowledged receipt of a filing by the department, if no order has been issued affirming *certified approval* or disapproving the policy form filing, the *insurer* may submit written notice to the department that the policy forms filing has been deemed approved on a specific date, or advise when the policy forms filing is withdrawn from consideration. Deemed approval shall not be effective until the *insurer* has so notified the department, by either ordinary mail, facsimile transmission or electronic mail.

5. No *insurer*, or officer, employee or representative of an *insurer*, shall file a *Certification of Compliance* containing false attestations, or from which material facts or information have been omitted. In the event that the department subsequently learns that a *Certification of Compliance* contained any inaccuracies, false attestations, or material omissions, approval of the subject forms may be withdrawn, and the *insurer* may be subjected to the provisions of Subsection I hereof.

G. Resubmission of Filings

1. When submitting revised forms in response to an order of disapproval, or withdrawal of approval, whether issued pursuant to Subsection E, Subsection F or Subsection I hereof, the revised forms will constitute a new filing; must be a complete filing as set forth in Subsection C hereof, "General Filing Requirements"; and, in addition to the required filing fee, must include:

a. an outline of the proposed revisions, referencing the specific sections and page numbers for each form being revised;

b. a restatement of the form with all necessary revisions, as set forth in the prior order of disapproval, underlined in red or similarly emphasized; and

c. a copy of the prior order of disapproval, or withdrawal of approval, issued by the department on the previous filing.

2. When submitting revisions to previously approved forms, the revised forms will constitute a new filing; must be a complete filing as set forth in Subsection C hereof, "General Filing Requirements"; and, in addition to the required filing fee, must include:

a. a copy of the previously approved form;

b. an outline of the proposed revisions, referencing the specific sections and page numbers for each previously approved form being revised;

c. a restatement of the form, with all proposed revisions underlined in red or similarly emphasized; and

d. a copy of the prior order of approval, issued by the department on the previous filing.

3. For simplicity, it is advisable that a unique form number be assigned to a substantially rewritten form, and that such form be filed as an original filing.

H. Compliance and Audits

1. Approval of a basic insurance policy form does not assure perpetual compliance. Following subsequent changes in applicable law, *insurers* shall not fail to revise and file updated insurance products, or amendatory riders or endorsements where appropriate, with the department for approval as required to maintain continuous compliance with the current requirements of law.

2. A retrospective review process will be utilized to verify compliance of approved filings and to assure that all approved filings remain in compliance with currently applicable law. Compliance audits may be conducted by random selection, prompted by complaints filed with the department or requests for information made by the department, or performed during the course of examinations conducted by the department.

3. *Insurers* shall notify the department in writing to advise when a previously approved basic insurance policy form will no longer be marketed in this state and is being permanently withdrawn from the market. Such notification shall also advise whether or not coverage issued in this state under the policy form remains in force and whether or not such existing business will continue to be renewed. The notification shall provide the policy form numbers being discontinued and dates originally approved by this department.

I. Withdrawal of Approval and Corrective Action

1. The department shall withdraw any *affirmative approval* of a filing previously granted, or withdraw any approval of a filing previously deemed approved by an *insurer*, if the department determines that any of the reasons for disapproval as stated in R.S. 22:621 apply to the filing in question. The notice of withdrawal of approval by the department shall state that such withdrawal of approval is effective 30 days after receipt of such notice by the affected *insurer*.

a. The affected *insurer* may request a hearing on the withdrawal of approval, by written request mailed to the department within 30 days of receipt of the notice of withdrawal of approval.

b. Upon receipt by the department of a request for a hearing, the 30-day notice period precedent to withdrawal of approval being effective shall be suspended for the duration of the hearing process, and shall recommence upon the date of a ruling adverse to the *insurer* requesting the hearing. Such suspension of the notice of withdrawal of approval shall be applicable to Paragraphs I.2, 3, 4 and 5 hereof.

2. Upon receipt of the notice of withdrawal of approval by the department, the affected *insurer* must:

a. immediately amend its procedures to assure that all in-force business is properly administered in accordance with the findings stated in the withdrawal of approval;

b. immediately review and ascertain any negative impact upon covered persons caused directly or indirectly by non-compliant provisions of the forms for which approval has been withdrawn; and

c. immediately review other products being marketed by the *insurer* to assure that they do not contain such non-compliant provisions.

3. Within 30 days of receipt of the notice of withdrawal of approval by the department, a corrective action plan must be submitted to the department by the affected *insurer*. The corrective action plan must include the following.

a. If the affected product will no longer be marketed, amendatory endorsement forms or rider forms to affect any in-force business written utilizing the non-compliant forms, correcting all areas of non-compliance as stated in the withdrawal of approval by the department; and a prototype of the notice to be utilized in notifying any affected policyholders of the changes to their existing coverage.

b. If the *insurer* desires to continue marketing the affected product, both:

i. a complete filing of properly revised forms in accordance with Paragraph G.1 hereof; and

ii. amendatory endorsement forms or *rider* forms to affect any in-force business written utilizing the non-compliant forms, correcting all areas of non-compliance as stated in the withdrawal of approval by the department; and a prototype of the notice to be utilized in notifying any affected policyholders of the changes to their existing coverage.

4. As of 30 days following receipt of the notice of withdrawal of approval by the department, an affected product shall not be marketed by the *insurer*, except in accordance with a corrective action plan approved by the department. The *insurer* has the obligation to timely notify its marketing force, or to otherwise adjust its business operations, accordingly.

5. The department may, in its discretion, extend the 30-day period for approval of a corrective action plan, upon the written request of the affected *insurer* and for good cause shown. In the event such an extension is granted, the date by which the *insurer* must cease marketing the affected product, except in accordance with a corrective action plan approved by the department, shall likewise be so extended.

6. Failure to timely respond as required herein shall result in a formal investigation to establish the extent of statutory violations, followed by an administrative hearing to determine appropriate sanctions against the *insurer*.

J. Appeals; Hearings. Any *insurer* or other person aggrieved by a failure to approve any filing, or the disapproval of any filing, or the withdrawal of approval of any filing, or any related action taken by the department pursuant to this Section, may request an administrative hearing in accordance with the provisions of Part XXIX of Title 22 of the Louisiana Revised Statutes. Pursuant to R.S. 22:1351, such demand must be in writing, must specify in what respects the company is aggrieved and the grounds to be relied upon as basis for relief to be demanded at the hearing, and must be made within 30 days of receipt of actual notice or, if actual notice is not received, within 30 days of the date such *insurer* or other person learned of the act, or failure to act, upon which the demand for hearing is based.

K. Maintenance of Records; Alteration of Forms Prohibited

1. Every *insurer* or other person filing policy forms, or related forms, for approval by the department shall maintain in their files the original set of any and all forms as returned by the department, along with all related correspondence and transmittal documents from the department. Alternatively, images of such documents may be maintained in electronic/digital form. Such files shall be available for inspection by the department upon request, and must be maintained until the forms have been withdrawn from the market in accordance with Paragraph H.4 hereof and no coverage issued on risks in this state utilizing such forms remains in force.

2. The alteration of, or any change to, any such form approved by the department is prohibited. Any such altered or changed form shall be submitted to the department as a new filing, and shall comply with all provisions of this Section applicable to a new filing. This Subsection shall not apply to typographical corrections and format improvements that do not affect the terms, provisions or clarity of the product.

3. A change of company name or logo, a change of address, and changes in listed officers do not require a new filing of forms when the department is otherwise properly notified of such change, and a copy of such notification is maintained on file by the *insurer*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and *Directive* 169.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 28:

§10113. Filing and Review of Property and Casualty Insurance Policy Forms and Related Matters

A. Definitions. As used in this Section, the following terms shall have the meaning or definition as indicated herein.

Affirmative Approval Cdepartment approval, as a result of the department taking action, following *Compliance Review* of a complete filing, or a filing pursuant to Subsection D hereof.

Basic Insurance Policy Form Can insurance contractual agreement delineating the terms, provisions and conditions of a particular insurance product. It includes endorsements, and application forms where written application is required and is to be attached to the policy or be a part of the contract. It does not include policies, riders, or endorsements designed, at the request of the individual policyholder, contract holder, or certificate holder, to delineate insurance

coverage upon a particular subject or which relate to the manner of distribution of benefits or to the reservation of rights and benefits under such policy.

Certification of Compliance Certification by an *insurer*, executed by an officer or authorized representative of the *insurer* on a form prescribed by the department, that upon knowledge and belief a filing is complete and in compliance with all applicable statutes, and rules and regulations promulgated by the department. A *Certification of Compliance* must be included with any filing for *certified approval*.

Certified Approval Cexpedited approval by the department of a complete filing based upon the inclusion of a *Statement of Compliance* and a *Certification of Compliance*, executed by an officer or authorized representative of the filing *insurer* on forms prescribed by the department. The department shall by *Directive* determine those specific types of coverages and particular types of contracts for which the Certified Approval procedure is either required or available at the option of the *insurer*.

Complete Filing Cthe filing of a single insurance product, including any required filing fees, a basic insurance policy form, application form to be attached to the policy or be a part of the contract, all items required under Subsection C hereof, "General Filing Requirements", and any other requirements as may be set forth in the applicable *Statement of Compliance*.

Compliance Audit Ca retrospective review conducted by the department of previously approved basic insurance policy forms to determine compliance with applicable law.

Compliance Review Cdepartment review of a filing made pursuant to this Section to determine either that the filing is in compliance with all applicable statutes, rules and regulations, or that the filing should be disapproved for noncompliance.

Deemed Approval Capproval of a complete filing based upon notice, as provided herein, made to the department by the filing *insurer*, following expiration of the specific time periods as provided herein, where Affirmative approval has not been granted and the filing has not been disapproved by the department.

Department Cthe Louisiana Department of Insurance, and includes the commissioner of insurance.

Endorsement Ca written agreement attached to an insurance product to add or subtract coverage, or otherwise modify the product.

Filing Organization Can entity authorized by the Louisiana Insurance Rating Commission to act as an advisory or rating organization on behalf of its members and subscribers.

Insurance Product Ca basic insurance policy form delineating the terms, provisions and conditions of a specific type of coverage under a particular type of contract, or a basic insurance policy form which combines more than one line of business within one policy form at a single premium.

Insurer Cevery person engaged in the business of making contracts of insurance, as further defined in R.S. 22:5.

Method of Marketing Cmarketing either through independent or captive agents; telephone, email or direct mail solicitation; groups, organizations, associations or trusts; and/or the Internet.

Rate/Rule Approval Ca department notice addressed to an *insurer* granting authorization to implement or revise rates and/or rules on a specified date.

Required Filing Fee C the fee assessed per product or filing pursuant to state insurance law.

Rider Can endorsement to an insurance product that modifies clauses and provisions of the product, including adding or excluding coverage.

Statement of Compliance Ca form prescribed by the department detailing the requirements specific to a particular form of coverage and contract type.

B. Filing Required

1. Pursuant to R.S. 22:620.A, no basic insurance policy form, other than surety bond forms, or application form where written application is required and is to be attached to the policy or be a part of the contract, or printed rider or endorsement form, may be issued or delivered in this state unless and until it has been filed with and approved by the commissioner of insurance. Every page of each such form, including rider and endorsement forms, filed with the department must be identified by a form number in the lower left corner of the page.

2. A Property and Casualty Transmittal Document must accompany every filing, describing the items included in the filing, the insurance product for which the filing is being made, and the method of marketing to be used for the product.

C. General Filing Requirements

1. The department shall designate, by directive, those insurance products which must be filed pursuant to the requirements for *certified approval* as set forth in Subsection F hereof, "Time Periods and Requirements for Certified Approval of Policy Form Filings," and those insurance products which may, at the discretion of the *insurer*, be filed pursuant to said requirements. All insurance products not so designated shall be filed pursuant to the requirements for Compliance Review as set forth in Subsection E hereof, "Time Periods and Requirements for Compliance Review of Policy Form Filings." Filing organizations are excepted from the mandatory provisions relative to Certified Approval and may, at their option, make filings pursuant to Subsection E hereof.

2. Only complete filings will be accepted, whether by mail or as otherwise authorized. In order for the department to conduct a proper compliance review or compliance audit of an insurance product, all items associated therewith must be included. A filing of a basic insurance policy form will be determined incomplete and will be disapproved if it does not contain all applicable items.

a. All filings of an insurance product must include, in final wording, the following items, in order:

- i. required filing fee, per product, per insurance company; or required filing fee per endorsement filing; per insurance company;
- ii. forms filed for approval;
- iii. completed Property and Casualty Transmittal Document, as prescribed by the department;
- iv. *Statement of Compliance* for said product;
- v. duplicate set of the policy forms filing, as filed for approval;

vi. explanation of any rate/rule impact, with a copy of any rate/rule approval letters issued by the department; if none, so state;

vii. stamped, self-addressed envelope of sufficient size for use in returning the company's set of the policy forms filed, unless filed electronically.

3. An *insurer* may elect to adopt forms submitted by a filing organization, or have a filing organization file forms on its behalf. An *insurer* may request an effective date later than the effective date of the filing by the filing organization. Such adoptions, whether delayed or not, must be requested by letter. The Forms and Compliance Division staff of the department will verify that the *insurer* is a member or subscriber of the filing organization, and that the forms being adopted have been approved by the department.

a. Adoptions, including delayed adoptions, are filed for informational purposes only, but the request will be denied if the forms proposed for adoption are not approved by the department. To receive an acknowledgement of filing, the *insurer's* request must contain the following items, in order:

- i. required filing fee, per adoption, per insurance company whether or not delayed;
- ii. reference to the filing organization's identification/code number;
- iii. line of business;
- iv. name of the program; and
- v. stamped, self-addressed envelope of sufficient size for use in returning the *insurer's* cover letter bearing the department's stamp of acknowledgement, or disapproval of an adoption.

b. An *insurer* may elect to non-adopt forms submitted by a filing organization. Non-adoptions are filed for informational purposes only, and must be submitted by the *insurer*. To receive an acknowledgement of the informational letter, it must contain the following items, in order:

- i. reference to the filing organization's identification/code number;
- ii. line of business;
- iii. name of the program; and
- iv. stamped, self-addressed envelope of sufficient size for use in returning the *insurer's* cover letter bearing the department's stamp of acknowledgement.

D. Exceptions. Exceptions to the requirements for a complete filing may be allowed, at the discretion of the department, subject to the conditions stated herein, for the following policy forms:

1. informational filings, submitted for acknowledgement, for surety bond forms as exempted by R.S. 22:620 A(1);

2. filings for certain commercial lines, exempted pursuant to the commercial deregulation laws set by Regulation 72;

3. application forms to be used with a particular insurance product, or with multiple insurance products, provided that the policy form filings and dates approved are identified for each previously approved product with which the application form will henceforth be used, and the application form is included with any subsequently filed basic insurance policy forms as needed to constitute a

complete filing. No filing fees will be required for these filings;

4. forms for lines of insurance or insurance products specifically exempted pursuant to statute.

E. Time Periods and Requirements for Compliance Review of Policy Form Filings

1. The time periods stated in this Section do not begin until the date a complete filing, or a filing pursuant to Subsection D hereof, "Exceptions", is received by the department.

2. If a filing made is incomplete, notice of disapproval in accordance with R.S. 22:621(6) will be issued for failure to comply with the requirements of this Regulation.

3. A basic insurance policy form must be submitted to the department in accordance with the General Filing Requirements of this Section no less than 45 days in advance of planned issuance, delivery or use.

4. If affirmatively approved by order of the commissioner prior to expiration of the 45-day period allowed for department review of a filing, the policy forms filed may be used on or after the date approved.

5. If disapproved, the policy forms filed may not be used.

6. At the expiration of 45 days, if no order has been issued affirmatively approving or disapproving a filing, the *insurer* may submit written notice to the department that the filing has been deemed approved on a specific date, or advise when the filing is withdrawn from consideration. Deemed approval shall not be effective until the *insurer* has so notified the department, by either ordinary mail, facsimile transmission or electronic mail.

7. The commissioner of insurance may send written notice prior to expiration of the initial 45-day period extending the time allowed for approval or disapproval by an additional 15 days.

a. If affirmatively approved by order of the commissioner prior to expiration of the 15-day extended period allowed for department review, the policy forms filed may be used on or after the date approved.

b. At the expiration of the 15-day extended period, if no order has been issued affirmatively approving or disapproving the policy form filing, the *insurer* may submit written notice to the department that the policy forms filing has been deemed approved on a specific date or, advise when the policy forms filing is withdrawn from consideration. Deemed approval shall not be effective until the *insurer* has so notified the department, by either ordinary mail, facsimile transmission or electronic mail.

F. Time Periods and Requirements for Certified Approval of Policy Form Filings

1. The department will make available *Statements of Compliance* setting forth the statutory and regulatory requirements specific to the various forms of coverage and contract types, as well as *Certification of Compliance* forms.

2. A policy form filing submitted for *certified approval* must include the following documents.

a. *Statement of Compliance* applicable to the form of coverage and contract type being submitted.

b. Signed and dated *Certification of Compliance*.

c. All other items as set forth in Paragraph C.2 hereof.

3. If the filing is incomplete, notice of disapproval in accordance with R.S. 22:621(6) will be issued for failure to comply with the requirements of this Regulation.

4. At the expiration of 15 days from acknowledged receipt of a filing by the department, if no order has been issued affirming *certified approval* or disapproving the policy form filing, the *insurer* may submit written notice to the department that the policy form filing has been deemed approved on a specific date, or advise when the policy form filing is withdrawn from consideration. Deemed approval shall not be effective until the *insurer* has so notified the department, by either ordinary mail, facsimile transmission or electronic mail.

5. No *insurer*, or officer, employee or representative of an *insurer*, shall file a *Certification of Compliance* containing false attestations, or from which material facts or information have been omitted. In the event that the department subsequently learns that a *Certification of Compliance* contained any inaccuracies, false attestations, or material omissions, approval of the subject forms may be withdrawn, and the *insurer* may be subjected to the provisions of Subsection I hereof.

G. Resubmission of Filings

1. When submitting revised forms in response to an order of disapproval, or withdrawal of approval, whether issued pursuant to Subsection E, Subsection F or Subsection I hereof, the revised forms will constitute a new filing; must comply with all provisions of this Section for such a filing; and, in addition to the required filing fee, must include:

a. an outline of the proposed revisions, referencing the specific sections and page numbers for each form being revised;

b. a restatement of the form with all necessary revisions, as set forth in the prior order of disapproval, underlined in red or similarly emphasized; and

c. a copy of the prior order of disapproval, or withdrawal of approval, issued by the department on the previous filing.

2. When submitting revisions to previously approved forms, the revised forms will constitute a new filing; must be a complete filing as set forth in Subsection C hereof, "General Filing Requirements"; and, in addition to the required filing fee, must include:

a. a copy of the previously approved form;

b. an outline of the proposed revisions, referencing the specific sections and page numbers for each previously approved form being revised;

c. a restatement of the form, with all proposed revisions underlined in red or similarly emphasized; and

d. a copy of the prior order of approval, issued by the department on the previous filing.

3. For simplicity, it is advisable that a unique form number be assigned to a substantially rewritten form, and that such form be filed as an original filing.

H. Compliance and Audits

1. Approval of a basic insurance policy form does not assure perpetual compliance. Following subsequent changes in applicable law, *insurers* shall not fail to revise and file updated insurance products, or amendatory *riders* or endorsements where appropriate, with the department for approval as required to maintain continuous compliance with the current requirements of law.

2. A retrospective review process will be utilized to verify compliance of approved filings and to assure that all approved filings remain in compliance with currently applicable law. Compliance audits may be conducted by random selection, prompted by complaints filed with the department or requests for information made by the department, or performed during the course of examinations conducted by the department.

3. *Insurers* shall notify the department in writing to advise when a previously approved basic insurance policy form will no longer be marketed in this state and is being permanently withdrawn from the market. Such notification shall be sent 30 days prior to the market end date and shall also advise whether or not coverage issued in this state under the policy form remains in force and whether or not such existing business will continue to be renewed. The notification shall provide the policy form numbers being discontinued and dates originally approved by this department. The *insurer* may request acknowledgement of such notification.

I. Withdrawal of Approval and Corrective Action

1. The department shall withdraw any affirmative approval of a filing previously granted, or withdraw any approval of a filing previously deemed approved by an *insurer*, if the department determines that any of the reasons for disapproval as stated in R.S. 22:621 apply to the filing in question. The notice of withdrawal of approval by the department shall state that such withdrawal of approval is effective 30 days after receipt of such notice by the affected *insurer*.

a. The affected *insurer* may request a hearing on the withdrawal of approval, by written request mailed to the department within 30 days of receipt of the notice of withdrawal of approval.

b. Upon receipt by the department of a request for a hearing, the 30-day notice period precedent to withdrawal of approval being effective shall be suspended for the duration of the hearing process, and shall recommence upon the date of a ruling adverse to the *insurer* requesting the hearing. Such suspension of the notice of withdrawal of approval shall be applicable to Paragraphs I.2, 3, 4 and 5 hereof.

2. Upon receipt of the notice of withdrawal of approval by the department, the affected *insurer* must:

a. immediately amend its procedures to assure that all in-force business is properly administered in accordance with the findings stated in the withdrawal of approval;

b. immediately review and ascertain any negative impact upon covered persons caused directly or indirectly by non-compliant provisions of the forms for which approval has been withdrawn; and

c. immediately review other products being marketed by the *insurer* to assure that they do not contain such non-compliant provisions.

3. Within 30 days of receipt of the notice of withdrawal of approval by the department, a corrective action plan must be submitted to the department by the affected *insurer*. The corrective action plan must include the following:

a. If the affected product will no longer be marketed, amendatory endorsement forms or rider forms to affect any in-force business written utilizing the non-compliant forms, correcting all areas of non-compliance as

stated in the withdrawal of approval by the department; and a prototype of the notice to be utilized in notifying any affected policyholders of the changes to their existing coverage.

b. If the *insurer* desires to continue marketing the affected product, both:

i. a complete filing of properly revised forms in accordance with Paragraph G.1 hereof; and

ii. amendatory endorsement forms or rider forms to affect any in-force business written utilizing the non-compliant forms, correcting all areas of non-compliance as stated in the withdrawal of approval by the department; and a prototype of the notice to be utilized in notifying any affected policyholders of the changes to their existing coverage.

4. As of 30 days following receipt of the notice of withdrawal of approval by the department, an affected product shall not be marketed by the *insurer*, except in accordance with a corrective action plan approved by the department. The *insurer* has the obligation to timely notify its marketing force, or to otherwise adjust its business operations, accordingly.

5. The department may, in its discretion, extend the 30-day period for approval of a corrective action plan, upon the written request of the affected *insurer* and for good cause shown. In the event such an extension is granted, the date by which the *insurer* must cease marketing the affected product, except in accordance with a corrective action plan approved by the department, shall likewise be so extended.

6. Failure to timely respond as required herein shall result in a formal investigation to establish the extent of statutory violations, followed by an administrative hearing to determine appropriate sanctions against the *insurer*.

J. Appeals; Hearings. Any *insurer* or other person aggrieved by a failure to approve any filing, or the disapproval of any filing, or the withdrawal of approval of any filing, or any related action taken by the department pursuant to this Section, may request an administrative hearing in accordance with the provisions of Part XXIX of Title 22 of the Louisiana Revised Statutes. Pursuant to R.S. 22:1351, such demand must be in writing, must specify in what respects the company is aggrieved and the grounds to be relied upon as basis for relief to be demanded at the hearing, and must be made within 30 days of receipt of actual notice or, if actual notice is not received, within 30 days of the date such *insurer* or other person learned of the act, or failure to act, upon which the demand for hearing is based.

K. Maintenance of Records; Alteration of Forms Prohibited

1. Every *insurer* or other person filing policy forms, or related forms, for approval by the department shall maintain in their files the original set of any and all forms as returned by the department, along with all related correspondence and transmittal documents from the department. Alternatively, images of such documents may be maintained in electronic/digital form. Such files shall be available for inspection by the department upon request, and must be maintained until the forms have been withdrawn from the market in accordance with Paragraph H.4 hereof and no coverage issued on risks in this state utilizing such forms remains in force.

2. The alteration of, or any change to, any such form approved by the department is prohibited. Any such altered or changed form shall be submitted to the department as a new filing, and shall comply with all provisions of this Section applicable to a new filing. This Subsection shall not apply to typographical corrections and format improvements that do not affect the terms, provisions or clarity of the product.

3. A change of company name or logo, a change of address, and changes in listed officers do not require a new filing of forms when the department is otherwise properly notified of such change, and a copy of such notification is maintained on file by the *insurer*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and *Directive 169*.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 28:

§10115. Penalties

A. Pursuant to R.S. 22:1462.1, "False or Fraudulent Material Information", in accordance with all provisions thereof, and specifically applicable to all documents required by this regulation.

1. It shall be unlawful for any person to intentionally and knowingly supply false or fraudulent material information pertaining to any document or statement required by the Department of Insurance.

2. Whoever violates the provisions of this Section shall be imprisoned, with or without hard labor, for not more than five years, or fined not more than \$5,000, or both.

B. Pursuant to R.S. 22:1214(12), in accordance with all provisions thereof, any violation of a prohibitory provision of this Regulation shall constitute an unfair trade practice, and, after proper notice and hearing as specified by statute, may subject the *insurer* and its officer(s) or representative(s) to:

1. the provisions of R.S. 22:1217, including:

a. payment of a monetary penalty of not more than one thousand dollars for each and every act or violation, but not to exceed an aggregate penalty of \$100,000 unless the person knew or reasonably should have known he was in violation of applicable law, in which case the penalty shall be not more than \$25,000 for each and every act or violation, but not to exceed an aggregate penalty of \$250,000 in any six-month period; and,

b. suspension or revocation of the license of the person if he knew or reasonably should have known he was in violation of applicable law.

2. The provisions of R.S. 22:1217.1, including:

a. a monetary penalty of not more than \$25,000 for each and every act or violation, not to exceed an aggregate of \$250,000; and,

b. suspension or revocation of such person's license or certificate of authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and *Directive 169*.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 28:

§10117. Effective Date

A. This regulation shall become effective on January 1, 2003, or upon final publication in the *Louisiana Register* if after that date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and *Directive 169*.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 28:

Interested persons may obtain a copy of this proposed regulation, and may submit oral or written comments to Randal Beach, Contracting Attorney, Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804, telephone (225) 525-2999.

A public hearing on this proposed regulation will be held on November 8, 2002 at 9 a.m. in the Plaza Hearing Room of the Insurance Building located at 950 North Fifth Street, Baton Rouge, Louisiana. All interested persons will be afforded an opportunity to make comments.

J. Robert Wooley
Acting Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Policy Form Filing Requirements

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

It is not anticipated that the adoption of Regulation 78 would result in any implementation costs or savings to local or state governmental units. The propose rule does not impose new or additional work for the department.

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

The adoption of proposed Regulation 78 should have no effect on revenue collections of local or state governmental units. The regulation complies with Act 87 of the 2002 First Extra-ordinary Session which is expected to be revenue neutral.

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

There should be no cost savings or benefits to directly affected persons or non-governmental groups. Rule 78 clarifies existing statutory law and provides for uniform, practicable requirements for form filing, review and approval under the Louisiana Insurance Code.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The adoption of Regulation 78 should have no impact on competition and employment.

Chad M Brown
Deputy Commissioner
0209#049

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections Corrections Services

Death Penalty (LAC 22:I.103)

In accordance with the Administrative Procedures Act, R.S. 49:953.B, the Department of Public Safety and Corrections, Corrections Services, hereby gives notice of its intent to adopt amendments to its rules dealing with the Death Penalty.

Title 22
CORRECTIONS, CRIMINAL JUSTICE AND LAW
ENFORCEMENT
Part I. Corrections

Chapter 1. Secretary's Office

§103. Death Penalty

A. - B. ...

C. Incarceration Prior to Execution. Male inmates sentenced to death shall be incarcerated at the Louisiana State Penitentiary at Angola, Louisiana. Female inmates sentenced to death shall be incarcerated at the Louisiana Correctional Institute for Women at St. Gabriel, Louisiana. Until the time for execution, the warden shall incarcerate the inmate in a manner affording maximum protection to the general public, the employees of the department, and the security of the institution. Female inmates shall be transported to the Louisiana State Penitentiary for execution as directed by the secretary.

D. ...

1. Prior to the scheduled execution, the warden may approve special visits for the condemned inmate.

2. Visits will normally terminate by 3 p.m. on the day of the execution except visits with a priest, minister, religious advisor, or attorney, which will terminate at the direction of the warden or his designee.

E. - F. ...

1. The warden shall select an appropriate area to serve as a press room.

2. In the five days prior to the execution, access to the execution room will be restricted in accordance with institution policy.

3. ...

G Execution Time and Place. The execution shall take place at the Louisiana State Penitentiary between the hours of 6 p.m. and 9 p.m. [R.S. 15:570.C].

H. - H.2.a.ii. ...

2.a.iii. a representative selected from all other media persons requesting to be present;

a.iv. - c. ...

i. at least 10 days prior to the execution, the secretary shall give either written or verbal notice, (followed by written notice placed in the United States mail within five days thereafter), of the date and time of the execution to the victim's parents, or guardian, spouse and any adult children who have indicated to the secretary that they desire such notice. The named parties shall be given the option of attending the execution and shall, within three days of their receipt of the notification, notify, either verbally or in writing, the secretary's office of their intention to attend;

ii. the number of victim relationship witnesses may be limited to two. If more than two victim relationship witnesses desire to attend the execution, the secretary is authorized to select from the interested parties the two victim relationship witnesses who will be authorized to attend;

H.2.d. - I.1. ...

2. The inmate will then be taken to the lethal injection room by the escorting officers. Once in the room, the inmate will be afforded the opportunity to make a last verbal statement, if he so desires. He will then be assisted onto the lethal injection table and properly secured to the table by the officers. Once the officers exit the room, the warden will

close the curtain to the witness room and signal the I.V. technician(s) to enter. The I.V. technician(s) will appropriately prepare the inmate for execution and exit the room. The warden will reopen the witness room curtain.

3. The person designated by the warden and at the warden's direction, will then administer, by intravenous injection, the appropriate substances in a lethal quantity into the body of the inmate until he is deceased.

4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:567, et seq., (as amended by Act No. 717 of the 1990 Regular Session of the Louisiana Legislature, Act No. 159 of the 1991 Regular Session, Act No. 1260 of the 1997 Regular Session and Act No. 145 of the 2002 First Extraordinary Session).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the Secretary, LR 6:10 (January 1980), amended LR 7:177 (April 1981), amended by the Department of Public Safety and Corrections, Corrections Services, LR 17:202 (February 1991), LR 18:77 (January 1992), LR 24:342 (February 1998), LR 25:2410 (December 1999), LR 28:

Family Impact Statement

In accordance with the Administrative Procedures Act, R.S. 49:953.A.(1)(a)(viii) and R.S. 49:972, the Department of Public Safety and Corrections, Corrections Services, hereby provides the Family Impact Statement.

Adoption of these amendments to the Rules of the Department of Public Safety and Corrections, Corrections Services, to the death penalty rules will have no effect on the stability of the family, on the authority and rights of parents regarding the education and supervision of their children, on the functioning of the family, on family earnings and family budget, on the behavior and personal responsibility of children or on the ability of the family or a local government to perform the function as contained in the proposed rule amendments.

Interested persons may submit oral or written comments to Richard L. Stalder, Department of Public Safety and Corrections, Box 94304, Capitol Station, Baton Rouge, Louisiana 70804-9304, (225) 342-6741. Comments will be accepted through the close of business at 4:30 p.m. on October 20, 2002.

Richard L. Stalder
Secretary

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

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

The minor amendments to the current Rule will not result in any implementation costs or savings to state or local government units.

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

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

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

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

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated impact on competition and employment.

Robert B. Barbor
Executive Counsel
0209#066

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Video Draw Poker Code of Conduct of Licensees
(LAC 42:XI.2417)

The Gaming Control Board hereby gives notice that it intends to amend LAC 42:XI.2417 in accordance with R.S. 27:15 and 24 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

**Title 42
LOUISIANA GAMING
Part XI. Video Poker**

Chapter 24. Video Draw Poker

§2417. Code of Conduct of Licensees

A. - B.5. ...

6.a. No licensee, owner or employee of a licensed establishment shall play or participate in the play of any video draw poker device operated under authority of the licensee's video draw poker license.

b. The prohibition contained in Subparagraph 6.a shall not apply to certified technicians performing service and/or repairing a video draw poker device at any licensed establishment.

C. - C.1.j. ...

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Gaming Enforcement Section, Video Gaming Division, LR 18:196 (February 1992), amended LR 21:582 (June 1995), amended by the Gaming Control Board, LR 27:59 (January 2000), amended LR 28:

Family Impact Statement

Pursuant to the provisions of R.S. 49:953.A, the Louisiana Gaming Control Board, through its chairman, has considered the potential family impact of adopting LAC 42:XI.2417.B.6.

It is accordingly concluded that adopting LAC 42:XI.2417.B.6 would appear to have a positive yet inestimable impact on the following:

1. the effect on stability of the family;
2. the effect on the authority and rights of parents regarding the education and supervision of their children;
3. the effect on the functioning of the family;
4. the effect on family earnings and family budget;
5. the effect on the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

All interested persons may contact Tom Warner, Attorney General's Gaming Division, telephone (225) 342-2465, and may submit comments relative to these proposed Rules,

through October 10, 2002, to 339 Florida Street, Suite 500, Baton Rouge, LA 70801.

Hillary J. Crain
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Video Draw Poker Code of Conduct of Licensees**

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

It is anticipated that there will be no direct implementation costs or savings to state or local governmental units.

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

No effect on revenue collections is anticipated.

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

No costs to directly affected persons are expected.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition or employment is estimated.

Hillary J. Crain
Chairman
0209#045

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Liquefied Petroleum Gas Commission**

New Dealers Fees (LAC 55:IX.107)

In accordance with the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and R.S. 40:1846 relative to the authority of the Liquefied Petroleum Gas Commission to make and enforce reasonable Rules and Regulations governing the storage, sale, and transportation of liquefied petroleum gases, notice is hereby given that the commission proposes to amend an existing Rule. The proposed Rule change has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

The proposed rule change will do only one thing:

1. will amend the Rule regarding permit fees that are based on a percentage of gross annual sales of liquefied petroleum gases from .1500 of 1 percent to .1350 of 1 percent of gross annual sales of liquefied petroleum gases with a minimum of \$75.

The proposed Rule changes comply with the statutory authority granted the commission under R.S. 40:1846.

Title 55

PUBLIC SAFETY

Part IX. Liquefied Petroleum Gas

Chapter 1. General Requirements

Subchapter A. New Dealers

§107. Requirements

A. - A.5.c. ...

6. Applicant must have paid a permit fee in the amount of \$75, except for Class VII-E, which shall be \$100, and R-1, R-2 registrations, which shall be \$37.50 and Class

VI-X shall be in the amount of \$75 for the first location, plus \$50 for each 2-11 locations, plus \$25 for each 12-infinity locations. For succeeding years the permit fee shall be .1350 of 1 percent of annual gross sales of liquefied petroleum gas with a minimum of \$75, except in the case of Class VI-X which the minimum permit fee shall be \$75 for the first location, plus \$50 for each 2-11 locations, plus \$25 for each 12-infinity locations; or .1350 of 1 percent of annual gross sales of liquefied petroleum gases of all locations whichever is greater. For classes not selling liquefied petroleum gases in succeeding years the permit fee shall be \$75, except registrations shall be \$37.50 per year.

6.a. - 15 ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 1:315 (July 1975), LR 4:86 (March 1978), LR 7:633 (December 1981), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:557 (May 1985), LR 15:854 (October 1989), LR 16:1063 (December 1990), LR 20:1400 (December 1994), LR 24:461 (March 1998), LR 24:2311 (December 1998), LR 25:1262 (July 1999), LR 25:2410 (December 1999), LR 26:1487 (July 2000), LR 27:2256 (December 2001), LR 28:

The commission will hold a public hearing October 17, 2002, 7919 Independence Boulevard, Second Floor., Baton Rouge, LA, at 8:30 a.m. in regard to this change.

Written comments will be accepted through October 10, 2002 and should be sent to Charles M. Fuller at P.O. Box 66209, Baton Rouge, LA 70896. All interested persons will be afforded an opportunity to be heard at the public hearing. A preamble has not been prepared for the intended action.

Charles M. Fuller
Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: New Dealers C Fees

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

The only cost increase to the agency will be the cost of publishing in the *Louisiana Register*, which will be insignificant. There will be no increase or decrease in costs to any local governmental unit.

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

There will be a calculated net revenue decrease to the agency of \$12,800 in FY 02-03, \$40,000 in FY 03-04, and succeeding fiscal years. There will be no effect on revenues for any local governmental units.

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

There will be an economic benefit to approximately 100-125 permit holders, who pay in excess of the minimum in permit fees, in the reduction of permit fees calculated to be \$12,800 in FY 02-03, \$40,000 in FY 03-04 and succeeding fiscal years. There will be no economic benefit to any other person or nongovernmental group.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Charles M. Fuller
Director
0209#046

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections Office of State Police

Hazardous Materials CResponse, Command
and Coordination; Inventory Form
(LAC 33:V.10112 and 10119)

The Department of Public Safety and Corrections, Office of State Police, in accordance with R.S. 49:950 et seq., and R.S. 30:2361 et seq., gives notice of its intent to amend its Rules regulating chemical inventory filing and those entities involved in emergency response. Specifically, the requirement of electronic filing of chemical inventories will be repealed for small businesses, and the registration requirement for emergency response entities will be repealed.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Wastes and Hazardous Materials

Subpart 2. Department of Public Safety and Corrections C Hazardous Materials

Chapter 101. Hazardous Material Information Development, Preparedness and Response Act

§10112. Response, Command and Coordination

A. As per the authority granted in R.S. 30:2376, the Office of State Police, Transportation and Environmental Safety Section will coordinate emergency response activities arising from any release, or threatened release or incident requiring reporting under these rules. Except as otherwise provided by law, as State On-Scene Coordinator (SOSC), the Louisiana State Police shall have the responsibility to ensure a safe and timely resolution to any hazardous materials release or incident. All responding industries, contractors, and agencies shall participate in the Incident Command process. Only those participants meeting the training requirements of EPA in 40 CFR 311 and OSHA's regulations in 29 CFR 1910.120 shall engage in active response or remedial activities within areas of hazardous materials contamination or threatened release.

B. All persons and facilities regulated by R.S. 30:2361 et seq. shall comply with all the requirements relative to the entry, inspection, investigation, response and emergency coordination efforts of the Office of State Police as authorized in R.S. 30:2361 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2361 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:863 (June 2001), LR 28:

§10119. Inventory Form

A. Tier Two "E-filing" is the preferred method of reporting the chemical inventory required in these Rules. All industries and businesses, excepting small businesses, will be required to utilize this electronic means of inventory reporting by March 1, 2002. The use of this "E-filing" process allows for the immediate access of facility and chemical information by all local emergency planning committees and fire departments having Internet capability. Paper filing of "Tier Two Emergency and Hazardous Chemical Inventory" shall be an acceptable alternative to the E-filing of such inventory for March 1, 2001 only.

B. Small businesses, as defined in §10105, are strongly encouraged to report their chemical inventory electronically, but such businesses shall have the option to file their chemical inventory by paper if the electronic reporting creates a hardship.

C. The "Louisiana Tier Two Emergency and Hazardous Chemical Inventory" form is the official inventory form for compliance with R.S. 30:2361-2380 Louisiana's Right-to-Know law, and is the form selected by the Louisiana Emergency Response Commission for inventory reporting as required under Section 312 of SARA. The inventory form can be obtained via the Right-to-Know website at www.dps.state.la.us/rtkcover.html or upon request to the Department of Public Safety and Corrections, Office of State Police, Transportation and Environmental Safety Section-Mail Slip 21, Box 66614, Baton Rouge, LA 70896.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2361 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 12:327 (May 1986), amended LR 13:184 (March 1987), LR 13:762 (December 1987), LR 14:804 (November 1988), LR 16:975 (November 1990), LR 27:865 (June 2001), LR 28:

Family Impact Statement

1. The Effect of these Rules on the Stability of the Family. These Rules will have no effect on the stability of the family.

2. The Effect of these Rules on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. These Rules will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect of these Rules on the Functioning of the Family. These Rules will have no effect on the functioning of the family.

4. The Effect of these Rules on Family Earnings and Family Budget. These Rules will have no effect on family earning and family budget.

5. The Effect of these Rules on the Behavior and Personal Responsibility of Children. These Rules will have no effect on the behavior and personal responsibility of children

6. The Effect of these Rules on the Ability of the Family or Local Government to Perform the Function as Contained in the Proposed Rules. These Rules will have no effect on the ability of the family or local government to perform the function as contained in the proposed rules.

Interested persons may submit written comments to Paul Schexnayder, P.O. Box 66614, Baton Rouge, LA 70896. Written comments will be accepted through October 15, 2002.

Chris Keaton
Undersecretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Hazardous Materials Response, Command and Coordination; Inventory Form

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

While the proposed amendments concerning chemical inventory filing will result in an increased workload for the Louisiana State Police staff who will have to manually input the reported information, there will be no implementation costs associated with the proposed amendments.

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

There should be no effect on revenue as a result of these Rules.

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

Small businesses that elect to report their chemical inventory by mail (as opposed to electronically) will experience increased postage costs and additional workload in filling out forms. Such businesses will benefit by not having to access a computer, as the rules prior to this amendment required all businesses to "E-file" their chemical inventories via a computer. The proposed amendments will allow small businesses to file by mail.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There should be no effect on competition or employment.

Christopher A. Keaton
Undersecretary
0209#060

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Revenue
Policy Services Division**

Definition of Lease or Rental (LAC 61:I.4301)

Under the authority of R.S. 47:301 and R.S. 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 47:950 et seq., the Department of Revenue, Policy Services Division, proposes to amend LAC 61:I.4301 relative to the definition of *lease or rental* for sales tax purposes.

These amendments discuss the seven exclusions from the definition of *lease or rental* provided in R.S. 47:301(7). The amendments also provide guidance to lease-rental dealers and their customers in distinguishing between transactions for the *lease or rental* of tangible personal property and transactions for the providing of services.

The department's positions concerning sales taxability provided in this Rule supersede any conflicting positions of taxability or non-taxability provided in department policy/procedure memorandums issued prior to the promulgation date of this Rule. Under Section 61.III.101.C.3 of the *Louisiana Administrative Code*, policy/procedure memoranda are no longer used for the dissemination of tax policy.

Title 61

REVENUE AND TAXATION

Part I. Taxes Collected and Administered by the Secretary of Revenue

Chapter 43. Sales and Use Tax

§4301. Definitions

A. - C. ...

* * *

Lease or Rental

a. General. The *lease or rental* of tangible personal property for a consideration in Louisiana is a transaction that is subject to the sales or use tax. The term *lease or rental* means the grant to another of the right to use and possess tangible personal property for a period of time and for a consideration without the transfer of title to the property. In a lease transaction, the lessee obtains possession or use of the tangible personal property, so that the lessee has enjoyment of the property during a certain time period. Re-leases or sub-leases and re-rentals or sub-rentals are also considered as leases or rentals.

b. Statutory Exclusions. Some arrangements or agreements for the use of tangible personal property are specifically excluded in R.S. 47:301(7) (b) through (h) from the definition of *lease or rental*. The types of arrangements or agreements that are not defined as leases or rentals are:

i. the *lease or rental* for re-lease or re-rental of property to be used in connection with the operating, drilling, completion, or reworking of oil, gas, sulfur, or other mineral wells. The *lease or rental* for re-lease or re-rental of casing tools, pipe, drill pipe, tubing, compressors, tanks, pumps, power units, and other drilling or related equipment qualifies for exclusion if the property is to be used for one of the specified purposes. The re-lease or re-rental to the ultimate user is not exempt;

ii. the *lease or rental* of property to be used in the performance of contracts with the United States Navy for the construction or overhaul of U.S. Naval vessels;

iii. the *lease or rental* of airplanes or airplane equipment by commuter airlines domiciled in Louisiana;

iv. the *lease or rental* of items that are reasonably necessary for the operation of free hospitals in Louisiana;

v. the *lease or rental* of certain limited items of educational materials for classroom instruction by approved private and parochial elementary and secondary schools;

vi. the *lease or rental* by Boys State of Louisiana, Inc. and Girls State of Louisiana, Inc. of materials for use by those organizations in their educational and public service programs for youth; and

vii. the *lease or rental* of motor vehicles by motor vehicle dealers and manufacturers for use in furnishing to customers in the performance of dealers' or manufacturers' warranty obligations or when the applicable warranty has lapsed and the leased or rented motor vehicle is provided at no charge.

c. Transactions involving both the providing of tangible personal property and the performance of a service.

i. A *lease or rental* does not include providing tangible personal property with an operator who provides some additional service for a fixed or indeterminate period of time when the essence of the transaction is the performance of a service. The essence of the transaction is to provide a service when obtaining the tangible personal property is not an end in and of itself but rather furnishes the mechanism through which a service is provided.

ii. In order to determine the essence of a transaction involving both the performance of a service and the providing of tangible personal property, the facts and circumstances of each transaction must be examined. The following factors suggest, but are not necessarily conclusive, that the essence of the transaction is for the performance of a service:

(a). in order for the tangible personal property to perform as designed, the owner's operator maintains control over the property. This level of control by the owner's operator involves more than maintaining, inspecting, or setting-up the property;

(b). the contract between the owner of the property and the person receiving the services and property provides for the performance of a specific job that requires services for a certain number of hours or until completion of a specific job;

(c). the performance of the job using the tangible personal property is conducted in a manner determined by the owner of the property;

(d). the owner of the tangible personal property is responsible for choosing the particular piece of property to be used in the transaction; or

(e). the owner of the tangible personal property has a standard business practice of not allowing customers to rent the property separately from the services provided.

d. Revenue Sharing Arrangements. Agreements, joint ventures, arrangements, or partnerships between exhibitors (movie theater operators) and film distributors place significant restrictions on the use of the movies and on the proceeds from the use of the movies. These agreements are more in the nature of revenue sharing agreements and would not qualify as leases or rentals because of the restrictions placed on the party using the tangible personal property. An example of this arrangement would be an agreement between an exhibitor and a film distributor that not only stipulates that the proceeds from the showing of the film are to be shared, but also specifies the amount to be charged to the movie patron, the number of and/or the time of showings, or the types or sizes of the facilities where the film is shown.

* * *

AUTHORITY NOTE: Promulgated in Accordance with R.S. 47:301 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:107 (February 1987), amended by the Department of Revenue and Taxation, Sales Tax Division, LR 21:957 (September 1995), LR 22:855 (September 1996), amended by the Department of Revenue, Policy Services Division, LR 27:1703 (October 2001), LR 28:348 (February 2002), LR 28:1488 (June 2002), LR 28:

Family Impact Statement

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

- 1. The Effect on the Stability of the Family. Implementation of this proposed Rule will have no effect on the stability of the family.
- 2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of Their Children. Implementation of this proposed Rule will have no effect on the authority and rights of parents regarding the education and supervision of their children.
- 3. The Effect on the Functioning of the Family. Implementation of this proposed Rule will have no effect on the functioning of the family.
- 4. The Effect on Family Earnings and Family Budget. Implementation of this proposed Rule will have no effect on family earnings and family budget.
- 5. The Effect on the Behavior and Personal Responsibility of Children. Implementation of this proposed Rule will have no effect on the behavior and personal responsibility of children.
- 6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. Implementation of this proposed Rule will have no effect on the ability of the family or a local government to perform this function.

Interested persons may submit data, views, or arguments, in writing to Raymond E. Tangney, Senior Policy Consultant, Policy Services Division, P.O. Box 44098, Baton Rouge, LA 70804-4098 or by fax to (225) 219-2759. All comments must be submitted by 4:30 p.m., Friday, October 25, 2002. A public hearing will be held on Tuesday, October 29, 2002, at 10 a.m. at the Department of Revenue Headquarters Building, 617 North Third Street, Baton Rouge, LA.

Raymond E. Tangney
Senior Policy Consultant

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Definition of Lease or Rental

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
Implementation of this proposed amendment will have no impact on state or local governmental units' costs. This proposal amends the department's interpretation of "lease or rental" for sales tax purposes as defined in R.S. 47:301(7). This proposed amendment will better reflect the actual intent of transactions involving this issue.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There could be an effect on the revenue collections of state and local governmental units as a result of this proposed amendment. This proposal would consider many transactions that had previously been treated as nontaxable services involving tangible personal property to be taxable rentals, which requires payment of sales and use tax. Conversely, taxpayers previously considered to be engaging in nontaxable services involving the use of tangible personal property will

- now qualify to purchase tangible personal property tax free under the provisions of R.S. 47:301(10) and (18). These statutes allow an exclusion from sales tax for tangible personal property purchased for lease or rental. Because of this proposed amendment, more vendors would qualify for this exclusion. The net effect of these actions is indeterminable, but thought to result in an immaterial increase over the long term.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
This proposed amendment would increase costs to customers of services that were previously considered not taxable while providing an economic benefit to the vendors of those services. The estimated costs to customers and the economic benefits to vendors are indeterminable, but believed to be immaterial.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
This proposed amendment should have no effect on competition or employment.

Cynthia Bridges
Secretary
0209#059

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Revenue
Policy Services Division**

Definition of Tangible Personal Property
(LAC 61:I.4301)

Under the authority of R.S. 47:301 and R.S. 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, proposes to amend LAC 61:I.4301 relative to the definition of *tangible personal property* for sales tax purposes.

These proposed amendments to LAC 61:I.4301 provide guidance concerning the *first purchase* of *digital television conversion equipment* as defined in R.S. 47:301(16)(i). That statute excludes the *first purchase* of *digital television conversion equipment* by taxpayers that hold a Federal Communications License pursuant to 47 CFR Part 73 from state sales and use tax. This exclusion applies to purchases made after January 1, 1999. The law also allows local taxing authorities to exempt these transactions by ordinance.

The Rule explains the procedures for claiming a credit for the sales or use taxes paid on *first purchases* of *digital television conversion equipment* made prior to June 25, 2002, and after January 1, 1999. It also notifies purchasers about the requirement to file an annual report that lists all qualifying purchases made for the year.

Title 61

REVENUE AND TAXATION

**Part I. Taxes Collected and Administered by the
Secretary of Revenue**

Chapter 43. Sales and Use Tax

§4301. Definitions

A. - C. ...

Tangible Personal Property

a. - d. ...

e. - i. Reserved.

j. The *first purchase of digital television conversion equipment* by a taxpayer that holds a Federal Communications License issued pursuant to 47 CFR Part 73 is excluded from the definition of *tangible personal property* for state sales tax and local sales tax if the local authority adopts this exemption by ordinance.

i. *Digital television conversion equipment* items listed in R.S. 47:301(16)(i).

ii. *First Purchase* the *first purchase* of each item from the categories of *digital television conversion equipment* listed in R.S. 47:301(16)(i).

iii. License holders may obtain a credit for sales taxes paid on the *first purchase of digital television conversion equipment* made after January 1, 1999, and before June 25, 2002, by submitting a request on forms prescribed by the Department of Revenue. Guidelines for claiming the credit will be published in a Revenue Ruling.

iv. License holders may obtain an exemption certificate from the Department of Revenue and make *first purchases* of qualifying digital equipment on or after June 25, 2002, without paying state sales tax or local sales tax in those local jurisdictions that elect to provide an exemption for these purchases. Sales tax paid on *first purchases* of qualifying digital equipment on or after June 25, 2002, may be refunded as tax paid in error.

v. License holders must submit to the Department of Revenue an annual report of the purchases of digital equipment for which exclusion has been claimed that includes all information required by the Department to verify the value of exclusion claimed. Guidelines for submitting this report will be published in a Revenue Ruling.

* * *

AUTHORITY NOTE: Promulgated in Accordance with R.S. 47:301 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:107 (February 1987), amended by the Department of Revenue and Taxation, Sales Tax Division, LR 21:957 (September 1995), LR 22:855 (September 1996), amended by the Department of Revenue, Policy Services Division, LR 27:1703 (October 2001), LR 28:348 (February 2002), LR 28:1488 (June 2002), LR 28:

Family Impact Statement

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

1. The Effect on the Stability of the Family. Implementation of this proposed Rule will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of Their Children. Implementation of this proposed Rule will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. Implementation of this proposed Rule will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. Implementation of this proposed Rule will have no effect on family earnings and family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. Implementation of this proposed Rule will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. Implementation of this proposed Rule will have no effect on the ability of the family or a local government to perform this function.

Interested persons may submit data, views, or arguments, in writing to Raymond E. Tangney, Senior Policy Consultant, Policy Services Division, P.O. Box 44098, Baton Rouge, LA 70804-4098 or by fax to (225) 219-2759. All comments must be submitted by 4:30 p.m., Monday, October 28, 2002. A public hearing will be held on Wednesday, October 30, 2002, at 10 a.m. at the Department of Revenue Headquarters Building, 617 North Third Street, Baton Rouge, LA.

Raymond E. Tangney
Senior Policy Consultant

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Definition of Tangible Personal Property

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

Implementation of this proposed Regulation, which explains the meaning of "first purchase of digital television conversion equipment" for sales tax purposes, will have no impact on state or local agencies' costs.

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

There should be no effect on revenue collections of state or local governmental units as a result of this proposed Regulation, since it only reflects the changes made by Act 61 of 2002 Regular Legislative Session. The fiscal note for Act 61 estimated a reduction in state general fund revenues of \$1.1 million in fiscal year 2002-2003 and of more than \$600,000 in subsequent years. The Department of Revenue's interpretation of the language in Act 61 projects a smaller fiscal impact than that estimated in the fiscal note.

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

This proposed regulation provides guidance on a sales tax exclusion that was passed in the 2002 Regular Legislative Session. Vendors or purchasers of digital television conversion equipment in Louisiana should benefit directly from this exclusion. The Department of Revenue's interpretation of the economic benefit of this exclusion, which is based on specific language contained in Act 61, is less than that estimated in the Act's fiscal note.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

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

Cynthia Bridges
Secretary
0209#058

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Revenue Policy Services Division

Furnishing of Cold Storage Space (LAC 61:I.4301)

Under the authority of R.S. 47:301 and R.S. 47:1511 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, proposes to amend LAC 61:I.4301 relative to the definition of the *furnishing of cold storage space* for sales tax purposes.

Revised Statute 47:301(14)(f) defines *sales of services* to include "the *furnishing of cold storage space*, except that space which is furnished pursuant to a bailment arrangement, and the furnishing of the service of *preparing tangible personal property for cold storage*, where such service is incidental to the operation of storage facilities." These proposed amendments provide guidance concerning the types of transactions that are within the purview of the statute. The service *furnishing of cold storage space* is interpreted to mean transactions in which customers, for consideration, are provided designated spaces that are artificially frozen or refrigerated. The proposed amendments also clarify that sales tax must be collected on the charges for *preparing tangible personal property for cold storage*, such as packaging, wrapping, containerizing, cleaning, or washing, when provided in conjunction with the *furnishing of cold storage space*.

Under the proposed Rule, the furnishing of air-conditioned warehouses or mini-storage units, that are cooled only to a normal room temperature level or above, and transactions in which possession of the customers' property is transferred to the owner or operator of a frozen or refrigerated facility for retention and safekeeping in the facility as in a bailment or deposit are not considered the *furnishing of cold storage space* for sales tax purposes.

Title 61

REVENUE AND TAXATION

Part I. Taxes Collected and Administered by the Secretary of Revenue

Chapter 43. Sales and Use Tax

§4301. Definitions

A. - C. ...

Sales of Services

a. - g.iii. ...

h. R.S. 47:301(14)(f) defines the furnishing of cold storage space and preparing tangible personal property for cold storage as services subject to sales and use tax.

i. *Cold Storage Space*—a space that is artificially frozen or refrigerated to prevent the stored items from perishing or deteriorating.

ii. *Furnishing of Cold Storage Space*—transactions in which *cold storage space* is provided to customers for a consideration when the owner or operator of the *cold storage space* designates specific areas or volumes of space for the customers' use. The customers are required to compensate for the space allotted regardless of the degree of use of the space.

iii. Transactions that are not considered the *furnishing of cold storage space* for sales tax purposes include:

(a). storage space in air-conditioned warehouses or mini-storage units that are cooled to a normal room temperature level; and

(b) storage space in facilities where the possession of customers' property is transferred to the owner or operator of a *cold storage space* for retention and safekeeping as in a bailment or deposit transaction.

iv. *Preparing Tangible Personal Property for Cold Storage*—Call activities necessary to prepare the product to be stored for cold storage. This includes but is not limited to packaging, wrapping, containerizing, cleaning or washing.

(a). *Preparing tangible personal property for cold storage* is included in *sales of services* only if it is incidental to the operation of cold storage facilities.

(b). Separately stated charges for handling the property to be placed in or removed from the facility are not subject to the sales tax. If handling charges are included in the price for the *furnishing of cold storage space* or *preparing tangible personal property for cold storage*, tax is due on the entire amount.

AUTHORITY NOTE: Promulgated in Accordance with R.S. 47:301 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, IR 13:107 (February 1987), amended by the Department of Revenue and Taxation, Sales Tax Division, LR 21:957 (September 1995), LR 22:855 (September 1996), amended by the Department of Revenue, Policy Services Division, LR 27:1703 (October 2001), LR 28:348 (February 2002), LR 28:1488 (June 2002), LR 28:

Family Impact Statement

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

1. The Effect on the Stability of the Family. Implementation of this proposed Rule will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of Their Children. Implementation of this proposed Rule will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. Implementation of this proposed Rule will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. Implementation of this proposed Rule will have no effect on family earnings and family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. Implementation of this proposed Rule will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. Implementation of this proposed Rule will have no effect on the ability of the family or a local government to perform this function.

Interested persons may submit data, views, or arguments, in writing to Raymond E. Tangney, Senior Policy Consultant, Policy Services Division, P.O. Box 44098, Baton Rouge, LA 70804-4098 or by fax to (225) 219-2759. All comments must be submitted by 4:30 p.m., Friday, October 25, 2002. A public hearing will be held on Tuesday, October 29, 2002, at 1:30 p.m. at the Department of Revenue Headquarters Building, 617 North Third Street, Baton Rouge, LA.

Raymond E. Tangney
Senior Policy Consultant

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

RULE TITLE: Furnishing of Cold Storage Space

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

These proposed amendments clarify the definitions of "cold storage" and "preparing tangible personal property for cold storage" provided in R.S. 47:301(14)(f) and makes the Rule consistent with Act 58 of the 2002 Regular Legislative Session. Implementation of these proposed amendments will have no impact on state or local governmental units' costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There should be no effect on the sales and use tax collections of state and local governmental units as a result of these proposed amendments.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

These proposed amendments should not increase costs or provide economic benefits to customers who purchase or vendors who sell the services of "cold storage" and "preparing tangible personal property for cold storage."
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

These proposed amendments should have no effect on competition or employment.

Cynthia Bridges
Secretary
0209#057

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Revenue
Policy Services Division**

**Income Tax Withholding Tables
(LAC 61:I.1501)**

Under the authority of R.S. 47:112, R.S. 47:295, and R.S. 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, proposes to adopt LAC 61:I.1501 to establish individual income tax withholding tables based on the new income tax rates provided by Act 51 of the 2002 Regular Session of the Louisiana Legislature.

Act 51 amended both R.S. 47:112, which requires every employer paying wages to deduct and withhold income tax from those wages, and R.S. 47:295, which provides for the tax rates. These statutory amendments will be effective January 1, 2003, only if the proposed constitutional

amendment contained in Act 88 of the 2002 Regular Session of the Louisiana Legislature is adopted at the statewide election to be held November 5, 2002.

Title 61

REVENUE AND TAXATION

**Part I. Taxes Collected and Administered by the
Secretary of Revenue**

Chapter 15 Income: Withholding Tax

§1501. Income Tax Withholding Tables

A. Employers required to deduct and withhold taxes pursuant to R.S. 47:112 shall deduct and withhold tax in an amount determined in accordance with the tables provided in Subsection C, the formula provided in Subsection D, or a formula that produces equivalent amounts.

B. Wage Bracket Tables and Instructions

1. Select the set of tables that corresponds to the payroll period of the employee.

2. With the use of the information obtained from Form R-1300 (L-4), *Employee's Withholding Exemption Certificate*, determine which column of the tables to use.

a. If your employee claims neither himself, his spouse, nor any dependency credits, use the first column in the table designated 0 exemptions, 0 dependents.

b. If your employee claims only himself, whether he is married or not, use Column 1. Also, use the appropriate subcolumn for the number of dependency credits he is claiming.

c. If your employee claims himself and his spouse, use Column 2. Also, use the appropriate subcolumn for the number of dependency credits he is claiming.

C. Withholding Tax Tables

1. For the Purposes of the Withholding Tax Tables

a. Exemptions are for a husband, wife, or single filer.

b. Dependency credits include children, stepchildren, etc., as described in Section 152 of the Internal Revenue Code.

2. Adjustments to Wage Bracket Tables

a. Each table provides for the appropriate withholding amount for single or married personal exemptions with up to six dependency credits. There is no provision for withholding based on head-of-household status and these taxpayers may claim only a single withholding personal exemption.

b. When an employee has more than six dependents, the amount may be determined by reducing the tax shown in the column for six dependents by the amount shown below for the applicable payroll period multiplied by the number of dependents over six.

Payroll Period	Amount of Reduction
Daily	\$0.08
Weekly	0.40
Biweekly	0.80
Semimonthly	0.85
Monthly	1.70

c. When the employee claims only credit for dependents and no withholding personal exemption, the amount to be deducted and withheld should be determined by reducing the amount selected under the column for employees claiming no exemption or credits by the amount in Subparagraph b above multiplied by the number of dependents claimed.

3. Withholding Tables

Daily Louisiana Income Tax Withholding Table																
Exemptions:		0	1							2						
Dependents:		0	0	1	2	3	4	5	6	0	1	2	3	4	5	6
Salary Range:																
Min	Max															
0.00	50.00	2.1%	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10.01	12.00	0.23	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12.01	14.00	0.27	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
14.01	16.00	0.32	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
16.01	18.00	0.36	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
18.01	20.00	0.40	0.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
20.01	22.00	0.44	0.08	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
22.01	24.00	0.48	0.12	0.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
24.01	26.00	0.53	0.16	0.08	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
26.01	28.00	0.57	0.20	0.12	0.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
28.01	30.00	0.61	0.25	0.17	0.08	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
30.01	32.00	0.65	0.29	0.21	0.13	0.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
32.01	34.00	0.69	0.33	0.25	0.17	0.09	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
34.01	36.00	0.74	0.37	0.29	0.21	0.13	0.05	0.00	0.00	0.01	0.00	0.00	0.00	0.00	0.00	0.00
36.01	38.00	0.78	0.41	0.33	0.25	0.17	0.09	0.01	0.00	0.05	0.00	0.00	0.00	0.00	0.00	0.00
38.01	40.00	0.82	0.46	0.38	0.29	0.21	0.13	0.05	0.00	0.09	0.01	0.00	0.00	0.00	0.00	0.00
40.01	42.00	0.86	0.50	0.42	0.34	0.26	0.17	0.09	0.01	0.13	0.05	0.00	0.00	0.00	0.00	0.00
42.01	44.00	0.90	0.54	0.46	0.38	0.30	0.22	0.14	0.06	0.18	0.10	0.02	0.00	0.00	0.00	0.00
44.01	46.00	0.95	0.58	0.50	0.42	0.34	0.26	0.18	0.10	0.22	0.14	0.06	0.00	0.00	0.00	0.00
46.01	48.00	0.99	0.62	0.54	0.46	0.38	0.30	0.22	0.14	0.26	0.18	0.10	0.02	0.00	0.00	0.00
48.01	50.00	1.04	0.68	0.60	0.52	0.44	0.35	0.27	0.19	0.30	0.22	0.14	0.06	0.00	0.00	0.00
50.01	52.00	1.11	0.75	0.67	0.59	0.50	0.42	0.34	0.26	0.34	0.26	0.18	0.10	0.02	0.00	0.00
52.01	54.00	1.18	0.82	0.74	0.65	0.57	0.49	0.41	0.33	0.39	0.31	0.23	0.14	0.06	0.00	0.00
54.01	56.00	1.25	0.89	0.80	0.72	0.64	0.56	0.48	0.40	0.43	0.35	0.27	0.19	0.11	0.02	0.00
56.01	58.00	1.32	0.95	0.87	0.79	0.71	0.63	0.55	0.47	0.47	0.39	0.31	0.23	0.15	0.07	0.00
58.01	60.00	1.39	1.02	0.94	0.86	0.78	0.70	0.62	0.54	0.51	0.43	0.35	0.27	0.19	0.11	0.03
60.01	62.00	1.46	1.09	1.01	0.93	0.85	0.77	0.69	0.61	0.55	0.47	0.39	0.31	0.23	0.15	0.07
62.01	64.00	1.52	1.16	1.08	1.00	0.92	0.84	0.76	0.68	0.60	0.52	0.44	0.35	0.27	0.19	0.11
64.01	66.00	1.59	1.23	1.15	1.07	0.99	0.91	0.83	0.75	0.64	0.56	0.48	0.40	0.32	0.23	0.15
66.01	68.00	1.66	1.30	1.22	1.14	1.06	0.98	0.90	0.81	0.68	0.60	0.52	0.44	0.36	0.28	0.20
68.01	70.00	1.73	1.37	1.29	1.21	1.13	1.04	0.96	0.88	0.72	0.64	0.56	0.48	0.40	0.32	0.24
70.01	72.00	1.80	1.44	1.36	1.28	1.19	1.11	1.03	0.95	0.76	0.68	0.60	0.52	0.44	0.36	0.28
72.01	74.00	1.87	1.51	1.43	1.34	1.26	1.18	1.10	1.02	0.81	0.73	0.65	0.56	0.48	0.40	0.32
74.01	76.00	1.94	1.58	1.49	1.41	1.33	1.25	1.17	1.09	0.85	0.77	0.69	0.61	0.53	0.44	0.36
76.01	78.00	2.01	1.64	1.56	1.48	1.40	1.32	1.24	1.16	0.89	0.81	0.73	0.65	0.57	0.49	0.41
78.01	80.00	2.08	1.71	1.63	1.55	1.47	1.39	1.31	1.23	0.93	0.85	0.77	0.69	0.61	0.53	0.45
80.01	82.00	2.15	1.78	1.70	1.62	1.54	1.46	1.38	1.30	0.97	0.89	0.81	0.73	0.65	0.57	0.49
82.01	84.00	2.21	1.85	1.77	1.69	1.61	1.53	1.45	1.37	1.02	0.94	0.86	0.77	0.69	0.61	0.53
84.01	86.00	2.28	1.92	1.84	1.76	1.68	1.60	1.52	1.44	1.06	0.98	0.90	0.82	0.74	0.65	0.57
86.01	88.00	2.35	1.99	1.91	1.83	1.75	1.67	1.59	1.50	1.10	1.02	0.94	0.86	0.78	0.70	0.62
88.01	90.00	2.42	2.06	1.98	1.90	1.82	1.73	1.65	1.57	1.14	1.06	0.98	0.90	0.82	0.74	0.66
90.01	92.00	2.49	2.13	2.05	1.97	1.88	1.80	1.72	1.64	1.18	1.10	1.02	0.94	0.86	0.78	0.70
92.01	94.00	2.56	2.20	2.12	2.03	1.95	1.87	1.79	1.71	1.23	1.15	1.07	0.98	0.90	0.82	0.74
94.01	96.00	2.63	2.27	2.18	2.10	2.02	1.94	1.86	1.78	1.27	1.19	1.11	1.03	0.95	0.86	0.78
96.01	98.00	2.71	2.35	2.26	2.18	2.10	2.02	1.94	1.86	1.32	1.24	1.16	1.08	1.00	0.92	0.84
98.01	100.00	2.80	2.44	2.36	2.28	2.20	2.12	2.04	1.96	1.39	1.31	1.23	1.15	1.07	0.99	0.91
100.01	102.00	2.90	2.54	2.46	2.38	2.29	2.21	2.13	2.05	1.46	1.38	1.30	1.22	1.14	1.06	0.97
102.01	104.00	3.00	2.63	2.55	2.47	2.39	2.31	2.23	2.15	1.53	1.45	1.37	1.29	1.21	1.12	1.04
104.01	106.00	3.09	2.73	2.65	2.57	2.49	2.41	2.33	2.24	1.60	1.52	1.44	1.36	1.27	1.19	1.11
106.01	108.00	3.19	2.83	2.74	2.66	2.58	2.50	2.42	2.34	1.67	1.59	1.51	1.42	1.34	1.26	1.18
108.01	110.00	3.28	2.92	2.84	2.76	2.68	2.60	2.52	2.44	1.74	1.65	1.57	1.49	1.41	1.33	1.25
110.01	112.00	3.38	3.02	2.94	2.86	2.77	2.69	2.61	2.53	1.80	1.72	1.64	1.56	1.48	1.40	1.32
112.01	114.00	3.48	3.11	3.03	2.95	2.87	2.79	2.71	2.63	1.87	1.79	1.71	1.63	1.55	1.47	1.39
114.01	116.00	3.57	3.21	3.13	3.05	2.97	2.89	2.81	2.72	1.94	1.86	1.78	1.70	1.62	1.54	1.46
116.01	118.00	3.67	3.31	3.22	3.14	3.06	2.98	2.90	2.82	2.01	1.93	1.85	1.77	1.69	1.61	1.53
118.01	120.00	3.76	3.40	3.32	3.24	3.16	3.08	3.00	2.92	2.08	2.00	1.92	1.84	1.76	1.68	1.60
120.01	122.00	3.86	3.50	3.42	3.34	3.25	3.17	3.09	3.01	2.15	2.07	1.99	1.91	1.83	1.75	1.66
122.01	124.00	3.96	3.59	3.51	3.43	3.35	3.27	3.19	3.11	2.22	2.14	2.06	1.98	1.90	1.81	1.73
124.01	126.00	4.05	3.69	3.61	3.53	3.45	3.37	3.29	3.20	2.29	2.21	2.13	2.05	1.96	1.88	1.80
126.01	128.00	4.15	3.79	3.70	3.62	3.54	3.46	3.38	3.30	2.36	2.28	2.20	2.11	2.03	1.95	1.87
128.01	130.00	4.24	3.88	3.80	3.72	3.64	3.56	3.48	3.40	2.43	2.34	2.26	2.18	2.10	2.02	1.94
130.01	132.00	4.34	3.98	3.90	3.82	3.73	3.65	3.57	3.49	2.49	2.41	2.33	2.25	2.17	2.09	2.01
132.01	134.00	4.44	4.07	3.99	3.91	3.83	3.75	3.67	3.59	2.56	2.48	2.40	2.32	2.24	2.16	2.08

134.01	136.00	4.53	4.17	4.09	4.01	3.93	3.85	3.77	3.68	2.63	2.55	2.47	2.39	2.31	2.23	2.15
136.01	138.00	4.63	4.27	4.18	4.10	4.02	3.94	3.86	3.78	2.70	2.62	2.54	2.46	2.38	2.30	2.22
138.01	140.00	4.72	4.36	4.28	4.20	4.12	4.04	3.96	3.88	2.77	2.69	2.61	2.53	2.45	2.37	2.29
140.01	142.00	4.82	4.46	4.38	4.30	4.21	4.13	4.05	3.97	2.84	2.76	2.68	2.60	2.52	2.44	2.35
142.01	144.00	4.92	4.55	4.47	4.39	4.31	4.23	4.15	4.07	2.91	2.83	2.75	2.67	2.59	2.50	2.42
144.01	146.00	5.01	4.65	4.57	4.49	4.41	4.33	4.25	4.16	2.98	2.90	2.82	2.74	2.65	2.57	2.49
146.01	148.00	5.11	4.75	4.66	4.58	4.50	4.42	4.34	4.26	3.05	2.97	2.89	2.80	2.72	2.64	2.56
148.01	150.00	5.20	4.84	4.76	4.68	4.60	4.52	4.44	4.36	3.12	3.03	2.95	2.87	2.79	2.71	2.63
150.01	152.00	5.30	4.94	4.86	4.78	4.69	4.61	4.53	4.45	3.18	3.10	3.02	2.94	2.86	2.78	2.70
152.01	154.00	5.40	5.03	4.95	4.87	4.79	4.71	4.63	4.55	3.25	3.17	3.09	3.01	2.93	2.85	2.77
154.01	156.00	5.49	5.13	5.05	4.97	4.89	4.81	4.73	4.64	3.32	3.24	3.16	3.08	3.00	2.92	2.84
156.01	158.00	5.59	5.23	5.14	5.06	4.98	4.90	4.82	4.74	3.39	3.31	3.23	3.15	3.07	2.99	2.91
158.01	160.00	5.68	5.32	5.24	5.16	5.08	5.00	4.92	4.84	3.46	3.38	3.30	3.22	3.14	3.06	2.98
160.01	162.00	5.78	5.42	5.34	5.26	5.17	5.09	5.01	4.93	3.53	3.45	3.37	3.29	3.21	3.13	3.04
162.01	164.00	5.88	5.51	5.43	5.35	5.27	5.19	5.11	5.03	3.60	3.52	3.44	3.36	3.28	3.19	3.11
164.01	166.00	5.97	5.61	5.53	5.45	5.37	5.29	5.21	5.12	3.67	3.59	3.51	3.43	3.34	3.26	3.18
166.01	168.00	6.07	5.71	5.62	5.54	5.46	5.38	5.30	5.22	3.74	3.66	3.58	3.49	3.41	3.33	3.25
168.01	170.00	6.16	5.80	5.72	5.64	5.56	5.48	5.40	5.32	3.81	3.72	3.64	3.56	3.48	3.40	3.32
170.01	172.00	6.26	5.90	5.82	5.74	5.65	5.57	5.49	5.41	3.87	3.79	3.71	3.63	3.55	3.47	3.39
172.01	174.00	6.36	5.99	5.91	5.83	5.75	5.67	5.59	5.51	3.94	3.86	3.78	3.70	3.62	3.54	3.46
174.01	176.00	6.45	6.09	6.01	5.93	5.85	5.77	5.69	5.60	4.01	3.93	3.85	3.77	3.69	3.61	3.53
176.01	178.00	6.55	6.19	6.10	6.02	5.94	5.86	5.78	5.70	4.08	4.00	3.92	3.84	3.76	3.68	3.60
178.01	180.00	6.64	6.28	6.20	6.12	6.04	5.96	5.88	5.80	4.15	4.07	3.99	3.91	3.83	3.75	3.67
180.01	182.00	6.74	6.38	6.30	6.22	6.13	6.05	5.97	5.89	4.22	4.14	4.06	3.98	3.90	3.82	3.73
182.01	184.00	6.84	6.47	6.39	6.31	6.23	6.15	6.07	5.99	4.29	4.21	4.13	4.05	3.97	3.88	3.80
184.01	186.00	6.93	6.57	6.49	6.41	6.33	6.25	6.17	6.08	4.36	4.28	4.20	4.12	4.03	3.95	3.87
186.01	188.00	7.03	6.67	6.58	6.50	6.42	6.34	6.26	6.18	4.43	4.35	4.27	4.18	4.10	4.02	3.94
188.01	190.00	7.12	6.76	6.68	6.60	6.52	6.44	6.36	6.28	4.50	4.41	4.33	4.25	4.17	4.09	4.01
190.01	192.00	7.22	6.86	6.78	6.70	6.61	6.53	6.45	6.37	4.56	4.48	4.40	4.32	4.24	4.16	4.08
192.01	194.00	7.32	6.95	6.87	6.79	6.71	6.63	6.55	6.47	4.64	4.56	4.48	4.40	4.32	4.24	4.16

Add 4.80% for amounts in excess of \$194

Weekly Louisiana Income Tax Withholding Table																
Exemptions:		0	1							2						
Dependents:		0	0	1	2	3	4	5	6	0	1	2	3	4	5	6
Salary Range:																
Min	Max															
0.00	50.00	2.1%	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
50.01	70.00	1.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
70.01	90.00	1.68	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
90.01	110.00	2.10	0.28	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
110.01	130.00	2.52	0.70	0.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
130.01	150.00	2.94	1.12	0.72	0.32	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
150.01	170.00	3.36	1.54	1.14	0.74	0.33	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
170.01	190.00	3.78	1.96	1.56	1.16	0.75	0.35	0.00	0.00	0.15	0.00	0.00	0.00	0.00	0.00	0.00
190.01	210.00	4.20	2.38	1.98	1.58	1.17	0.77	0.36	0.00	0.57	0.16	0.00	0.00	0.00	0.00	0.00
210.01	230.00	4.62	2.80	2.40	2.00	1.59	1.19	0.78	0.38	0.99	0.58	0.18	0.00	0.00	0.00	0.00
230.01	250.00	5.04	3.22	2.82	2.42	2.01	1.61	1.20	0.80	1.41	1.00	0.60	0.19	0.00	0.00	0.00
250.01	270.00	5.72	3.91	3.50	3.10	2.70	2.29	1.89	1.48	1.83	1.42	1.02	0.61	0.21	0.00	0.00
270.01	290.00	6.41	4.60	4.19	3.79	3.39	2.98	2.58	2.17	2.25	1.84	1.44	1.03	0.63	0.23	0.00
290.01	310.00	7.10	5.29	4.88	4.48	4.08	3.67	3.27	2.86	2.67	2.26	1.86	1.45	1.05	0.65	0.24
310.01	330.00	7.79	5.98	5.57	5.17	4.77	4.36	3.96	3.55	3.09	2.68	2.28	1.87	1.47	1.07	0.66
330.01	350.00	8.48	6.67	6.26	5.86	5.46	5.05	4.65	4.24	3.51	3.10	2.70	2.29	1.89	1.49	1.08
350.01	370.00	9.17	7.36	6.95	6.55	6.15	5.74	5.34	4.93	3.93	3.52	3.12	2.71	2.31	1.91	1.50
370.01	390.00	9.86	8.05	7.64	7.24	6.84	6.43	6.03	5.62	4.35	3.94	3.54	3.13	2.73	2.33	1.92
390.01	410.00	10.55	8.74	8.33	7.93	7.53	7.12	6.72	6.31	4.77	4.36	3.96	3.55	3.15	2.75	2.34
410.01	430.00	11.24	9.43	9.02	8.62	8.22	7.81	7.41	7.00	5.19	4.78	4.38	3.97	3.57	3.17	2.76
430.01	450.00	11.93	10.12	9.71	9.31	8.91	8.50	8.10	7.69	5.61	5.20	4.80	4.39	3.99	3.59	3.18
450.01	470.00	12.62	10.81	10.40	10.00	9.60	9.19	8.79	8.38	6.03	5.62	5.22	4.81	4.41	4.01	3.60
470.01	490.00	13.31	11.50	11.09	10.69	10.29	9.88	9.48	9.07	6.45	6.04	5.64	5.23	4.83	4.43	4.02
490.01	510.00	14.26	12.45	12.04	11.64	11.24	10.83	10.43	10.02	7.12	6.72	6.32	5.91	5.51	5.11	4.70
510.01	530.00	15.22	13.41	13.00	12.60	12.20	11.79	11.39	10.98	7.81	7.41	7.01	6.60	6.20	5.80	5.39
530.01	550.00	16.18	14.37	13.96	13.56	13.16	12.75	12.35	11.94	8.50	8.10	7.70	7.29	6.89	6.49	6.08
550.01	570.00	17.14	15.33	14.92	14.52	14.12	13.71	13.31	12.90	9.19	8.79	8.39	7.98	7.58	7.18	6.77
570.01	590.00	18.10	16.29	15.88	15.48	15.08	14.67	14.27	13.86	9.88	9.48	9.08	8.67	8.27	7.87	7.46
590.01	610.00	19.06	17.25	16.84	16.44	16.04	15.63	15.23	14.82	10.57	10.17	9.77	9.36	8.96	8.56	8.15
610.01	630.00	20.02	18.21	17.80	17.40	17.00	16.59	16.19	15.78	11.26	10.86	10.46	10.05	9.65	9.25	8.84
630.01	650.00	20.98	19.17	18.76	18.36	17.96	17.55	17.15	16.74	11.95	11.55	11.15	10.74	10.34	9.94	9.53
650.01	670.00	21.94	20.13	19.72	19.32	18.92	18.51	18.11	17.70	12.64	12.24	11.84	11.43	11.03	10.63	10.22
670.01	690.00	22.90	21.09	20.68	20.28	19.88	19.47	19.07	18.66	13.33	12.93	12.53	12.12	11.72	11.32	10.91

Weekly Louisiana Income Tax Withholding Table																														
Exemptions:		0								1						2														
Dependents:		0		1		2		3		4		5		6		0		1		2		3		4		5		6		
Salary Range:																														
Min	Max																													
690.01	710.00	23.86	22.05	21.64	21.24	20.84	20.43	20.03	19.62	14.02	13.62	13.22	12.81	12.41	12.01	11.60	14.02	13.62	13.22	12.81	12.41	12.01	11.60	14.02	13.62	13.22	12.81	12.41	12.01	11.60
710.01	730.00	24.82	23.01	22.60	22.20	21.80	21.39	20.99	20.58	14.71	14.31	13.91	13.50	13.10	12.70	12.29	14.71	14.31	13.91	13.50	13.10	12.70	12.29	14.71	14.31	13.91	13.50	13.10	12.70	12.29
730.01	750.00	25.78	23.97	23.56	23.16	22.76	22.35	21.95	21.54	15.40	15.00	14.60	14.19	13.79	13.39	12.98	15.40	15.00	14.60	14.19	13.79	13.39	12.98	15.40	15.00	14.60	14.19	13.79	13.39	12.98
750.01	770.00	26.74	24.93	24.52	24.12	23.72	23.31	22.91	22.50	16.09	15.69	15.29	14.88	14.48	14.08	13.67	16.09	15.69	15.29	14.88	14.48	14.08	13.67	16.09	15.69	15.29	14.88	14.48	14.08	13.67
770.01	790.00	27.70	25.89	25.48	25.08	24.68	24.27	23.87	23.46	16.78	16.38	15.98	15.57	15.17	14.77	14.36	16.78	16.38	15.98	15.57	15.17	14.77	14.36	16.78	16.38	15.98	15.57	15.17	14.77	14.36
790.01	810.00	28.66	26.85	26.44	26.04	25.64	25.23	24.83	24.42	17.47	17.07	16.67	16.26	15.86	15.46	15.05	17.47	17.07	16.67	16.26	15.86	15.46	15.05	17.47	17.07	16.67	16.26	15.86	15.46	15.05
810.01	830.00	29.62	27.81	27.40	27.00	26.60	26.19	25.79	25.38	18.16	17.76	17.36	16.95	16.55	16.15	15.74	18.16	17.76	17.36	16.95	16.55	16.15	15.74	18.16	17.76	17.36	16.95	16.55	16.15	15.74
830.01	850.00	30.58	28.77	28.36	27.96	27.56	27.15	26.75	26.34	18.85	18.45	18.05	17.64	17.24	16.84	16.43	18.85	18.45	18.05	17.64	17.24	16.84	16.43	18.85	18.45	18.05	17.64	17.24	16.84	16.43
850.01	870.00	31.54	29.73	29.32	28.92	28.52	28.11	27.71	27.30	19.54	19.14	18.74	18.33	17.93	17.53	17.12	19.54	19.14	18.74	18.33	17.93	17.53	17.12	19.54	19.14	18.74	18.33	17.93	17.53	17.12
870.01	890.00	32.50	30.69	30.28	29.88	29.48	29.07	28.67	28.26	20.23	19.83	19.43	19.02	18.62	18.22	17.81	20.23	19.83	19.43	19.02	18.62	18.22	17.81	20.23	19.83	19.43	19.02	18.62	18.22	17.81
890.01	910.00	33.46	31.65	31.24	30.84	30.44	30.03	29.63	29.22	20.92	20.52	20.12	19.71	19.31	18.91	18.50	20.92	20.52	20.12	19.71	19.31	18.91	18.50	20.92	20.52	20.12	19.71	19.31	18.91	18.50
910.01	930.00	34.42	32.61	32.20	31.80	31.40	30.99	30.59	30.18	21.61	21.21	20.81	20.40	20.00	19.60	19.19	21.61	21.21	20.81	20.40	20.00	19.60	19.19	21.61	21.21	20.81	20.40	20.00	19.60	19.19
930.01	950.00	35.38	33.57	33.16	32.76	32.36	31.95	31.55	31.14	22.30	21.90	21.50	21.09	20.69	20.29	19.88	22.30	21.90	21.50	21.09	20.69	20.29	19.88	22.30	21.90	21.50	21.09	20.69	20.29	19.88
950.01	970.00	36.34	34.53	34.12	33.72	33.32	32.91	32.51	32.10	22.99	22.59	22.19	21.78	21.38	20.98	20.57	22.99	22.59	22.19	21.78	21.38	20.98	20.57	22.99	22.59	22.19	21.78	21.38	20.98	20.57
970.01	990.00	37.30	35.49	35.08	34.68	34.28	33.87	33.47	33.06	23.68	23.28	22.88	22.47	22.07	21.66	21.25	23.68	23.28	22.88	22.47	22.07	21.66	21.25	23.68	23.28	22.88	22.47	22.07	21.66	21.25

Add 4.80% for amounts in excess of \$990

Biweekly Louisiana Income Tax Withholding Table																														
Exemptions:		0								1						2														
Dependents:		0		1		2		3		4		5		6		0		1		2		3		4		5		6		
Salary Range:																														
Min	Max																													
0.00	100.00	2.1%	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
100.01	140.00	2.52	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
140.01	180.00	3.36	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
180.01	220.00	4.20	0.57	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
220.01	260.00	5.04	1.41	0.60	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
260.01	300.00	5.88	2.25	1.44	0.63	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
300.01	340.00	6.72	3.09	2.28	1.47	0.66	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
340.01	380.00	7.56	3.93	3.12	2.31	1.50	0.69	0.00	0.00	0.29	0.00	0.00	0.00	0.00	0.00	0.00	0.29	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
380.01	420.00	8.40	4.77	3.96	3.15	2.34	1.54	0.73	0.00	1.13	0.32	0.00	0.00	0.00	0.00	0.00	1.13	0.32	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
420.01	460.00	9.24	5.61	4.80	3.99	3.18	2.38	1.57	0.76	1.97	1.16	0.36	0.00	0.00	0.00	0.00	1.97	1.16	0.36	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
460.01	500.00	10.08	6.45	5.64	4.83	4.02	3.22	2.41	1.60	2.81	2.00	1.20	0.39	0.00	0.00	0.00	2.81	2.00	1.20	0.39	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
500.01	540.00	11.45	7.81	7.01	6.20	5.39	4.58	3.78	2.97	3.65	2.84	2.04	1.23	0.42	0.00	0.00	3.65	2.84	2.04	1.23	0.42	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
540.01	580.00	12.83	9.19	8.39	7.58	6.77	5.96	5.16	4.35	4.49	3.68	2.88	2.07	1.26	0.45	0.00	4.49	3.68	2.88	2.07	1.26	0.45	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
580.01	620.00	14.21	10.57	9.77	8.96	8.15	7.34	6.54	5.73	5.33	4.52	3.72	2.91	1.29	0.48	0.00	5.33	4.52	3.72	2.91	1.29	0.48	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
620.01	660.00	15.59	11.95	11.15	10.34	9.53	8.72	7.92	7.11	6.17	5.36	4.56	3.75	2.94	1.33	0.00	6.17	5.36	4.56	3.75	2.94	1.33	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
660.01	700.00	16.97	13.33	12.53	11.72	10.91	10.10	9.30	8.49	7.01	6.20	5.40	4.59	3.78	2.97	2.17	7.01	6.20	5.40	4.59	3.78	2.97	2.17	0.00	0.00	0.00	0.00	0.00	0.00	0.00
700.01	740.00	18.35	14.71	13.91	13.10	12.29	11.48	10.68	9.87	7.85	7.04	6.24	5.43	4.62	3.81	3.01	7.85	7.04	6.24	5.43	4.62	3.81	3.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00
740.01	780.00	19.73	16.09	15.29	14.48	13.67	12.86	12.06	11.25	8.69	7.88	7.08	6.27	5.46	4.65	3.85	8.69	7.88	7.08	6.27	5.46	4.65	3.85	0.00	0.00	0.00	0.00	0.00	0.00	0.00
780.01	820.00	21.11	17.47	16.67	15.86	15.05	14.24	13.44	12.63	9.53	8.72	7.92	7.11	6.30	5.49	4.69	9.53	8.72	7.92	7.11	6.30	5.49	4.69	0.00	0.00	0.00	0.00	0.00	0.00	0.00
820.01	860.00	22.49	18.85	18.05	17.24	16.43	15.62	14.82	14.01	10.37	9.56	8.76	7.95	7.14	6.33	5.53	10.37	9.56	8.76	7.95	7.14	6.33	5.53	0.00	0.00	0.00	0.00	0.00	0.00	0.00
860.01	900.00	23.87	20.23	19.43	18.62	17.81	17.00	16.20	15.39	11.21	10.40	9.60	8.79	7.98	7.17	6.37	11.21	10.40	9.60	8.79	7.98	7.17	6.37	0.00	0.00	0.00	0.00	0.00	0.00	0.00
900.01	940.00	25.25	21.61	20.81	20.00	19.19	18.38	17.58	16.77	12.05	11.24	10.44	9.63	8.82	8.01	7.21	12.05	11.24	10.44	9.63	8.82	8.01	7.21	0.00	0.00	0.00	0.00	0.00	0.00	0.00
940.01	980.00	26.63	22.99	22.19	21.38	20.57	19.76	18.96	18.15	12.89	12.08	11.28	10.47	9.66	8.85	8.05	12.89	12.08	11.28	10.47	9.									

1,780.01	1,820.00	66.93	63.29	62.49	61.68	60.87	60.06	59.26	58.45	41.85	41.04	40.23	39.43	38.62	37.81	37.00
1,820.01	1,860.00	68.85	65.21	64.41	63.60	62.79	61.98	61.18	60.37	43.23	42.42	41.61	40.81	40.00	39.19	38.38
1,860.01	1,900.00	70.77	67.13	66.33	65.52	64.71	63.90	63.10	62.29	44.61	43.80	42.99	42.19	41.38	40.57	39.76
1,900.01	1,940.00	72.69	69.05	68.25	67.44	66.63	65.82	65.02	64.21	45.99	45.18	44.37	43.57	42.76	41.95	41.14
1,940.01	1,980.00	74.61	70.97	70.17	69.36	68.55	67.74	66.94	66.13	47.87	47.06	46.25	45.45	44.64	43.83	43.02

Add 4.80% for amounts in excess of \$1,980

Semimonthly Louisiana Income Tax Withholding Table																									
Exemptions:		0								1								2							
Dependents:		0	0	1	2	3	4	5	6	0	1	2	3	4	5	6									
Salary Range:																									
Min	Max																								
0.00	100.00	2.1%	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00									
100.01	140.00	2.52	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00									
140.01	180.00	3.36	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00									
180.01	220.00	4.20	0.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00									
220.01	260.00	5.04	1.10	0.23	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00									
260.01	300.00	5.88	1.94	1.07	0.19	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00									
300.01	340.00	6.72	2.78	1.91	1.03	0.16	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00									
340.01	380.00	7.56	3.62	2.75	1.87	1.00	0.12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00									
380.01	420.00	8.40	4.46	3.59	2.71	1.84	0.96	0.09	0.00	0.53	0.00	0.00	0.00	0.00	0.00	0.00									
420.01	460.00	9.24	5.30	4.43	3.55	2.68	1.80	0.93	0.05	1.37	0.49	0.00	0.00	0.00	0.00	0.00									
460.01	500.00	10.08	6.14	5.27	4.39	3.52	2.64	1.77	0.89	2.21	1.33	0.46	0.00	0.00	0.00	0.00									
500.01	540.00	10.92	6.98	6.11	5.23	4.36	3.48	2.61	1.73	3.05	2.17	1.30	0.42	0.00	0.00	0.00									
540.01	580.00	12.29	8.35	7.48	6.60	5.73	4.85	3.98	3.10	3.89	3.01	2.14	1.26	0.10	0.00	0.00									
580.01	620.00	13.67	9.73	8.86	7.98	7.11	6.23	5.36	4.48	4.73	3.85	2.98	2.10	0.94	0.00	0.00									
620.01	660.00	15.05	11.11	10.24	9.36	8.49	7.61	6.74	5.86	5.57	4.69	3.82	2.94	1.78	0.35	0.00									
660.01	700.00	16.43	12.49	11.62	10.74	9.87	8.99	8.12	7.24	6.41	5.53	4.66	3.78	2.62	1.19	0.00									
700.01	740.00	17.81	13.87	13.00	12.12	11.25	10.37	9.50	8.62	7.25	6.37	5.50	4.62	3.46	2.03	0.59									
740.01	780.00	19.19	15.25	14.38	13.50	12.63	11.75	10.88	10.00	8.09	7.21	6.34	5.46	4.30	2.87	1.43									
780.01	820.00	20.57	16.63	15.76	14.88	14.01	13.13	12.26	11.38	8.93	8.05	7.18	6.30	5.14	3.71	2.27									
820.01	860.00	21.95	18.01	17.14	16.26	15.39	14.51	13.64	12.76	9.77	8.89	8.02	7.14	5.98	4.55	3.11									
860.01	900.00	23.33	19.39	18.52	17.64	16.77	15.89	15.02	14.14	10.61	9.73	8.86	7.98	6.82	5.39	3.95									
900.01	940.00	24.71	20.77	19.90	19.02	18.15	17.27	16.40	15.52	11.45	10.57	9.70	8.82	7.66	6.23	4.79									
940.01	980.00	26.09	22.15	21.28	20.40	19.53	18.65	17.78	16.90	12.29	11.41	10.54	9.66	8.50	7.07	5.63									
980.01	1,020.00	27.47	23.53	22.66	21.78	20.91	20.03	19.16	18.28	13.13	12.25	11.38	10.50	9.34	7.91	6.47									
1,020.01	1,060.00	28.85	24.91	24.04	23.16	22.29	21.41	20.54	19.66	13.97	13.09	12.22	11.34	10.18	8.75	7.31									
1,060.01	1,100.00	30.75	26.81	25.93	25.06	24.18	23.31	22.43	21.56	15.32	14.45	13.57	12.70	11.54	10.10	8.67									
1,100.01	1,140.00	32.67	28.73	27.85	26.98	26.10	25.23	24.35	23.48	16.70	15.83	14.95	14.08	12.92	11.48	10.05									
1,140.01	1,180.00	34.59	30.65	29.77	28.90	28.02	27.15	26.27	25.40	18.08	17.21	16.33	15.46	14.30	12.86	11.43									
1,180.01	1,220.00	36.51	32.57	31.69	30.82	29.94	29.07	28.19	27.32	19.46	18.59	17.71	16.84	15.68	14.24	12.81									
1,220.01	1,260.00	38.43	34.49	33.61	32.74	31.86	30.99	30.11	29.24	20.84	19.97	19.09	18.22	17.06	15.62	14.19									
1,260.01	1,300.00	40.35	36.41	35.53	34.66	33.78	32.91	32.03	31.16	22.22	21.35	20.47	19.60	18.44	17.00	15.57									
1,300.01	1,340.00	42.27	38.33	37.45	36.58	35.70	34.83	33.95	33.08	23.60	22.73	21.85	20.98	19.82	18.38	16.95									
1,340.01	1,380.00	44.19	40.25	39.37	38.50	37.62	36.75	35.87	35.00	24.98	24.11	23.23	22.36	21.20	19.76	18.33									
1,380.01	1,420.00	46.11	42.17	41.29	40.42	39.54	38.67	37.79	36.92	26.36	25.49	24.61	23.74	22.58	21.14	19.71									
1,420.01	1,460.00	48.03	44.09	43.21	42.34	41.46	40.59	39.71	38.84	27.74	26.87	25.99	25.12	23.96	22.52	21.09									
1,460.01	1,500.00	49.95	46.01	45.13	44.26	43.38	42.51	41.63	40.76	29.12	28.25	27.37	26.50	25.34	23.90	22.47									
1,500.01	1,540.00	51.87	47.93	47.05	46.18	45.30	44.43	43.55	42.68	30.50	29.63	28.75	27.88	26.72	25.28	23.85									
1,540.01	1,580.00	53.79	49.85	48.97	48.10	47.22	46.35	45.47	44.60	31.88	31.01	30.13	29.26	28.10	26.66	25.23									
1,580.01	1,620.00	55.71	51.77	50.89	50.02	49.14	48.27	47.39	46.52	33.26	32.39	31.51	30.64	29.48	28.04	26.61									
1,620.01	1,660.00	57.63	53.69	52.81	51.94	51.06	50.19	49.31	48.44	34.64	33.77	32.89	32.02	30.86	29.42	27.99									
1,660.01	1,700.00	59.55	55.61	54.73	53.86	52.98	52.11	51.23	50.36	36.02	35.15	34.27	33.40	32.24	30.80	29.37									
1,700.01	1,740.00	61.47	57.53	56.65	55.78	54.90	54.03	53.15	52.28	37.40	36.53	35.65	34.78	33.62	32.18	30.75									
1,740.01	1,780.00	63.39	59.45	58.57	57.70	56.82	55.95	55.07	54.20	38.78	37.91	37.03	36.16	35.00	33.56	32.13									
1,780.01	1,820.00	65.31	61.37	60.49	59.62	58.74	57.87	56.99	56.12	40.16	39.29	38.41	37.54	36.38	34.94	33.51									
1,820.01	1,860.00	67.23	63.29	62.41	61.54	60.66	59.79	58.91	58.04	41.54	40.67	39.79	38.92	37.76	36.32	34.89									
1,860.01	1,900.00	69.15	65.21	64.33	63.46	62.58	61.71	60.83	59.96	42.92	42.05	41.17	40.30	39.14	37.70	36.27									
1,900.01	1,940.00	71.07	67.13	66.25	65.38	64.50	63.63	62.75	61.88	44.30	43.43	42.55	41.68	40.52	39.08	37.65									
1,940.01	1,980.00	72.99	69.05	68.17	67.30	66.42	65.55	64.67	63.80	45.68	44.81	43.93	43.06	41.90	40.46	39.03									
1,980.01	2,020.00	74.91	70.97	70.09	69.22	68.34	67.47	66.59	65.72	47.06	46.19	45.31	44.44	43.28	41.84	40.41									
2,020.01	2,060.00	76.83	72.89	72.01	71.14	70.26	69.39	68.51	67.64	48.44	47.57	46.69	45.82	44.66	43.22	41.79									
2,060.01	2,100.00	78.75	74.81	73.93	73.06	72.18	71.31	70.43	69.56	49.82	48.95	48.07	47.20	46.04	44.60	43.17									
2,100.01	2,140.00	80.67	76.73	75.85	74.98	74.10	73.23	72.35	71.48	51.70	50.82	49.95	49.07	47.92	46.48	45.04									

Add 4.80% for amounts in excess of \$2,140

Monthly Louisiana Income Tax Withholding Table																
Exemptions:		0	1								2					
Dependents:		0	0	1	2	3	4	5	6	0	1	2	3	4	5	6
Salary Range:		0	0	1	2	3	4	5	6	0	1	2	3	4	5	6
Min	Max															
0.00	200.00	2.1%	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
200.01	280.00	5.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
280.01	360.00	6.72	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
360.01	440.00	8.40	0.53	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
440.01	520.00	10.08	2.21	0.46	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
520.01	600.00	11.76	3.89	2.14	0.39	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
600.01	680.00	13.44	5.57	3.82	2.07	0.32	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
680.01	760.00	15.12	7.25	5.50	3.75	2.00	0.24	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
760.01	840.00	16.80	8.93	7.18	5.43	3.68	1.93	0.18	0.00	1.05	0.00	0.00	0.00	0.00	0.00	0.00
840.01	920.00	18.48	10.61	8.86	7.11	5.36	3.61	1.86	0.11	2.73	0.98	0.00	0.00	0.00	0.00	0.00
920.01	1,000.00	20.16	12.29	10.54	8.79	7.04	5.29	3.54	1.79	4.41	2.66	0.91	0.00	0.00	0.00	0.00
1,000.01	1,080.00	21.84	13.97	12.22	10.47	8.72	6.97	5.22	3.47	6.09	4.34	2.59	0.84	0.00	0.00	0.00
1,080.01	1,160.00	24.58	16.70	14.95	13.20	11.45	9.70	7.95	6.20	7.77	6.02	4.27	2.52	0.77	0.00	0.00
1,160.01	1,240.00	27.34	19.46	17.71	15.96	14.21	12.46	10.71	8.96	9.45	7.70	5.95	4.20	2.45	0.70	0.00
1,240.01	1,320.00	30.10	22.22	20.47	18.72	16.97	15.22	13.47	11.72	11.13	9.38	7.63	5.88	4.13	2.38	0.63
1,320.01	1,400.00	32.86	24.98	23.23	21.48	19.73	17.98	16.23	14.48	12.81	11.06	9.31	7.56	5.81	4.06	2.31
1,400.01	1,480.00	35.62	27.74	25.99	24.24	22.49	20.74	18.99	17.24	14.49	12.74	10.99	9.24	7.49	5.74	3.99
1,480.01	1,560.00	38.38	30.50	28.75	27.00	25.25	23.50	21.75	20.00	16.17	14.42	12.67	10.92	9.17	7.42	5.67
1,560.01	1,640.00	41.14	33.26	31.51	29.76	28.01	26.26	24.51	22.76	17.85	16.10	14.35	12.60	10.85	9.10	7.35
1,640.01	1,720.00	43.90	36.02	34.27	32.52	30.77	29.02	27.27	25.52	19.53	17.78	16.03	14.28	12.53	10.78	9.03
1,720.01	1,800.00	46.66	38.78	37.03	35.28	33.53	31.78	30.03	28.28	21.21	19.46	17.71	15.96	14.21	12.46	10.71
1,800.01	1,880.00	49.42	41.54	39.79	38.04	36.29	34.54	32.79	31.04	22.89	21.14	19.39	17.64	15.89	14.14	12.39
1,880.01	1,960.00	52.18	44.30	42.55	40.80	39.05	37.30	35.55	33.80	24.57	22.82	21.07	19.32	17.57	15.82	14.07
1,960.01	2,040.00	54.94	47.06	45.31	43.56	41.81	40.06	38.31	36.56	26.25	24.50	22.75	21.00	19.25	17.50	15.75
2,040.01	2,120.00	57.70	49.82	48.07	46.32	44.57	42.82	41.07	39.32	27.93	26.18	24.43	22.68	20.93	19.18	17.43
2,120.01	2,200.00	61.49	53.62	51.87	50.12	48.37	46.62	44.87	43.12	30.65	28.90	27.15	25.40	23.65	21.90	20.15
2,200.01	2,280.00	65.33	57.46	55.71	53.96	52.21	50.46	48.71	46.96	33.41	31.66	29.91	28.16	26.41	24.66	22.91
2,280.01	2,360.00	69.17	61.30	59.55	57.80	56.05	54.30	52.55	50.80	36.17	34.42	32.67	30.92	29.17	27.42	25.67
2,360.01	2,440.00	73.01	65.14	63.39	61.64	59.89	58.14	56.39	54.64	38.93	37.18	35.43	33.68	31.93	30.18	28.43
2,440.01	2,520.00	76.85	68.98	67.23	65.48	63.73	61.98	60.23	58.48	41.69	39.94	38.19	36.44	34.69	32.94	31.19
2,520.01	2,600.00	80.69	72.82	71.07	69.32	67.57	65.82	64.07	62.32	44.45	42.70	40.95	39.20	37.45	35.70	33.95
2,600.01	2,680.00	84.53	76.66	74.91	73.16	71.41	69.66	67.91	66.16	47.21	45.46	43.71	41.96	40.21	38.46	36.71
2,680.01	2,760.00	88.37	80.50	78.75	77.00	75.25	73.50	71.75	70.00	49.97	48.22	46.47	44.72	42.97	41.22	39.47
2,760.01	2,840.00	92.21	84.34	82.59	80.84	79.09	77.34	75.59	73.84	52.73	50.98	49.23	47.48	45.73	43.98	42.23
2,840.01	2,920.00	96.05	88.18	86.43	84.68	82.93	81.18	79.43	77.68	55.49	53.74	51.99	50.24	48.49	46.74	44.99
2,920.01	3,000.00	99.89	92.02	90.27	88.52	86.77	85.02	83.27	81.52	58.25	56.50	54.75	53.00	51.25	49.50	47.75
3,000.01	3,080.00	103.73	95.86	94.11	92.36	90.61	88.86	87.11	85.36	61.01	59.26	57.51	55.76	54.01	52.26	50.51
3,080.01	3,160.00	107.57	99.70	97.95	96.20	94.45	92.70	90.95	89.20	63.77	62.02	60.27	58.52	56.77	55.02	53.27
3,160.01	3,240.00	111.41	103.54	101.79	100.04	98.29	96.54	94.79	93.04	66.53	64.78	63.03	61.28	59.53	57.78	56.03
3,240.01	3,320.00	115.25	107.38	105.63	103.88	102.13	100.38	98.63	96.88	69.29	67.54	65.79	64.04	62.29	60.54	58.79
3,320.01	3,400.00	119.09	111.22	109.47	107.72	105.97	104.22	102.47	100.72	72.05	70.30	68.55	66.80	65.05	63.30	61.55
3,400.01	3,480.00	122.93	115.06	113.31	111.56	109.81	108.06	106.31	104.56	74.81	73.06	71.31	69.56	67.81	66.06	64.31
3,480.01	3,560.00	126.77	118.90	117.15	115.40	113.65	111.90	110.15	108.40	77.57	75.82	74.07	72.32	70.57	68.82	67.07
3,560.01	3,640.00	130.61	122.74	120.99	119.24	117.49	115.74	113.99	112.24	80.33	78.58	76.83	75.08	73.33	71.58	69.83
3,640.01	3,720.00	134.45	126.58	124.83	123.08	121.33	119.58	117.83	116.08	83.09	81.34	79.59	77.84	76.09	74.34	72.59
3,720.01	3,800.00	138.29	130.42	128.67	126.92	125.17	123.42	121.67	119.92	85.85	84.10	82.35	80.60	78.85	77.10	75.35
3,800.01	3,880.00	142.13	134.26	132.51	130.76	129.01	127.26	125.51	123.76	88.61	86.86	85.11	83.36	81.61	79.86	78.11
3,880.01	3,960.00	145.97	138.10	136.35	134.60	132.85	131.10	129.35	127.60	91.37	89.62	87.87	86.12	84.37	82.62	80.87
3,960.01	4,040.00	149.81	141.94	140.19	138.44	136.69	134.94	133.19	131.44	94.13	92.38	90.63	88.88	87.13	85.38	83.63
4,040.01	4,120.00	153.65	145.78	144.03	142.28	140.53	138.78	137.03	135.28	96.89	95.14	93.39	91.64	89.89	88.14	86.39
4,120.01	4,200.00	157.49	149.62	147.87	146.12	144.37	142.62	140.87	139.12	99.65	97.90	96.15	94.40	92.65	90.90	89.15
4,200.01	4,280.00	161.33	153.46	151.71	149.96	148.21	146.46	144.71	142.96	103.40	101.65	99.90	98.15	96.40	94.65	92.90

Add 4.80% for amounts in excess of \$4,280

Annual Louisiana Income Tax Withholding Table																
Exemptions:		0	1								2					
Dependents:		0	0	1	2	3	4	5	6	0	1	2	3	4	5	6
Salary Range:		0	0	1	2	3	4	5	6	0	1	2	3	4	5	6
Min	Max															
0.00	2,500.00	2.1%	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2,500.01	2,900.00	56.70	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2,900.01	3,300.00	65.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3,300.01	3,700.00	73.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3,700.01	4,100.00	81.90	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4,100.01	4,500.00	90.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4,500.01	4,900.00	98.70	4.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

4,900.01	5,300.00	107.10	12.60	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5,300.01	5,700.00	115.50	21.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5,700.01	6,100.00	123.90	29.40	8.40	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6,100.01	6,500.00	132.30	37.80	16.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6,500.01	6,900.00	140.70	46.20	25.20	4.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6,900.01	7,300.00	149.10	54.60	33.60	12.60	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7,300.01	7,700.00	157.50	63.00	42.00	21.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7,700.01	8,100.00	165.90	71.40	50.40	29.40	8.40	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8,100.01	8,500.00	174.30	79.80	58.80	37.80	16.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8,500.01	8,900.00	182.70	88.20	67.20	46.20	25.20	4.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8,900.01	9,300.00	191.10	96.60	75.60	54.60	33.60	12.60	0.00	0.00	2.10	0.00	0.00	0.00	0.00	0.00	0.00
9,300.01	9,700.00	199.50	105.00	84.00	63.00	42.00	21.00	0.00	0.00	10.50	0.00	0.00	0.00	0.00	0.00	0.00
9,700.01	10,100.00	207.90	113.40	92.40	71.40	50.40	29.40	8.40	0.00	18.90	0.00	0.00	0.00	0.00	0.00	0.00
10,100.01	10,500.00	216.30	121.80	100.80	79.80	58.80	37.80	16.80	0.00	27.30	6.30	0.00	0.00	0.00	0.00	0.00
10,500.01	10,900.00	224.70	130.20	109.20	88.20	67.20	46.20	25.20	4.20	35.70	14.70	0.00	0.00	0.00	0.00	0.00
10,900.01	11,300.00	233.10	138.60	117.60	96.60	75.60	54.60	33.60	12.60	44.10	23.10	2.10	0.00	0.00	0.00	0.00
11,300.01	11,700.00	241.50	147.00	126.00	105.00	84.00	63.00	42.00	21.00	52.50	31.50	10.50	0.00	0.00	0.00	0.00
11,700.01	12,100.00	249.90	155.40	134.40	113.40	92.40	71.40	50.40	29.40	60.90	39.90	18.90	0.00	0.00	0.00	0.00
12,100.01	12,500.00	258.30	163.80	142.80	121.80	100.80	79.80	58.80	37.80	69.30	48.30	27.30	6.30	0.00	0.00	0.00
12,500.01	12,900.00	266.70	172.20	151.20	130.20	109.20	88.20	67.20	46.20	77.70	56.70	35.70	14.70	0.00	0.00	0.00
12,900.01	13,300.00	275.10	179.40	158.40	137.40	116.40	95.40	74.40	53.40	86.10	65.10	44.10	23.10	2.10	0.00	0.00
13,300.01	13,700.00	283.50	186.60	165.60	144.60	123.60	102.60	81.60	60.60	94.50	73.50	52.50	31.50	10.50	0.00	0.00
13,700.01	14,100.00	291.90	193.80	172.80	151.80	130.80	109.80	88.80	67.80	102.90	81.90	60.90	39.90	18.90	0.00	0.00
14,100.01	14,500.00	300.30	201.00	180.00	159.00	138.00	117.00	96.00	75.00	111.30	90.30	69.30	48.30	27.30	6.30	0.00
14,500.01	14,900.00	308.70	208.20	187.20	166.20	145.20	124.20	103.20	82.20	119.70	98.70	77.70	56.70	35.70	14.70	0.00
14,900.01	15,300.00	317.10	215.40	194.40	174.40	152.40	131.40	110.40	89.40	128.10	107.10	86.10	65.10	44.10	23.10	2.10
15,300.01	15,700.00	325.50	222.60	201.60	181.60	159.60	138.60	117.60	96.60	136.50	115.50	94.50	73.50	52.50	31.50	10.50
15,700.01	16,100.00	333.90	229.80	208.80	188.80	166.80	145.80	124.80	103.80	144.90	123.90	102.90	81.90	60.90	39.90	18.90
16,100.01	16,500.00	342.30	237.00	216.00	196.00	174.00	153.00	132.00	111.00	153.30	132.30	111.30	90.30	69.30	48.30	27.30
16,500.01	16,900.00	350.70	244.20	223.20	203.20	181.20	160.20	139.20	118.20	161.70	140.70	119.70	98.70	77.70	56.70	35.70
16,900.01	17,300.00	359.10	251.40	230.40	210.40	188.40	167.40	146.40	125.40	170.10	149.10	128.10	107.10	86.10	65.10	44.10
17,300.01	17,700.00	367.50	258.60	237.60	217.60	195.60	174.60	153.60	132.60	178.50	157.50	136.50	115.50	94.50	73.50	52.50
17,700.01	18,100.00	375.90	265.80	244.80	224.80	202.80	181.80	160.80	139.80	186.90	165.90	144.90	123.90	102.90	81.90	60.90
18,100.01	18,500.00	384.30	273.00	252.00	232.00	210.00	189.00	168.00	147.00	195.30	174.30	153.30	132.30	111.30	90.30	69.30
18,500.01	18,900.00	392.70	280.20	259.20	239.20	217.20	196.20	175.20	154.20	203.70	182.70	161.70	140.70	119.70	98.70	77.70
18,900.01	19,300.00	401.10	287.40	266.40	246.40	224.40	203.40	182.40	161.40	212.10	191.10	170.10	149.10	128.10	107.10	86.10
19,300.01	19,700.00	409.50	294.60	273.60	253.60	231.60	210.60	189.60	168.60	220.50	199.50	178.50	157.50	136.50	115.50	94.50
19,700.01	20,100.00	417.90	301.80	280.80	260.80	238.80	217.80	196.80	175.80	228.90	207.90	186.90	165.90	144.90	123.90	102.90
20,100.01	20,500.00	426.30	309.00	288.00	268.00	246.00	225.00	204.00	184.00	237.30	216.30	195.30	174.30	153.30	132.30	111.30
20,500.01	20,900.00	434.70	316.20	295.20	275.20	253.20	232.20	211.20	191.20	245.70	224.70	203.70	182.70	161.70	140.70	119.70
20,900.01	21,300.00	443.10	323.40	302.40	282.40	260.40	239.40	218.40	198.40	254.10	233.10	212.10	191.10	170.10	149.10	128.10
21,300.01	21,700.00	451.50	330.60	309.60	289.60	267.60	246.60	225.60	205.60	262.50	241.50	220.50	199.50	178.50	157.50	136.50
21,700.01	22,100.00	459.90	337.80	316.80	296.80	274.80	253.80	232.80	212.80	270.90	249.90	228.90	207.90	186.90	165.90	144.90
22,100.01	22,500.00	468.30	345.00	324.00	304.00	281.80	260.80	239.80	219.80	279.30	258.30	237.30	216.30	195.30	174.30	153.30
22,500.01	22,900.00	476.70	352.20	331.20	311.20	288.80	267.80	246.80	226.80	287.70	266.70	245.70	224.70	203.70	182.70	161.70
22,900.01	23,300.00	485.10	359.40	338.40	318.40	295.80	274.80	253.80	233.80	296.10	275.10	254.10	233.10	212.10	191.10	170.10
23,300.01	23,700.00	493.50	366.60	345.60	325.60	302.80	281.80	260.80	240.80	304.50	283.50	262.50	241.50	220.50	199.50	178.50
23,700.01	24,100.00	501.90	373.80	352.80	332.80	309.80	288.80	267.80	247.80	312.90	291.90	270.90	249.90	228.90	207.90	186.90
24,100.01	24,500.00	510.30	381.00	360.00	340.00	316.80	295.80	274.80	254.80	321.30	300.30	279.30	258.30	237.30	216.30	195.30
24,500.01	24,900.00	518.70	388.20	367.20	347.20	323.80	302.80	281.80	261.80	329.70	308.70	287.70	266.70	245.70	224.70	203.70
24,900.01	25,300.00	527.10	395.40	374.40	354.40	330.80	309.80	288.80	268.80	338.10	317.10	296.10	275.10	254.10	233.10	212.10
25,300.01	25,700.00	535.50	402.60	381.60	361.60	337.80	316.80	295.80	275.80	346.50	325.50	304.50	283.50	262.50	241.50	220.50
25,700.01	26,100.00	543.90	409.80	388.80	368.80	344.80	323.80	302.80	282.80	354.90	333.90	312.90	291.90	270.90	249.90	228.90
26,100.01	26,500.00	552.30	417.00	396.00	376.00	351.80	330.80	309.80	289.80	363.30	342.30	320.30	299.30	278.30	257.30	236.30
26,500.01	26,900.00	560.70	424.20	403.20	383.20	358.80	337.80	316.80	296.80	371.70	350.70	328.70	307.70	286.70	265.70	244.70
26,900.01	27,300.00	569.10	431.40	410.40	390.40	365.80	344.80	323.80	303.80	380.10	358.10	336.10	315.10	294.10	273.10	252.10
27,300.01	27,700.00	577.50	438.60	417.60	397.60	372.80	351.80	330.80	310.80	388.50	366.50	344.50	323.50	302.50	281.50	260.50
27,700.01	28,100.00	585.90	445.80	424.80	404.80	379.80	358.80	337.80	317.80	396.90	374.90	352.90	331.90	310.90	289.90	268.90
28,100.01	28,500.00	594.30	453.00	432.00	411.80	386.80	365.80	344.80	324.80	405.30	383.30	360.30	339.30	318.30	297.30	276.30
28,500.01	28,900.00	602.70	460.20	439.20	418.80	393.80	372.80	351.80	331.80	413.70	391.70	368.70	347.70	326.70	305.70	284.70
28,900.01	29,300.00	611.10	467.40	446.40	425.80	400.80	379.80	358.80	338.80	422.10	400.10	376.10	355.10	334.10	314.10	293.10
29,300.01	29,700.00	619.50	474.60	453.60	432.80	407.80	386.80	365.80	345.80	430.50	408.50	384.50	363.50	342.50	322.50	301.50
29,700.01	30,100.00	627.90	481.80	460.80	439.80	414.80	393.80	372.80	352.80	438.90	416.90	392.90	371.90	350.90	330.90	310.90
30,100.01	30,500.00	636.30	489.00	468.00	446.80	421.80	400.80	379.80	359.80	447.30	425.30	400.30	380.30	358.30	338.30	318.30
30,500.01	30,900.00	644.70	496.20	475.20	453.80	428.80	407.80	386.80	366.80	455.70	433.70	408.70	388.70	366.70	346.70	326.70
30,900.01	31,300															

33,700.01	34,100.00	1,120.95	1,026.45	1,005.45	984.45	963.45	942.45	921.45	900.45	643.05	622.05	601.05	580.05	559.05	538.05	517.05
34,100.01	34,500.00	1,140.15	1,045.65	1,024.65	1,003.65	982.65	961.65	940.65	919.65	656.85	635.85	614.85	593.85	572.85	551.85	530.85
34,500.01	34,900.00	1,159.35	1,064.85	1,043.85	1,022.85	1,001.85	980.85	959.85	938.85	670.65	649.65	628.65	607.65	586.65	565.65	544.65
34,900.01	35,300.00	1,178.55	1,084.05	1,063.05	1,042.05	1,021.05	1,000.05	979.05	958.05	684.45	663.45	642.45	621.45	600.45	579.45	558.45
35,300.01	35,700.00	1,197.75	1,103.25	1,082.25	1,061.25	1,040.25	1,019.25	998.25	977.25	698.25	677.25	656.25	635.25	614.25	593.25	572.25
35,700.01	36,100.00	1,216.95	1,122.45	1,101.45	1,080.45	1,059.45	1,038.45	1,017.45	996.45	712.05	691.05	670.05	649.05	628.05	607.05	586.05
36,100.01	36,500.00	1,236.15	1,141.65	1,120.65	1,099.65	1,078.65	1,057.65	1,036.65	1,015.65	725.85	704.85	683.85	662.85	641.85	620.85	599.85
36,500.01	36,900.00	1,255.35	1,160.85	1,139.85	1,118.85	1,097.85	1,076.85	1,055.85	1,034.85	739.65	718.65	697.65	676.65	655.65	634.65	613.65
36,900.01	37,300.00	1,274.55	1,180.05	1,159.05	1,138.05	1,117.05	1,096.05	1,075.05	1,054.05	753.45	732.45	711.45	690.45	669.45	648.45	627.45
37,300.01	37,700.00	1,293.75	1,199.25	1,178.25	1,157.25	1,136.25	1,115.25	1,094.25	1,073.25	767.25	746.25	725.25	704.25	683.25	662.25	641.25
37,700.01	38,100.00	1,312.95	1,218.45	1,197.45	1,176.45	1,155.45	1,134.45	1,113.45	1,092.45	781.05	760.05	739.05	718.05	697.05	676.05	655.05
38,100.01	38,500.00	1,332.15	1,237.65	1,216.65	1,195.65	1,174.65	1,153.65	1,132.65	1,111.65	794.85	773.85	752.85	731.85	710.85	689.85	668.85
38,500.01	38,900.00	1,351.35	1,256.85	1,235.85	1,214.85	1,193.85	1,172.85	1,151.85	1,130.85	808.65	787.65	766.65	745.65	724.65	703.65	682.65
38,900.01	39,300.00	1,370.55	1,276.05	1,255.05	1,234.05	1,213.05	1,192.05	1,171.05	1,150.05	822.45	801.45	780.45	759.45	738.45	717.45	696.45
39,300.01	39,700.00	1,389.75	1,295.25	1,274.25	1,253.25	1,232.25	1,211.25	1,190.25	1,169.25	836.25	815.25	794.25	773.25	752.25	731.25	710.25
39,700.01	40,100.00	1,408.95	1,314.45	1,293.45	1,272.45	1,251.45	1,230.45	1,209.45	1,188.45	850.05	829.05	808.05	787.05	766.05	745.05	724.05
40,100.01	40,500.00	1,428.15	1,333.65	1,312.65	1,291.65	1,270.65	1,249.65	1,228.65	1,207.65	863.85	842.85	821.85	800.85	779.85	758.85	737.85
40,500.01	40,900.00	1,447.35	1,352.85	1,331.85	1,310.85	1,289.85	1,268.85	1,247.85	1,226.85	877.65	856.65	835.65	814.65	793.65	772.65	751.65
40,900.01	41,300.00	1,466.55	1,372.05	1,351.05	1,330.05	1,309.05	1,288.05	1,267.05	1,246.05	891.45	870.45	849.45	828.45	807.45	786.45	765.45
41,300.01	41,700.00	1,485.75	1,391.25	1,370.25	1,349.25	1,328.25	1,307.25	1,286.25	1,265.25	905.25	884.25	863.25	842.25	821.25	800.25	779.25
41,700.01	42,100.00	1,504.95	1,410.45	1,389.45	1,368.45	1,347.45	1,326.45	1,305.45	1,284.45	919.05	898.05	877.05	856.05	835.05	814.05	793.05
42,100.01	42,500.00	1,524.15	1,429.65	1,408.65	1,387.65	1,366.65	1,345.65	1,324.65	1,303.65	932.85	911.85	890.85	869.85	848.85	827.85	806.85
42,500.01	42,900.00	1,543.35	1,448.85	1,427.85	1,406.85	1,385.85	1,364.85	1,343.85	1,322.85	946.65	925.65	904.65	883.65	862.65	841.65	820.65
42,900.01	43,300.00	1,562.55	1,468.05	1,447.05	1,426.05	1,405.05	1,384.05	1,363.05	1,342.05	960.45	939.45	918.45	897.45	876.45	855.45	834.45
43,300.01	43,700.00	1,581.75	1,487.25	1,466.25	1,445.25	1,424.25	1,403.25	1,382.25	1,361.25	974.25	953.25	932.25	911.25	890.25	869.25	848.25
43,700.01	44,100.00	1,600.95	1,506.45	1,485.45	1,464.45	1,443.45	1,422.45	1,401.45	1,380.45	988.05	967.05	946.05	925.05	904.05	883.05	862.05
44,100.01	44,500.00	1,620.15	1,525.65	1,504.65	1,483.65	1,462.65	1,441.65	1,420.65	1,399.65	1,001.85	980.85	959.85	938.85	917.85	896.85	875.85
44,500.01	44,900.00	1,639.35	1,544.85	1,523.85	1,502.85	1,481.85	1,460.85	1,439.85	1,418.85	1,015.65	994.65	973.65	952.65	931.65	910.65	889.65
44,900.01	45,300.00	1,658.55	1,564.05	1,543.05	1,522.05	1,501.05	1,480.05	1,459.05	1,438.05	1,029.45	1,008.45	987.45	966.45	945.45	924.45	903.45
45,300.01	45,700.00	1,677.75	1,583.25	1,562.25	1,541.25	1,520.25	1,499.25	1,478.25	1,457.25	1,043.25	1,022.25	1,001.25	980.25	959.25	938.25	917.25
45,700.01	46,100.00	1,696.95	1,602.45	1,581.45	1,560.45	1,539.45	1,518.45	1,497.45	1,476.45	1,057.05	1,036.05	1,015.05	994.05	973.05	952.05	931.05
46,100.01	46,500.00	1,716.15	1,621.65	1,600.65	1,579.65	1,558.65	1,537.65	1,516.65	1,495.65	1,070.85	1,049.85	1,028.85	1,007.85	986.85	965.85	944.85
46,500.01	46,900.00	1,735.35	1,640.85	1,619.85	1,598.85	1,577.85	1,556.85	1,535.85	1,514.85	1,084.65	1,063.65	1,042.65	1,021.65	1,000.65	979.65	958.65
46,900.01	47,300.00	1,754.55	1,660.05	1,639.05	1,618.05	1,597.05	1,576.05	1,555.05	1,534.05	1,098.45	1,077.45	1,056.45	1,035.45	1,014.45	993.45	972.45
47,300.01	47,700.00	1,773.75	1,679.25	1,658.25	1,637.25	1,616.25	1,595.25	1,574.25	1,553.25	1,112.25	1,091.25	1,070.25	1,049.25	1,028.25	1,007.25	986.25
47,700.01	48,100.00	1,792.95	1,698.45	1,677.45	1,656.45	1,635.45	1,614.45	1,593.45	1,572.45	1,126.05	1,105.05	1,084.05	1,063.05	1,042.05	1,021.05	1,000.05
48,100.01	48,500.00	1,812.15	1,717.65	1,696.65	1,675.65	1,654.65	1,633.65	1,612.65	1,591.65	1,139.85	1,118.85	1,097.85	1,076.85	1,055.85	1,034.85	1,013.85
48,500.01	48,900.00	1,831.35	1,736.85	1,715.85	1,694.85	1,673.85	1,652.85	1,631.85	1,610.85	1,153.65	1,132.65	1,111.65	1,090.65	1,069.65	1,048.65	1,027.65
48,900.01	49,300.00	1,850.55	1,756.05	1,735.05	1,714.05	1,693.05	1,672.05	1,651.05	1,630.05	1,167.45	1,146.45	1,125.45	1,104.45	1,083.45	1,062.45	1,041.45
49,300.01	49,700.00	1,869.75	1,775.25	1,754.25	1,733.25	1,712.25	1,691.25	1,670.25	1,649.25	1,181.25	1,160.25	1,139.25	1,118.25	1,097.25	1,076.25	1,055.25
49,700.01	50,100.00	1,888.95	1,794.45	1,773.45	1,752.45	1,731.45	1,710.45	1,689.45	1,668.45	1,195.05	1,174.05	1,153.05	1,132.05	1,111.05	1,090.05	1,069.05
50,100.01	50,500.00	1,908.15	1,813.65	1,792.65	1,771.65	1,750.65	1,729.65	1,708.65	1,687.65	1,212.90	1,191.90	1,170.90	1,149.90	1,128.90	1,107.90	1,086.90
Add 4.80% for amounts in excess of \$50,500																

D. Income tax Withholding Formula

1. The formula used to compute the tax withholding on the withholding tax tables in Subsection C computes the tax on the total wage amount and then subtracts the tax effect of the personal exemptions and dependents.

2. Withholding formula used to compute the withholding tables is as follows:

- W = Withholding tax.
S = Salary per period.
X = Number of personal exemptions claimed for withholding;
X may be 0, 1, or 2.
Y = Number of dependency credits claimed for withholding;
Y may be 0 or greater.
M = Income Brackets for tax rate change.
If X = 0 or 1, then M₁ = \$12,500, and M₂ = \$25,000
If X = 2, then M₁ = \$25,000, and M₂ = \$50,000
N = Number of pay-periods per year (for example, weekly = 52 or monthly = 12).

If S > 0
Then A = (S * .021)
Else A = 0

If S > (M₁ / N)
Then B = .0135 [S - (M₁ / N)]
Else B = 0

If S > (M₂ / N)
Then C = .0135 [S - (M₂ / N)]
Else C = 0

D = .021 [(X * \$4,500) + (Y * \$1,000)] / N

If [(X * \$4,500) + (Y * \$1,000)] > M₁
Then E = .0135 [(X * \$4,500) + (Y * \$1,000) - M₁] / N

If (A + B + C) - (D + E) > 0
Then W = (A + B + C) - (D + E)
Else W = 0

3. In place of the withholding tables in Subsection C, employers may use the formula described in Paragraph D.2 or an alternative formula if it produces equivalent results.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:112, R.S. 47:295 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Revenue, LR 28:

Family Impact Statement

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

1. The Effect on the Stability of the Family. Implementation of this proposed Rule will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of Their Children. Implementation of this proposed Rule will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. Implementation of this proposed Rule will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. Implementation of this proposed Rule will have no effect on family earnings but the adjusting of the income tax brackets and rates could adversely affect the family budget.

For lower income families the effect might not be adverse with the expansion of the 2 percent bracket. For higher income families the effect from bracket compression at the higher rates would be adverse.

5. The Effect on the Behavior and Personal Responsibility of Children. Implementation of this proposed Rule will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. Implementation of this proposed Rule will have no effect on the ability of the family or a local government to perform this function.

Interested persons may submit written data, views, arguments or comments regarding this proposed Rule to Michael D. Pearson, Senior Policy Consultant, Policy Services Division, Office of Legal Affairs, by mail to P.O. Box 44098, Baton Rouge, LA, 70804-4098, or by fax to 225-219-2759. All comments must be received no later than 4:30 p.m., October 28, 2002. A public hearing will be held on Tuesday October 29, 2002 at 9 a.m. in the River Room on the seventh floor of the LaSalle Building, 617 North Third Street, Baton Rouge, Louisiana 70802.

Cynthia Bridges
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Income Tax Withholding Tables

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

This proposed regulation establishes the individual income tax withholding tables based on the new income tax rates provided by Act 51 of the 2002 Regular Session. The Act imposes the individual income tax on joint returns as follows: 2 percent of the first \$25,000, 4 percent of income from \$25,000 to \$50,000, and 6 percent of income over \$50,000. For single returns the bracket thresholds are one-half those of joint returns. The state deduction for excess federal itemized deductions is repealed.

Implementation of this proposed regulation will result in less than \$100,000 of additional costs associated with system reprogramming, testing, and form adjustment to incorporate the changes.

There will be no costs or savings to local governmental units.

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

Act 51 eliminates the excess federal itemized deduction and compresses the brackets, creating an increase to state individual income tax revenue. Some revenue is raised in FY 06-2003 because it is expected that taxpayers will adjust withholdings in the first half of the 2003 calendar year as employers receive the new withholding tables. The revenue gains tend to increase over time because the growth rate of income taxes gained typically exceeds the growth rate of sales taxes forgone. The income tax gains over the next several years are \$55 million for FY 02-2003, \$244 million for FY 03- 2004 and \$263 million for FY 04-2005 according to the Legislative Fiscal Office

The new tables will be effective on January 1, 2003, only if the constitution is amended as proposed in Act 88.

There will be no impact on local revenue collections.

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

This proposed regulation directs employers required to deduct and withhold income tax pursuant to R.S. 47:112, to deduct and withhold the tax in an amount determined in accordance with the tables provided, the formula provided in the regulation, or a formula that produces equivalent amounts. The impact on costs for these employers should be negligible since they are currently required to withhold tax on employees.

The effect on individuals from this proposed regulation is for a greater portion of their income tax liabilities to be satisfied through the withholding process than is currently experienced.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed regulation should have no effect on competition or employment. The regulation affects the process by which additional income tax liabilities are collected, and does not itself generate those additional liabilities.

Cynthia Bridges
Secretary
0209#054

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Social Services Office of Family Support

FITAP/KCSPC Adverse Action and Reporting Requirements
(LAC 67:III.1209, 5307, and 5347)

The Department of Social Services, Office of Family Support, proposes to amend the Louisiana Administrative Code, Title 67, Part III, Chapter 12, Family Independence Temporary Assistance Program (FITAP) and Chapter 53, Kinship Care Subsidy Program (KCSP).

Pursuant to the authority granted to the Department by the Temporary Assistance for Needy Families Block Grant, the agency proposes to amend §§1209 and 5307 to align FITAP and KCSP regulations for taking immediate action in reducing or terminating client benefits with Food Stamp Program regulations. The agency currently allows for certain circumstances under which immediate action can be taken to

reduce or terminate FITAP or KCSP benefits without providing a 13-day advance notice. This rule proposes three additional circumstances under which immediate adverse action may be taken. The amendment will align FITAP, KCSP, and Food Stamp Program policy thereby making administration of the policy less complicated and less prone to error.

The agency adopted reporting requirements for FITAP in April 2002, because this condition of eligibility, while required of participants, was not stated in the administrative code. In keeping with the effort to simplify the administration of OFS programs by aligning the regulations and policies of the various programs, the agency proposes to adopt §5347 to include KCSP reporting requirements as a condition of eligibility. Adoption of the requirement in KCSP will further align the program with FITAP and Food Stamp Program regulations that require the household to report only certain increases in household members' income.

Title 67

SOCIAL SERVICES

Part III. Office of Family Support

Subpart 2. Family Independence Temporary Assistance Program (FITAP)

Chapter 12. Application, Eligibility, and Furnishing Assistance

Subchapter A. Application, Determination of Eligibility, and Furnishing Assistance

§1209. Notices of Adverse Actions

A. A notice of adverse action shall be sent at least 13 days prior to taking action to reduce or terminate benefits. In some circumstances advance notice is not required. A concurrent notice shall be sent to the client at the time of action in the following situations:

1. - 14. ...

15. the agency receives a written report signed by the head of household or other responsible household member which provides sufficient information for the agency to determine the household's benefit amount or ineligibility;

16. the agency receives a report of change through the semi-annual reporting process that would reduce or terminate benefits;

17. mass changes.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B., R.S. 46:237.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2447 (December 1999), amended LR 26:349 (February 2000), LR 28:

Subpart 13. Kinship Care Subsidy Program (KCSP)

Chapter 53. Application, Eligibility, and Furnishing Assistance

Subchapter A. Application, Determination of Eligibility, and Furnishing Assistance

§5307. Notices of Adverse Actions

A. A notice of adverse action shall be sent at least 13 days prior to taking action to terminate benefits. In some circumstances advance notice is not required. A concurrent notice shall be sent to the client at the time of action in the following situations:

1. - 10. ...

11. the agency receives a written report signed by the head of household or other responsible household member

which provides sufficient information for the agency to determine the client's ineligibility;

12. the agency receives a report of change through the semi-annual reporting process that would reduce or terminate benefits;

13. mass changes.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B, R.S. 46:237.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:351 (February 2000), LR 28:

§5347. Reporting Changes

A. A KCSP household shall report any change that affects eligibility. Changes in income must be reported if the household's gross monthly income changes by more than \$100 in earned income or \$25 in unearned income.

B. Changes shall be reported within 10 days of the knowledge of the change unless the KCSP household is included in a food stamp semi-annual reporting household. The KCSP household is then subject to the semi-annual household reporting requirements in accordance with §2013.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:

Interested persons may submit written comments on the proposed rule by October 29, 2002, to Ann S. Williamson, Assistant Secretary, Office of Family Support, Post Office Box 94065, Baton Rouge, Louisiana, 70804-9065.

A public hearing on the proposed rule will be held on October 29, 2002, at the Department of Social Services, A.Z. Young Building, Second Floor Auditorium, 755 Third Street, Baton Rouge, Louisiana beginning at 9 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the Bureau of Appeals at least seven working days in advance of the hearing. For assistance, call Area Code 225-342-4120 (Voice and TDD).

Family Impact Statement

This Rule will generally have no impact on the functioning or stability of the family or on the authority and rights of parents. It may have a negative impact on the family budget by reducing or terminating benefits immediately when certain circumstance apply.

Gwendolyn P. Hamilton
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: FITAP/KCSP Adverse Action and Reporting Requirements

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

The amendments to Sections 1209 and 5307 and the additional reporting requirements for Kinship Care Subsidy Program (KCSP) households will result in implementation costs to the agency of \$3,030 for FY 02/03. This one-time expenditure will cover the cost of publishing the Rule and printing policy and forms. The cost is routinely covered in the agency's annual budget and can be met with monies from

Louisiana's Temporary Assistance for Needy Families (TANF) Block Grant.

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

The proposed Rule will have no impact on revenue collections for state or local governmental units.

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

There will be no resulting costs or economic benefits to any persons or non-governmental groups secondary to this proposed Rule. Although reporting changes may affect a KCSP household's eligibility, the amendment does not represent a change, as this has always been a requirement of the program.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed Rule will have no impact on competition or employment.

Ann S. Williams
Assistant Secretary
0209#072

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

**TANF Initiatives CDiversion Assistance Program
(LAC 67:III.Chapter 56)**

In accordance with R.S.49:950 et seq., the Administrative Procedure Act, and pursuant to Act 13 of the 2002 Regular Session of the Louisiana Legislature, the Department of Social Services, Office of Family Support, proposes to adopt LAC 67:III, Subpart 15, Chapter 56, Diversion Assistance Program (DAP) as part of the Temporary Assistance For Needy Families (TANF) Initiatives. The agency will implement the Diversion Assistance Program to provide a one-time, lump sum cash payment for eligible families with dependent children who have a recent connection with the workforce, and are unemployed or facing the possibility of unemployment, due to a crisis or barrier to employment which may be overcome through the receipt of Diversion Assistance.

The program was effected July 1, 2002, by a Declaration of Emergency which was published in the July issue of the *Louisiana Register*.

**Title 67
SOCIAL SERVICES**

Part III. Family Support

**Subpart 15. Temporary Assistance to Needy Families
(TANF) Initiatives**

Chapter 56. Diversion Assistance Program (DAP)

§5601. General Authority

A. The Diversion Assistance Program (DAP) is established in accordance with state and federal laws effective July 1, 2002, to help prevent the dependence of needy families on government benefits by providing cash assistance to low-income families in order to promote job retention and work. Applications will be accepted and eligible households certified based upon the availability of funding.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193 and R.S. 46:231, and Act 13, 2002 Regular Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:

**Subchapter A. Application, Determination of Eligibility,
and Furnishing Assistance**

§5603. Application Date

A. All individuals applying for DAP shall file a written and signed application form under penalty of perjury. The date the application form is received in the parish office shall be considered the date of application.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193 and R.S. 46:231, and Act 13, 2002 Regular Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:

§5605. Standard Filing Unit

A. The mandatory filing unit includes the dependent child, the dependent child's siblings (including half and step-siblings) and the parents (including legal stepparents) of any of these children living in the home. A dependent child must be under 19 years of age. In the case of the child of a minor parent, the filing unit shall include the child, the minor parent, the minor parent's siblings (including half and step) and the parents of any of these children living in the home. Supplemental Security Income (SSI) recipients, FITAP recipients, and children receiving Kinship Care Subsidy Payments may not be included in the filing unit.

B. All persons who live in the same home and are eligible for inclusion in a DAP assistance unit as specified in §5605.A., must be included in the same certification. A separate DAP assistance unit is necessary if unrelated families living together experience an eligible crisis.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193 and R.S. 46:231, and Act 13, 2002 Regular Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:

§5607. Application Time Limit

A. The time within which the worker shall dispose of the application is limited to within 30 days from the date on which the signed application is received in the local office. The payment shall be issued or the applicant shall be notified that he has been found ineligible for a payment by the 30th day, unless an unavoidable delay has occurred.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193 and R.S. 46:231, and Act 13, 2002 Regular Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:

§5609. Certification Period and Payment Amounts

A. Families shall receive Diversion Assistance only once within a 12-month period with a lifetime limit of two payments.

B. The DAP payment amount shall be equal to four times the Family Independence Temporary Assistance Program (FITAP) flat grant amount applicable to the household's size as specified in LAC 67:III.1229.D

C. Adults in the assistance unit will be ineligible for FITAP benefits for four months from the effective date of certification for DAP unless certain, severe circumstances occur during that four-month period. These include but are not limited to:

1. loss of job;
2. natural disaster;

3. incapacity or disability of the adult(s); or
4. domestic violence.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193 and R.S. 46:231, and Act 13, 2002 Regular Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:

§5611. Domestic Violence

A. The DAP household is subject to regulations governing domestic violence issues in accordance with LAC 67:III.1213.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193 and R.S. 46:231, and Act 13, 2002 Regular Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:

Subchapter B. Conditions of Eligibility

§5613. Citizenship

A. Citizenship requirements outlined in LAC 67:III.1223. must be met for each member included in the DAP payment.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B., and Act 13, 2002 Regular Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:

§5615. Enumeration

A. Each applicant for DAP is required to furnish a social security number or to apply for a social security number if such a number has not been issued or is not known.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193 and R.S. 46:231, and Act 13, 2002 Regular Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:

§5617. Living in the Home of a Qualified Relative

A. A child must reside in the home of a parent or other qualified relative who is responsible for the day-to-day care of the child. Benefits will not be denied when the qualified relative or the child is temporarily out of the home. Good cause must be established for a temporary absence of more than 45 days. The following relatives are qualified relatives and these may be either biological or adoptive relatives:

1. grandfather or grandmother (extends to great-great-great);
2. brother or sister (including half-brother and half-sister);
3. uncle or aunt (extends to great-great);
4. first cousin (including first cousin once removed);
5. nephew or niece (extends to great-great);
6. stepfather or stepmother;
7. stepbrother or stepsister.

B. Eligibility for assistance for minor unmarried parents shall require that the individual and dependent child reside in the residence of the individual's parent, legal guardian, other relative, or in a foster home, maternity home or other adult-supervised supportive living arrangement, and that where possible, aid shall be provided to the parent, legal guardian or other adult relative on behalf of the individual and dependent. The following exceptions apply:

1. the minor parent has no parent or guardian (of his or her own) who is living and whose whereabouts are known;
2. no living parent or legal guardian allows the minor parent to live in his/her home;

3. the minor parent lived apart from his/her own parent or legal guardian for a period of at least one year before the birth of the dependent child or the parent's having made application for DAP;

4. the physical or emotional health or safety of the minor parent or dependent child would be jeopardized if he/she resided in the same household with the parent or legal guardian;

5. there is otherwise good cause for the minor parent and dependent child to receive assistance while living apart from the minor parent's parent, legal guardian or other adult relative, or an adult-supervised supportive living arrangement.

C. Essential persons are individuals who may be included in the DAP payment and are defined as follows:

1. a person providing child care which enables the qualified relative to work full-time outside the home;

2. a person providing full-time care for an incapacitated family member living in the home;

3. a person providing child care that enables the qualified relative to receive full-time training;

4. a person providing child care that enables a qualified relative to attend high school or General Education Development (GED) classes full-time;

5. a person providing child care for a period not to exceed two months that enables a caretaker relative to participate in employment search or another FITAP work program; or

6. children not within the degree of relationship to be DAP eligible who live in the home and who meet all other DAP requirements.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193 and R.S. 46:231, and Act 13, 2002 Regular Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:

§5619. Income

A. Income is any gain or benefit to a household that has monetary value and is not considered a resource. Count all income in determining eligibility and payment amounts except income from:

1. adoption assistance;
2. earned income of a child, including a minor unmarried parent, who is in school and working toward a high school diploma, GED, or special education certificate;
3. disaster payments;
4. Domestic Volunteer Service Act;
5. Earned Income Credits (EIC);
6. education assistance;
7. energy assistance;
8. foster care payments;
9. monetary gifts up to \$30 per calendar quarter;
10. Agent Orange Settlement payments;
11. HUD payments or subsidies other than those paid as wages or stipends under the HUD Family Investment Centers Program;
12. income in-kind;
13. Indian and Native Claims and Lands;
14. irregular and unpredictable sources;
15. lump sum payments;
16. nutrition programs;

17. job training income that is not earned;
18. relocation assistance;
19. a bona fide loan which is considered bona fide if the client is legally obligated or intends to repay the loan;
20. Supplemental Security Income;
21. Wartime Relocation of Civilians Payments;
22. Developmental Disability Payments;
23. Delta Service Corps post-service benefits paid to participants upon completion of the term of service if the benefits are used as intended for higher education, repayment of a student loan, or for closing costs or down payment on a home;
24. Americorps VISTA payments to participants (unless the value of all such payments, adjusted to reflect the number of hours such volunteers are serving, is equivalent to or greater than the minimum wage);
25. Radiation Exposure Compensation Payments;
26. payment to victims of Nazi persecution;
27. restricted income received for a person not in the assistance unit or not in the income unit. Restricted income is income which is designated specifically for a person's use by federal statute or court order and may include RSDI, VA benefits and court-ordered-support payments;
28. crime victim compensation program payments to an applicant/recipient whose assistance is necessary, in full or in part, because of the commission of a crime against the applicant, and to the extent it is sufficient to fully compensate the applicant for losses suffered as a result of the crime; or
29. post-FITAP payments.

B. Income Eligibility Standards

1. The income eligibility standards for DAP shall be based on gross income with no income disregards.

a. Gross income shall be 130 percent of the Office of Management and Budget's (OMB) nonfarm income poverty guidelines for the 48 states and the District of Columbia.

b. The income eligibility limits, as described in this Paragraph, are revised annually, to reflect OMB's annual adjustment to the nonfarm poverty guidelines for the 48 states and the District of Columbia, for Alaska, and for Hawaii.

C. Income and Resources of Alien Sponsors

1. In determining the eligibility and benefits of an alien with an affidavit of support executed under 213A of the INA (8 U.S.C. 1183a), the income and resources of the sponsor and the sponsor's spouse shall be considered except as follows in §5619.C.a-b. This attribution shall continue for the period prescribed in 8 U.S.C. 1631.

a. Indigence Exception. If an alien has been determined indigent, as provided in 8 U.S.C. 1631(e), the amount of income and resources of the sponsor or the sponsor's spouse which shall be attributed to the alien shall not exceed the amount actually provided for a period beginning on the date of such determination and ending 12 months after such date.

b. Special Rule for Battered Spouse and Child. If an alien meets the requirements of the special rule for a battered spouse or child, as provided in 8 U.S.C. 1631(f), and subject to the limitations provided therein, the provisions of §5619.C.1. shall not apply during a 12-month period. After a 12-month period, the batterer's income and resources shall

not be considered if the alien demonstrates that the battery and cruelty as defined in 8 U.S.C. 1631(f)(1) has been recognized in an order of a judge or administrative law judge or a prior determination of the Immigration and Naturalization Service, and that such battery or cruelty has, in the department's opinion, a substantial connection to the need for benefits.

2. The agency has opted not to apply the deeming Rule of 42 U.S.C. 608 in determining the eligibility and benefits of non-213A.

D. Income of Alien Parent

1. When determining eligibility, income of an alien parent who is disqualified is considered available to the otherwise eligible child. The needs and income of disqualified alien siblings are not considered in determining the eligibility of an otherwise eligible dependent child.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193 and R.S. 46:231, and Act 13, 2002 Regular Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:

§5621. Residency

A. DAP recipients must reside in Louisiana with intent to remain.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193 and R.S. 46:231, and Act 13, 2002 Regular Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:

§5623. Resources

A. The DAP household is subject to regulations governing FITAP resources in accordance with LAC 67:III.1235.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193 and R.S. 46:231, and Act 13, 2002 Regular Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:

§5625. Work Requirements

A. At least one adult member of the income unit must have worked for pay at least 40 hours or earned the equivalent of 40 times the federal minimum wage during any 30-day period within the three months preceding the date of application.

B. Adult members of the income unit shall register for work with the Louisiana Department of Labor Job Center, unless receiving unemployment compensation benefits, and provide verification of registration. An exemption from work registration may be allowed if there are bonafide reasons or hardships which would negate any possible benefit of registration. These can include but are not limited to:

1. disability of an adult member;
2. the adult member is needed to provide care for a disabled household member;
3. certain domestic violence situations; or
4. transportation problems.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193 and R.S. 46:231, and Act 13, 2002 Regular Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:

§5627. Job Loss Factors

A. A DAP payment may be made to a family with dependent children who is experiencing an employment-related crisis. An eligible crisis is a job loss or barrier to employment due to a significant, out-of-the-ordinary expense that could be paid with a one-time cash benefit. The causative factor leading to the crisis and necessary

expenditure must be verified and can include but is not limited to:

1. loss or lack of transportation;
2. loss or lack of tools necessary for employment;
3. eviction, threat of eviction, or some other housing emergency;
4. a need for job skills training certification or licensing;
5. loss of clothing through fire, flood, or theft, or loss or lack of appropriate work attire;
6. escape from domestic violence; or
7. serious injury of the individual or dependent child.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193 and R.S. 46:231, and Act 13, 2002 Regular Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:

§5629. Fleeing Felons and Probation/Parole Violators

A. DAP household shall be subject to regulations governing fleeing felons and probation/parole violators in accordance with LAC 67:III.1251.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193 and R.S. 46:231, and Act 13, 2002 Regular Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:

§5631. Strikers

A. DAP payments cannot be paid to families in which the caretaker relative or stepparent is participating in a strike on the last day of the month and, if any other member of the household is participating in a strike, his or her needs cannot be considered in computing the DAP payment.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193 and R.S. 46:231, and Act 13, 2002 Regular Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:

Family Impact Statement

1. What effect will this rule have on the stability of the family? Implementation of this rule will have a positive impact on the stability of a needy family by aiding the participant in averting a job loss or securing employment.

2. What effect will this have on the authority and rights of persons regarding the education and supervision of their children? There will be no effect on the authority and rights of persons regarding the education and supervision of their children.

3. What effect will this have on the functioning of the family? This rule will have no effect on the functioning of the family.

4. What effect will this have on family earnings and family budget? The one-time, lump sum DAP payment will have little effect on the family budget. However, if the payment accomplishes the intended goal, that is, to prevent the loss of an existing job or to secure another job, then the program will have a positive impact on the family earnings and subsequent budget.

5. What effect will this have on the behavior and personal responsibility of children? There will be no effect on the behavior and personal responsibility of the children.

6. Is the family or local government able to perform the function as contained in this proposed rule? No, this program is strictly an agency function.

All interested persons may submit written comments through October 29, 2002, to Ann S. Williamson, Assistant

Secretary, Office of Family Support, P.O. Box 94065, Baton Rouge, Louisiana, 70804-9065.

A public hearing on the proposed rule will be held on October 29, 2002, at the Department of Social Services, A.Z. Young Building, Second Floor Auditorium, 755 Third Street, Baton Rouge, Louisiana, beginning at 9 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the Bureau of Appeals at least seven working days in advance of the hearing. For assistance, call 225-342-4120 (Voice and TDD).

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: TANF Initiatives C Diversion Assistance Program

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

The cost for implementing the Diversion Assistance Program is \$1,000,000 for FY 02/03. Included in this cost are payments to eligible families as well as the cost of publishing the Rule and printing policy changes, forms, and training materials. This involves: printing a 55-page policy and forms revision at a cost of \$735; printing training manuals at a cost of \$1,215; printing an informational brochure at a cost of \$3,973; and \$600 for the cost of publishing rulemaking resulting in a total cost of \$6,523. Printing and publishing costs are routinely included in the agency's annual budget.

Future expenditures are subject to legislative appropriation.

There are no costs or savings to local governmental units.

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

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

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

There are no costs to any persons or non-governmental groups.

The amount estimated in Section I represents TANF funds that will be used as payments to families with dependent children who experience an employment-related crisis. The one-time, cash benefit will be used to pay for that significant, out-of-the-ordinary expense that is creating a barrier to employment, job loss, or threat of job loss. The DAP payment amount is equal to four times the Family Independence Temporary Assistance Program (FITAP) flat grant amount applicable to the household's size. Families will receive Diversion Assistance only once within a 12-month period with a lifetime limit of two payments. The proposed rule should have a positive impact on the family's income by providing monies to avert a job loss, thereby helping the client maintain employment and earn income.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule should have a positive impact on employment as the program intends to provide clients with a means to avert a job loss or to enter the job market by eliminating barriers to employment.

Gwendolyn P. Hamilton
Secretary
0209#073

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Transportation and Development Office of the Secretary

General Policy Governing the Treatment of Existing Significant Trees within the Highway Right-of-Way, Zone of Construction or Operational Influence
(LAC 70:I.Chapter 3)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et. seq., notice is hereby given that the Department of Transportation and Development intends to amend Section 717 of Chapter 3 of Title 70 entitled **General Policy Governing Treatment of Existing Significant Trees within the Highway Right-of-Way, Zone of Construction or Operational Influence,** in accordance with R.S. 47:820.6.

Title 70

TRANSPORTATION

Part I. Highway Construction

Chapter 3. Roadside Vegetation Management

§717. General Policy Governing the Treatment of Existing Significant Trees within the Highway Right-of-Way, Zone of Construction or Operational Influence

A. Purpose. The purpose of this directive is to establish a general policy governing the treatment of significant trees by the Department within the highway right-of-way, zone of construction or operational influence.

B. Definitions

1. *Significant Tree* One of the following: Live Oak, Red Oak, White Oak, Magnolia, or Cypress that is considered aesthetically important, is 18" or greater in diameter at breast height (4' - 6" above the ground), and has a form that separates it from the surrounding vegetation or is considered historic. Significant trees must be in good health and not in a declining condition.

2. *Historic Tree* A tree that stands at a place where an event of historic significance occurred that had local, regional, or national importance. A tree may also be considered historic if it has assumed a legendary stature in the community; is mentioned in literature or documents of historic value; is considered unusual due to size or age; or has landmark status.

C. Design Considerations. The Landscape Architectural Staff and District Roadside Development Coordinators shall be consulted during the scoping and/or environmental phase. The Landscape Architectural staff shall identify significant trees during the scoping and/or environmental phase. The Design Section shall indicate significant trees on the plans and implement a context sensitive design (i.e., preservation, specified limited impact, or special treatment) to accommodate these trees where practical.

D. Construction Considerations. The Project Engineer shall ensure that the contractor's operations are sensitive to the treatment indicated in the plans.

1. Construction considerations may include the following:

- a. temporary fencing to protect trees from construction equipment;
- b. avoidance of root zones;
- c. care of overhanging branches, etc.

2. Significant tree issues arising on construction projects shall be managed by the District Roadside Development Coordinators, who shall seek the guidance of the Landscape Architectural staff when questions arise.

E. Considerations for Utility Companies. Utility operators shall not prune trees identified as significant by the Department. Alternate construction methods, such as changing the alignment, will be required to avoid impacting the significant tree(s). Removal of significant trees may be necessary when electrical utility lines cannot be aligned to avoid removal. Consideration will be given to boring to place utilities under significant Live Oaks or trees of historical significance where all other means of avoiding the trees have failed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:267 - 268 and R.S. 47:820.6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR. 18:204 (February 1991), LR. 26:1674 (August 2000), LR 28:

Family Impact Statement

The proposed adoption of this rule should not have any known or foreseeable impact on any family as defined by R.S. 49:972.D or on family formation, stability and autonomy. Specifically:

1. the implementation of this proposed rule will have no known or foreseeable effect on the stability of the family;
2. the implementation of this proposed rule will have no known or foreseeable effect on the authority and rights of parents regarding the education and supervision of their children;
3. the implementation of this proposed rule will have no known or foreseeable effect on the functioning of the family;
4. the implementation of this proposed rule will have no known or foreseeable effect on family earnings and family budget;
5. the implementation of this proposed rule will have no known or foreseeable effect on the behavior and personal responsibility of children;
6. the implementation of this proposed rule will have no known or foreseeable effect on the ability of the family or a local government to perform this function.

All interested persons so desiring shall submit oral or written data, views, comments or arguments no later than 30 days from the date of publication of this Notice of Intent to Sherryl J. Tucker, Senior Attorney, Department of Transportation and Development, P. O. Box 94245, Baton Rouge, LA, 70804-9245, Telephone (225) 237-1359.

Kam K. Movassaghi, Ph.D., P.E.
Secretary

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

**RULE TITLE: General Policy Governing the Treatment
of Existing Significant Trees within the Highway Right-
of-Way, Zone of Construction or Operational Influence**

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

The proposed Rule reflects clarification of the departmental policy concerning the treatment of significant trees within highway right-of-way by clearly defining "significant tree" and "historic tree" in order that the policy will be consistent throughout the state. The department should realize a decrease in costs in connection with construction and maintenance projects in which trees are affected because under the rule change the specific types of trees affected are now clearly and more narrowly defined. The rule change also attempts to address a problem with indiscriminate pruning by utility companies.

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

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

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

Utility companies are the only directly affected non-governmental group which should be economically impacted by this rule change. The impact should be positive because extraordinary measures, such as boring, will be required in fewer instances in the future based upon the newly clarified definition of "significant tree."

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

There should be no effect on competition or employment.

Kam K. Movassaghi
Secretary
0209#061

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Treasury
Teachers' Retirement System**

**Withdrawal of Funds from a DROP Account
(LAC 58:III.509 and 511)**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Trustees of Teachers' Retirement System of Louisiana approved an amendment to policies governing the withdrawal of funds from Deferred Retirement Option Plan (DROP) accounts.

**Title 58
RETIREMENT**

**Part III. Teachers' Retirement System of Louisiana
Chapter 5. Deferred Retirement Option Plan
§509. Withdrawal of Funds from a Drop Account**

A. - A.6.a. ...

b. changes to the monthly or annual withdrawals may only be made in accordance 511.A;

c. if a member is 70 1/2 or older when he chooses a partial single sum after withdrawals have begun, even though he retired at a younger age, he will have the required

minimum distribution calculated using the "Single Life Table" (SLT), or he may choose the "Uniform Lifetime Table" (ULT), or the "Joint and Last Survivor Table" (JLST), whichever applies. The result of using one of these tables may allow a member to lower his monthly or annual withdrawal.

7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:786-791.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Teachers' Retirement System of Louisiana, LR 18:621 (June 1992), amended LR 18:1419 (December 1992), LR 19:1601 (December 1993), LR 20:1020 (September 1994), LR 21:1267 (November 1995), LR 23:85 (January 1997), repromulgated LR 24:499 (March 1998), amended LR:28:1031 (May 2002), LR 28:

§511. Change of DROP Withdrawal Method

A. The participant will have one opportunity per 12-month period to change the chosen withdrawal method and/or amount if the original method selected was either §509.A.2, 3, 4, or 5. Any change must be made in accordance with the life expectancy of the participant.

1. For participants under age 70 1/2, any change in the withdrawal method must be made in accordance with the life expectancy of the participant at the time of his retirement, and at no time may the disbursement from the account be less than the amount of the originally selected periodic payment.

2. For participants over age 70 1/2 at the time of the change, the change in the withdrawal method may allow the participant to reduce the disbursement only if the participant was not age 70 1/2 at the time he began withdrawals. Otherwise the rule under §511.A.1 will apply.

B. When the life expectancy of the participant governs the selected periodic withdrawal method, disbursements from the DROP account shall be made in accordance with the "Single Life Table" (SLT) for participants first eligible to begin withdrawing on or after January 1, 2003. Exception: If a retiree is 70 1/2 or older, he must meet a required minimum distribution (RMD) and may request the use of the "Single Life Table" (SLT), "Uniform Lifetime Table" (ULT) or the "Joint and Last Survivor Table" (JLST), whichever applies. Once the election has been made he cannot elect to make a change at a later date.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:739 and R.S. 11:786-791.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Teachers' Retirement System of Louisiana, LR 18:621 (June 1992), amended LR 18:1419 (December 1992), LR 19:1601 (December 1993), LR 20:1020 (September 1994), LR 21:1267 (November 1995), LR 23:85 (January 1997), repromulgated LR 24:499 (March 1998), amended LR 24:961 (May 1998), LR 28:1032 (May 2002), LR 28:

Interested persons may comment on the proposed rule in writing until 4:30 p.m., November 25, 2002, to Bonita B. Brown, Assistant Director, Teachers' Retirement System of Louisiana, P.O. Box 94123, Baton Rouge, LA 70804-9123.

Brian N. Minturn
Director/CEO

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

**RULE TITLE: Withdrawal of Funds from
a Drop Account**

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

There will be a cost of \$150 to have this Notice and the final regulations published in the *Louisiana Register*. There will be no other costs or savings to state or local governments.

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

There will be no effect on revenue collections.

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

Individuals with DROP accounts will be able to schedule withdrawals over a longer expected lifetime in accordance with changes on the federal tax code.

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

There will be no effect on competition or employment.

Brian N. Minturn
Director/CEO
0209#051

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Wildlife and Fisheries
Office of Fisheries**

Experimental Fisheries ProgramCPermits (LAC 76:VII.701)

The secretary of the Department of Wildlife and Fisheries hereby gives notice of its intent to amend the Rule which provides for the harvest of underutilized species under the experimental fisheries program and the issuance of permits.

Title 76

**WILDLIFE AND FISHERIES
Part VII. Fish and Aquatic Life**

Chapter 7. Experimental Fisheries Programs

§701. Permits

A. - B.10. ...

11. When a permit is issued, only the permitted specie(s) can be retained unless other provisions are specifically stated in the permit. All other species shall be immediately returned to waters from which they were caught. No other fish may be in the possession of the permittee and all fish on board the permitted vessel shall have the head and caudal fin (tail) intact.

12. ...

13. When permitted gear is on board permitted vessel or in possession of permittee, permittee and vessel are assumed to be operating under conditions of the permit. No gear other than permitted gear may be on board or in possession of permittee unless specifically provided for in the permit.

B.14. - D.1. ...

2. Permit applications for the development of new gear shall include complete descriptions of the gear and methods used, including drawings or pictures, the specie(s), or group of fishes to be fished and the area to be fished.

D.3. - 6. ...

7. If any permittee does not report monthly as required by Paragraph B.9, his permit may be suspended and the permittee may lose all rights and privileges to participate in the program in future years.

8. The Harvest of Shad (*Dorosoma sp.*) and Skipjack (*Alosa chrysochloris*) with an Experimental Seine

a. Closed Seasons, Times and Areas

i. The season for the commercial taking of shad and skipjack under the provision of the experimental seine permit shall be closed during the months of July, August, September and October of each year. Shad and skipjack may not be taken commercially with an experimental seine at any time outside of this season.

ii. Commercial harvest of shad and skipjack with an experimental seine under the provisions of this section shall not be allowed on Saturday and Sunday. There shall be no commercial taking of shad and skipjack with an experimental seine during the period after sunset and before sunrise.

iii. Experimental seines shall not be used in areas closed to seining.

b. Commercial Taking

i. Only shad and skipjack may be taken; all other species shall be immediately returned to waters from which they were caught; no other fish may be in the possession of the permitted and all fish on board of the permitted vessel shall have the head and caudal fin (tail) intact.

ii. An experimental seine is a seine with a mesh size not less than 1" bar and 2" stretched and not more than 2" bar and 4" stretched, not exceeding 1,200 feet in length. The experimental seine may not be constructed of monofilament.

iii. Only "strike" fishing will be permitted; this means the school of fish to be taken must be visible from the surface and the seine then placed around the selected school.

iv. The use of more than one experimental seine from any one or more vessels at any time is prohibited.

v. No more than two vessels may fish an experimental seine at one time.

vi. Experimental seines shall not be used in a manner that unduly restricts navigation of other vessels.

vii. Experimental seines shall not be left unattended as defined in R.S. 56 and shall be actively fished at all times by the permittee.

viii. Each experimental seine shall have attached to each end a 1-gallon jug painted international orange and marked with black lettering; the word "experimental" and the permit number shall be legibly displayed on the jug.

ix. The permitted gear shall only be fished in the freshwater areas of the state.

x. All provisions of R.S. 56 shall apply to persons involved in any experimental fishery or possessing any commercial gear.

c. Commercial Limits. During the season, there shall be no daily take or possession limit for the commercial harvest of shad and skipjack by properly licensed and permitted fishermen.

d. Permits

i. Any person who has been convicted of an offense under the provisions of the experimental fishery permit program shall not participate in the harvest, in any manner, of fish taken under an experimental permit.

ii. No person shall receive more than one experimental seine permit to commercially take shad and skipjack.

iii. This permit along with other applicable licenses authorize the bearer to sell his shad and skipjack herring.

iv. Violating any provision or regulations of the experimental fishery permit shall deem a person not to be operating under the provisions of the program and shall subject the individual to the statutory requirements and penalties as provided for in R.S. 56.

v. The permitted gear must be properly licensed as a fish seine.

e. General Provisions. Effective with the closure of the season for using the experimental seine permit for shad and skipjack, the possession of the experimental seine on the waters of the state shall be prohibited. Nothing shall prohibit the possession, sale, barter or exchange off the water of shad and skipjack legally taken during any open period provided that those who are required to do so shall maintain appropriate records in accordance with R.S. 56:306.4 and R.S. 56:345 and be properly licensed in accordance with R.S. 56:303 or R.S. 56:306.

9. Shad (*Dorosoma sp.*) and Skipjack (*Alosa chrysochloris*) Gill Net Permit (Lake Des Allemands Only)

a. Closed Seasons, Times and Areas

i. The season for the commercial taking of shad and skipjack under the provision of the experimental gill net permit shall be closed during the months of July, August, September and October of each year. Shad and skipjack may not be taken commercially with an experimental gill net at any time outside of this season.

ii. Commercial harvest of shad and skipjack with an experimental gill net under the provisions of this section shall not be allowed on Saturday and Sunday. There shall be no commercial taking of shad and skipjack with an experimental gill net during the period after sunset and before sunrise.

iii. Experimental gill net shall not be used in areas closed to gill netting.

b. Commercial Taking

i. Only shad and skipjack may be taken; all other species shall be immediately returned to waters from which they were caught; no other fish may be in the possession of the permitted and all fish on board of the permitted vessel shall have the head and caudal fin (tail) intact.

ii. An experimental gill net is a gill net with a mesh size not less than 1" bar and 2" stretched and not more than 2" bar and 4" stretched, not exceeding 1,200 feet in length.

iii. Only ~~strike~~ gill net fishing will be permitted; this means the school of fish to be taken must be visible from the surface and the gill net then placed in or directly near the selected school. Once deployed, the experimental gill net is to remain stationary until being run (gill net remains in place while fish are removed) or gill net is retrieved (gill net remains in place until lifted into boat).

iv. The use of more than one experimental gill net from any one or more vessels at any time is prohibited.

v. No more than two vessels may fish an experimental gill net at one time.

vi. Experimental gill net shall not be used in a manner that unduly restricts navigation of other vessels.

vii. Experimental gill net shall not be left unattended as defined in R.S. 56.

viii. Each experimental gill net shall have attached to each end a 1-gallon jug painted international orange and marked with black lettering; the word "experimental" and the permit number shall be legibly displayed on the jug.

ix. The permitted gear shall only be fished in Lac Des Allemands. Streams, bayous, canals and other connecting waterbodies are not included in this permit.

x. All provisions of R.S. 56 shall apply to persons involved in any experimental fishery or possessing any commercial gear.

c. Commercial Limits. During the season, there shall be no daily take or possession limit for the commercial harvest of shad and skipjack by properly licensed and permitted fishermen.

d. Permits

i. Any person who has been convicted of an offense under the provisions of the experimental fishery permit program shall not participate in the harvest, in any manner, of fish taken under an experimental permit.

ii. No person shall receive more than one gill net permit to commercially take shad and skipjack.

iii. This permit along with other applicable licenses authorize the bearer to sell his shad and skipjack herring.

iv. Violating any provision or regulations of the experimental fishery permit shall deem a person not to be operating under the provisions of the program and shall subject the individual to the statutory requirements and penalties as provided for in R.S. 56.

v. The permitted gear must be properly licensed as a freshwater gill net.

e. General Provisions. Effective with the closure of the season for using the experimental gill net permit for shad and skipjack, the possession of the experimental gill net on the waters of the state shall be prohibited. Nothing shall prohibit the possession, sale, barter or exchange off the water of shad and skipjack legally taken during any open period provided that those who are required to do so shall maintain appropriate records in accordance with R.S. 56:306.4 and R.S. 56:345 and be properly licensed in accordance with R.S. 56:303 or R.S. 56:306.

10. Experimental Freshwater River Shrimp (*Macrobrachium ohione*) Permit

a. May experimentally fish a wire mesh shrimp net, 1/4-inch bar, 6 feet in length in the Intercoastal Canal and Mississippi River within 1.5 miles of the boat ramp adjacent to the locks in Port Allen.

b. Only freshwater river shrimp may be taken; all other species shall be immediately returned to waters from which they were caught; no other fish may be in the possession of the permittee.

c. The permittee shall have the permit in possession at all times when using permitted gear; permittee shall be on board permitted vessel when operating under conditions of permit.

d. The permitted gear must be properly licensed as a Shrimp Trawl and may be fished in freshwater areas only.

e. Permitted gear must be marked using a 1 gallon jug painted international orange and marked with black lettering; the word "experimental" and the permit number should be legibly displayed on the jug.

f. This permit may be canceled at any time if in the judgment of the Secretary or his designee, the permit is being used for purposes other than that for which the permit was issued.

g. Violating any provision or regulations of the experimental fishery permit shall deem a person not to be operating under the provisions of the program and shall subject the individual to the statutory requirements and penalties as provided for in R.S. 56.

11. Experimental Freshwater Minnow Dip Net Permit

a. May experimentally fish for bait fishes with a wire mesh dip net, 1/4-inch bar, no greater than 3 feet cylindrical open end net shaped in a cone, affixed to a handle that may be attached to a boat and is held by hand.

b. Only freshwater minnows may be taken; all threatened, endangered, specifically protected and game fish species (as defined in R.S. 56:327.A shall be immediately returned to waters from which they were caught.

c. Permittee may only possess minnows taken under this permit and legal freshwater commercial species.

d. The permittee shall have the permit in possession at all times when using permitted gear; permittee shall be on board permitted vessel when operating under conditions of permit.

e. The permitted gear must be properly licensed as a Commercial Dip Net and may be fished in freshwater areas only.

f. Permittee may only possess the permitted gear and set lines while fishing under the permit.

g. Permittee may possess or fish no more than 2 dip nets as described in Subparagraph a above on board a vessel under this permit.

h. Permitted gear handle must be painted with international orange paint.

i. This permit may be canceled at any time if in the judgement of the Secretary or his designee, the permit is being used for purposes other than that for which the permit was issued.

j. Violating any provisions or regulations of the experimental fishery permit shall deem a person not to be operating under the provisions of the program and shall subject the individual to the statutory requirements and penalties as provided for in R.S. 56:32.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:571.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 12:119 (February 1986), LR 12:847 (December 1986), amended by the Office of Fisheries, LR 15:1098 (December 1989), LR 28:1601 (July 2002), LR 28:

Interested persons may submit comments relative to the proposed Rule to Bennie Fontenot, Inland Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA, 70898-9000, prior to Tuesday, November 5, 2002.

In accordance with Act 1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972.B.

James H. Jenkins, Jr.
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: **Experimental Fisheries ProgramC Permits**

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

Implementation of the proposed Rule will be carried out using existing staff and funding levels. Costs to develop and distribute the proposed dip net application form under the Experimental Fisheries Program is anticipated to be negligible, since only a few permits are expected to be issued annually. A slight increase in workload and paperwork is anticipated to occur mainly to review and process application forms. Local governmental units will not be impacted.

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

A slight increase in state revenue collections are expected, since each applicant under the program will be assessed a \$20 administrative fee charge per permit. The proposed Rule will have no effect on revenue collections of local governmental units.

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

The proposed Rule will create a new dip net permit for use in freshwater areas of the state. Freshwater fishermen who obtain the new dip net permit will be assessed an administrative charge of \$20 per permit and be allowed to take bait fish with a dip net in freshwater areas of the state. Economic benefits of reduced bait costs to freshwater fishermen may be derived from not having to purchase bait from bait vendors. Freshwater bait vendors, on the other hand, may experience a slight decrease in their sales receipts from the proposed Rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed Rule should have no significant impact on competition and employment in the public and private sectors.

James L. Patton
Undersecretary
0209#078

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office