

Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry Office of the Commissioner

Chloramphenicol in Shrimp and Crawfish Testing; Sale and Labeling (LAC 7:XXXV.Chapter 1)

The Commissioner of Agriculture and Forestry hereby adopts the following Emergency Rules governing the testing and sale of shrimp and crawfish in Louisiana and the labeling of foreign shrimp and crawfish. These Rules are being adopted in accordance with R.S. 3:2A, 3:3B, R.S. 3:4608 and the emergency rule provisions of R.S. 49:953 B of the Administrative Procedure Act.

The Louisiana Legislature, by SCR 13 of the 2002 Regular Session, has urged and requested that the Commissioner of Agriculture and Forestry require all shrimp and crawfish, prior to sale in Louisiana, meet standards relating to Chloramphenicol that are consistent with those standards promulgated by the United States Food and Drug Administration, (FDA). The Legislature has also urged and requested the Commissioner to promulgate rules and regulations necessary to implement the standards relating to Chloramphenicol in shrimp and crawfish that are consistent with those standards promulgated by the FDA, and which rules and regulations require all shrimp and crawfish sold in Louisiana to meet the standards adopted by the Commissioner, prior to sale.

Chloramphenicol is an antibiotic the FDA has restricted for use in humans only in those cases where other antibiotics or medicines have not been successful. The FDA has banned the use of Chloramphenicol in animals raised for food production. See, 21 CFR 522.390(3). The FDA has set a zero tolerance level for Chloramphenicol in food.

Chloramphenicol is known to cause aplastic anemia, which adversely affects the ability of a person's bone marrow to produce red blood cells. Aplastic anemia can be fatal. In addition, according to the National Institute on Environmental and Health Sciences, Chloramphenicol can reasonably be anticipated to be a human carcinogen. In widely accepted references such as "Drugs in Pregnancy and Lactation," the use of Chloramphenicol is strongly dissuaded during pregnancy, especially late pregnancy. Chloramphenicol can be transmitted to an unborn child through the placenta and to an infant through the mother's milk. The dosage transmitted to an unborn child is essentially the same dosage as is taken in by the mother. However, the unborn child is unable to metabolize Chloramphenicol as efficiently, thereby causing the risk of an increasing toxicity level in the unborn child. Although the effect on an infant as a result of nursing from a mother who has taken Chloramphenicol is unknown, it is known that such an infant will run the risk of bone marrow depression.

Recently, European Union inspectors found chloramphenicol residues in shrimp and crawfish harvested from and produced in China. The inspectors also found "serious deficiencies of the Chinese residue control system and problems related to the use of banned substances in the veterinary field," which may contribute to Chloramphenicol residues in Chinese shrimp and crawfish. The Chinese are known to use antibiotics, such as Chloramphenicol, in farm-raised shrimp. They are also known to process crawfish and shrimp harvested in the wild in the same plants used to process farm-raised shrimp.

The European Union, in January of this year, banned the import of shrimp and crawfish from China because Chloramphenicol has been found in shrimp and crawfish imported from China. Canada has, this year, banned the import of shrimp and crawfish that contain levels of Chloramphenicol above the level established by Canada. Between 1999 and 2000 imports of Chinese Shrimp to the United States doubled, from 19,502,000 pounds to 40,130,000 pounds. With the recent bans imposed by the European Union and Canada there is an imminent danger that the shrimp and crawfish that China would normally export to the European Union and Canada will be dumped and sold in the United States, including Louisiana.

The sale of such shrimp and crawfish in Louisiana will expose Louisiana's citizens, including unborn children and nursing infants, to Chloramphenicol, a known health hazard. The sale, in Louisiana, of shrimp and crawfish containing Chloramphenicol presents an imminent peril to the public's health, safety and welfare.

This peril can cause consumers to quit buying shrimp and crawfish from any source, including Louisiana shrimp and crawfish. If consumers cease to buy, or substantially reduce, their purchases of Louisiana shrimp and seafood, Louisiana aquaculture and fisheries will be faced with substantial economic losses. Any economic losses suffered by Louisiana's aquaculture and fisheries will be especially severe in light of the current economic situation, thereby causing an imminent threat to the public welfare.

Consumers of shrimp and crawfish cannot make an informed decision as to what shrimp or crawfish to purchase and the Commissioner cannot adequately enforce the regulations regarding the sampling and testing of shrimp and crawfish unless shrimp and crawfish produced in foreign countries are properly labeled as to the country of origin.

The Commissioner of Agriculture and Forestry has, therefore, determined that these Emergency Rules are necessary to immediately implement testing of shrimp and crawfish for Chloramphenicol, to provide for the sale of shrimp and crawfish that are not contaminated with Chloramphenicol and to provide for the labeling of shrimp and crawfish harvested from or produced, processed or packed in countries other than the United States. These Rules become effective upon signature (September 20, 2002) and will remain in effect 120 days, unless renewed by the Commissioner or until permanent Rules are promulgated.

Title 7

AGRICULTURE AND ANIMALS

Part XXXV Agro-Consumer Services

Chapter 1. Weights and Measures

§137. Chloramphenicol in Shrimp and Crawfish Prohibited; Testing and Sale of

A. Definitions

Food Producing Animals Both animals that are produced or used for food and animals, such as dairy cows, that produce material used as food.

Geographic Area Country, province, state, or territory or definable geographic region.

Packaged Shrimp or Crawfish Any shrimp or crawfish, as defined herein, that is in a package, can, or other container, and which is intended to eventually be sold to the ultimate retail purchaser in the package, can or container.

Shrimp or Crawfish Any such animals, whether whole, de-headed, de-veined or peeled, and any product containing any shrimp or crawfish.

B. No shrimp or crawfish may be held, offered or exposed for sale, or sold in Louisiana if such shrimp or crawfish contain Chloramphenicol.

C. No shrimp or crawfish may be held, offered or exposed for sale, or sold in Louisiana without being accompanied by the following records and information, written in English.

1. The records and information required are:
 - a. the quantity and species of shrimp and crawfish acquired or sold;
 - b. the date the shrimp or crawfish was acquired or sold;
 - c. the name and license number of the wholesale/retail seafood dealer or the out-of-state seller from whom the shrimp or crawfish was acquired or sold;
 - d. the geographic area where the shrimp or crawfish was harvested;
 - e. the geographic area where the shrimp or crawfish was produced processed or packed;
 - f. the trade or brand name under which the shrimp or crawfish is held, offered or exposed for sale or sold; and
 - g. the size of the packaging of the packaged shrimp or crawfish.

2. Any person maintaining records and information as required to be kept by the Louisiana Department of Wildlife and Fisheries in accordance with R.S. 56:306.5, may submit a copy of those records, along with any additional information requested herein, with the shrimp or crawfish.

3. Any shrimp or crawfish not accompanied by all of this information shall be subject to the issuance of a stop-sale, hold or removal order until the shrimp or crawfish is tested for and shown to be clear of Chloramphenicol, or the commissioner determines that the shrimp or crawfish does not come from a geographic area where Chloramphenicol is being used on or found in food producing animals, or in products from such animals.

D. No shrimp or crawfish that is harvested from or produced, processed or packed in a geographic area, that the commissioner declares to be a location where Chloramphenicol is being used on or found in food producing animals, or in products from such animals, may be held, offered or exposed for sale, or sold in Louisiana without first meeting the requirements of Subsection F.

E. The commissioner may declare a geographic area to be a location where Chloramphenicol is being used on or found in food producing animals, or in products from such animals, based upon information that would lead a reasonable person to believe that Chloramphenicol is being used on or found in food producing animals, or in products from such animals, in that geographic area.

1. Any such declaration shall be subject to promulgation in accordance with the provisions of the Administrative Procedure Act.

2. The commissioner may release any such geographic area from a previous declaration that Chloramphenicol is being used on food producing animals in that location. Any such release shall be subject to promulgation in accordance with the Administrative Procedure Act.

F. Shrimp or crawfish, that comes from a geographic area declared by the commissioner to be a location where Chloramphenicol is being used on, or is found in food producing animals, or in products from such animals, must meet the following requirements for sampling, identification, sample preparation, testing and analysis before being held, offered or exposed for sale, or sold in Louisiana.

1. Sampling
 - a. The numbers of samples that shall be taken are as follows.
 - i. Two samples are to be taken of shrimp or crawfish that are in lots of 50 pounds or less.
 - ii. Four samples are to be taken of shrimp or crawfish that are in lots of 51 to 100 pounds.
 - iii. Twelve samples are to be taken of shrimp or crawfish that are in lots of 101 pounds up to 50 tons.
 - iv. Twelve samples for each 50 tons are to be taken of shrimp or crawfish that are in lots of over 50 tons.
 - b. For packaged shrimp or crawfish, each sample shall be at least eight ounces, (226.79 grams), in size and shall be taken at random throughout each lot of shrimp or crawfish. For all other shrimp or crawfish, obtain approximately one pound, (454 grams), of shrimp or crawfish per sample from randomly selected areas.
 - c. If the shrimp or crawfish to be sampled consists of packages of shrimp or crawfish grouped together, but labeled under two or more trade or brand names, then the shrimp or crawfish packaged under each trade or brand name shall be sampled separately. If the shrimp or crawfish to be sampled are not packaged, but are segregated in such a way as to constitute separate groupings, then each separate grouping shall be sampled separately.
 - d. A composite of the samples shall not be made. Each sample shall be tested individually. Each sample shall be clearly identifiable as belonging to a specific group of shrimp or crawfish. All samples shall be kept frozen and delivered to the lab.

2. Each sample shall be identified as follows:
 - a. any package label;
 - b. any lot or batch numbers;
 - c. the country, province and city of origin;
 - d. the name and address of the importing company;
 - e. unique sample number identifying the group or batch sample and subsample extension number for each subsample.

3. Sample Preparation. For small packages of shrimp or crawfish up to and including one pound, use the entire sample. Shell the shrimp or crawfish, exercising care to exclude all shells from sample. Grind sample with food processor type blender while semi-frozen or with dry ice. Divide the sample in half. Use half of the sample for the original analysis portion and retain the other half of the sample in a freezer as a reserve.

4. Sample Analysis

a. Immunoassay test kits may be used if the manufacturer's published detection limit is one part per billion, (1 ppb) or less. Acceptable test kits include r-iopharm Ridascreen Chloramphenicol enzyme immunoassay kit and the Charm II Chloramphenicol kit. The commissioner may authorize other immunoassay kits with appropriate detection limits of 1 ppb or below to be used. Each sample must be run using the manufacturer's test method. The manufacturer's specified calibration curve must be run with each set. All results 1 ppb or above must be assumed to be Chloramphenicol unless further testing by approved GC/LC method indicates the result to be an artifact.

b. HPLC-MS, GC-ECD, GC-MS methods currently approved by FDA, the United States Department of Agriculture or the Canadian Food Inspection Agency with detection limits of 1 ppb or below may also be used.

c. Other methods for sampling, identification, sample preparation, testing and analysis may be used if expressly approved in writing by the commissioner.

5. Any qualified laboratory may perform the testing and analysis of the samples unless the laboratory is located in any geographic area that the commissioner has declared to be a location where Chloramphenicol is being used on or found in food producing animals, or in products from such animals. The commissioner shall resolve any questions about whether a laboratory is qualified to perform the testing and analysis.

6. The laboratory that tests and analyzes a sample or samples for Chloramphenicol shall certify the test results in writing.

7. A copy of the certified test results along with the written documentation necessary to show the methodology used for the sampling, identification, sample preparation, testing and analysis of each sample shall be sent to and actually received by the department prior to the shrimp or crawfish being held for sale, offered or exposed for sale, or sold in Louisiana.

a. The test results and accompanying documentation must contain a test reference number.

b. The certified test results and the accompanying documentation must be in English and contain the name and address of the laboratory and the name and address of a person who may be contacted at the laboratory regarding the testing of the shrimp or crawfish.

8. Upon actual receipt by the department of a copy of the certified test results and written documentation required to accompany the certified test results then the shrimp or crawfish may be held, offered or exposed for sale, or sold in Louisiana, unless a written stop-sale, hold or removal order is issued by the commissioner.

9. A copy of the test results, including the test reference number, shall either accompany every shipment

and be attached to the documentation submitted with every shipment of such shrimp or crawfish sent to each location in Louisiana or shall be immediately accessible to the Department, upon request, from any such location.

G Any person who is seeking to bring shrimp or crawfish that is required to be sampled and tested under this Section, into Louisiana, or who holds, offers or exposes for sale, or sells such shrimp or crawfish in Louisiana shall be responsible for having such shrimp or crawfish sampled and tested in accordance with Subsection F. Any such person must, at all times, be in full and complete compliance with all the provisions of this Section.

H. The commissioner may reject the test results for any shrimp or crawfish if the commissioner determines that the methodology used in sampling, identifying, sample preparation, testing or analyzing any sample is scientifically deficient so as to render the certified test results unreliable, or if such methodology was not utilized in accordance with, or does not otherwise meet the requirements of this Section.

I. In the event that any certified test results are rejected by the commissioner then any person shipping or holding the shrimp or crawfish will be notified immediately of such rejection and issued a stop-sale, hold or removal order by the commissioner. Thereafter, it will be the duty of any such person to abide by such order until the commissioner lifts the order in writing. Any such person may have the shrimp or crawfish retested in accordance with this Section and apply for a lifting of the commissioner's order upon a showing that the provisions of this Section have been complied with and that the shrimp or crawfish are certified as being free of Chloramphenicol.

J. The department may inspect, and take samples for testing, any shrimp or crawfish, of whatever origin, being held, offered or exposed for sale, or sold in Louisiana.

K. A stop-sale, hold or removal order, including a prohibition on disposal, may be placed on any shrimp or crawfish that does not meet the requirements of this Section. Any such order shall remain in place until lifted in writing by the commissioner.

L. The department may take physical possession and control of any shrimp or crawfish that violate the requirements of this Section if the commissioner finds that the shrimp or crawfish presents an imminent peril to the public health, safety and welfare and that issuance of a stop-sale, hold or removal order will not adequately protect the public health, safety and welfare.

M. The commissioner declares that he has information that would lead a reasonable person to believe that Chloramphenicol is being used on or found in food producing animals, or in products from such animals, in the following geographic area(s).

1. The geographic area or areas are:

a. the country of the People's Republic of China.

2. All shrimp and crawfish harvested from or produced, processed or packed in any of the above listed geographic areas are hereby declared to be subject to all the provisions of this Section, including sampling and testing provisions.

N. The records and information required under this Section shall be maintained for two years and shall be open to inspection by the department.

O. Penalties for any violation of this Section shall be the same as and assessed in accordance with R. S. 3:4624.

P. The effective date of this Section is May 24, 2002.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2, 3:3, and 3:4608.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 29:

§139. Labeling of Foreign Shrimp and Crawfish by Country of Origin

A. Definitions

Foreign Shrimp or Crawfish Any shrimp or crawfish, as defined herein that is harvested from or produced, processed or packed in a country other than the United States.

Shrimp or Crawfish Any shrimp or crawfish, whether whole, de-headed, de-veined or peeled, and any product containing any shrimp or crawfish.

B. All foreign shrimp or crawfish, imported, shipped or brought into Louisiana shall indicate the country of origin, except as otherwise provided in this Section.

C. Every package or container that contains foreign shrimp or crawfish, shall be marked or labeled in a conspicuous place as legibly, indelibly, and permanently as the nature of the package or container will permit so as to indicate to the ultimate retail purchaser of the shrimp or crawfish the English name of the country of origin.

1. Legibility must be such that the ultimate retail purchaser in the United States is able to find the marking or label easily and read it without strain.

2. Indelibility must be such that the wording will not fade, wash off or otherwise be obliterated by moisture, cold or other adverse factors that such shrimp or crawfish are normally subjected to in storage and transportation.

3. Permanency must be such that, in any reasonably foreseeable circumstance, the marking or label shall remain on the container until it reaches the ultimate retail purchaser unless it is deliberately removed. The marking or label must be capable of surviving normal distribution and storing.

D. When foreign shrimp or crawfish are combined with domestic shrimp or crawfish, or products made from or containing domestic shrimp or crawfish, the marking or label on the container or package or the sign included with any display shall clearly show the country of origin of the foreign shrimp or crawfish.

E. In any case in which the words "United States," or "American," the letters "U.S.A.," any variation of such words or letters, or the name of any state, city or location in the United States, appear on any container or package containing foreign shrimp or crawfish, or any sign advertising such foreign shrimp or crawfish for sale, and those words, letters or names may mislead or deceive the ultimate retail purchaser as to the actual country of origin of the shrimp or crawfish, then the name of the country of origin preceded by "made in," "product of," or other words of similar meaning shall appear on the marking, label or sign. The wording indicating that the shrimp or crawfish is from a country other than the United States shall be placed in close proximity to the words, letters or name that indicates the shrimp or crawfish is a product of the United States in a legible, indelible and permanent manner. No provision of this Section is intended to or is to be construed as authorizing the use of the words "United States," or "American," the letters "U.S.A.," any variation of such

words or letters, or the name of any state, city or location in the United States, if such use is deceptive, misleading or prohibited by other federal or state law.

F. Foreign shrimp or crawfish shall not have to be marked or labeled with the country of origin if such shrimp or crawfish are included as components in a product manufactured in the United States and the shrimp or crawfish is substantially transformed in the manufacturing of the final product. But in no event shall thawing, freezing, packing, packaging, re-packing, re-packaging, adding water, de-heading, de-veining, peeling, partially cooking or combining with domestic shrimp or crawfish shall not be considered to be a substantial transformation.

G. The commissioner shall have all the powers granted to him by law, or in accordance with any cooperative endeavor with any other public agency, to enforce this Section, including the issuance of stop-sale, hold or removal orders and the seizing of shrimp or crawfish mislabeled or misbranded as to the country of origin.

H. Penalties for any violation of this Section shall be the same as and assessed in accordance with R. S. 3:4624.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2, 3:3, and 3:4608.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 29:

Bob Odom
Commissioner

0210#005

DECLARATION OF EMERGENCY

**Department of Economic Development
Office of the Secretary**

**Capital Companies Tax Credit Program
(LAC 10:XV.325)**

The Department of Economic Development, Office of the Secretary, pursuant to the emergency provision of the Administrative Procedure Act, R.S. 49:953.B, adopts the following amendment to the rules of the Capital Companies Tax Credit Program as authorized by R.S. 51:1929. This Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., shall become effective September 27, 2002 and shall remain in effect for the maximum period allowed under the Act or until adoption of a permanent rule, whichever occurs first.

The Department of Economic Development, Office of the Secretary has found an immediate need to provide direction to certified Louisiana capital companies who are seeking investments of certified capital by Requests for Allocation of Tax Credits which are required to be filed by insurance company investors on October 1, 2002. Without these Emergency Rules the public welfare may be harmed as a result of the failure of certified Louisiana capital companies to obtain investments of certified capital from insurance companies, which may result in a reduction of certified capital available to be invested in qualified Louisiana businesses, including qualified Louisiana startup businesses, disadvantaged businesses and qualified Louisiana technology-based businesses.

Title 10
FINANCIAL INSTITUTIONS, CONSUMER CREDIT,
INVESTMENT SECURITIES, AND UCC
Part XV. Other Regulated Entities

Chapter 3. Capital Companies Tax Credit Program

§325. Notes Receivable

A. The provisions of R.S. 22:1068.E.(1)(b) will be satisfied with respect to a note receivable issued by a certified Louisiana capital company or its investment pool to an investing insurance company if:

1. the note receivable has a stated final maturity date of not less than five years from the date on which the certified Louisiana capital company or its investment pool issues the note receivable; and

2. either:

a. the note receivable is repaid in a manner which results in the note receivable being fully repaid or otherwise satisfied in equal amounts over the stated maturity of the note receivable; or

b. the duration of the note receivable is no shorter than the duration of a hypothetical note that:

i. is issued on the same date as the note issued by the certified Louisiana capital company or its investment pool;

ii. has the same maturity date as the note issued by the certified Louisiana capital company or its investment pool;

iii. has a price and yield the same as that of the note issued by the certified Louisiana capital company or its investment pool, calculated in the same manner (i.e., with respect to compounding, 360 vs. 365 day per year calculations, etc.); and

iv. is fully amortized by equal daily payments, which amounts are calculated as follows:

(a). the aggregate of all amounts scheduled to be paid or otherwise credited to the holder of the note receivable issued by the certified Louisiana capital company or its investment pool for the entire term of the note receivable divided by;

(b). the total number of days scheduled to elapse from the date on which the certified Louisiana capital company or its investment pool issues its note receivable through and including the stated maturity date thereof, calculated on a 365 or 360 day year, consistent with the calculation of interest on the note receivable.

B. For purposes of this Section, a note receivable's "duration" shall mean the weighted-average time to receipt of the present value of the amounts used to repay or otherwise satisfy the note receivable obligation. For purposes of this Section, a note receivable's duration shall be calculated in a manner that is typical in the industry for publicly-traded debt instruments.

C. Each certified Louisiana capital company or its investment pool that issues notes to insurance companies other than those described in Subparagraph A.2.a of this Section shall submit to the Office of Financial Institutions, in writing, the duration for each such note issued by it (or one representative note, if all notes are similar except for the face

amount) and the duration for the note described in Subparagraph A.2.b of this Section. Each calculation shall show:

1. all information required to make the duration calculation; and

2. all interim worksheets and formulae used in the duration calculation, reasonably sufficient to allow the Office of Financial Institutions to duplicate the calculation. A copy of the actual spreadsheet model used by the certified Louisiana capital company or its investment pool for its duration calculation in a Microsoft Excel software format shall satisfy the requirements of the preceding sentence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1929.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Commerce and Industry, Finance Division, LR 10:872 (November 1984), amended LR 12:664 (October 1986), amended by the Department of Economic Development, Office of Commerce and Industry, Finance Division, LR 15:1050 (December 1989), LR 16:762 (September 1990), amended by the Department of Economic Development, Office of Financial Institutions, LR 20:154 (February 1994), LR 23:1132 (September 1997), amended LR 25:1216 (July 1999), LR 29:

Don J. Hutchinson
Secretary

0210#014

DECLARATION OF EMERGENCY

Department of Environmental Quality
Office of the Secretary

Fee Increases for FY 02-03
(LAC 33:1.1409, 4707; III.223; V.5111, 5119,
5120, 5123, 5125, 5135, 5137, 5139, 5141, 5143,
and 5145; VII.525, 527, and 529; IX.1309 and
1507; XI.307 and 1305; and XV.579)(OSO41E1)

In accordance with the emergency provision of the Administrative Procedure Act, R.S. 49:953.B, and under the authority of R.S. 30:2011, the secretary of the Department of Environmental Quality declares that an emergency action is necessary in order to collect additional fees so no services provided by the department will be diminished.

Act 134 of the First Extraordinary Session of the 2002 Legislative Session authorized a 20 percent increase in fee collections by the department. In order to invoice these authorized fee increases during the current fiscal year, this Emergency Rule is being implemented. The department will propose a Rule that reflects the provisions of this Emergency Rule.

This is a renewal of Emergency OOS041E that was effective on July 1, 2002. This Emergency Rule is effective on October 29, 2002, and shall remain in effect for a maximum of 120 days or until a final Rule is promulgated, whichever occurs first. For more information concerning OS041E1, you may contact the Regulation Development Section at (225) 765-0399.

**Title 33
ENVIRONMENTAL QUALITY**

Part 1. Office of the Secretary

Subpart 1. Departmental Administrative Procedures

Chapter 14. Groundwater Fees

§1409. Groundwater Protection Fees

A. Assessment Oversight (Annual). The fee listed below covers the cost of reviewing, evaluating, and approving plans and/or reports that assess groundwater contamination and draw conclusions as to the need for further assessment and/or corrective action.

Hazardous Waste Facilities	\$9,450
Solid Waste Facilities	\$6,300
Non-regulated Facilities	\$3,150

B. Corrective Action Oversight (Annual). The fee listed below covers the cost of reviewing, evaluating, and approving plans and/or actions to clean up groundwater that has been contaminated by a facility.

Hazardous Waste Facilities	\$12,600
Solid Waste Facilities	\$9,450
Nonregulated Facilities	\$3,150

C. Annual Report Review Fee. The fee listed below covers the cost of reviewing the groundwater annual report required by both the Hazardous and Solid Waste regulations.

Hazardous Waste Facilities	\$1,260
Solid Waste Facilities	\$314

D. Groundwater Monitoring Systems Installation. The fee listed below covers the cost of reviewing the geology and design of proposed groundwater monitoring systems to ensure compliance with department specifications.

Each well	\$600
-----------	-------

E. Groundwater Monitoring Systems Surveillance Fee (Annual). The fee listed below covers the cost of inspecting monitoring systems to ensure that they are functioning properly and continue to maintain their integrity. The cost also includes other activities, such as the analysis of boring logs and site geology (cross sections, isopachs, etc.). The maximum fee that can be charged for this category is \$6,000.

Each well	\$300
-----------	-------

F. Facility Inspection Fee (Annual). The fee listed below covers the cost of inspecting the various facilities to ensure compliance with the groundwater protection aspects of the facilities' permits.

Hazardous Waste Facilities	\$1,200
With sampling	\$9,000
Solid Waste Facilities	\$600
With sampling	\$1,800

G. Oversight of Abandonment Procedures. The fee listed below covers the cost of reviewing plans to plug and abandon all nonpermitted groundwater monitoring systems (monitoring wells, piezometers, observations wells, and recovery wells) to ensure that they do not pose a potential threat to groundwater.

Casing pulled	\$120 each well
Casing reamed out	\$240 each well
Casing left in place	\$600 each well

H. Maximum Total Fee Per Facility. The maximum fee that can be assessed a facility under these regulations is \$37,800, effective July 1, 2002.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, Ground Water Protection Division in LR 18:729 (July 1992), amended LR 21:797 (August 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:

Subpart 3. Laboratory Accreditation

Chapter 47. Program Requirements

§4707. Fees

A. - C. ...

D. The following basic fee structure will be used in determining the initial or annual fees due to the department.

Accreditation application fee payable every three years	\$600
Per major test category payable every year	\$300
Minor conventional category payable every year	\$240
Annual surveillance and evaluation applicable to minor conventional facilities and facilities applying for only one category of accreditation	\$300
Proficiency samples biannually	to be purchased by the laboratory
Bioassay/biomonitoring annually	to be purchased by the laboratory
Third-party audit	to be billed directly to the laboratory

E. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:920 (May 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1436 (July 2000), LR 29:

Chapter 2. Part 3. Air Rules and Regulations for the Fee System of the Air Quality Control Programs

§223. Fee Schedule Listing

Fee Schedule Listing						
Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application	Modified Permit Fees	
					Major	Minor
0010	Reserved					
0015 *Note 20*	Iron Ore Processing per Million Dollars in Capital Cost	1011	48.00	240.00	144.00	48.00
0020	Bituminous Coal and Lignite Mining	1211	688.00	3437.00	2064.00	688.00
0030	Coal Preparation	1211	1720.00	8596.00	5158.00	1720.00
0040	Crude Oil and Natural Gas Production (Less than 100 T/Yr Source)	1311	82.00	408.00	245.00	82.00
0041	Crude Oil and Natural Gas Production (equal to or greater than 100 T/Yr and less than 250 T/Yr Source)	1311	137.00	688.00	413.00	137.00
0042	Crude Oil and Natural Gas Production 250 T/Yr to 500 T/Yr Source	1311	425.00	2123.00	1273.00	425.00
0043	Crude Oil & Natural Gas Production Greater than 500 T/Yr Source	1311	707.00	2830.00	2123.00	707.00
0050	Natural Gas Liquids Per Unit	1321	345.00	1720.00	1031.00	344.00
0060	Construction Sand and Gravel	1442	137.00	688.00	413.00	137.00
0070	Industrial Sand	1446	137.00	688.00	413.00	137.00
0080	Salt Mining	1476	1720.00	8596.00	5158.00	1720.00
0090	Sulfur Mining	1477	1720.00	8596.00	5158.00	1720.00
0100	Commercial Rice Milling	2044	688.00	3437.00	2064.00	688.00
0110	Animal Feed Preparation	2048	688.00	3437.00	2064.00	688.00
0120	Cane Sugar, Except Refining Only	2061	1720.00	8596.00	5158.00	1720.00
0130	Cane Sugar Refining per 1,000 Lb/Hr Rated Capacity	2062 MIN.	13.74 1697.00	68.77 8491.00	41.26 5094.00	13.74 1697.00
0140	Cottonseed Oil Mill	2074	344.00	1720.00	1031.00	344.00
0150	Soybean Oil Mill	2075	241.00	1204.00	722.00	241.00
0160	Animal and Marine Fats and Oil (Rendering) 10,000 or More Ton/Yr	2077	823.00	4126.00	2474.00	823.00
0170	Animal and Marine Fats and Oil (Rendering) Less than 10,000 Ton/Yr	2077	413.00	2064.00	1238.00	413.00
0180	Shortening, Table Oils, Margarine and Other Edible Fats and Oils	2079	170.00	860.00	515.00	170.00
0190	Malt Beverages	2082	170.00	860.00	515.00	170.00
0200	Coffee Roasting Per 1,000,000 Lb/Yr Rated Capacity	2095 MIN. MAX.	136.80 326.00 8632.00	687.60 1632.00 43164.00	411.60 979.00 25898.00	136.80 326.00 8632.00
0210 *Note 9*	Sawmill and/or Planing Less than 25,000 Bd Ft/Shift	2421	345.00	1720.00	1031.00	344.00
0220 *Note 9*	Sawmill and/or Planing More than 25,000 Bd Ft/Shift	2421	1031.00	5158.00	3095.00	1031.00
0230 *Note 9*	Hardwood Mill	2426	618.00	3095.00	1856.00	618.00
0240 *Note 9*	Special Product Sawmill N.E.C.	2429	618.00	3095.00	1856.00	618.00
0250	Millwork with 10 Employees or More	2431	618.00	3095.00	1856.00	618.00
0260	Hardwood Veneer and Plywood	2435	1375.00	6876.00	4126.00	1375.00
0270	Softwood Veneer and Plywood	2436	1375.00	6876.00	4126.00	1375.00
0280	Wood Preserving	2491	345.00	1720.00	1031.00	344.00
0290	Particleboard/Waferboard Manufacture (O.S.B.)	2492	1375.00	6876.00	4126.00	1375.00
0300	Hardboard Manufacture	2499	1031.00	5158.00	3095.00	1031.00
0310	Furniture and Fixtures - A) 100 or More Employees	2511	435.00	2177.00	1306.00	434.00
0320	Furniture and Fixtures - B) More than 10 and Less than 100 Employees	2511	206.00	1031.00	618.00	206.00
0330	Pulp Mills Per Ton Daily Rated Capacity	2611 MIN.	5.14 3538.00	25.78 17690.00	15.48 10614.00	5.14 3538.00

Fee Schedule Listing						
Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application	Modified Permit Fees	
					Major	Minor
0340 *Note 1*	Paper Mill Per Ton Daily Rated Capacity	2621 MIN.	5.14 3538.00	25.78 17690.00	15.48 10614.00	5.14 3538.00
0350	Paperboard Mills Per Ton Daily Rated Capacity	2631 MIN.	5.14 3538.00	25.78 17690.00	15.48 10614.00	5.14 3538.00
0360	Paper Coating	2641	206.00	1031.00	618.00	206.00
0365	Paper Bag Manufacture	2643	262.00	1306.00	784.00	262.00
0370	Insulation Manufacture	2649	345.00	1720.00	1031.00	344.00
0375	Folding Paper Board Boxes Per Packaging Press Line	2651 MIN.	345.00 1697.00	1720.00 8491.00	1031.00 5094.00	344.00 1697.00
0380	Corrugated Boxes - Converters (with Boilers)	2653	515.00	2578.00	1548.00	515.00
0381	Corrugated Boxes - Sheet Plant	2653	217.00	1088.00	653.00	217.00
0390	Building Board and Tile	2661	1720.00	8596.00	5158.00	1720.00
0400	Commercial Printing - Black and White Per Press	2752 MIN.	205.00 990.00	1031.00 4952.00	618.00 2971.00	205.00 990.00
0410	Commercial Printing - Color Per Press	2752 MIN.	343.00 1697.00	1718.00 8491.00	1032.00 5094.00	343.00 1697.00
0420 *Note 2*	Caustic/Chlorine Per 1,000,000 Lb/Yr Rated Cap Posed on Chlorine	2812 MIN.	3.44 1697.00	17.20 8491.00	10.31 5094.00	3.44 1697.00
0440	Industrial Gases	2813	688.00	3437.00	2064.00	688.00
0450	Inorganic Pigments	2816	688.00	3437.00	2064.00	688.00
0460	Aluminum Sulfate Production Per 100 Ton/Yr Rated Capacity	2819 MIN.	1.70 1415.00	8.60 7075.00	5.14 4246.00	1.70 1415.00
0470	Alumina Per 1,000,000 Lb/Yr Rated Capacity	2819 MIN.	6.85 1415.00	34.37 7075.00	20.62 4246.00	6.85 1415.00
0480	Catalyst Mfg. and Cat. Regeneration Per Line	2819	1720.00	8596.00	5158.00	1720.00
0490	Fluosilicates	2819	1031.00	5158.00	3095.00	1031.00
0500	Industrial Inorganic Chemicals Mfg. N.E.C. Per 1,000,000 Lb/Yr	2819 MIN.	1.70 990.00	8.60 4952.00	5.14 2971.00	1.70 990.00
0510	Industrial Inorganic Acids N.E.C. Per 1,000,000 Lb/Yr Rated Capacity	2819 MIN.	17.20 1697.00	85.96 8491.00	51.58 5094.00	17.20 1697.00
0520	Nitric Acid Manufacture Per 1,000 Ton/Yr Rated Capacity	2819 MIN.	6.85 1697.00	34.37 8491.00	20.62 5094.00	6.85 1697.00
0530	Phosphoric Acid Mfg. Per Ton Daily Rated Cap	2819 MIN.	1.70 1415.00	8.60 7075.00	5.14 4246.00	1.70 1415.00
0540	Sulphuric Acid Manufacture Per Ton Daily Rated Capacity	2819 MIN.	1.70 1415.00	8.60 7075.00	5.14 4246.00	1.70 1415.00
0550	Polyethylene/Polypropolene Manufacture Per 1,000,000 Lb/Yr Rated Capacity	2821 MIN.	13.74 1697.00	68.77 8491.00	41.26 5094.00	13.74 1697.00
0560	PVC Manufacture Per 1,000,000 Lb/Yr Rated Capacity	2821 MIN.	17.20 1697.00	85.96 8491.00	51.58 5094.00	17.20 1697.00
0570	Synthetic Resins Manufacture N.E.C. Per 1,000,000 Lb/Yr Rated Capacity	2821 MIN.	17.20 1697.00	85.96 8491.00	51.58 5094.00	17.20 1697.00
0580	Rubber Mfg. Per 1,000,000 Lb/Yr Rated Capacity	2822 MIN.	17.20 1697.00	85.96 8491.00	51.58 5094.00	17.20 1697.00
0585	Paint Manufacturing and Blending	2851	640.00	3198.00	1919.00	640.00
0590	Charcoal Per Oven	2861	344.00	1720.00	1031.00	344.00
0600	Gum and Wood Chemicals Per Unit	2861	1031.00	5158.00	3095.00	1031.00
0610	Styrene Monomer Per 1,000,000 Lb/Yr Rated Capacity	2865 MIN.	6.85 1697.00	34.37 8491.00	20.62 5094.00	6.85 1697.00
0620	Halogenated Hydrocarbons Per 1,000,000 Lb/Yr Rated Capacity	2869 MIN.	10.31 1697.00	51.58 8491.00	30.95 5094.00	10.31 1697.00
0630	Organic Oxides, Alcohols, Glycols Per 1,000,000 Lb/Yr Rated Capacity	2869 MIN.	6.85 1697.00	34.37 8491.00	20.62 5094.00	6.85 1697.00
0635	Olefins and Aromatics N.E.C. Per 1,000,000 Lb/Yr Rated Capacity	2869 MIN.	6.85 1697.00	34.37 8491.00	20.62 5094.00	6.85 1697.00
0640	Ammonia Manufacture Per Ton Daily Rated Capacity	2873 MIN.	3.43 1697.00	17.20 8491.00	10.31 5094.00	3.43 1697.00
0650	Fertilizer Manufacture Per 1,000 Ton/Yr Rated Capacity	2873 MIN.	1.70 990.00	8.60 4952.00	5.14 2971.00	1.70 990.00
0660	Urea and Ureaform Per 1,000 Ton/Yr Rated Capacity	2873 MIN.	3.43 990.00	17.20 4952.00	10.31 2971.00	3.43 990.00
0670	Pesticides Mfg. Per Train	2879	1375.00	6876.00	4126.00	1375.00
0680	Carbon Black Manufacture Per 1,000,000 Lb/Yr Rated Capacity	2895 MIN.	20.62 1697.00	103.13 8491.00	61.90 5094.00	20.62 1697.00

Fee Schedule Listing						
Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application	Modified Permit Fees	
					Major	Minor
0690	Chemical and Chemical Prep. N.E.C. Per 1,000,000 Lb/Yr	2899 MIN.	17.20 1415.00	85.96 7075.00	51.58 4246.00	17.20 1415.00
0695	Chemical and Chemical Prep. N.E.C. with Output Less than 1,000,000 Lb/Yr	2899	979.00	4898.00	2939.00	979.00
0700	Drilling Mud-Storage and Distribution	2899	344.00	1720.00	1031.00	344.00
0710	Drilling Mud-Grinding	2899	1375.00	6876.00	4126.00	1375.00
0715	Salt Processing and Packaging Per 1,000,000 Lb/Yr	2899 MIN.	00.28 425.00	1.40 2123.00	0.84 1273.00	0.28 425.00
0720 *Note 3*	Petroleum Refining Per 1,000 BBL/Day Rated Capacity Crude Thruput	2911 MIN.	85.96 1697.00	429.79 8491.00	258.00 5094.00	85.96 1697.00
0730 *Note 4*	Asphaltic Concrete Paving Plants Per Ton/Hr Rated Capacity	2951 MIN.	2.59 707.00	12.92 3538.00	7.75 2123.00	2.59 707.00
0740	Asphalt Blowing Plant (Not to be Charged Separately if in Refinery)	2951	1031.00	5158.00	3095.00	1031.00
0760 *Note 5*	Blending, Compounding, or Refining of Lubricants Per Unit	2992	1031.00	5158.00	3095.00	1031.00
0770	Petroleum Coke Calcining Per 1,000 Ton/Yr Rated Capacity	2999 MIN.	13.74 1697.00	68.77 8491.00	41.26 5094.00	13.74 1697.00
0773	Fiberglass Swimming Pools	N/A	242.00	1204.00	722.00	241.00
0775	Plastics Injection Moulding and Extrusion Per Line	3079	344.00	1720.00	1031.00	344.00
0780	Glass and Glass Container Mfg. Natural Gas Fuel Per Line	3229	515.00	2578.00	1548.00	515.00
0790	Cement Manufacture Per 1,000 Ton/Yr Rated Capacity	3241 MIN.	10.31 1415.00	51.58 7075.00	30.95 4246.00	10.31 1415.00
0800	Glass and Glass Container Mfg. Fuel Oil Per Line	3241	1031.00	5158.00	3095.00	1031.00
0810	Brick Manufacture Per 1,000 Ton/Yr Rated Capacity	3251 MIN.	5.14 707.00	25.78 3538.00	15.48 2123.00	5.14 707.00
0815	Concrete Products	3272	348.00	1741.00	1044.00	348.00
0820 *Note 12*	Ready-Mix Concrete	3273	860.00	2612.00	1720.00	860.00
0830	Lime Manufacture Per 1,000 Ton/Yr Rated Capacity	3274 MIN.	10.31 990.00	51.58 4952.00	30.95 2971.00	10.31 990.00
0840	Gypsum Manufacture Per 1,000 Ton/Yr Rated Capacity	3275 MIN.	10.31 990.00	51.58 4952.00	30.95 2971.00	10.31 990.00
0850	Asbestos Products Per Site or Per Production Unit	3292	2064.00	10315.00	6190.00	2064.00
0860	Clay Kiln	3295	413.00	2064.00	1238.00	413.00
0870	Rock Crusher	3295	378.00	1891.00	1135.00	378.00
0880	Gray Iron and Steel Foundries A) 3,500 or More Ton/Yr Production	3321	551.00	2749.00	1650.00	551.00
0890	Gray Iron and Steel Foundries B) Less than 3,500 Ton/Yr Production	3321	274.00	1375.00	824.00	274.00
0900	Malleable Iron Foundries A) 3,500 or More Ton/Yr Production	3322	551.00	2749.00	1650.00	551.00
0910	Malleable Iron Foundries B) Less than 3,500 Ton/Yr Production	3322	274.00	1375.00	823.00	274.00
0920	Steel Investment Foundries A) 3,500 or More Ton/Yr Production	3324	551.00	2749.00	1650.00	551.00
0930	Steel Investment Foundries B) Less than 3,500 Ton/Yr Production	3324	274.00	1375.00	823.00	274.00
0940	Steel Foundries Not Elsewhere Classified A) 3,500 or More Ton/Yr Production	3325	551.00	2749.00	1650.00	551.00
0950	Steel Foundries Not Elsewhere Classified B) Less than 3,500 Ton/Yr Production	3325	274.00	1375.00	823.00	274.00
0960	Primary Smelting and Refining of Copper Per 100,000 Lb/Yr Rated Capacity	3331 MIN.	6.85 1697.00	34.37 8491.00	20.62 5094.00	6.85 1697.00
0970	Aluminum Production Per Pot	3334 MIN.	34.37 1697.00	171.92 8491.00	103.00 5094.00	34.37 1697.00
0980	Refining of Non-Ferrous Metals N.E.C. Per 1,000 Lb/Yr Rated Capacity	3339 MIN.	0.04 1697.00	0.32 8491.00	0.19 5094.00	0.04 1697.00

Fee Schedule Listing						
Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application	Modified Permit Fees	
					Major	Minor
0990	Secondary Smelting of Non-Ferrous Metals Per Furnace	3341 MIN.	1031.00 2123.00	5158.00 10614.00	3095.00 6368.00	1031.00 2123.00
1000	Wire Manufacture	3357	688.00	3437.00	2064.00	688.00
1010	Aluminum Foundries (Castings) Per Unit	3361	274.00	1375.00	823.00	274.00
1020	Brass/Bronze/Copper-Based Alloy Foundry Per Furnace	3362	344.00	1720.00	1031.00	344.00
1030	Metal Heat Treating Including Shotpeening	3398	206.00	1031.00	618.00	206.00
1040	Metal Can Manufacture	3411	688.00	3437.00	2064.00	688.00
1050	Drum Manufacturing and/or Reconditioning	3412	1031.00	5158.00	3095.00	1031.00
1059	Fabricated Structural Steel with 5 or More Welders	3441	688.00	3437.00	2064.00	688.00
1060	Fabricated Plate Work with 5 or More Welders	3443	870.00	4354.00	2612.00	870.00
1070	Electroplating, Polishing and Anodizing with 5 or More Employees	3471	206.00	1031.00	618.00	207.00
1080	Sandblasting or Chemical Cleaning of Metal: A) 10 or More Employees	3471	1031.00	5158.00	3095.00	1031.00
1090	Sandblasting or Chemical Cleaning of Metal: B) Less than 10 Employees	3471	515.00	2578.00	1548.00	515.00
1100	Coating, Engraving, and Allied Services: A) 10 or More Employees	3479	378.00	1891.00	1135.00	378.00
1110	Coating, Engraving, and Allied Services: B) Less than 10 Employees	3479	206.00	1031.00	618.00	206.00
1120	Galvanizing and Pipe Coating Excluding All Other Activities	3479	413.00	2064.00	1238.00	413.00
1130	Painting Topcoat Per Line	3479	344.00	1720.00	1031.00	344.00
1140	Potting Per Line	3479	206.00	1031.00	618.00	206.00
1150	Soldering Per Line	3479	206.00	1031.00	618.00	206.00
1160	Wire Coating Per Line	3479	688.00	3437.00	2064.00	688.00
1170	Oil Field Machinery and Equipment	3533	344.00	1720.00	1031.00	344.00
1180	Power Chain Saw Manufacture Per Line	3546	515.00	2578.00	1548.00	515.00
1190	Commercial Grain Dryer	3559	413.00	2064.00	1238.00	413.00
1193	Commercial Laundry, Dry Cleaning, and Pressing Machines	3582	515.00	2578.00	1548.00	515.00
1195	Electric Transformers Per 1,000 Units/Year	3612 MIN.	159.92 434.00	799.60 2177.00	479.76 1306.00	159.92 434.00
1200	Electrode Manufacture Per Line	3624	481.00	2405.00	1444.00	481.00
1210	Telephone Manufacture Per Line	3661	1204.00	6017.00	3610.00	1204.00
1220	Electrical Connector Manufacture Per Line	3678	618.00	3095.00	1856.00	618.00
1230	Battery Manufacture Per Line	3691	688.00	3437.00	2064.00	688.00
1240	Electrical Equipment Per Line	3694	413.00	2064.00	1238.00	413.00
1245	Automobile, Truck and Van Assembly Per 1,000 Vehicles Per Year Capacity	3711 MIN. MAX.	171.92 1088.00 34390.00	859.55 5443.00 171950.00	515.72 3265.00 103170.00	171.92 1088.00 34390.00
1250	Ship and Boat Building: A) 5001 or More Employees	3732	5158.00	25787.00	15473.00	5158.00
1260	Ship and Boat Building: B) 2501 to 5000 Employees	3732	3437.00	17192.00	10315.00	3437.00
1270	Ship and Boat Building: C) 1001 to 2500 Employees	3732	1720.00	8596.00	5158.00	1720.00
1280	Ship and Boat Building: D) 201 to 1000 Employees	3732	1031.00	5158.00	3095.00	1031.00
1290	Ship and Boat Building: E) 200 or Less Employees	3732	344.00	1720.00	1031.00	345.00
1300	Playground Equipment Manufacture Per Line	3949	515.00	2578.00	1548.00	515.00
1310	Grain Elevators: A) 20,000 or More Ton/Yr	4221	1098.00	5500.00	3300.00	1098.00
1320	Grain Elevators: B) Less than 20,000 Ton/Yr	4221	551.00	2749.00	1650.00	551.00

Fee Schedule Listing						
Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application	Modified Permit Fees	
					Major	Minor
1330 *Note 6*	A) Petroleum, Chemical Bulk Storage and Terminal (over 3,000,000 BBL Capacity)	4226	10315.00	51575.00	30946.00	10315.00
1340 *Note 6*	B) Petroleum, Chemical Bulk Storage and Terminal (1,000,000-3,000,000 BBL Capacity)	4226	6876.00	34382.00	20629.00	6876.00
1350 *Note 6*	C) Petroleum, Chemical Bulk Storage and Terminal (500,001-1,000,000 BBL Capacity)	4226	3437.00	17192.00	10315.00	3437.00
1360 *Note 6*	D) Petroleum, Chemical Bulk Storage and Terminal (500,000 BBL Capacity or Less)	4226	1720.00	8596.00	5158.00	1720.00
1361 *Note 8*	Wholesale Distribution of Coke and Other Bulk Goods Per 1,000 Ton/Yr Capacity	4463 MIN.	0.70 1696.00	3.44 8491.00	2.04 5094.00	0.70 1697.00
1362	Crude Oil Pipeline - Facility with Less than 100,000 BBL Storage Capacity	4612	762.00	3810.00	2286.00	762.00
1363	Crude Oil Pipeline - Facility with 100,000 to 500,000 BBL Storage Capacity	4612	1088.00	5443.00	3265.00	1088.00
1364	Crude Oil Pipeline - Facility with Over 500,000 BBL Storage Capacity	4612	1524.00	7620.00	4572.00	1524.00
1366	Refined Oil Pipeline - Facility with Less than 100,000 BBL Storage Capacity	4613	653.00	3265.00	1958.00	653.00
1367	Refined Oil Pipeline - Facility with 100,000 to 500,000 BBL Storage Capacity	4613	870.00	4354.00	2612.00	870.00
1368	Refined Oil Pipeline - Facility with Over 500,000 BBL Storage Capacity	4613	1306.00	6532.00	3918.00	1306.00
1370	Railcar/Barge/Tank Truck Cleaning Heavy Fuels Only	4742	344.00	1720.00	1031.00	344.00
1380	Railcar and Barge Cleaning Other Than Heavy Fuels	4742	1720.00	8596.00	5158.00	1720.00
1390	Tank Truck Cleaning Other Than Heavy Fuels	4742	1031.00	5158.00	3095.00	1031.00
1400	A) Electric Power Gen. Per MW (Over 0.7 percent S in Fuel)	4911 MIN.	15.97 3254.00	79.94 16274.00	47.96 9764.00	15.97 3254.00
1410 *Note 7*	B) Electric Power Gen. Per MW (0.7 percent S or Less in Fuel)	4911 MIN.	9.58 1556.00	47.96 7783.00	28.78 4670.00	9.58 1556.00
1420	C) Electric Power Gen. Per MW (Natural Gas Fired)	4911 MIN.	4.81 1132.00	23.99 5660.00	14.39 3396.00	4.81 1132.00
1430 *Note 11*	Natural Gas Comp Per 100 H.P. (Turbines)	4922	6.85	34.37	20.62	6.85
1440 *Note 11*	Recip. Nat Gas Comp Per 100 H.P.: A) 50,000 H.P.	4922	30.96	154.74	92.83	30.96
1450 *Note 11*	Recip. Nat Gas Comp Per 100 H.P.: B) 20,000 to 50,000 H.P.	4922	34.37	171.92	103.13	34.37
1460 *Note 11*	Recip. Nat Gas Comp Per 100 H.P.: C) 5,000 to 20,000 H.P.	4922	41.26	206.29	123.74	41.26
1470 *Note 11*	Recip. Nat Gas Comp Per 100 H.P.: D) 2,500 to 5,000 H.P.	4922	48.14	240.65	144.40	48.14
1480 *Note 11*	Recip. Nat Gas Comp Per 100 H.P.: E) 1,000 to 2,500 H.P.	4922	51.58	257.87	154.74	51.58
1490 *Note 11*	Recip. Nat Gas Comp: F) less than 1,000 H.P.	4922	688.00	1720.00	688.00	688.00
1500 *Note 10*	Coal Gassification Per \$100,000 Capital Cost	4925 MIN MAX	6.85 1088.00 55052.00	34.37 5443.00 275262.00	20.62 3265.00 165156.00	6.85 1088.00 55052.00
1510 *Note 10*	Co-Generation Per \$100,000 Capital Cost	4939 MIN MAX	6.85 1088.00 34390.00	34.37 5443.00 171950.00	20.62 3265.00 103170.00	6.85 1088.00 34390.00
1520	Incinerators: A) 1,000 Lb/Hr and Greater Capacity	4953	434.00	2177.00	1306.00	434.00
1521	Incinerators: B) Less than 1,000 Lb/Hr Capacity	4953	140.00	707.00	425.00	140.00

Fee Schedule Listing						
Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application	Modified Permit Fees	
					Major	Minor
1525	Sanitary Landfill per Million Mg of Planned Capacity	4953 MIN	120.00 240.00	600.00 1200.00	360.00 720.00	120.00 240.00
1530	Municipal Incinerators	4953	3437.00	17192.00	10316.00	3437.00
1532	Commercial Hazardous Waste Incinerator Per 1,000,000 BTU Per Hour Thermal Capacity	4953 MIN.	198.13 4354.00	990.66 21773.00	594.40 13063.00	198.13 4354.00
1533	Non Commercial Hazardous Waste Incinerator (Per 1,000,000 BTU/Hr Thermal Capacity)	4953 MIN.	99.06 2830.00	496.01 14152.00	297.19 8491.00	99.06 2830.00
1534	Commercial Hazardous Waste Disp. Facility N.E.C.	4953	28304.00	141523.00	84913.00	28304.00
1535	Commercial Hazardous Waste Underground Injection (Surface Facilities) Per Location	4953	5660.00	28304.00	16982.00	5660.00
1536	Recoverable/Re-usable Materials Proc. Facility (Per 1,000,000 BTU/Hr Thermal Capacity)	4953 MIN. MAX.	99.06 2830.00 14152.00	495.32 14152.00 70762.00	297.19 8491.00 42456.00	99.06 2830.00 14152.00
1540	Steam Gen. Units Per 1000 Lbs/Hr Steam Cap-Natural Gas or Comb Non-Fossil Fuels	4961 MIN.	1.70 282.00	8.60 1415.00	5.14 848.00	1.70 282.00
1550	Steam Gen. Units Per 1000 Lbs/Hr Steam Cap-Fuels with 0.7 percent S or Less	4961 MIN.	3.44 707.00	17.20 3538.00	10.31 2123.00	3.44 707.00
1560	Steam Gen. Units Per 1000 Lbs/Hr Steam Cap-Fuels with More than 0.7 percent S	4961 MIN.	5.14 990.00	25.78 4952.00	15.48 2971.00	5.14 990.00
1570	Cement (Bulk Distribution)	5052	1375.00	6876.00	4126.00	1375.00
1580	Wholesale Distribution of Coal Per 1,000 Ton/Yr Throughput	5052 MIN.	0.32 990.00	1.70 4952.00	1.01 2971.00	0.32 990.00
1590	Automobile Recycling Scrap Per 1000 Ton/Yr	5093 MIN. MAX.	14.15 707.00 34390.00	70.75 3538.00 171950.00	42.46 2123.00 103170.00	14.15 707.00 34390.00
1600	Bulk Loader: Over 100,000 Ton/Yr Throughput	5153	3437.00	17192.00	10315.00	3437.00
1610 *Note 14a*	Bulk Loader: Less than or equal to 100,000 and more than 25,000 Ton/Yr Throughput	5153	1720.00	8596.00	5158.00	1720.00
1611 *Note 14a*	Bulk Loader: 25,000 Ton/Yr or Less Throughput	5153	979.00	4898.00	2939.00	979.00
1612 *Note 14a*	Bulk Loader – No Grain or Dusty Materials Transfer	5153	653.00	3265.00	1958.00	653.00
1620	Grain Elevators-Terminal Per 10,000 Bu/Yr Throughput	5153 MIN.	0.32 1556.00	1.70 7783.00	1.01 4670.00	0.32 1556.00
1630	Wholesale Distribution of Chemicals and Allied Products Per Facility	5161	860.00	3437.00	2578.00	860.00
1640	Petroleum Bulk Plants	5171	70.00	344.00	206.00	70.00
1650	Petroleum Bulk Terminal	5171	688.00	3437.00	2064.00	688.00
1660	Petroleum Bulk Station	5171	70.00	344.00	206.00	70.00
1670	Storage Tank	5171	0.00	688.00	344.00	344.00
1680	Crude Oil Distribution	5172	1031.00	5158.00	3095.00	1031.00
1690	Tire Recapping Plant	7534	140.00	707.00	425.00	140.00
1700	Chemical Waste Disposal Facility for Non Hazardous Waste	9998	3198.00	15992.00	9595.00	3198.00
1710	Negotiated Fee	9999	0.00	0.00	0.00	0.00
1711	Research Fee for Alternate Disposal of Hazardous Waste	9999	0.00	0.00	0.00	0.00
1720 *Note 15*	Small Business Sources	N/A	130.00	648.00	389.00	130.00
1722	Small Source Permit	N/A	130.00	648.00	389.00	130.00

Additional Fees		
Fee Number	Fee Description	Amount
2000	Company Ownership/Operator Change or Name Change Transfer of an Existing Permit	136.00
2010	The Issuance or Denial of Relocation, Administrative Amendments, Variances, Authorization to Construct, Change of Tank Service, Research & Development, and Exemptions	271.00
2015 *Note 15*	The Issuance or Denial of Relocation, Administrative Amendments, Variances, Authorization to Construct, Change of Tank Service, Research & Development, and Exemptions for Small Business Sources	130.00
2020	The Issuance of an Asbestos Demolition Verification Form (ADVF) - (at least 10 working days notification given)	60.00
2030	The Issuance of an Asbestos Demolition Verification Form (ADVF) - (less than 10 working days notification given)	90.00
2040	Agent Accreditation for Asbestos: Includes Contractor/Supervisor, Inspector, Management Planner, or Project Designer-Normal Processing (greater than 3 working days after receipt of required documentation and fees)	240.00
2050	Agent Accreditation for Asbestos: Includes Contractor/Supervisor, Inspector, Management Planner, or Project Designer-Emergency Processing (less than or equal to 3 working days after receipt of required documentation and fees)	360.00
2060	Worker Accreditation for Asbestos-Normal Processing (greater than 3 working days after receipt of required documentation and fees)	60.00
2070	Worker Accreditation for Asbestos-Emergency Processing (less than or equal to 3 working days after receipt of required documentation and fees)	90.00
2080	Duplicate Certificate	30.00
2090	Training Organization Recognition Plus Trainer Recognition Per Trainer-Normal Processing (greater than 3 working days after receipt of required documentation and fees)	360.00 60.00
2100	Training Organization Recognition Plus Trainer Recognition Per Trainer-Emergency Processing (less than or equal to 3 working days after receipt of required documentation and fees)	540.00 90.00
2200	Air Toxics Annual Fee Per Ton Emitted on an Annual Basis	
Note 13	Class I Pollutants	129.60
	Class II Pollutants	64.80
	Class III Pollutants	32.40
2300 *Note 14*	Criteria Pollutant Annual Fee Per Ton Emitted on an Annual Basis: Nitrogen oxides (NO _x) Sulfur dioxide (SO ₂) Non-toxic organic (VOC) Particulate (PM ₁₀)	11.66/ton
2400	An application approval fee for Stage II Vapor Recovery	120.00
	An annual facility inspection fee for Stage II Vapor Recovery	180.00
2600 *Note 16*	Accident Prevention Program Annual Maintenance Fee: Program 1	240.00
2620 *Note 16*	Accident Prevention Program Annual Maintenance Fee: Program 2	480.00
2630 *Note 16*	Accident Prevention Program Annual Maintenance Fee: Program 3	3000.00
2800	An application fee for mobile sources emissions banking (auto scrappage)	60.00
2810	An application fee for point source emissions banking. Not applicable when filing application with a new permit or permit modification.	60.00
	* * *	
	[See Prior Text in 2900-2914]	

Explanatory Notes for Fee Schedule

Notes 1. - 10. ...

Note 11. The maximum annual maintenance fee for categories 1430-1490 is not to exceed \$34,390 (effective July 1, 2002) total for any one gas transmission company.

Note 12. The maximum annual maintenance fee for one location with two or more plants shall be \$1,556 (effective July 1, 2002).

Note 13. Fees will be determined by aggregating actual annual emissions of each class of toxic air pollutants (as delineated in LAC 33:III.Chapter 51.Table 51.1) for a facility and applying the appropriate fee schedule for that class. Fees shall not be assessed for emissions of a single toxic air pollutant over and above 4,000 tons per year from a facility. The minimum fee for this category shall be \$120 (effective July 1, 2002).

Note 14. Fees will not be assessed for emissions of a single criteria pollutant over and above 4,000 tons per year from a facility. Criteria fees will be assessed on actual annual emissions that occurred during the previous calendar year. The minimum fee for this category shall be \$120 (effective July 1, 2002).

Notes 14a. - 20. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:613 (September 1988), LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1205 (December 1991), repromulgated LR 18:31 (January 1992), amended LR 18:706 (July 1992), LR 18:1256 (November 1992), LR 19:1373 (October 1993), LR 19:1420

(November 1993), LR 19:1564 (December 1993), LR 20:421 (April 1994), LR 20:1263 (November 1994), LR 21:22 (January 1995), LR 21:782 (August 1995), LR 21:942 (September 1995), repromulgated LR 21:1080 (October 1995), amended LR 21:1236 (November 1995), LR 23:1496 (November 1997), LR 23:1499 (November 1997), LR 23:1662 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:267 (February 2000), LR 26:485 (March 2000), LR 26:1606 (August 2000), repromulgated LR 27:192 (February 2001), amended LR 29:

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental

QualityC Hazardous Waste

Chapter 51. Fee Schedules

§5111. Calculation of Application Fees

- A. ...
- B. Application Fee Schedule

Item	Fee
Site analysis—per acre site size	\$300 ¹
Process and plan analysis	\$1,200
Facility analysis—per facility ²	\$600
Management/financial analysis	\$1,200

[Note: Fee equals total of the four items.]

¹ Up to 100 acres, no additional fee thereafter.

² Incinerator, land farm, treatment pond, etc. each counted as a facility.

- C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:318 (May 1986), LR 12:676 (October 1986), LR 13:433 (August 1987), LR 18:724 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:287 (March 2001), LR 29:

§5119. Calculation of Annual Maintenance Fees

- A. Fee per Site

Off-Site Disposer (Commercial)	\$95,760
Reclaimer (compensated for waste removed)	\$42,000
Reclaimer (uncompensated for waste removed or pays for waste removed)	\$30,000
Off-Site Disposer (Non-commercial)	\$24,000
On-Site Disposer	\$12,000

[NOTE: The higher fee for off-site disposal is due to the cost of the manifest system and emergency response to transport spills (neither cost is applicable to on-site disposers).]

- B. Fee per Hazardous Waste Facility Type

Unit Type	Fee
Storage	
Container/Tank/Waste Pile/etc.	\$3,928
Treatment	
Incinerator/Boiler/Industrial Furnace/Filtration Unit/etc.	\$6,324
Disposal	
Landfill/Miscellaneous Unit/etc.	\$9,924

- C. Fee Based on Volume

Less than 1,000 tons	\$2,342
Less than 10,000 tons	\$5,885
Less than 100,000 tons	\$9,427
Less than 1,000,000 tons	\$12,970
More than 1,000,000 tons	\$16,512

- D. - E. ...

F. Land Disposal Prohibitions Fee. Treatment, processing (including use, reuse, recycling), and/or disposal facility annual fee (not on storage facilities). This fee applies to facilities handling wastes subject to the land disposal prohibitions in LAC 33:V.Chapter 22.

On-Site	\$1,200
Off-Site Non-commercial	\$2,400
Reclaimer	\$3,000
Off-Site Commercial	\$6,000

- G. - J. ...

- K. Formula to Apportion Fees

Annual Maintenance Fee = fee per site + fee per facility + fee based on volume + annual research and development fee + administrative cost fee + land disposal prohibitions fee + groundwater protection annual fee + incineration inspection and monitoring fee + boiler/industrial furnace inspection and monitoring fee + annual landfill inspection and monitoring fee + annual land treatment unsaturated zone monitoring inspection fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:318 (May 1986), LR 12:676 (October 1986), LR 13:433 (August 1987), LR 15:378 (May 1989), LR 16:684 (August 1990), LR 16:1057 (December 1990), LR 18:723 (July 1992), LR 18:1375 (December 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 28:

§5120. Land Disposal Prohibition Petition Fees

A. Petitions submitted in accordance with R.S. 30:2193.E(2) and/or LAC 33:V.Chapter 22 are subject to additional fees as noted below for each petition submitted. These fees must be submitted at the time a petition is submitted.

Variance	\$12,000
Exemption	\$54,000
Extension	\$6,000
No-Alternatives Determinations	
Original Petition	\$12,000
Renewal Petition/Request	\$12,000
Request for determination for addition of a hazardous waste(s) not covered by existing determination	\$1,200

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 17:658 (July 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1803 (October 1999), LR 29:

§5123. Registration Fees, HW-1

A. An initial registration fee is charged for each generator, transporter, or TSD facility obtaining an EPA Identification Number from the department. There is no fee for modifying an existing registration based on any change of information submitted on Notification Form HW-1.

Initial Fee	\$11.35
-------------	---------

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR

11:533 (May 1985), LR 12:319 (May 1986), LR 12:676 (October 1986), LR 13:433 (August 1987), LR 14:622 (September 1988), LR 18:725 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:

§5125. Annual Monitoring and Maintenance Fee

A. Fee will annually be \$340, plus the prohibited waste fee.

B. Annual prohibited waste fee is \$120 for each generator who generates for land disposal as provided in LAC 33:V.Chapter 22. The generator will be subject to this fee if any waste generated is prohibited from disposal at any time during the year for which the fee is assessed.

C. All annual fees provided by this Chapter shall be paid by the due date indicated on the invoice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:321 (May 1986), LR 12:676 (October 1986), LR 13:433 (August 1987), LR 15:378 (May 1989), LR 17:658 (July 1991), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:18 (January 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:

§5135. Transporter Fee

A. All transporters of hazardous waste with a facility in Louisiana shall pay a fee of \$240 per year to the department. There will be only one fee regardless of the number of vehicles in the service of the transporter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 14:622 (September 1988), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:

§5137. Conditionally Exempt Small Quantity Generator Fee

A. Conditionally exempt small quantity generators (see LAC 33:V.108) shall pay a fee of \$60 per year to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 14:622 (September 1988), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:716 (May 2001), LR 29:

§5139. Groundwater Protection Permit Review Fee

A. Permit Review Fee. This fee covers the cost of reviewing permits for geology, geotechnical design, and groundwater protection aspects.

Hazardous Waste Facilities (1 time)	\$6,000 each
Permit Modifications	
Class 1 and 2	\$240 each
Class 3	\$900 each
Solid Waste Facilities (1 time)	\$6,000 each
Permit Modifications	
Major	\$600 each
Minor	\$240 each

B. Oversight of Abandonment Procedures. This fee covers the cost of reviewing plans to plug and abandon all permitted groundwater monitoring systems (monitoring

wells, piezometers, observations wells, and recovery wells) to ensure that they do not pose a potential threat to groundwater.

Casing pulled	\$120 each
Casing reamed out	\$240 each
Casing left in place	\$600 each

C. Groundwater Monitoring Systems Installation Permit. This fee covers the cost of reviewing the geology and design of proposed groundwater monitoring systems to ensure compliance with department specifications for units subject to permitting under these regulations.

Each Well	\$600
-----------	-------

D. Groundwater Monitoring Systems Inspection Fee (Annual). This fee covers the cost of inspecting monitoring systems for units subject to permitting under these regulations, to ensure that they are functioning properly and continue to maintain their integrity.

Each Well	\$300
-----------	-------

AUTHORITY NOTE: Promulgated in accordance with 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Groundwater Division, LR 14:621 (September 1988), amended LR 16:685 (August 1990), amended by the Hazardous Waste Division, LR 18:725 (July 1992), LR 18:1256 (November 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:

§5141. Incinerator and Boiler/Industrial Furnace Inspection and Monitoring Fee

A. Trial Burn or Test Burn Observer Fee. This is a special fee charged at a daily rate to cover the cost to the department of providing and placing on site a regulatory observer team during incinerator trial burns, boiler/industrial furnace trial burns or other types of test burns required by regulations or the administrative authority when an observer team is required by regulations, specified by permit conditions, or considered necessary to ensure that human health and the environment are adequately protected.

1. This fee will be \$600 for each day of the test burn or trial burn.

2. This fee will be billed following completion of the trial burn or test burn and must be paid by the due date indicated on the invoice.

B. Annual Monitoring and Maintenance Fee for Incinerators, Boilers, Industrial Furnaces and Commercial Recycling Furnaces. This is an annual fee applied to defray the cost of annually inspecting the required continuous monitors and recording devices for each incinerator, boiler, or industrial furnace to determine whether they are being properly maintained and calibrated. This fee will annually be a flat \$1,200.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 16:1057 (December 1990), amended LR 18:1375 (December 1992), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:18 (January 1996), amended by the Office of Environmental

Assessment, Environmental Planning Division, LR 26:2510 (November 2000), LR 29:

§5143. Annual Landfill Inspection and Monitoring Fee

A. An annual fee shall be charged for the inspection of the regulatory requirement for leak detection and leachate collection systems associated with hazardous waste landfills to determine operational status and degree of proper maintenance. For each landfill unit or cell with a separate leak detection and leachate collection system, the annual fee will be \$120.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 16:1057 (December 1990), amended LR 18:725 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:

§5145. Annual Land Treatment Unsaturated Zone Monitoring Inspection Fee

A. Semiannual Zone of Incorporation (ZOI) Inspection Fee. This fee covers the cost of inspection and random sampling and laboratory analysis of the zone of incorporation.

ZOI soil samples	\$1,200 each acre
Soil-pore liquid monitors (Lysimeters)	\$3,000 each monitor

B. Annual Land Treatment Unit Report Review Fee. This fee covers the cost of reviewing the report required by final permits for land treatment. Included in the annual land treatment unit report are the results of the unsaturated zone monitoring. Included are the semiannual soil core sample analyses and the quarterly soil-pore liquid quality analyses from below the treatment zone. Also included are soil moisture tensiometer readings of the ZOI.

Hazardous Waste Facilities	\$1,200 each report
----------------------------	---------------------

C. Permit Review Fee. This fee covers the cost of reviewing permits for geology, geotechnical design, and hydrological separation requirements of these regulations.

Initial Permit	\$6,000 each
Permit Modifications	
Class 1	\$240 each
Class 2 or 3	\$900 each

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 16:1057 (December 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:

Part VII. Solid Waste

Subpart 1. Solid Waste Regulations

Chapter 5. Solid Waste Management System

Subchapter D. Solid Waste Fees

§525. Standard Permit Application Review Fee

A. Applicants for Type I, I-A, II, and II-A standard permits shall pay a \$3,000 permit application review fee for

each facility, and the fee shall accompany each permit application submitted.

B. Applicants for Type III standard permits or beneficial-use permits shall pay a permit application review fee of \$600 for each facility, and the fee shall accompany each permit application submitted.

C. Permit holders providing permit modifications for Type I, I-A, II, and II-A facilities shall pay a \$1,200 permit-modification review fee, and the fee shall accompany each modification submitted. Permit holders providing mandatory modifications in response to these regulations shall pay a \$600 permit-modification fee, and the fee shall accompany each mandatory modification submitted. Permit modifications required by LAC 33:VII.709.E.1 will not be subject to a permit modification fee.

D. Permit holders providing permit modifications for Type III facilities or beneficial use facilities shall pay a \$300 permit-modification review fee, and the fee shall accompany each modification submitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:

§527. Closure Plan Review Fee

A. Applicants for Type I, I-A, II, and II-A closures shall pay a \$1,200 closure-plan review fee, and the fee shall accompany each closure plan submitted.

B. Applicants for Type III or beneficial-use facilities closures shall pay a \$300 closure-plan review fee, and the fee shall accompany each closure plan submitted.

C. Permit holders providing closure-plan modifications for Type I, I-A, II, and II-A facilities shall pay a \$600 closure-plan modification review fee, and the fee shall accompany each modification submitted.

D. Permit holders providing closure-plan modifications for Type III or beneficial-use facilities shall pay a \$150 closure-plan modification review fee, and the fee shall accompany each modification submitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:

§529. Annual Monitoring and Maintenance Fee

A. An initial fee is charged for the processing of transporter notifications.

1. The fee shall be calculated by the following formula:

Initial fee per notification + fee based on each vehicle owned by the transporter = notification fee.

2. No fee is assessed for modifying an existing notification form. The fee shall accompany the notification form at the time of its filing.

Initial fee	\$120
Fee Per Vehicle	\$30

B. All holders of permits for solid waste processing and/or disposal facilities that have not completed closure, including post-closure activities, in accordance with an approved plan, shall be charged an annual monitoring and maintenance fee for each permit. This annual monitoring and maintenance fee shall be calculated by the following formula: base fee per permit + fee based on tonnage = annual monitoring and maintenance fee.

1. Base fees are as follows:
 - a. \$7,200 for Type I facilities (including facilities that handle both industrial and nonindustrial waste);
 - b. \$1,800 for Type II facilities; and
 - c. \$600 for Type IA, II-A, III, and beneficial-use facilities.

2. Tonnage fees will be based on the wet-weight tonnage, as reported in the previous year's disposer annual report, and are calculated as follows:

- a. for industrial wastes (Type I facilities, except surface impoundments), \$0.72/ton;
- b. for nonindustrial wastes (Type II facilities, except surface impoundments), \$0.18/ton for amounts exceeding 75,000 tons;
- c. - e. ...

3. The maximum annual monitoring and maintenance fee per facility for Type I facilities (including facilities that handle both industrial and nonindustrial solid wastes) is \$96,000; the maximum fee per facility for Type II facilities is \$24,000 (surface impoundments, as noted above, are assessed only the base fee).

C. - G ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:18 (January 1996), LR 25:427 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:

Part IX. Water Quality

Chapter 13. Louisiana Water Pollution Control Fee System Regulation

§1309. Fee System

- A. - B.3.a.i. ...
 - ii. \$104.81 per rating point from July 1, 1998, through June 30, 1999;
 - iii. \$112.12 per rating point as of July 1, 1999; and
 - iv. \$134.54 per rating point as of July 1, 2002; and
 - b. for all other facilities:
 - i. \$179.16 per rating point through June 30, 1998;
 - ii. \$192.60 per rating point from July 1, 1998, through June 30, 1999;
 - iii. \$206.03 per rating point as of July 1, 1999; and
 - iv. \$247.24 per rating point as of July 1, 2002.
 - B.4. - E.1.a. ...
 - b. \$244.56 from July 1, 1998, through June 30, 1999;
 - c. \$261.63 as of July 1, 1999; and
 - d. \$314.00 as of July 1, 2002.
- E.2. - 2.a. ...

- b. \$101,587.50 from July 1, 1998, through June 30, 1999;
- c. \$108,675 as of July 1, 1999; and
- d. \$130,410 as of July 1, 2002.

F. - M. ...
N. Other Fees

Permit Type	Amount
Gen-LAG11-Concrete/Asphalt	\$293
Gen-LAG33-Coastal	\$2,400
Gen-LAG47-Auto Repair/Dealers	\$240
Gen-LAG119-Concrete/Asphalt (SW)	\$352
Gen-LAG78-C&D Landfills	\$600
Gen-LAG89-Type D Truck Maintenance	\$600
Gen-LAG75-Exterior Vehicle Wash	\$240
Gen-LAG-Animal Waste	\$273
Gen-LAR-Baseline	\$90
Gen-LAG87-Bulk Terminals	\$293
Gen-LAR10-Construction	\$240
Gen-LAG67-Hydrostatic Test	\$273
Gen-LAG48-Light Commercial	\$314
Gen-LAR05-Multi-Sector	\$90
Gen-LAG38-Potable Water	\$314
Gen-LAG949-GW Remediation (SW)	\$900
Gen-LAG49-Sand and Gravel	\$600
Gen-LAG26-Territorial Seas	\$2,400
Gen-LAG30-UST Dewatering	\$90
Gen-LAG94-GW Remediation	\$900
Gen-LAG679-Hydrostatic Test (SW)	\$720
Gen-LAG759-Mobile Vehicle/Equipment Wash	\$288
Gen-LAG83- Petroleum UST Remediation	\$900
Gen-LAG839-Petroleum UST (SW)	\$2,400
Gen-LAG14-RR Classified Yards	\$293
Gen-LAG53-Sanitary Class I	\$90
Gen-LAG54-Sanitary Class II	\$240
Gen-LAG56-Sanitary Class III	\$450
Gen-LAG57-Sanitary Class IV	\$540
Gen-LAG309-UST Dewatering (SW)	\$774
Gen-LAG98-Vermilion Basin Sanitary	\$294

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2014(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:534 (May 1985), amended LR 14:626 (September 1988), LR 18:731 (July 1992), LR 21:798 (August 1995), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:19 (January 1996), amended by the Office of Water Resources, LR 24:326 (February 1998), amended by the Office of Management and Finance, Fiscal Services Division, LR 25:427 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:

§1507. Procedures For Issuance Of Water Quality Certification

- A. - A.1.n.iv. ...
 2. Processing Fee
 - a. A one-time processing fee will be assessed all applicants to help defray the costs of this expanded program. The fee schedule will be as follows.

Noncommercial Activities	\$30/application
Commercial Activities	\$318/application

b. Payment shall accompany the application for certification. The department shall consider the application incomplete and initiation of the application review process

will not begin until payment of the processing fee is received. Payment shall be by check or money order to Department of Environmental Quality, Office of Management and Finance, Financial Services Division and shall be nonrefundable.

A.3. - H.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(A)(3).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:496 (July 1984), amended by the Office of the Secretary, LR 22:345 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2550 (November 2000), LR 29:

Part XI. Underground Storage Tanks

Chapter 3. Registration Requirements, Standards, and Fee Schedule

§307. Fee Schedule

A. - B. ...

1. Fees are assessed according to the following schedule.

Fee Number	Annual Registration Fee	Amount
001	All registered UST systems	\$54
Annual Maintenance and Monitoring Fees		
002	UST systems containing any substance defined in Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 (but not including any substance regulated as a hazardous waste under the department's Hazardous Waste Regulations, LAC 33:V.Subpart 1)	\$600
003	UST systems at federal facilities (all categories except USTs defined in Fee Number 002, which shall be assessed the higher fee)	\$144
004	UST systems containing petroleum products not meeting the definition of motor fuels	\$144
005	UST systems containing new or used motor oil (except USTs identified in LAC 33:XI.1101.C and D)	\$275

B.2. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001, 2014, 2195, 2195.3 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 11:1139 (December

Chapter 25. Fee Schedule

Appendix A

Appendix A Radiation Protection Program Fee Schedule		
	Application Fee	Annual Maintenance Fee
I. Radioactive Material Licensing		
A. Medical licenses:		
1. Therapy		
a. Teletherapy	666	666
b. Brachytherapy	666	666
2. Nuclear medicine diagnostic only	822	822
3. Nuclear medicine diagnostic/therapy	882	882
4. Nuclear pacemaker implantation	330	330
5. Eye applicators	330	330
6. In-vitro studies or radioimmunoassays or calibration sources	330	330
7. Processing or manufacturing and distribution of radiopharmaceuticals	1296	1104

1985), amended LR 16:614 (July 1990), LR 17:658 (July 1991), LR 18:727 (July 1992), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:19 (January 1996), LR 25:427 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2400 (December 1999), LR 29:

§1305. Categories of Certification and Requirements for Issuance and Renewal of Certificates

A. - C. ...

D. Fees. The following fees are hereby established for certification and renewal:

1. examination fee for individual certification, \$120;
2. certification renewal fee, \$120.

E. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, LR 16:614 (July 1990), amended LR 17:658 (July 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2562 (November 2000), LR 29:

Part XV. Radiation Protection

Chapter 5. Radiation Safety Requirements for Industrial Radiographic Operations

Subchapter B. Personal Radiation Safety Requirements for Radiographers

§579. Identification Cards

A. - A.3. ...

4. Any individual who wishes to replace his/her I.D. card shall submit to the Office of Environmental Services, Permits Division a written request for a replacement I.D. card, stating the reason a replacement I.D. card is needed. A non-refundable fee of \$24 shall be paid to the department for each replacement of an I.D. card. The prescribed fee shall be submitted with the written request for a replacement I.D. card. The individual shall maintain a copy of the request in his/her possession while performing industrial radiographic operations until a replacement I.D. card is received from the department.

B. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:1000 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2584 (November 2000), LR 29:

Appendix A Radiation Protection Program Fee Schedule		
	Application Fee	Annual Maintenance Fee
8. Mobile nuclear medicine services	1296	1104
9. "Broad scope" medical licenses	1296	1104
10. Manufacturing of medical devices/sources	1512	1260
11. Distribution of medical devices/sources	1134	942
12. All other medical licenses	366	366
B. Source material licenses:		
1. For mining, milling, or processing activities, or utilization which results in concentration or redistribution of naturally occurring radioactive material	6552	6552
2. For the concentration and recovery of uranium from phosphoric acid as "yellow cake" (powered solid)	3276	3276
3. For the concentration of uranium from or in phosphoric acid	1638	1638
4. All other specific "source material" licenses	330	330
C. Special nuclear material (SNM) licenses:		
1. For use of SNM in sealed sources contained in devices used in measuring systems	504	504
2. SNM used as calibration or reference sources	330	330
3. All other licenses or use of SNM in quantities not sufficient to form a critical mass, except as in I.A.4, I.C.1, and 2	330	330
D. Industrial radioactive material licenses:		
1. For processing or manufacturing for commercial distribution	6480	4878
2. For industrial radiography operations performed in a shielded radiography installation(s) or permanently designated areas at the address listed in the license	1104	870
3. For industrial radiography operations performed at temporary jobsite(s) of the licensee	3252	2448
4. For possession and use of radioactive materials in sealed sources for irradiation of materials where the source is not removed from the shield and is less than 10,000 Curies	1638	822
5. For possession and use of radioactive materials in sealed sources for irradiation of materials when the source is not removed from the shield and is greater than 10,000 Curies, or where the source is removed from the shield	3252	1626
6. For distribution of items containing radioactive material	1638	1638
7. Well-logging and subsurface tracer studies		
a. Collar markers, nails, etc. for orientation	330	330
b. Sealed sources less than 10 Curies and/or tracers less than or equal to 500 mCi	978	978
c. Sealed sources of 10 Curies or greater and/or tracers greater than 500 mCi but less than 5 Curies	1638	1638
d. Field flood studies and/or tracers equal to or greater than 5 Curies	2460	2460
8. Operation of a nuclear laundry	6492	3252
9. Industrial research and development of radioactive materials or products containing radioactive materials	822	822
10. Academic research and/or instruction	666	666
11. Licenses of broad scope:		
a. Academic, industrial, research and development, total activity equal to or greater than 1 Curie	1638	1638
b. Academic, industrial, research and development, total activity less than 1 Curie	978	978
12. Gas chromatographs, sulfur analyzers, lead analyzers, or similar laboratory devices	330	330
13. Calibration sources equal to or less than 1 Curie per source	330	330
14. Level or density gauges	504	504
15. Pipe wall thickness gauges	666	666
16. Soil moisture and density gauges	504	504
17. NORM decontamination/maintenance		
a. at permanently designated areas at the location(s) listed in the license	3780	3150
b. at temporary jobsite(s) of the licensee	3780	3780
18. Commercial NORM storage	3150	3150
19. All other specific industrial licenses except as otherwise noted	666	666
20. Commercial NORM treatment	15,120	12,600
E. Radioactive waste disposal licenses:		
1. Commercial waste disposal involving burial	850,500	850,500
2. Commercial waste disposal involving incineration of vials containing liquid scintillation fluids	6480	3252
3. All other commercial waste disposal involving storage, packaging and/or transfer	3252	3252
F. Civil defense licenses	396	330
G. Teletherapy service company license	1638	1638
H. Consultant licenses		
1. No calibration sources	162	94
2. Possession of calibration sources equal to or less than 500 mCi each	240	162
3. Possession of calibration sources greater than 500 mCi	330	240
4. Installation and/or servicing of medical afterloaders	438	378

Appendix A Radiation Protection Program Fee Schedule		
	Application Fee	Annual Maintenance Fee
II. Electronic Product Registration		
1. Medical diagnostic X-ray (per registration)	107	107
2. Medical therapeutic X-ray (per registration)		
a. below 500 kVp	252	252
b. 500 kVp to 1 MeV (including accelerator and Van de Graaf)	504	504
c. 1 MeV to 10 MeV	756	756
d. 10 MeV or greater	1008	1008
3. Dental X-ray (per registration)	95	88
4. Veterinary X-ray (per registration)	95	95
5. Educational institution X-ray (teaching unit, per registration)	156	95
6. Industrial accelerator (includes Van de Graaf machines and neutron generators)	504	504
7. Industrial radiography (per registration)	252	252
8. All other X-ray (per registration) except as otherwise noted	114	114
III. General Licenses		
A. NORM (Wellhead fee per field shall not exceed \$1890 per operator. Operators reporting contamination by field will be invoiced for all wellheads in the field. Operators reporting contamination by wellhead will be invoiced only for contaminated units.)		
1. 1-5 contaminated wellheads	126	126
2. 6-20 contaminated wellheads	630	630
3. >20 contaminated wellheads	1890	1890
4. Stripper wells-contaminated (\$630 maximum for strippers per field)	126	126
a. 1 to 5 contaminated stripper wells	126	126
b. > 5 contaminated stripper wells	630	630
5. NORM locations (other than fields)		
a. gas plants, pipeyards, chemical plant, refinery	378	378
b. warehouses, pipeline, manufacturing plant, NORM equipment storage site, etc.	378	378
6. Interim container storage per NORM Waste Management Plan of an approved location		1260
7. NORM location as otherwise defined in LAC 33:XV.1403 and not exempted by LAC 33:XV.1404, not included in III.A.1-6 of this Appendix	126	126
B. Tritium sign	90	0
C. All other general licenses which require registration	126	126
IV. Reciprocal Recognition		
The fee for reciprocal recognition of a license or registration from another state or the NRC is the annual fee of the applicable category. The fee covers activities in the state of Louisiana for one year from the date of receipt.		
V. Shielding Evaluation (per room)		
A. Diagnostic	126	*
B. Therapeutic (below 500 kVp)	190	*
C. Therapeutic (500 kVp to 1 MeV)	312	*
D. Therapeutic (1 MeV to 10 MeV)	438	*
E. Therapeutic (10 MeV or greater)	948	*
F. Industrial and industrial radiography	438	*
VI. Device, Product, or Sealed Source Evaluation		
A. Device evaluation (each)	882	*
B. Sealed source design evaluation (each)	570	*
C. Update sheet	190	*
VII. Testing		
Testing to determine qualifications of employees, per test administered	162	*
VIII. Nuclear Electric Generating Station		
Located in Louisiana		357,600
Located near Louisiana (Plume Exposure Pathway Emergency Planning Zone - includes area in Louisiana)		259,200
Uranium Enrichment Facility		63,000
IX. La. Radiation Protection Program Laboratory Analysis Fees		
Sample Type	Analysis	Unit Price
A. Air filters:		
1. Particulate	Gross beta	70
2. Charcoal cartridge	Gamma	198
	Gamma/I-131	198
B. Milk	Gamma	210
	I-131	228
C. Water	Gamma	228
	I-131	228
	H-3	84
D. Sediment	Gamma	240
E. Vegetation	Gamma	228

Appendix A Radiation Protection Program Fee Schedule		
	Application Fee	Annual Maintenance Fee
F. Fish	Gamma	240
G. Leak test	Gamma H-3	198 84
H. NORM sample		
1. Soil	Gamma	210
2. Produced water	Gamma	228
* Fees are charged one time		

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:719 (July 1992), repromulgated LR 18:956 (September 1992), amended LR 19:624 (May 1993), LR 21:792 (August 1995), repromulgated LR 21:944 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2607 (November 2000), LR 29:

L. Hall Bohlinger
Secretary

0210#085

DECLARATION OF EMERGENCY

**Department of Health and Hospitals
Office of the Secretary
Bureau of Community Supports and Services**

**Mentally Retarded/Developmentally Disabled Waiver
Skilled Nursing Services**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services adopts the following Emergency Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This emergency rule is adopted in accordance with the Administrative Procedure Act, R. S. 49:953.B(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

Under the provisions of Section 1915(c) of the Social Security Act, states may provide services not generally reimbursable by the Medicaid Program to groups of individuals in the community who meet the qualifications for institutional care. Such programs are known as home and community based services waivers. The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted a rule in June 1990 establishing the Mentally Retarded/Developmentally Disabled (MR/DD) Waiver and the provisions governing the services covered under the waiver (*Louisiana Register*, Volume 16, Number 7). The MR/DD Waiver is one of the five waivers that are currently administered by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services.

The Bureau of Community Supports and Services has determined that it is necessary to incorporate a new service into the MR/DD Waiver. The Centers for Medicare and Medicaid Services has approved a waiver amendment to add skilled nursing services to the list of services provided under the MR/DD Waiver.

This action is being taken to protect the health and welfare of MR/DD Waiver recipients by providing skilled nursing services to those individuals in need of such services. It is estimated that implementation of this emergency rule will increase expenditures for services by approximately \$1,464,000 for state fiscal year 2002-2003.

Emergency Rule

Effective for dates of service on and after November 1, 2002, the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services amends the July 20, 1990 Rule to include skilled nursing services as a service in the Mentally Retarded/Developmentally Disabled Waiver.

Recipient Criteria

A. Skilled nursing services will be available to medically fragile individuals who meet the following criteria:

1. are ventilator dependent or non-ambulatory, or have undergone a tracheotomy, or gastrostomy; and
2. require life-sustaining equipment (ventilator, suction machines, and/or pulse oximeters, apnea monitors, nebulizers); and
3. are medically approved by their primary physician, as documented by a doctor's order and a letter of medical necessity from the physician.

Provider and Staff Qualifications

A. A home health agency must enroll as a MR/DD waiver service provider in order to provide skilled nursing services under the MR/DD Waiver.

B. Skilled nursing services shall be provided by either a licensed registered nurse or a licensed practical nurse employed by a Medicaid enrolled home health agency.

Interested persons may submit written comments to Barbara Dodge, Bureau of Community Supports and Services, P. O. Box 91030, Baton Rouge, Louisiana 70821-9030. She is the person responsible for responding to inquiries regarding this emergency rule. A copy of this emergency rule is available for review by interested parties at parish Medicaid offices.

David W. Hood
Secretary

0210#047

DECLARATION OF EMERGENCY

**Department of Health and Hospitals
Office of the Secretary
Bureau of Community Supports and Services**

Mentally Retarded/Developmentally Disabled
WaiverCSupervised Independent Living

The Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services adopts the following Emergency Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is adopted in accordance with the Administrative Procedure Act, R. S. 49:953.B(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

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). This Rule 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).

As a result of the allocation of additional funds by the Legislature during the 2002 Regular Session, the Bureau of Community Supports and Services proposes to increase the reimbursement rate for a certain designated procedure code for SIL services. This action is being taken to promote the health and welfare of Medicaid recipients and maintain access to Supervised Independent Living services by encouraging the continued participation of these providers in the Medicaid Program.

Emergency Rule

Effective for dates of service on and after November 16, 2002, the Department of Health and Hospitals, 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, Bureau of Community Supports and Services, P.O. Box 91030, Baton Rouge, Louisiana 70821-9030. She is the person responsible for responding to inquiries regarding this emergency rule. A copy of this

Emergency Rule is available for review by interested parties at parish Medicaid offices.

David W. Hood
Secretary

0210#053

DECLARATION OF EMERGENCY

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

Disproportionate Share Hospital
Payment MethodologiesCFinal Payment

Editor's Note: The following Emergency Rule is being repromulgated for corrections. The original Emergency Rule may be viewed in the September 2002 edition of the Louisiana Register on page 1922.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following Emergency Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant Title XIX of the Social Security Act. This Emergency Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:953.B(1) et seq. and shall be in effect for the maximum period allowed under the Act or until adoption of the Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted a rule May 20, 1999 governing the disproportionate share payment methodologies for hospitals (*Louisiana Register*, Volume 25, Number 5). This Rule was adopted pursuant to Act 19 of the 1998 Legislative Session and Act 1485 (the Rural Hospital Preservation Act) of the 1997 Legislative Session. The May 20, 1999 Rule was subsequently amended to revise the disproportionate share qualification criteria for small rural hospitals in compliance with Senate Concurrent Resolution Number 48 and Act 1068 of the 1999 Regular Session of the Louisiana Legislature (*Louisiana Register*, Volume 26, Number 3).

Act 1074 of the 2001 Regular Session of the Louisiana Legislature amended the Rural Hospital Preservation Act to add certain hospitals to the definition of rural hospitals. In compliance with Act 1074, the Bureau amended the March 20, 2000 rule by revising the disproportionate share qualification criteria for small rural hospitals (*Louisiana Register*, Volume 28, Number 8).

Qualification for disproportionate share payment is based on the hospitals latest year end cost report for the year ended during the specified period of the previous year. Hospitals must file cost reports in accordance with Medicare deadlines, including extensions. Hospitals that fail to timely file Medicare cost reports are assumed to be ineligible for disproportionate share (DSH) payments. In response to provider inquiries, the Bureau has determined that it is

necessary to amend the August 20, 2002 Rule in order to clarify the policy governing final payments and adjustments.

This action is being taken to avoid a budget deficit. It is estimated that the implementation of this proposed Rule will not have a programmatic fiscal impact to the state.

Emergency Rule

Effective for dates of service on or after September 7, 2002, the Department of Health and Hospitals, Office of the Secretary Bureau of Health Services Financing amends the August 20, 2002 Rule governing the disproportionate share payment methodologies for hospitals by incorporating the following clarifications.

I. General Provisions

A. - D. ...

E. Qualification is based on the hospital's latest filed cost report. Hospitals must file cost reports in accordance with Medicare deadlines, including extensions. Hospitals that fail to timely file Medicare cost reports will be assumed to be ineligible for disproportionate share (DSH) payments. Hospitals will only be considered for DSH payments if their disproportionate share qualification documentation is returned timely. After the final payment during the state fiscal year has been issued, no adjustment will be given on DSH payments for non-state operated hospitals, even if subsequently submitted documentation demonstrates an increase in uncompensated care costs for the qualifying hospital. For hospitals with distinct part psychiatric units, qualification is based on the entire hospital's utilization.

F. - I. ...

III. Reimbursement Methodologies

B. Small Rural Hospitals

1. - 3. ...

4. A pro rata decrease necessitated by conditions specified in I.B. above for rural hospitals described in this section will be calculated using the ratio determined by dividing the qualifying rural hospital's uncompensated costs by the uncompensated costs for all rural hospitals described in this section, then multiplying by the amount of disproportionate share payments calculated in excess of the federal DSH allotment or the state appropriated DSH amount. No additional payments shall be made after the final payment for the state fiscal year is disbursed by the Department. Recoupments shall be initiated upon completion of an audit if it is determined that the actual uncompensated care costs for the state fiscal year for which the payment is applicable is less than the actual amount paid.

Interested persons may submit written comments to Ben A. Bearden at the following address: Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to all inquiries regarding this Emergency Rule. A copy of this public process notice is available for review by interested parties at parish Medicaid offices.

David W. Hood
Secretary

0210#010

DECLARATION OF EMERGENCY

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

Durable Medical Equipment Program Motorized/Power Wheelchairs

Editor's Note: The following Emergency Rule is being repromulgated for corrections. The original Emergency Rule may be viewed in the September 2002 edition of the Louisiana Register on pages 1922-1924.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following emergency rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is adopted in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953.B.(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing provides coverage and reimbursement for manual and motorized/power wheelchairs under the Durable Medical Equipment Program. In order to be considered for a motorized/power wheelchair, Medicaid policy currently requires that a recipient must be either employed or in an education training program. The bureau now proposes to amend its current policy governing recipient qualifications for motorized/power wheelchairs and adopt new provisions.

This action is being taken to promote the health and welfare of Medicaid recipients by avoiding further deterioration of their physical functioning. It is estimated that implementation of this Emergency Rule will increase expenditures in the Durable Medical Equipment Program by approximately \$750,000 for state fiscal year 2002-2003.

Emergency Rule

Effective for dates of service on or after September 21, 2002, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following provisions under the Durable Medical Equipment Program governing authorization for motorized/power wheelchairs.

Recipient Criteria

A. In order to be considered for a motorized/power wheelchair, a recipient must be non-ambulatory and have severe weakness of the upper extremities due to a neurological or muscular disease/condition. In addition, all of the following criteria must be met:

1. the recipient's condition is such that without the use of a wheelchair the recipient would otherwise be bed or chair confined; and
2. the recipient's condition is such that a wheelchair is medically necessary and he/she is unable to operate a wheelchair manually; and

3. the recipient is capable of safely operating the controls for a motorized/power wheelchair.

Prior Authorization

A. All requests for a motorized/power wheelchair must include the following documentation:

- 1. a completed PA -01 form;
- 2. a physicians prescription;
- 3. a written evaluation by a physical therapist or occupational therapist. The evaluation must include documentation of the appropriateness of the specific wheelchair requested and all modifications and/or attachments to the specific wheelchair and its ability to meet the recipient's long-term medical needs. Options that are beneficial primarily in allowing the patient to perform leisure or recreational activities are not covered; and

4. documentation that the recipient can safely operate the wheelchair and that he/she does not have the upper extremity function necessary to operate a manual wheelchair.

B. A motorized/power wheelchair is covered if the recipient's condition is such that the requirement for a motorized/power wheelchair is long term (at least six months). Approval will be made for only one wheelchair at a time. Backup chairs, either motorized/power or manual, will be denied as not medically necessary.

C. Wheelchairs with individualized features required to meet the needs of a particular recipient will be approved under the correct procedure code for the wheelchair base and the appropriate procedure codes for wheelchair options and accessories. All such features and modifications are subject to prior authorization along with the wheelchair.

Covered Services

A. The following motorized/power wheelchairs are considered for reimbursement:

- 1. standard-weight frame motorized/power wheelchairs;
- 2. standard-weight frame motorized/power wheelchairs with programmable control parameters for speed adjustment, tremor dampening, acceleration control and braking; and
- 3. lightweight portable motorized/power wheelchairs.

B. Motorized/power wheelchairs are characterized by:

- 1. Seat Width: 14" B18";
- 2. Arm Style: fixed height, detachable;
- 3. Seat Depth: 16";
- 4. Footplate Extension: 16" -21";
- 5. Seat Height: 19" -21";
- 6. Footrests: fixed or swingaway detachable;
- 7. Back Height: sectional 16" or 18".

C. A lightweight motorized/power wheelchair is characterized by:

- 1. Weight: less than 80 lbs. without battery;
- 2. Folding back or collapsible frame.

D. Wheelchair Apoundage@ (lbs.) represents the weight of the usual configuration of the wheelchair without front riggings.

E. The Medicaid Program will provide the least costly wheelchair that is appropriate to meet the medical needs of the recipient. Approval and reimbursement for the wheelchair procedure codes includes all labor charges involved in the assembly of the wheelchair and all covered additions or modifications. Reimbursement also includes:

- 1. support services such as emergency services;
 - 2. delivery (within the same parish);
 - 3. set-up;
 - 4. education; and
 - 5. on-going assistance with use of the wheelchair.
- F. The following components may be approved for use with the motorized/power wheelchair:
- 1. motorized/power wheelchair parts:
 - a. wheel tire for power wheelchair, any size
 - b. rear wheel tire tube other than zero pressure for motorized/power wheelchair, any size
 - c. rear wheel zero pressure tire tube (flat free insert) for motorized/power wheelchair, any size
 - d. wheel tire for power base, any size;
 - e. wheel tire tube other than zero pressure for each base, any size;
 - f. drive belt for motorized/power wheelchair; and
 - g. front caster for motorized/power wheelchair
 - 2. batteries/chargers for motorized/power wheelchairs:
 - a. 22 NF deep cycle lead acid battery;
 - b. 22 NF gel cell battery;
 - c. group 24 deep cycle lead acid battery;
 - d. group 24 gel cell battery;
 - f. U-1 lead acid battery;
 - g. U-1 gel cell battery;
 - h. battery charger, lead acid or gel cell; and
 - i. battery charger, dual mode.

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, Louisiana 70821-9030. He is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

David W. Hood
Secretary

0210#001

DECLARATION OF EMERGENCY

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

Early and Periodic Screening, Diagnosis and Treatment
Dental Program C Reimbursement Fee Increase

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following Emergency Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:953.B.(1) et seq. and shall be in effect for the maximum period allowed under the Act or until adoption of the Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing provides reimbursement for Early and Periodic Screening, Diagnosis and Treatment (EPSDT)

dental services under the Medicaid Program. Reimbursement for these services is a flat fee established by the Bureau minus the amount that any third party coverage would pay. In compliance with Act 11 of the 2000 Second Extraordinary Session of the Louisiana Legislature, the Bureau adopted a rule to make additional increases to the fees for certain designated dental procedure codes (*Louisiana Register, Volume 27, Number 8*). In addition, the bureau established requirements that EPSDT Dental Program providers process the recipient's last name and first initial, the month and year, and their Medicaid provider number into all new removable dental prosthetics reimbursed under the Medicaid Program. As a result of the allocation of additional funds by the Legislature during the 2002 Regular Session, the Bureau proposes to again increase the reimbursement rates for certain designated dental procedure codes.

This action is being taken to protect the health and welfare of Medicaid recipients and to maintain access to EPSDT dental services by encouraging the continued participation of dental providers in the Medicaid Program.

Emergency Rule

Effective for dates of services on or after November 4, 2002, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing increases the reimbursement fees for certain designated procedure codes to the following rates:

Procedure Code	Procedure Name	New Rate
00120	Periodic Oral Exam	\$ 16.00
00220	RadiographCPeriapicalCFirst Film	\$ 6.00
00230	RadiographC PeriapicalCEach Additional Film	\$ 5.00
00272	RadiographsCBitewingCTwo Films	\$ 12.00
01110	Adult Prophylaxis	\$ 27.00
01120	Child Prophylaxis	\$ 12.00
01351	SealantCPer Tooth	\$ 16.00
02120	AmalgamCTwo Surface, Primary	\$ 50.00
02130	AmalgamCThree Surface, Primary	\$ 60.00
02140	AmalgamCOne Surface, Permanent	\$ 42.00
02150	AmalgamCTwo Surface, Permanent	\$ 53.00
02160	AmalgamCThree Surface, Permanent	\$ 64.00
02330	ResinCOne Surface	\$ 45.00
02331	ResinCTwo Surface	\$ 55.00
02332	ResinCThree Surface	\$ 65.00
02930	Stainless Steel Crown, Primary	\$ 80.00
02931	Stainless Steel Crown, Permanent	\$ 80.00
02950	Crown Buildup	\$ 85.00
03220	PulpotomyCDeciduous Tooth Only	\$ 40.00
03310	Root CanalCOne Canal	\$ 212.00
03320	Root CanalCTwo Canals	\$ 241.00
03330	Root CanalCThree Canals	\$ 306.00
07110	Simple Extraction	\$ 38.00
07210	Surgical Extraction	\$ 57.00

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, Bureau of Health Services Financing, P. O. Box 91030, Baton Rouge, Louisiana 70821-9030. He is the

person responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

David W. Hood
Secretary

0210#051

DECLARATION OF EMERGENCY

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

Emergency Medical Transportation Program
Emergency Ambulance ServicesCReimbursement Increase

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following Emergency Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:953.B.(1) et seq. and shall be in effect for the maximum period allowed under the Act or until adoption of the Rule, whichever occurs first.

The Department of Health and Hospitals, 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 now proposes to increase the reimbursement for certain designated procedure codes for emergency ambulance transportation services by either 5 percent or 6 percent. This action is being taken to promote the health and welfare of Medicaid recipients and to maintain access to emergency ambulance transportation services by encouraging the continued participation of providers in the Medicaid Program.

Emergency Rule

Effective for dates of service November 4, 2002 and after, 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

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, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is the person responsible for responding to all inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

David W. Hood
Secretary

0210#050

DECLARATION OF EMERGENCY

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

Medical Transportation Services CNon-Emergency
Ambulance Services CReimbursement Increase

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following Emergency Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:953.B.(1) et seq. and shall be in effect for the maximum period allowed under the Act or until adoption of the Rule, whichever occurs first.

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).

As a result of the allocation of additional funds by the Legislature during the 2002 Regular Session, the bureau proposes to again increase the reimbursement for certain designated procedure codes for non-emergency ambulance transportation services. This action is being taken to promote the health and welfare of recipients and to maintain access to non-emergency ambulance transportation services by encouraging the continued participation of these providers in the Medicaid Program.

Emergency Rule

Effective for dates of service October 30, 2002 and after, 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, 1 st 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, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is the person responsible for responding to all inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

David W. Hood
Secretary

0210#049

DECLARATION OF EMERGENCY

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

Minimum Licensing Standards
Ambulatory Surgical Centers
Stereotactic Radiosurgery
(LAC 48:I.4571)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following Emergency Rule in the Medical Assistance Program as authorized by R.S. 40:2131-2141. This Emergency Rule is adopted in accordance with the Administrative Procedure Act and shall be in effect for the maximum period allowed under the Act or until adoption of the Rule, whichever occurs first.

The Department of Health and Human Resources adopted regulations governing the licensing of ambulatory surgical centers (*Louisiana Register*, Volume 3, Number 3). The March 20, 1977 Rule was subsequently amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing to repeal requirements for the periodic processing of cultures (*Louisiana Register*, Volume 24, Number 2) and the semi-annual sampling for bacteria (*Louisiana Register*, Volume 24, Number 10).

Act 754 of the 2001 Session of the Louisiana Legislature amended R.S. 40:2133.A and 2136 to expand the definition of ambulatory surgical centers to include treatment centers

that offer stereotactic radiosurgery by use of a Gamma Knife or similar neurosurgical tool. In addition, the Act directed the Department to establish rules, regulations and minimum standards for the licensing of ambulatory surgical centers as defined in R.S. 40:2133.A. In compliance with Act 754, the Department proposes to amend the licensing standards for ambulatory surgical centers in order to exempt facilities that perform stereotactic radiosurgery procedures from certain requirements. This action is being taken in order to comply with R.S. 40:2136.B.

Effective November 18, 2002, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the licensing standards governing the operations of ambulatory surgical centers to exempt facilities operated primarily for the purpose of performing stereotactic radiosurgery procedures from certain requirements.

**Title 48
PUBLIC HEALTH GENERAL
Part I. General Administration**

Subpart 3. Licensing and Certification

Chapter 45. Ambulatory Surgical Center

§4571. Stereotactic Radiosurgery

A. Ambulatory surgical centers operated primarily for the purpose of offering stereotactic radiosurgery by use of a Gamma Knife or similar neurosurgical tool, shall comply with all licensing requirements contained in Chapter 45 and applicable sections of the Guidelines for Design and Construction of Hospital and Health Care Facilities, except for the following.

1. Section 4509.L.
2. Section 4545.B.
3. Section 4545.D.

4. The centers shall also be exempt from Section 9.5.F5.c of the *Guidelines for Design and Construction of Hospital and Health Care Facilities*. This Section states: "Scrub facilities. Station(s) shall be provided near the entrance to each operating room and may service two operating rooms if needed. Scrub facilities shall be arranged to minimize incidental splatter on nearby personnel or supply carts."

B. The exceptions listed in this Section do not apply to ambulatory surgical centers performing surgical procedures in conjunction with stereotactic radiosurgery.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2131-2141.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to all inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

David W. Hood
Secretary

0210#054

DECLARATION OF EMERGENCY

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

Outpatient Hospital Service
Clinic Services

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, adopts the following Emergency Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:953.B(1) et seq. and shall be in effect for the maximum period allowed under the Act or until adoption of the Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted a Rule in January of 1996 which established a uniform reimbursement methodology for outpatient hospital services (*Louisiana Register*, Volume 22, Number 1). The January 1996 Rule was subsequently amended to revise the reimbursement methodology for specified outpatient surgical procedures and the interim reimbursement for all other outpatient hospital services (*Louisiana Register*, Volume 26, Number 12). The interim reimbursement rate for all outpatient hospital services, except for designated outpatient surgical procedures, is a hospital specific cost to charge ratio calculation based on filed cost reports for the period ending in state fiscal year 1997. Act 13 of the 2002 Regular Session of the Louisiana Legislature allocated additional funds to the Department of Health and Hospitals for enhancement of the reimbursement rates paid to hospitals for outpatient services. In compliance with Act 13, the bureau has decided to increase the reimbursement rates for outpatient hospital clinic services.

This action is being taken to promote the health and well being of Medicaid recipients by encouraging the continued participation of hospitals providing outpatient clinic services. It is estimated that implementation of this emergency rule will increase expenditures for outpatient hospital clinic services by approximately \$2,750,000 for state fiscal year 2002-2003.

Emergency Rule

Effective for dates of service on or after October 21, 2002 the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing increases the reimbursement rates for outpatient hospital clinic services. Hospitals must use the revenue codes and Physicians' Current Procedural Terminology (CPT)/Health Care Current Procedure Code System (HCPCS) specified by the Department when billing for services. The revenue codes and new reimbursement rates will be as follows.

Hospital Revenue Code	Description
510	General Internal Medicine Clinic
514	OB-Gyn Clinic
515	Pediatric Clinic
517	Family Practice Clinic
519	Specialty Clinic

CPT/HCPCS	Description	Payment Rate
99201	Office/Outpatient visit, new	\$33.00
99202	Office/Outpatient visit, new	\$33.00
99203	Office/Outpatient visit, new	\$38.00
99204	Office/Outpatient visit, new	\$57.00
99205	Office/Outpatient visit, new	\$57.00
99211	Office/Outpatient visit, established	\$33.00
99212	Office/Outpatient visit, established	\$33.00
99213	Office/Outpatient visit, established	\$38.00
99214	Office/Outpatient visit, established	\$57.00
99215	Office/Outpatient visit, established	\$57.00

Implementation of this Emergency 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 following address: Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to all inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

David W. Hood
Secretary

0210#046

DECLARATION OF EMERGENCY

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

Private Hospitals COutlier Payments

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following emergency rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:953.B.(1) et seq. and shall be in effect for the maximum period allowed under the Act or until adoption of the rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing established a reimbursement methodology for payments to disproportionate share hospitals for catastrophic costs associated with providing medically necessary services to children under six years of age (*Louisiana Register*, Volume 20, Number 6). The reimbursement methodology also addressed payments to all acute care hospitals for catastrophic costs associated with providing medically necessary services to infants one year of age or under. An outlier payment is calculated on an individual case basis and paid at cost if covered charges for medically necessary services exceeds 200 percent of the prospective payment.

The June 20, 1994 rule was subsequently amended to revise the qualification and calculation for outlier payments (*Louisiana Register*, Volume 22, Number 2). To qualify for an outlier payment, the covered charges for the case must exceed both \$150,000 and 200 percent of the prospective

payment. Outlier cases qualifying under these criteria are reimbursed the marginal cost associated with the excess cost above the prospective payment amount. As a result of the allocation of funds by the Legislature during the 2002 Regular Session, the bureau has determined it is necessary to reduce the outlier payments made to private hospitals by amending the definition of marginal cost contained in the February 20, 1996 rule. In addition, the bureau proposes to change the base period for the hospital specific cost-to-charge ratio that is currently utilized for the calculation of outlier payments and establish a deadline for receipt of the written request filing for outlier payments.

Taking into consideration the reduction in outlier payments in state fiscal year 2002-2003, the department has carefully reviewed the proposed payments and is satisfied that they are consistent with efficiency, economy and quality of care and are sufficient to enlist enough providers so that private (non-state) inpatient hospital services for children under six years of age and infants up to one year of age under the state plan are available at least to the extent that they are available to children in the general population in the state.

This action is being taken to avoid a budget deficit in the medical assistance program.

Emergency Rule

Effective for dates of service on or after October 30, 2002, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt an Emergency Rule to amend the February 20, 1996 rule by changing the definition of marginal cost. The marginal cost factor for outliers shall be considered to be 100 percent of costs after the costs for the case exceed the hospital's prospective payment. Outlier payments are not payable for transplant procedures as transplants are not reimbursed on a prospective basis. In addition, the bureau proposes to amend the reimbursement methodology for calculating outlier payments for private hospitals to change the hospital specific cost-to-charge ratio from the base period currently being utilized to a hospital specific cost-to-charge ratio based on the hospital's cost report period ending in state fiscal year (SFY) 2000 (July 1, 1999 through June 30, 2000). The cost-to-charge ratio for new hospitals and hospitals that did not provide Medicaid Neonatal Intensive Care Unit (NICU) services in SFY 2000 will be calculated based on the first full year cost reporting period that the hospital was open or that Medicaid NICU services were provided.

A deadline of six months subsequent to the date that the final claim is paid shall also be established for receipt of the written request filing for outlier payments.

The hospital specific cost-to-charge ratio will be reviewed bi-annually and the outlier payment may be adjusted as a result of this review at the discretion of the Secretary. Upon adoption of the Rule, hospitals shall receive notification of an impending change to the hospital specific outlier payment by means of a letter sent directly to the hospital.

Implementation of this proposed 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, Bureau of Health Services Financing, P.O. Box

91030, Baton Rouge, LA 70821-9030. He is the person responsible for responding to all inquiries regarding this public notice. The deadline for receipt of all written comments is August 1, 2002 by 4:30 p.m. A copy of this public notice is available for review by interested parties at parish Medicaid offices.

David W. Hood
Secretary

0210#048

DECLARATION OF EMERGENCY

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

Rehabilitation Services CReimbursement Fee Increase

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following Emergency Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:953.B.(1) et seq. and shall be in effect for the maximum period allowed under the Act or until adoption of the Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing provides coverage and reimbursement for rehabilitation services under the Medicaid Program. Rehabilitation services include physical, occupational and speech therapies. Reimbursement is available for these services through outpatient hospital, home health, rehabilitation center and Early and Periodic Screening, Diagnosis and Treatment (EPSDT) health services. The bureau adopted a Rule establishing the reimbursement methodology for EPSDT rehabilitation services in April of 1997 (*Louisiana Register*, Volume 23, Number 4). The bureau also adopted a Rule establishing the reimbursement methodology for rehabilitation services rendered in rehabilitation center and outpatient hospital settings in June of 1997 (*Louisiana Register*, Volume 23, Number 6). A subsequent Rule was adopted by the bureau in May of 2001 to establish the reimbursement methodology for rehabilitation services rendered by home health agencies (*Louisiana Register*, Volume 27, Number 5). Reimbursement for these services is a flat fee established by the bureau minus the amount that any third party coverage would pay.

The Appropriation Bill (House Bill 1) of the 2002 Regular Session of the Louisiana Legislature directs the Department to increase the reimbursement for physical therapy, occupational therapy, and speech/language and hearing therapy services provided to children under three years of age. In compliance with the Appropriation Bill and as a result of the allocation of additional funds by the Legislature, the Bureau proposes to increase the reimbursement rates for rehabilitation services provided to Medicaid recipients up to the age of three, regardless of the type of provider performing the services.

This action is being taken to protect the health and welfare of Medicaid recipients under the age of three and to ensure access to rehabilitation services by encouraging the

participation of rehabilitation providers in the Medicaid Program.

Emergency Rule

Effective for dates of services on or after November 4, 2002, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the April 20, 1997, June 20, 1997 and May 20, 2001 Rules governing the reimbursement methodology for rehabilitation services provided by outpatient hospitals, rehabilitation centers, home health agencies and Early and Periodic Screening, Diagnosis and Treatment (EPSDT) health services providers to increase the reimbursement rates for rehabilitation services provided to Medicaid recipients up to the age of three, regardless of the type of provider performing the services.

Home Health Agencies and Outpatient Hospitals

Procedure Code	Procedure Name	New Rate
Y2602	Initial Sp/Lang Evaluation	\$ 70.00
Y2612	Initial Hearing Evaluation	\$ 70.00
Y2615	Sp/Lan/Hear Therapy 60 Minutes	\$ 56.00
Y7101	Visit W/Procedure(S) 45 Minutes	\$ 56.00
Y7102	Visit W/Procedure(S) 60 Minutes	\$ 74.00
Y7104	Visit W/Procedures 90 Minutes	\$112.00
Y7202	Procedures And Modalities 60 Minutes	\$ 74.00
Y7702	Pt And Rehab Evaluation	\$ 75.00
Y7812	Initial Ot Evaluation	\$70.00
Y7814	Ot 45 Minutes	\$45.00
Y7815	Ot 60 Minutes	\$ 60.00

Rehabilitation Centers

Procedure Code	Procedure Name	New Rate
Y2509	Group Sp Lang Hear Therapy 1/2 Hour	\$ 26.00
Y2511	Speech Group Therapy Add 15 Minutes	\$ 13.00
Y2512	Group Sp Lang Hear Therapy 1 Hour	\$ 51.00
Y2602	Initial Sp/Lang Evaluation	\$ 70.00
Y2612	Initial Hearing Evaluation	\$ 70.00
Y2613	Sp/Lang/Hear Therapy 30 Minutes	\$ 26.00
Y2614	Sp/Lang/Hear Therapy 45 Minutes	\$ 39.00
Y2615	Sp/Lang/Hear Therapy 60 Minutes	\$ 52.00
Y7100	Visit W/Procedure(S) 30 Minutes	\$ 34.00
Y7101	Visit W/Procedure(S) 45 Minutes	\$ 51.00
Y7102	Visit W/Procedure(S) 60 Minutes	\$ 68.00
Y7103	Visit W/Procedure(S) 75 Minutes	\$ 85.00
Y7104	Visit W/Procedure(S) 90 Minutes	\$102.00
Y7106	Ctr Visit One/More Modal/Proc 15 Minutes	\$ 17.00
Y7202	Procedures And Modalities 60 Minutes	\$ 68.00
Y7702	Pt And Rehab Evaluation	\$ 75.00
Y7812	Initial Ot Evaluation	\$ 70.00
Y7813	Ot 30 Minutes	\$ 26.00
Y7814	Ot 45 Minutes	\$ 39.00
Y7815	Ot 60 Minutes	\$ 52.00

EPSDT Health Services

Procedure Code	Procedure Name	New Rate
97032	Electrical Stimulation	\$ 17.00
97110	Pt-One Area-Therapeutic-30 Minutes	\$ 17.00
97112	Pt-Neuromuscular Reed-30 Minutes	\$ 17.00
97116	Pt-Gait Trainin g-30 Minutes	\$ 34.00
97504	Orthotic Training	\$ 14.00
97530	Kinetic Act One Area-30 Minutes	\$ 14.00
97750	Physical Performance Test	\$ 14.00
X0404	Physical Therapy Evaluation/Re-Evaluation	\$ 92.00
X0411	Occ Therapy Evaluation/Re-Evaluation	\$ 70.00

X0412	Speech/Language Evaluation/Re-Evaluation	\$ 70.00
X0423	Speech/Language Therapy 30 Minutes	\$ 26.00
X0424	Speech/Language Therapy Add 15 Minutes	\$ 13.00
Y2509	Group Sp Lang Hear Therapy 1/2 Hour	\$ 26.00
Y2510	Speech Group Therapy 20 Minutes	\$ 13.00
Y2511	Speech Group Therapy Add 15 Minutes	\$ 13.00
Y2512	Group Sp Lang Hear Therapy 1 Hour	\$ 52.00
Y2611	Speech Lang Hearing Therapy 20 Minutes	\$ 17.00
Y2615	Sp/Lan/Hear Therapy 60 Minutes	\$ 52.00
Y7200	Procedures And Modalities 30 Minutes	\$ 34.00
Y7201	Procedures And Modalities 45 Minutes	\$ 52.00

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, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, Louisiana 70821-9030. He is the person responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

David W. Hood
Secretary

0210#052

DECLARATION OF EMERGENCY

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

**Food Stamp Program C 2002 Farm Bill
(LAC 67:III.Chapter 19)**

The Department of Social Services, Office of Family Support, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953.B to adopt changes to LAC 67:III, Subpart 3, effective October 1, 2002. This Rule shall remain in effect for a period of 120 days.

Pursuant to Public Law 107-171, The Food Stamp Reauthorization Act of 2002, the agency is amending §§1932, 1949, 1953, 1961, and 1983, to comply with mandates issued by the United States Department of Agriculture, Food and Nutrition Service. P.L. 107-171, also known as the 2002 Farm Bill, authorizes changes in alien regulations whereby a disabled alien will be eligible for benefits for an unlimited period of time; the addition of Individual Development Accounts as an excludable resource; an increase in the resource limit for households that include a disabled member; and changes in the method by which the standard deduction is determined.

Emergency action in this matter is necessary as failure to promulgate the Rule in a timely manner could result in the imposition of sanctions or penalties by the USDA, Food and Nutrition Service, the governing authority of the Food Stamp Program in Louisiana.

Title 67

SOCIAL SERVICES

Part III. Family Support

Subpart 3. Food Stamps

Chapter 19. Certification of Eligible Households

Subchapter B. Application Processing

§1932. Time Limitations for Certain Aliens

A. ...

B. The following qualified aliens are eligible for an unlimited period of time:

1. - 3. ...

4. individuals who are lawfully residing in the United States and are receiving benefits or assistance for blindness or disability as defined in §3(r) of the Food Stamp Act of 1997.

5. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with P. L. 104-193, P. L. 105-33, P. L. 105-185, and P.L. 107-171.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:711(April 1999), LR 29:

§1949. Exclusions from Resources

A. The following are excluded as a countable resource:

1. - 4. ...

5. effective October 1, 2002, an Individual Development Account (IDA) which is a special account established in a financial institution for specific purposes.

B. ...

AUTHORITY NOTE: Promulgated in accordance with F.R. 52:26937 et seq., 7 CFR 273.8 and 273.9C(v), P.L. 103-66, P.L. 106-387, 45 CFR 263.20

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security in LR 13:656 (November 1987). Amended in LR 13:249 (August 1987), LR 17:953 (October 1991). Amended by the Department of Social Services, Office of Family Support in LR 18:142 (February 1992), LR 18:686 (July 1992), LR 18:1267 (November 1992), LR 20:990 (September 1994), LR 20:1362 (December 1994), LR 21:186 (February 1995), LR 27:867 (June 2001), LR 27:1934 (November 2001), LR 28:1031 (May 2002), LR 29:

§1953. Income Eligibility Standards

A. The income eligibility standards for the Food Stamp Program shall be as follows:

1. - 3. ...

4. 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.

AUTHORITY NOTE: Promulgated in accordance with F.R. 46:44712 et seq., F.R. 47:55463 et seq. and 47:55903 et seq., 7 CFR 273.9, P.L. 107-171.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 8:9 (January 1982), amended LR 9:130 (March 1983), LR 29:

§1961. Adjustment of Standard Deduction

A. Effective October 1, 2002, the standard deduction shall be set at 8.31 percent of the poverty level based on household size of up to 6 persons with a minimum deduction

of \$134. The standard deduction may be adjusted in accordance with directives from the United States Department of Agriculture, Food and Nutrition Services.

AUTHORITY NOTE: Promulgated in accordance with F.R. 46:44712 et seq., 7 CFR 273.9, P.L. 107-171.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 8:9 (January 1982), LR 29:

§1983. Income Deductions and Resource Limits

A. ...

B. The resource limit for a household is \$2,000, and the resource limit for a household that includes at least one elderly or disabled member is \$3,000.

AUTHORITY NOTE: Promulgated in accordance with 7 CFR 273.9 (d)(2) and (d)(6), P.L. 104-193, P.L. 106-387, P.L. 107-171.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 12:285 (May 1986), amended LR 12:423 (July 1986), LR 12:824 (December 1986), LR 13:181 (March 1987), LR 14:684 (October 1988), LR 15:14 (January 1989). Amended by the Department of Social Services, Office of Family Support, LR 19:303 (March 1993), LR 19:905 (July 1993), LR 20:780 (July 1994), LR 20:990 (September 1994), LR 20:1362 (December 1994), LR 21:186 (February 1995), LR 23:82 (January 1997), LR 27:867 (June 2001), LR 27:1934 (November 2001), LR 29:

Gwendolyn P. Hamilton
Secretary

0210#012

DECLARATION OF EMERGENCY

Department of Social Services Office of Family Support

TANF Initiatives
(LAC 67:III.5533, 5565, 5567, 5569, and 5571)

The Department of Social Services, Office of Family Support, has exercised the emergency provision of R.S. 49:953.B, the Administrative Procedure Act, to amend §5533 and adopt §§5565, 5567, 5569, and 5571, effective September 30, 2002. This emergency rule will remain in effect for a period of 120 days.

Pursuant to Act 13 of the 2002 Regular Session of the Louisiana Legislature, the Office of Family Support will adopt four new TANF Initiatives including Family Strengthening and Healthy Marriages Program, Parental Involvement Services Program, Alternatives to Abortion Services Program, and Parenting/Fatherhood Services Program, to further the goals and intentions of the Temporary Assistance For Needy Families (TANF) Block Grant to Louisiana. Additionally, the agency is amending §5533, Transportation Services Program, to provide low-income families with a variety of transportation services in order to overcome transportation barriers.

The authorization for emergency action is contained in Act 13 of the 2002 Regular Session of the Louisiana Legislature.

Title 67 SOCIAL SERVICES

Part III. Family Support

Subpart 15. Temporary Assistance to Needy Families (TANF) Initiatives

Chapter 55. TANF Initiatives

§5533. Transportation Services Program

A. Effective September 30, 2002, the agency shall enter into contracts with public agencies, non-profit, or for-profit organizations to provide low-income families with transportation services to assist them in overcoming transportation barriers. These services may include but are not limited to: vehicle ownership, commuter shuttles, reverse-commute shuttles, vanpools, and other modes of transportation. The agency may also make funding available for transportation of participants in TANF Initiative Programs.

B. Eligibility for services is limited to persons participating in a TANF Initiative Program or to members of a needy family. A needy family consists of minor children, custodial and non-custodial parents, legal guardians, and caretaker relatives of minor children, who have earned income at or below 200 percent of the federal poverty level. An eligible person who is employed may be provided on-going services. An eligible, unemployed person may be provided short-term, non-recurrent services that shall not exceed four months and shall be associated with an episode of need or crisis situation.

C. Services meet the TANF goals to provide assistance to needy families so children may be cared for in their own homes or in the homes of relatives or to end dependence of needy parents by promoting job preparation, work, and marriage.

D. Services are considered non-assistance by the agency.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 36:474 and 46:231; and Act 12, 2001 Reg. Session, Act 13, 2002 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:352 (February 2002), LR 29:

§5565. Family Strengthening and Healthy Marriages Effective September 30, 2002

A. The Department of Social Services, Office of Family Support, shall enter into Memoranda of Understanding or contracts to provide services to improve and promote family relationships, encourage marriage, reduce incidence of out-of-wedlock births, decrease the rate of divorce, and provide services that will educate and supply young people with the guidance to break the cycle of living in fatherless homes. These intervention and support services are designed to enable low-income parents to act in the best interest of their children.

B. Services offered by providers meet the TANF goals to end dependence of needy parents by promoting job preparation, work, and marriage, to prevent and reduce the incidence of out-of-wedlock births, and to encourage the formation and maintenance of two-parent families and may be accomplished through a variety of projects including but not limited to:

1. development of an information clearing house;
2. best practices research;
3. development of a statewide network of marriage trainers and additional partners such as health care providers, members of the judiciary, and faith-based partners, to assist in implementing the initiative; and
4. development of handbooks and videos, media buys for outreach, curriculum development, and demonstration projects.

C. Eligibility for services is limited to needy families which consists of minor children, custodial and non-custodial parents, legal guardians, or caretaker relatives of minor children who have earned income at or below 200 percent of the federal poverty level.

D. Services are considered non-assistance by the agency.
 AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 46:231 and R.S. 36:474; Act 13, 2002 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 29:

**§5567. Parental Involvement Services Program
 Effective September 30, 2002**

A. The Office of Family Support shall enter into contracts to provide pro bono or low cost legal services that may include: mediation; development of parenting plans or other services to obtain regular visitation arrangements with the children; or legal assistance to non-custodial parents in resolving disputes resulting from a deviation in an existing visitation order. Referrals that assist low-income, non-custodial parents to overcome social, financial, and emotional barriers that hinder access to their children will also be provided. These services are designed to enable low-income parents to act in the best interest of their children.

B. These services meet the TANF goals to end dependence of needy parents by promoting job preparation, work, and marriage, to prevent and reduce the incidence of out-of-wedlock births, and to encourage the formation and maintenance of two-parent families by improving the parent's ability to act in the best interest of their children, providing the children continuous and quality access to both parents, improving the well-being of the children, and encouraging healthy relationships, youth development, and responsible fatherhood.

C. Eligibility for services is limited to non-custodial parents of minor children who have earned income at or below 200 percent of the federal poverty level.

D. Services are considered non-assistance by the agency.
 AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 46:231 and R.S. 36:474; Act 13, 2002 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 29:

**§5569. Alternatives to Abortion Services Program
 Effective September 30, 2002**

A. The Office of Family Support shall enter into contracts with public agencies, non-profit organizations, or for-profit organizations to provide intervention services including crisis intervention, counseling, mentoring, support services, and pre-natal care information, in addition to information and referrals regarding healthy childbirth, adoption, and parenting to help ensure healthy and full-term pregnancies as an alternative to abortion.

B. These services meet the TANF goals to provide assistance to needy families so children may be cared for in their own homes or in the homes of relatives and to encourage the formation and maintenance of two-parent families by providing pregnancy and parenting support to low-income women, their male partners, and families who are experiencing an unplanned pregnancy.

C. Eligibility for services is limited to pregnant or potentially pregnant women, their male partners, and/or minor children whose earned income is at or below 200 percent of the federal poverty level.

D. Services are considered non-assistance by the agency.
 AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 46:231 and R.S. 36:474; Act 13, 2002 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 29:

**§5571. Parenting/Fatherhood Services Program
 Effective September 30, 2002**

A. The Office of Family Support shall enter into contracts with public agencies, non-profit, or for-profit organizations to create programs that will assist low-income fathers with various skills including employment, life, parenting, and other skills in order to increase their ability to provide emotional and financial support for their children, and to create a network of community- and faith-based programs that will provide linkages to and for state entities, specifically Child Support Enforcement Services.

B. These services meet the TANF goals to end the dependence of needy parents by promoting job preparation, work, and marriage, to prevent and reduce the incidence of out-of-wedlock births and to encourage the formation and maintenance of two-parent families by eliminating emotional, social, financial, and legal barriers that hinder a father's ability to be fully engaged in his children's lives.

C. Eligibility for services is limited fathers of minor children, who have earned income at or below 200 percent of the federal poverty level.

D. Services are considered non-assistance by the agency.
 AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 46:231 and R.S. 36:474; Act 13, 2002 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 29:

Gwendolyn Hamilton
 Secretary

0210#013

DECLARATION OF EMERGENCY

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

TANF Initiatives CCommunity Response Initiative
 and Substance Abuse Treatment Program
 (LAC 67:III.Chapter 55)

The Department of Social Services, Office of Family Support, has exercised the emergency provision of R.S. 49:953.B, the Administrative Procedure Act, to amend §§5511 and 5547 and to adopt §§5551 and 5553, effective July 1, 2002. This Emergency Rule is effective October 29, 2002, and will remain in effect for a period of 120 days. This

declaration is necessary to extend the original Emergency Rule of July 1, 2002, since it is effective for a maximum of 120 days and will expire before the final Rule takes effect. (The final Rule regarding the Community Response Initiatives and Substance Abuse for Office of Community Services Clients will be published in November.)

Pursuant to Act 13 of the 2002 Regular Session of the Louisiana Legislature, the Office of Family Support will adopt two new TANF Initiatives to further the goals and intentions of the Temporary Assistance for Needy Families (TANF) Block Grant to Louisiana. Additionally, the agency will amend §5511, Micro-Enterprise Development, to make language regarding the TANF partner consistent with language in the Memorandum of Understanding (MOU). The agency initially entered into an MOU with the Office of Women's Services; however, the initiative will now be administered by the Department of Economic Development. Language in §5547, Housing Services, is being amended to revise the initiative from a pilot program to a permanent, statewide program.

The authorization for emergency action is contained in Act 13 of the 2002 Regular Session of the Louisiana Legislature.

Title 67

SOCIAL SERVICES

Part III. Office of Family Support

Subpart 15. Temporary Assistance to Needy Families (TANF) Initiatives

Chapter 55. TANF Initiatives

§5511. Micro-Enterprise Development

A. Effective July 1, 2002, the Office of Family Support shall enter into a Memorandum of Understanding with the Department of Economic Development to provide assistance to low-income families who wish to start their own businesses.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 46:231 and R.S. 36:474; Act 12, 2001 Reg. Session, Act 13, 2002 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:871 (April 2002), amended LR 29:

§5547. Housing Services

A. Effective July 1, 2002, the Department of Social Services, Office of Family Support, may enter into Memoranda of Understanding or contracts to create programs that provide transitional, short-term, or one-time housing services to needy families with minor children who participate in self-sufficiency activities, who are at risk of losing existing housing arrangements, who are in an emergency situation, or who face ineligibility because of increased earnings. These services can include but are not limited to: relocation assistance; costs associated with moving or relocation; down payment of deposit and/or initial month's rent; short-term continuation of a housing voucher; down payment for the purchase of a house; housing counseling and home buyer education for prospective homeowners; or other transitional services determined in conjunction with the Department of Social Services and the Division of Administration.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 46:231 and R.S. 36:474; Act 12, 2001 Reg. Session; Act 13, 2002 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:871 (April 2002), amended LR 29:

§5551. Community Response Initiative Effective July 1, 2002

A. The Department of Social Services, Office of Family Support, may enter into Memoranda of Understanding or contracts with for-profit organizations, non-profit organizations (exempt from taxation under Section 501(c) of the Internal Revenue Code), and state or local public or quasi-public agencies, to develop innovative and strategic programming solutions suited to the unique needs of Louisiana's communities.

B. The services provided by the various partners must meet one, or a combination, of the four TANF goals:

1. to provide assistance to needy families;
2. to end dependence of needy parents by promoting job preparation, work, and marriage;
3. to prevent and reduce out-of-wedlock pregnancies; and
4. to encourage the formation and maintenance of two-parent families.

C. Eligibility for those services meeting TANF goals 1 and 2 is limited to needy families, that is, a family in which any member receives a Family Independence Temporary Assistance Program (FITAP) grant, Kinship Care Subsidy Program (KCSP) grant, Food Stamp benefits, Child Care Assistance Program (CCAP) services, Title IV-E, Medicaid, Louisiana Children's Health Insurance Program (LaChip) benefits, Supplemental Security Income (SSI), Free or Reduced Lunch, or who has earned income at or below 200 percent of the federal poverty level. A needy family consists of minor children, custodial and non-custodial parents, legal guardians, or caretaker relatives of minor children.

D. Eligibility for those services meeting TANF goals 3 and 4 may include any family in need of the provided services regardless of income. A family consists of minor children, custodial and non-custodial parents, legal guardians, or caretaker relatives of minor children.

E. Services are considered non-assistance by the agency.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 46:231 and R.S. 36:474; Act 13, 2002 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 29:

§5553. Substance Abuse Treatment Program for Office of Community Services Clients Effective July 1, 2002

A. The Office of Family Support shall enter into a Memorandum of Understanding with the Office for Addictive Disorders (OAD) wherein OFS shall fund the cost of substance abuse screening and testing and the non-medical treatment of members of needy families referred by and receiving services in certain parish offices from the Office of Community Services (OCS).

B. These services meet the TANF goal to end the dependence of needy parents on government benefits by providing needy families with substance abuse treatment so that they may become self-sufficient in order to promote job preparation, work, and marriage.

C. Eligibility for services is limited to custodial and non-custodial parents, legal guardians, or caretaker relatives of minor children who are members of a needy family. A

needy family is a family in which any member receives a Family Independence Temporary Assistance Program (FITAP) grant, Kinship Care Subsidy Program (KCSP) grant, Food Stamp benefits, Child Care Assistance Program (CCAP) services, Title IV-E, Medicaid, Louisiana Children's Health Insurance Program (LaChip) benefits, Supplemental Security Income (SSI), Free or Reduced Lunch, or who has earned income at or below 200 percent of the federal poverty level and in which any member receives services through OCS as Child Protection Investigation clients, Family Services clients, or Foster Care clients.

D. Services are considered non-assistance by the agency.

E. The program will be offered in the following parish offices: Orleans (Uptown District), Jefferson (West Bank), East Baton Rouge (North District), Terrebonne, St. Landry, Calcasieu, Rapides, Caddo, Ouachita, and Tangipahoa. The parish offices in which the program is available may be expanded at the assistant secretary's discretion based on the availability of funding and a determination of need.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 46:231 and R.S. 36:474; Act 13, 2002 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 29:

Gwendolyn Hamilton
Secretary

0210#094

DECLARATION OF EMERGENCY

Department of Social Services Office of Family Support

TANF Initiatives CDiversion Assistance Program (LAC 67:III.Chapter 56)

The Department of Social Services, Office of Family Support, has exercised the emergency provision of R.S. 49:953(B), the Administrative Procedure Act, to adopt LAC 67:III, Subpart 15, Chapter 56, Diversion Assistance Program, effective July 1, 2002. This Emergency Rule is effective October 29, 2002, and will remain in effect for a period of 120 days. This declaration is necessary to extend the original Emergency Rule of July 1, 2002, since it is effective for a maximum of 120 days and will expire before the final Rule takes effect. (The final Rule regarding the Diversion Assistance Program will be published in December.)

Pursuant to Act 13 of the 2002 Regular Session of the Louisiana Legislature, the agency will implement the Diversion Assistance Program in order to further the goals and intentions of the federal Temporary Assistance for Needy Families (TANF) Block Grant, by providing assistance to needy families who have suffered a job loss or the threat of a job loss due to extraordinary and unexpected expenses. The program will provide a one-time, lump-sum, cash payment to a needy family, to avert the loss of a family member's job or to assist the member in securing another one.

Authorization for emergency action in the matter of TANF funds is also contained in Act 13 of the 2002 Regular Session of the Louisiana Legislature.

Title 67 SOCIAL SERVICES

Part III. Office of 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 29:

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 29:

§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 29:

§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 29:

§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 29:

§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 29:

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. 46:231.1B., and Act 13, 2002 Regular Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 29:

§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 29:

§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-grand);
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 29:

§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 twelve-month period. After a twelve-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 29:

§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 29:

§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 29:

§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 3 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 29:

§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 29:

§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 29:

§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 29:

Gwendolyn P. Hamilton
Secretary

0210#091

DECLARATION OF EMERGENCY

Department of Social Services Office of Family Support

TANF Initiatives C Individual Development
Account Program and Energy Assistance
Program for Low-Income Families
(LAC 67:III.1235, 5555, and 5557)

The Department of Social Services, Office of Family Support, has exercised the emergency provision of R.S. 49:953.B, the Administrative Procedure Act, to adopt §§5555 and 5557 as part of the TANF Initiatives and to

amend §1235 of the Family Independence Temporary Assistance Program (FITAP), effective July 1, 2002. This Emergency Rule is effective October 29, 2002, and will remain in effect for a period of 120 days. This declaration is necessary to extend the original Emergency Rule of July 1, 2002, since it is effective for a maximum of 120 days and will expire before the final Rule takes effect. (The final Rule regarding Energy Assistance for Low-Income Families will be published in November and the final Rule for Individual Development Account Program will be published in January 2003.)

Pursuant to Act 1098 of the 2001 Regular Session of the Louisiana Legislature and Act 84 of the 2002 Regular Session of the Louisiana Legislature, OFS shall adopt §5555, the Individual Development Account (IDA) Program, to provide asset and savings opportunities to low-income families for specific purposes as well as provide financial management education. The agency will contract with qualified non-profit organizations, or state or local governments who work with non-profit organizations, to develop and administer the IDA Program for low-income families.

Additionally, the agency proposes to amend §1235 in FITAP by revising the IDA excludable resource to coincide with federal regulations as stated in the new program.

Pursuant to Act 13 of the 2002 Regular Session of the Louisiana Legislature, the agency will adopt §5557, Energy Assistance for Low-Income Families, to make payments to utility companies on behalf of low-income families in order to further the goals and intentions of Louisiana's Temporary Assistance For Needy Families (TANF) Block Grant.

Authorization for emergency action in this matter is contained in Act 13 of the 2002 Regular Session of the Louisiana Legislature.

Title 67

SOCIAL SERVICES

Part III. Office of Family Support

Subpart 2. Family Independence Temporary Assistance Program (FITAP)

Chapter 12. Application, Eligibility, and Furnishing Assistance

Subchapter B. Conditions of Eligibility

§1235. Resources

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

1. - 20. ...

21. an Individual Development Account (IDA) which is a special account established in a financial institution for specific purposes. Only one IDA per assistance unit is allowed. The balance of the account cannot exceed \$6000, including interest, at any time. IDA funds may be used for one of three purposes. Withdrawal of funds for purposes other than those listed below shall be deemed as a countable resource. Effective July 1, 2002, IDA funds may be used for the following purposes only:

- a. postsecondary educational expenses paid from an IDA directly to an eligible educational institution;
- b. first home purchase C qualified acquisition costs with respect to a qualified principal residence for a qualified

first-time homebuyer, if paid from an IDA directly to the persons to whom the amounts are due.

c. business capitalizationCamounts paid from an IDA directly to a business capitalization account which is established in a federally-insured financial institution and is restricted to use solely for qualified business capitalization expenses.

A.22. - B. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B., R.S. 46:231.2, P.L. 106-387.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2451 (December 1999), amended LR 27:736 (May 2001), LR 27:866 (June 2001), LR 28:1031 (May 2002), LR 29:

Subpart 15. Temporary Assistance to Needy Families (TANF) Initiatives

Chapter 55. TANF Initiatives

§5555. Individual Development Account Program

Effective July 1, 2002

A. OFS shall establish the Individual Development Account (IDA) Program to provide asset and savings opportunities to low-income families for specific purposes as well as provide financial management education. The agency will contract with qualified non-profit organizations, or state or local governments who work with non-profit organizations, to develop and administer the IDA Program for low-income families.

B. An IDA is a financial account established by, or on behalf of, an individual eligible for assistance to allow that individual to accumulate funds for specific purposes. Funds deposited into the account may be matched by the agency using Temporary Assistance For Needy Families (TANF) Block Grant funds. The balance of the account cannot exceed \$6000, including interest, at any time. Funds deposited by the individual into the account must be derived from earned income. All matching contributions must be deposited in a separate matching fund account and used in accordance with the purposes outlined in §5555.C. The program will also provide financial management and organization education to eligible families.

C. IDA funds may be used for the following qualified purposes only:

1. postsecondary educational expenses paid from an IDA directly to an eligible educational institution;

2. first home purchaseCqualified acquisition costs with respect to a qualified principal residence for a qualified first-time homebuyer, if paid from an IDA directly to the persons to whom the amounts are due.

3. business capitalizationCamounts paid from an IDA directly to a business capitalization account which is established in a federally-insured financial institution and is restricted to use solely for qualified business capitalization expenses.

D. Definitions

Eligible Educational InstitutionC

a. an institution described in section 481(a)(1) or 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1088(a)(1) or 1141(a)), as such sections are in effect on the date of the enactment of this subsection [enacted August 22, 1996].

b. an area vocational education school (as defined in Subparagraph (C) or (D) of Section 521(4) of the Carl D.

Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2471(4)), which is in any State (as defined in Section 521(33) of such Act [20 USCS §521(33)]), as such sections are in effect on the date of the enactment of this subsection [enacted August 22, 1996].

Post-Secondary Educational ExpensesCtuition and fees required for the enrollment or attendance of a student at an eligible education institution, and fees, books, supplies, and equipment required for courses of instruction at an eligible educational institution.

Qualified Acquisition CostsCthe costs of acquiring, constructing, or reconstructing a residence. The term includes any usual or reasonable settlement, financing, or other closing costs.

Qualified BusinessCany business that does not contravene any law or public policy (as determined by the federal secretary of the Department of Health and Human Services).

Qualified Business Capitalization ExpensesCqualified expenditures for the capitalization of a qualified business pursuant to a qualified plan.

Qualified ExpendituresCexpenditures included in a qualified plan including capital, plant, equipment, working capital, and inventory expenses.

Qualified First-Time HomebuyerCa taxpayer (and if married, the taxpayer's spouse), who has no present ownership interest in a principal residence during the 3-year period ending on the date of acquisition of the principle residence to which this subsection applies. Date of acquisition means the date on which a binding contract to acquire, construct, or reconstruct the principal residence to which this subparagraph applies is entered into.

Qualified PlanCa business plan which:

a. is approved by a financial institution, or by a nonprofit loan fund having demonstrated fiduciary integrity;

b. includes a description of services or goods to be sold, a marketing plan, and projected financial statements; and

c. may require the eligible individual to obtain the assistance of an experienced entrepreneurial advisor.

Qualified Principal ResidenceCa principal residence (within the meaning of section 1034 of the Internal Revenue Code of 1986 [26 USCS §1034]), the qualified acquisition costs of which do not exceed 100 percent of the average area purchase price applicable to such residence (determined in accordance with Paragraphs (2) and (3) of section 143(e) of such Code [26 USCS §143(e)]).

E. These services meet the TANF goal to provide assistance to needy families so that children may be cared for in their own homes or in homes of relatives.

F. Eligibility is limited to low-income families at or below 200 percent of the federal poverty level.

G. Services are considered non-assistance by the agency.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 36:474 and 46:231; Act 1098, 2001 Reg. Session; and Act 84, 2002 First Extraordinary Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 29:

§5557. Energy Assistance Program for Low-Income Families Effective July 1, 2002

A. The Office of Family Support shall enter into a Memorandum of Understanding with the Louisiana Housing Finance Agency (LHFA) to provide energy assistance to

low-income families based on the availability of funding and a determination of need by the agency, and to educate those families regarding energy conservation. The energy assistance payments shall be provided to LHFA for reimbursement of payments made to utility companies by LHFA on behalf of needy families with minor children.

B. The Office of Family Support hereby declares that all families who have earned income at or below 200 percent of the federal poverty level are in need of energy assistance. Each family's episode of need is evidenced by the seeking of energy assistance under this program.

C. Services meet the TANF goal of providing assistance to needy families so that children may be properly cared for in their own homes or in the homes of relatives by providing funds to help pay the costs of cooling and heating the homes.

D. Eligibility for services is limited to a needy family, that is, a family with minor children who has earned income at or below 200 percent of the federal poverty level.

E. Services are considered non-assistance by the agency as the payments are non-recurrent, short-term, and will not be provided more than once every six months.

F. The payment process will be administered by an outside entity through a contractual agreement. Recipients will be required to provide verification of identity and eligibility as defined for a "needy family" as well as proof of residency at the utility service address. An energy assistance payment of up to \$400 will be paid by LHFA directly to the recipient's utility company or provider. The payment may be used for past-due deposits, reconnection fees, current bills, or as credit towards future services.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 36:474 and 46:231; and Act 13, 2002 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 29:

Gwendolyn Hamilton
Secretary

0210#092

DECLARATION OF EMERGENCY
Department of Wildlife and Fisheries
Office of Fisheries

Iatt Lake Fishing Closure

In accordance with the emergency provisions of R.S. 49:953.B and R.S. 49:967.D of the Administrative Procedure Act, and under the authority of R.S. 56:317, the Secretary of the Department of Wildlife and Fisheries hereby declares:

Iatt Lake will be closed to all fishing beginning on September 30, 2002 and continue until the Department officially announces the reopening of the lake to fishing, sometime after January 15, 2003 when the lake reaches pool stage (83 feet MSL). Effective with the closure, no person shall take or possess or attempt to take any species of fish while on the waters of Iatt Lake or take or possess or attempt to take any fish from the waters of Iatt Lake. No person shall possess while on the waters of Iatt Lake any fishing gear capable of taking fish.

The reasons for the promulgation of this Declaration of Emergency are as follows: the Aquatic Plant Section of the Department of Wildlife and Fisheries conducts annual vegetative samples on water bodies in late summer, when aquatic vegetation infestations are most severe. Management plans, if necessary, are then written, approved by the Department and presented to local citizens. This years management plan for Iatt Lake in Grant Parish calls for an eight-foot drawdown. This will reduce the surface acreage of Iatt Lake by 80 percent and increase the vulnerability of fish to anglers. The Department feels it in the best interest of the resource to prohibit fishing while the lake is drawn down to prevent the over-harvest of fish. Poor fish populations in subsequent years would negatively impact the welfare of businesses catering to Iatt Lake fishermen, some individuals living on the lake and the fishermen using the lake. Because it is necessary to conduct vegetation sampling in late summer, and the lakes which are candidates for drawdowns cannot be determined until after sampling has been completed, there is insufficient time to file a Notice of Intent.

James H. Jenkins, Jr.
Secretary

0210#006

DECLARATION OF EMERGENCY
Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Deer Hunting Season Closure

In accordance with the emergency provisions of R.S. 49:953.B of the Administrative Procedure Act and under the authority of R.S. 56:115, the Secretary of the Department of Wildlife and Fisheries hereby adopts the following Emergency Rule.

Upon the authority of R.S. 56:6.1 and the authority granted to the Secretary by the Commission to close seasons, deer hunting in the following described portion of the state is hereby closed effective 10 a.m., October 4, 2002. This closure shall apply to that portion of Louisiana south of Interstate 10, from the Texas/Louisiana border eastward to the junction of I10 and I12 in Baton Rouge, south of Interstate 12 eastward to the junction of I12 and I10 in Slidell, south of I10 eastward to the Louisiana/Mississippi state line. This closure also includes all of the Pearl River Wildlife Management Area.

The decision to close deer hunting was based upon the flooding and other damages that have occurred throughout this region due to Tropical Storm Isidore and Hurricane Lili. This season closure will remain in effect until the decision is made by the Department Secretary to reopen deer hunting. This closure does not apply to the small game season which opens statewide October 5, 2002.

James H. Jenkins, Jr.
Secretary

0210#021

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Deer Hunting Season Reopening

In accordance with the emergency provisions of R.S. 49:953.B of the Administrative Procedure Act and under the authority of R.S. 56:6.1, R.S. 56:115, and the authority granted to the Secretary by the Commission to close and open seasons, the Secretary of the Department of Wildlife and Fisheries hereby adopts the following Emergency Rule:

Deer hunting in the following described portion of the state previously closed on October 4, 2002 (that portion of Louisiana south of Interstate 10, from the Louisiana/Texas border eastward to the junction of I10 and I12 in Baton Rouge, then eastward to the junction of I10 and I12 in Slidell, then eastward to the Louisiana/Mississippi border, including all the Pearl River Wildlife Management Area) will re-open 30 minutes before sunrise on October 8, 2002, except for Joyce Wildlife Management Area, Manchac Wildlife Management Area, and Lake Maurepas Swamp Wildlife Management Area. Joyce WMA, Manchac WMA, and Lake Maurepas Swamp WMA will re-open for deer hunting 30 minutes before sunrise on October 12, 2002.

James H. Jenkins, Jr.
Secretary

0210#077

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Large Coastal Shark Fishery Closure

In accordance with the emergency provisions of R.S. 49:953.B, the Administrative Procedure Act, R.S. 49:967 which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, and the authority given to the Secretary of the Department by the Commission in its rule LAC 76:VII.357.M.2 which allows the Secretary to declare a closed season when he is informed that the commercial large coastal shark seasonal quota for that species group and fishery has been met in the Gulf of Mexico, and that such closure order shall close the season until the date projected for the re-opening of that fishery in the adjacent Federal waters, the Secretary of the Department of Wildlife and Fisheries hereby declares:

Effective 11:30 p.m., September 15, 2002, the commercial fishery for large coastal sharks in Louisiana waters, as described in LAC 76:VII.357.B.2, (great hammerhead, scalloped hammerhead, smooth hammerhead, nurse shark, blacktip shark, bull shark, lemon shark, night shark, sandbar shark, silky shark, spinner shark, and tiger shark) will close through December 31, 2002. Nothing herein shall preclude the legal harvest of large coastal sharks by legally licensed recreational fishermen during the open season for

recreational harvest. Effective with this closure, no person shall commercially harvest, purchase, exchange, barter, trade, sell or attempt to purchase, exchange, barter, trade or sell large coastal sharks or fins thereof. Also effective with the closure, no person shall possess large coastal sharks in excess of a daily bag limit, which may only be in possession during the open recreational season. Nothing shall prohibit the possession or sale of fish by a commercial dealer if legally taken prior to the closure providing that all commercial dealers possessing large coastal sharks taken legally prior to the closure shall maintain appropriate records in accordance with R.S. 56:306.5 and R.S. 56:306.6.

The Secretary has been notified by the National Marine Fisheries Service that the second semiannual subquota for large coastal sharks will be reached on or before September 15, 2002 and that the Federal season closure is necessary to ensure that the semiannual quota for large coastal sharks for the period July 1 through December 31, 2002, is not exceeded.

James H. Jenkins, Jr.
Secretary

0210#004

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Oyster Lease Moratorium (LAC 76:VII.505)

In accordance with emergency provisions of the Administrative Procedure Act, R.S. 49:953.B and in accordance with R.S. 56:6(10), R.S. 56:422, R.S. 56:425, R.S. 56:429 and R.S. 56:432.1, the Wildlife and Fisheries Commission declares an immediate moratorium on the issuance of oyster leases and on the taking of oyster lease applications for state waterbottoms not presently under lease. Continuation of issuance of new oyster leases would pose an imminent peril to the public welfare and requires adoption of a rule upon shorter notice than provided in R.S. 49:953.A, the Wildlife and Fisheries Commission does hereby adopt the following Emergency Rule. Adoption of this Declaration of Emergency is necessary, according to the Department of Natural Resources, inasmuch as immediate action is essential to reduce the state's exposure to potential claims from oyster leaseholders and further, that failure to do so would pose an imminent peril to the coastal restoration program and to the federal/state partnership which is critical to the efforts of the state to obtain comprehensive coast-wide restoration authorization and funding.

This Declaration of Emergency will become effective on October 30, 2002, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final Rule.

Title 76

WILDLIFE AND FISHERIES

PART VII. Fish and Other Aquatic Life

Chapter 5. Oyster

§505. Oyster Lease Moratorium

A. A moratorium on the issuance of oyster leases for waterbottoms not presently under lease is established. This includes a moratorium on the taking of oyster lease

applications for waterbottoms not presently under lease. All pending applications will be held, along with all fees paid, pending a resolution of the moratorium, unless the applicant requests cancellation of the application and refund of fees. In the event of the death of an applicant, the applicant's heirs or legatees should so notify the department; and any lease ultimately issued shall only be issued to persons placed in possession of the application by Judgement of Possession or to a court-appointed administrator or executor on behalf of a deceased applicant's estate.

B. A moratorium is placed on the auction of oyster leases in default in payment of rent per LAC 76:VII.501.G, as authorized by R.S. 56:429.

C. Any leases selected by a leaseholder who has previously selected the relocation option pursuant to R.S. 56:432.1 shall be exempt from this moratorium but only to the extent of such previous selection.

D. At such time as the moratorium is lifted, applications for oyster leases will be accepted in accordance with all applicable statutes, rules and regulations and the procedures set out below.

1. One week prior to the date that the moratorium is lifted, the date, time and place where applications are to be taken will be publicly advertised.

2. On the date for taking of applications only one applicant at a time will be allowed in the office and this applicant will be allowed to take only one application. Each applicant will have 15 minutes to designate the area he wishes to apply for. After the applicant pays the application and survey fees, he may return to the end of the line for another application.

3. Applications will be taken 24 hours a day (on a first come basis) until the department feels the influx of applicants can be handled during regular office hours at the New Orleans Office, at which time anyone will be able to take an application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(10), R.S. 56:422, R.S. 56:425, R.S. 56:429, and R.S. 56:432.1.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 10:948 (November 1984), amended LR 29:

James H. Jenkins, Jr.
Secretary

0210#039

DECLARATION OF EMERGENCY

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

Oyster Season Extension

In accordance with emergency provisions of the Administrative Procedure Act, R.S. 49:953.B and 49:967.D, which allow the Wildlife and Fisheries Commission to use emergency procedures when it finds that an imminent peril to the public welfare exists, and in accordance with R.S.

56:433.B(1), which authorizes the Wildlife and Fisheries Commission to extend the taking of oysters on natural reefs by setting the last day of the season to be no later than May 15, notice is hereby given that the Wildlife and Fisheries Commission authorizes the Secretary of the Department of Wildlife and Fisheries to extend the oyster season in the Bay Junop Oyster Seed Reservation for a period of up to 10 consecutive days following the reopening of shellfish harvest areas in Area 21 by the Department of Health and Hospitals.

On August 1, 2002, the Wildlife and Fisheries Commission approved a one-month season in the Bay Junop Oyster Seed Reservation beginning at sunrise September 4, 2002 and ending at sunset October 4, 2002. Due to high winds and rough seas associated with Tropical Storm Isidore fishing vessels were prevented from harvesting oysters within Bay Junop in the days immediately prior to the storm's landfall on September 26. Additionally, the Department of Health and Hospitals issued an emergency closure of shellfish harvest areas 1 through 24, including Bay Junop, effective at official sunset September 27, 2002 and the reopening of shellfish harvest areas within Bay Junop by the Department of Health and Hospitals did not occur before this oyster season closed. Furthermore, the effects of Hurricane Lili have resulted in the additional closure of all remaining oyster harvest areas in the state by the Department of Health and Hospitals effective at sunset October 2, 2002. There may remain a significant yet limited oyster resource available for harvest in Bay Junop and such oyster harvests may be sustained for a period of up to 10 consecutive days at fishing effort levels anticipated to remain comparable to those documented preceding the current Department of Health and Hospitals emergency closure. This extension shall enhance public welfare by providing oyster harvesters with increased economic opportunities following impacts sustained by Tropical Storm Isidore and Hurricane Lili.

The Secretary of the Department of Wildlife and Fisheries is also authorized to take emergency action as necessary to close the season in the Bay Junop Oyster Seed Reservation if oyster mortalities are occurring or to delay the season extension if significant spat catch has occurred with good probability of survival or if enforcement problems develop, or where it is found that there are excessive amounts of shell in seed oyster loads.

The Secretary is authorized to take emergency action to reopen Bay Junop if previously closed and the threat to the resource has ended.

Notice of this extension, delaying or closing of the season will be made by public notice at least 72 hours prior to such action.

Thomas M. Gattle, Jr.
Chairman

0210#076