

Emergency Rules

DECLARATION OF EMERGENCY

Student Financial Assistance Commission Office of Student Financial Assistance

Scholarship/Grant Programs
(LAC 28:IV. 501, 503, and 803)

The Louisiana Student Financial Assistance Commission (LASFAC) is exercising the emergency provisions of the Administrative Procedure Act [R.S. 49:953(B)] to amend and re-promulgate the rules of the Scholarship/Grant programs (R.S. 17:3021-3026, R.S. 3041.10-3041.15, and R.S. 17:3042.1, R.S. 17:3048.1).

This Emergency Rule is necessary to implement changes to the Scholarship/Grant programs to allow the Louisiana Office of Student Financial Assistance and state educational institutions to effectively administer these programs. A delay in promulgating rules would have an adverse impact on the financial welfare of the eligible students and the financial condition of their families. The commission has, therefore, determined that this Emergency Rule is necessary in order to prevent imminent financial peril to the welfare of the affected students.

This Declaration of Emergency is effective November 20, 2002, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act.

Title 28

EDUCATION

Part IV. Student Financial Assistance Higher

Education Scholarship and Grant Programs

Chapter 5. Application; Application Deadlines and Proof of Compliance

§501. Application

A. Initial Application

1. Except as provided in Subparagraph A.2 below, all new applicants for Louisiana scholarship and grant programs must apply for federal aid by completing the Free Application for Federal Student Aid (FAFSA) for the academic year following the year the student graduated from high school. For example, if the student will graduate from high school in school year 2000-2001, submit the 2001-2002 version of the FAFSA.

2. All new applicants for TOPS Opportunity, Performance, Honors and TOPS Tech Awards who graduate from high school during or after the 2001-2002 Academic Year (High School) must apply for federal aid by completing the Free Application for Federal Student Aid (FAFSA) for the Academic Year (College) the applicant will be a First Time-Full Time Student. For example, if the applicant will graduate from high school in the 2002-2003 Academic Year (High School) and intends to enroll as a First Time-Full Time Student in the fall semester of 2004, he must submit the 2004-2005 version of the FAFSA.

a. All applicants for TOPS Opportunity, Performance and Honors awards and TOPS Tech awards (except those students who can demonstrate that they do not

qualify for federal grant aid because of their family's financial condition) must complete all applicable sections of the initial FAFSA.

b. Applicants for TOPS Opportunity, Performance and Honors awards and TOPS Tech awards who can demonstrate that they do not qualify for federal grant aid because of their family's financial condition must complete all applicable sections of the initial FAFSA except those sections related to the income and assets of the applicant and the applicant's parents.

c. In the event of a budgetary shortfall, applicants for TOPS Opportunity, Performance and Honors awards and TOPS Tech awards who do not complete all sections of the FAFSA will be the first denied a TOPS award.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:635 (April 1998), amended LR 24:1900 (October 1998), LR 26:1994 (September 2000), repromulgated LR 27:1846 (November 2001), amended LR 29:

§503. Application Deadlines

A. - A.4. ...

B. Final Deadline for Full Award

1.a. Except as provided in Subparagraph B.1.b below, in order to receive the full benefits of a TOPS award as provided in §701.E, the final deadline for receipt of a student's initial FAFSA application is July 1st of the Academic Year (High School) in which a student graduates. For example, for a student graduating in the 2000-2001 Academic Year (High School), the student must submit the initial FAFSA in time for it to be received by the federal processor by July 1, 2001.

b. For applicants graduating from high school during or after the 2001-2002 Academic Year (High School), in order to receive the full benefits of a TOPS award as provided in §701.E, the final deadline for receipt of a student's initial FAFSA application is the July 1st immediately preceding the Academic Year (College) in which the applicant will be a First Time-Full Time Student.

c. Examples

i. If an applicant graduates in the 2002-2003 Academic Year (High School) and will be a First Time-Full Time student in the fall semester of 2003, the applicant must submit the initial FAFSA in time for it to be received by the federal processor by July 1, (2003).

ii. If an applicant graduates in the 2002-2003 Academic Year (High School) and will be a First Time-Full Time student in the fall semester of 2004, the applicant must submit the initial FAFSA in time for it to be received by the federal processor by July 1, (2004).

d. Students must also apply in time to meet the First Time Freshman enrollment deadlines specified in §703.A.4 (TOPS Opportunity, Performance and Honors) and §803.A.4 (TOPS Tech).

B.2. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:635 (April 1998), amended LR 24:1900 (October 1998), LR 25:655 (April 1999), LR 25:2396 (December 1999), LR 25:1994 (September 2000), repromulgated LR 27,1847 (November 2001), amended LR 28:447 (March 2002), LR 28:1760 (August 2002), LR 29:

Chapter 8. TOPS-TECH Award

§803. Establishing Eligibility

A. - A.2. ...

3. submit the completed initial Free Application for Federal Student Aid (FAFSA) or renewal FAFSA in accordance with §501 by the applicable state aid deadline in accordance with the requirements of §503; and

4. - 10. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:1904 (October 1998), amended LR 24:2237 (December 1998), LR 25:1795 (October 1999), LR 26:65, 67 (January 2000), LR 26:1602 (August 2000), LR 26:1997 (September 2000), LR 26:2269 (October 2000), LR 26:2754 (December 2000), LR 27:36 (January 2001), LR 27:1220 (August 2001), LR 27:1854 (November 2001), LR 28:447 (March 2002), LR 28:773 (April 2002), LR 29:

George Badge Eldredge
General Counsel

0212#005

DECLARATION OF EMERGENCY

**Office of the Governor
Division of Administration
Office of the Commissioner**

Educational Leave for Unclassified Employees
(LAC 4:I.901, 903, and 905)

In accordance with the Administrative Procedure Act, R.S., 49:953.B and Executive Order MJF 98-23, the Office of the Governor, Division of Administration is exercising the emergency provisions of the Administrative Procedure Act in implementing the following Emergency Rule governing the granting of educational leave to unclassified employees.

This Emergency Rule is necessary to allow the Division of Administration to effectively administer Executive Order MJF 98-23, Section 18(D), Education Leave. A delay in promulgating this Rule will have an adverse impact on the financial welfare of employee participants.

This Emergency Rule will become effective upon signature, November 20, 2002, and will remain in effect for 120 days, or until promulgation of the final Rule.

Title 4

ADMINISTRATION

Part I. General Provisions

Chapter 9. Educational Leave for Unclassified Employees

§901. Unpaid Educational Leave

A. An appointing authority may grant an unclassified officer or employee educational leave without pay for an

approved educational purpose, for a maximum period of 12 months.

B. Consecutive periods of leave without pay may be granted to the officer or employee by the appointing authority.

AUTHORITY NOTE: Promulgated in accordance with Executive Order MJF 98-23.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of the Commissioner, LR 29:

§903. Paid Educational Leave

A. Upon the approval of the commissioner, an appointing authority may grant an unclassified officer or employee educational leave with pay for a maximum period of 30 calendar days during 1 calendar year.

B. For any request of paid educational leave in excess of that covered under §903.A, the appointing authority may present a request, with adequate justification, to the commissioner of administration for his approval.

AUTHORITY NOTE: Promulgated in accordance with Executive Order MJF 98-23.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of the Commissioner, LR 29:

§905. Educational Stipend

A. An appointing authority may grant a stipend to an unclassified officer or employee who has been granted educational leave if:

1. funds are available for such purposes;
2. the commissioner of administration approves the stipend; and
3. the commissioner of administration finds the stipend will be used for a proper, designated purpose and its proper use is clearly supported with appropriate documentation.

AUTHORITY NOTE: Promulgated in accordance with Executive Order MJF 98-23.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of the Commissioner, LR 29:

Mark C. Drennen
Commissioner of Administration

0212#002

DECLARATION OF EMERGENCY

**Department of Health and Hospitals
Board of Nursing**

Licensure as Advanced Practice Registered Nurse
(LAC 46:XLVII.4507)

The Louisiana State Board of Nursing in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B), and pursuant to the authority granted the board by R.S. 37:918 et seq., R.S. 37:920 adopts the following Emergency Rule effective December 20, 2002, and it shall remain in effect for 120 days or until this Rule takes effect through the normal promulgation process, whichever comes first.

This Rule is being adopted on an emergency basis to diminish the potential disruption to Advanced Practice Registered Nurse (APRN) services in the state. This Rule

provides a mechanism for the Advanced Practice Registered Nurse to obtain a temporary license while obtaining minimum clinical practice requirements for reinstatement. Effective January 31, 2003, APRNs who do not meet minimum clinical practice requirements will not be eligible for reinstatement. Current rules do not provide a mechanism for the APRNs to subsequently obtain the practice requirement to reinstate. The APRN would need to leave the state to obtain the practice hours or retain an inactive license, thus losing valuable services to Louisiana citizens. Proposed Rule provides a safe mechanism for effected APRNs to retain licensure.

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part XLVII. Nurses

Subpart 2. Registered Nurses

Chapter 45. Advanced Practice Registered Nurses

§4507. Licensure as Advanced Practice Registered Nurses

A. - F.1.b. ...

c. evidence of current certification/recertification by a national certifying body accepted by the board; or

d. APRN's initially licensed in accordance with R.S. 37:912.B(3)(4) or 920.A.(2) and §4507.A.2 whose specialty and/or functional role does not provide for certification/recertification shall apply for a six-month temporary permit and practice under the temporary permit and current practice standards set forth by the respective advanced practice nursing specialty and/or functional role; and submit the following documentation with the application for reinstatement for each year of inactive or lapsed status:

i. a minimum of 300 hours of practice in advanced practice registered nursing as defined in R.S. 37:913.3a for each year of inactive or lapsed status up to a maximum of 800 hours; and

ii. a minimum of 2 college credit hours per year of relevance to the advanced practice role; or

iii. a minimum of 30 continuing education (C.E) contact hours approved by the board each year. Of the 30 contact hours, a maximum of 10 C.E. contact hours may be approved Continuing Medical Education (CMEs); and

e. the required fee as specified in LAC 46:XLVII.3341.

2. - 2.g. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 22:281 (April 1996), amended LR 27:724 (May 2001), LR 29:

Barbara L. Morvant
Executive Director

0212#058

DECLARATION OF EMERGENCY

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

Disproportionate Share Hospital
Payment Methodologies CFinal Payment

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates 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 promulgated 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 hospital's 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 amended the August 20, 2002 Rule in order to clarify the policy governing final payments and adjustments (*Louisiana Register, Volume 28, Number 9*). This Emergency Rule is being adopted to continue the provisions contained in the September 7, 2002 Rule. This action is being taken to avoid a budget deficit.

Emergency Rule

Effective for dates of service on or after January 6, 2003, 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 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 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

0212#098

DECLARATION OF EMERGENCY

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

Durable Medical Equipment Program
Motorized Wheelchairs

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates 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

promulgated 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 wheelchairs under the Durable Medical Equipment Program. The Bureau promulgated an Emergency Rule to adopt new policy governing recipient qualifications for motorized wheelchairs (*Louisiana Register, Volume 28, Number 9*). This Emergency Rule is being promulgated to continue the provisions contained in the September 21, 2002 Rule. This action is being taken to promote the health and welfare of Medicaid recipients by facilitating access to medically necessary motorized wheelchairs and thereby avoiding further deterioration of their physical functioning.

Title 50

PUBLIC HEALTH MEDICAL ASSISTANCE

Part XVII. Durable Medical Equipment

Subpart 1. Prosthetics

Chapter 148. Wheelchairs/Wheelchair Accessories and Strollers

Subchapter A. (Reserved)

Subchapter B. Wheelchairs, Customized and/or Motorized

§14821. Recipient Criteria

A. Motorized Wheelchairs

1. Effective for dates of service on or after January 20, 2003, the recipient must meet all of the following criteria in order to be considered for a motorized wheelchair.

a. Recipient must be non-ambulatory and have severe weakness of the upper extremities due to a neurological or muscular disease/condition; and

b. recipient's condition is such that without the use of a wheelchair the recipient would otherwise be bed or chair confined; and

c. recipient's condition is such that a wheelchair is medically necessary and he/she is unable to operate a wheelchair manually; and

d. recipient is capable of safely operating the controls for a motorized wheelchair.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

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

§14823. Motorized Wheelchair Prior Authorization

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

1. a completed PA -01 form;

2. a physician's prescription for the wheelchair. Wheelchairs with specialized seating or individualized features must contain medical documentation from the physician to support the modifications;

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

C. All wheelchairs and modifications required to meet the needs of a particular recipient are subject to prior authorization.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

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

§14825. Covered Services

A. Motorized wheelchairs as specified in Paragraphs 1 - 3 below are considered for reimbursement:

1. standard-weight frame;
2. standard-weight frame with:
 - a. programmable control parameters for speed adjustment;
 - b. tremor dampening;
 - c. acceleration control; and
 - d. braking;
3. lightweight portable.

B. Motorized wheelchairs are characterized by:

1. seat width: 14" B 18";
2. arm style: fixed height, detachable;
3. seat depth: 16";
4. footplate extension: 16" B 21";
5. seat height: 19" – 21";
6. footrests: fixed or swingaway detachable;
7. back height: sectional 16" or 18";

C. A lightweight motorized wheelchair is characterized by:

1. weight: less than 80 pounds without battery;
2. folding back or collapsible frame.

D. Wheelchair "poundage" (pounds) represents the weight of the usual configuration of the wheelchair without front riggings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

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

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: 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

0212#099

DECLARATION OF EMERGENCY

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

Medicaid Eligibility

Expansion of Coverage for Low-Income Pregnant Women

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates 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 promulgated 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.

Section 1902(a)(10)(A)(i)(IV) and 1905(n)(2) of the Social Security Act requires states to provide Medicaid coverage to pregnant women whose pregnancy has been medically verified and whose family income is at or below 133 percent of the federal poverty level. The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing currently provides coverage to low-income pregnant women in compliance with the minimum federal poverty level income allowed by regulations for pregnant women coverage. Income eligibility is based upon the current federal poverty level for the household size. Medicaid coverage for pregnant women is limited to prenatal care, delivery, 60 days of postpartum care and treatment for other conditions that may complicate the pregnancy.

Act 13 of the 2002 Regular Session of the Louisiana Legislature allocated funding for the eligibility determination costs associated with the expansion of Medicaid and the Louisiana Children's Insurance Program to provide coverage for pregnant women with family income not greater than 200 percent of the federal poverty level. Under general Medicaid regulations, the department has the option to provide coverage to low-income pregnant women whose family income is up to, but no higher than, 185 percent of the federal poverty level. In compliance with Act 13 and pursuant to Sections 1902(a)(10)(A)(i)(I), 1902(1)(1)(A) of the Social Security Act, the department proposes to amend the current provisions governing the eligibility income levels for coverage for low-income pregnant women.

This action is being taken to protect the health and well being of pregnant women and infants by facilitating access to prenatal care and thereby improving birth outcomes. It is estimated that implementation of this Emergency Rule will increase program expenditures by approximately \$2,072,998 for state fiscal year 2002-2003.

Emergency Rule

Effective January 1, 2003, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the current provisions governing eligibility for low-income pregnant women and expands coverage to include low income pregnant women with family income greater than 133 percent, but less than or equal to 185 percent of the federal poverty level (Sections

1902(a)(10)(A)(i)(I), 1902(1)(1)(A) of the Social Security Act).

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

David W. Hood
Secretary

0212#094

DECLARATION OF EMERGENCY

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

Medicaid Eligibility Income Disregards for Low Income Pregnant Women

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Emergency Rule in the Medical Assistance Program as authorized by LA. R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated 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 currently utilizes the income methodologies of the former Aid to Families with Dependent Children (AFDC) Program to determine Medicaid eligibility for families and children. Under general Medicaid rules, States are required to follow the same rules and processes used by the most closely related cash assistance program to determine Medicaid eligibility.

Section 1902(r)(2) of the Social Security Act allows States to use less restrictive income and resource methodologies in determining eligibility for most Medicaid eligibility groups than are used by the cash assistance program. Under current Medicaid eligibility policy for low-income pregnant women, income eligibility is based upon the current federal poverty level for the household size. The total countable income of all members of the income unit is compared to the appropriate income standard for the income unit size.

Act 13 of the 2002 Regular Session of the Louisiana Legislature provided additional funding for eligibility determination costs associated with the expansion of Medicaid and the Louisiana Children's Insurance Program to provide coverage for pregnant women with family income not greater than 200 percent of poverty level. In compliance with Act 13 and pursuant to Sections 1902(a)(10)(A)(i)(I), 1902(1)(1)(A) of the Social Security Act, the Department proposes to amend the provisions contained in Section I of the May 20, 1996 rule governing the treatment of income in the eligibility determination process.

This action is being taken to protect the health and well being of low-income pregnant women and infants by facilitating access to prenatal care and thereby improving

birth outcomes. It is estimated that implementation of this Emergency Rule will increase expenditures for services by approximately \$333,376.38 for state fiscal year 2002-2003.

Emergency Rule

Effective January 1, 2003, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the provisions contained in the May 20, 1996 rule governing countable income in the determination of Medicaid eligibility for low-income pregnant women.

Utilizing provisions allowed under Section 1902(r)(2) of the Social Security Act, the department disregards the first 15 percent of monthly gross income under the federal poverty level standards when determining Medicaid eligibility for low-income pregnant women (Sections 1902(a)(10)(A)(i)(I), 1902(1)(1)(A) of the Social Security Act).

Implementation of this proposed Rule is subject to approval by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services.

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

David W. Hood
Secretary

0212#095

DECLARATION OF EMERGENCY

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

Outpatient Hospital Laboratory Services Reimbursement Increase (LAC 50:XIX.4333)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates 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 promulgated 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 April of 1997 that established a uniform reimbursement methodology for all laboratory services subject to the Medicare Fee Schedule regardless of the setting in which the services are performed, outpatient hospital or a non-hospital setting. Outpatient laboratory services are reimbursed at the same reimbursement rate as laboratory services performed in non-hospital setting (*Louisiana Register*, Volume 23, Number 4).

Act 13 of the 2002 Regular Session of the Louisiana Legislature allocated additional funds to the Department of Health and Hospitals for the enhancement of the

reimbursement rates paid to hospitals for outpatient services. In compliance with Act 13, the Bureau promulgated an Emergency Rule increasing the reimbursement rates for outpatient hospital laboratory services (*Louisiana Register, Volume 28, Number 9*). This Emergency Rule is being promulgated to continue the provisions contained in the September 16, 2002 Rule. This action is being taken to promote the health and well being of Medicaid recipients by encouraging the continued participation of hospitals providing outpatient laboratory services in the Medicaid Program.

Emergency Rule

Effective for dates of service on or after January 15, 2003, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the May 20, 2002 Rule governing the reimbursement methodology for outpatient laboratory services as follows.

TITLE 50

PUBLIC HEALTH MEDICAL ASSISTANCE

Part XIX. Other Services

Subpart 3. Laboratory and X-Ray

Chapter 43. Billing and Reimbursement

Subchapter B. Reimbursement

§4333. Outpatient Hospital Laboratory Services

Reimbursement

A. Hospitals are reimbursed for outpatient laboratory services as follows.

1. The reimbursement rates paid to outpatient hospitals for laboratory services subject to the Medicare Fee Schedule shall be increased to ten percent of the rate on file as of September 15, 2002.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1026 (May 2002), amended LR 28:

Implementation of this Emergency Rule shall be contingent upon: the certification of matching funds by non-state public hospitals (except small rural hospitals as defined in R.S. 40:1300.143); or the completion of cooperative endeavor agreements to make public agency transfers to the department as set forth in Act 13 of the 2002 Regular Session of the Louisiana Legislature; and 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 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

0212#101

DECLARATION OF EMERGENCY

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

Outpatient Hospital Rehabilitation Services Reimbursement Increase

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates 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 promulgated 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 June of 1997 which established a uniform reimbursement methodology for all rehabilitation services regardless of the setting in which the services are performed, outpatient hospital or a free-standing rehabilitation center (*Louisiana Register, Volume 23, Number 6*). Rehabilitation services include physical therapy, occupational therapy, and speech/hearing and language therapy.

Act 13 of the 2002 Regular Session of the Louisiana Legislature allocated funds to the Department of Health and Hospitals to increase the reimbursement paid for physical therapy, occupational therapy, and speech/language and hearing therapy services provided to children under three years of age. As the result of the allocation of additional funds, the bureau promulgated an Emergency Rule increasing the reimbursement rates for rehabilitation services provided to children age birth through three years old (*Louisiana Register, Volume 28, Number 7*).

Act 13 also allocated additional funds to the Department for enhancement of the reimbursement rates paid to hospitals for outpatient services. In compliance with Act 13 directive, the Bureau promulgated an Emergency Rule increasing the reimbursement rates for outpatient hospital rehabilitation services (*Louisiana Register, Volume 28, Number 9*). This Emergency Rule is being adopted to continue the provisions contained in the September 16, 2002 Rule. This action is being taken to promote the health and well being of Medicaid recipients by encouraging the continued participation of hospitals providing outpatient rehabilitation services in the Medicaid Program.

Emergency Rule

Effective for dates of service on or after January 15, 2003, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing increases the reimbursement rates for outpatient hospital rehabilitation services rendered to Medicaid recipients age three and older.

This rate increase is not applicable to rehabilitation services rendered to recipients up to the age of three as the reimbursement rate increase for those services were addressed in the July 6, 2002 Emergency Rule. The new reimbursement rates will be as follows.

DECLARATION OF EMERGENCY
Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing

Professional Services Program
Physician Services
Reimbursement Increase

Service Description	New Fee
Physical Therapy, evaluation	\$68.31
Occupational therapy evaluation	\$64.52
Speech Evaluation	\$56.93
Hearing Evaluation	\$56.93
Wheelchair Seating Evaluation	\$64.52
Physical Therapy, 1 modality	\$25.30
Physical Therapy, 2 or more modalities	\$37.95
P.T.-1 or more procedure/modality, 15 min.	\$12.65
P.T.-with procedures, 20 min.	\$17.08
P.T.-with procedures, 30 min.	\$25.30
P.T.-with procedures, 45 min.	\$37.95
P.T.-with procedures, 60 min.	\$50.60
P.T.-with procedures and mod., 60 min.	\$50.60
P.T.-with procedures, 75 min.	\$63.25
P.T.-with procedures, 90 min.	\$75.90
Occupational therapy, 15 min.	\$10.12
Occupational therapy, 20 min.	\$13.92
Occupational therapy, 30 min.	\$20.24
Occupational therapy, 45 min.	\$30.36
Occupational therapy, 60 min.	\$40.48
Speech and hearing therapy, 15 min.	\$9.49
Speech and hearing therapy, 20 min.	\$12.65
Speech therapy, 30 min	\$18.98
Speech therapy, 45 min.	\$28.46
Speech therapy, 60 min.	\$37.95

This increase in outpatient hospital rehabilitation reimbursement rates is not applicable to home health rehabilitation services. Home health rehabilitation services will continue to be reimbursed at the rate paid for outpatient hospital rehabilitation services as of September 15, 2002, except for those services that were addressed in the July 6, 2002 Rule.

Implementation of this Emergency Rule shall be contingent upon the certification of matching funds by non-state public hospitals (except small rural hospitals as defined in R.S. 40:1300.143); or the completion of cooperative endeavor agreements to make public agency transfers to the Department as set forth in the Act 13 of the 2002 Regular Session of the Louisiana Legislature; and 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 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

0212#100

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates 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 promulgated 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 reimburses professional services in accordance with an established fee schedule for Physicians' Current Procedural Terminology (CPT) codes, locally assigned codes and Health Care Financing Administration Common Procedure Codes (HCPCs). Reimbursement for these services is a flat fee established by the Bureau minus the amount which any third party coverage would pay.

The Bureau promulgated an Emergency Rule in February 2000 reducing the reimbursement paid to physicians by 7 percent for specific procedure codes, including surgery procedure codes, as a result of a budgetary shortfall (*Louisiana Register*, Volume 26, Number 2). As a result of the allocation of additional funds by the Legislature during the 2000 Second Extraordinary Session, the Bureau subsequently promulgated a rule restoring the 7 percent reduction to the fees paid to physicians for specific procedure codes and increasing the reimbursement for other designated procedure codes (*Louisiana Register*, Volume 27, Number 5).

After consultations with pediatric surgeons around the state, the Bureau has determined that it is necessary to increase the reimbursement rate for designated CPT surgical procedure codes for services rendered to recipients within a specific age range. This action is being taken to protect the health and welfare of Medicaid recipients within the specified age range by ensuring continued access to surgery services and encouraging continued physician participation in the Medicaid Program. It is estimated that implementation of this Emergency Rule will increase expenditures in the Medicaid Program by approximately \$1,685,173 for state fiscal year 2002-2003.

Emergency Rule

Effective for dates of service on or after January 1, 2003, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing increases the reimbursement for selected surgery services provided by the

primary servicing physician to Medicaid recipients from birth through 10 years of age. Physicians' Current Procedural Terminology (CPT) surgical procedure codes (10021-69990) shall be reimbursed at 100 percent of the Medicare Region 99 allowable for 2002, except for procedure codes on file that are in non-pay status and procedure codes for newborn circumcisions (54150) and (54160).

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 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

0212#097

DECLARATION OF EMERGENCY

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

Qualified Individuals Medicare Part B Buy-In

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates 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 promulgated 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.

Section 4732 of the Balanced Budget Act of 1997 required the Medicaid Program to establish a mechanism for payment of Medicare Part B premiums for two new mandatory eligibility groups of low-income Medicare beneficiaries called Qualifying Individuals (QIs). This provision amended section 1902(a)(10)(E) of the Social Security Act concerning Medicare cost-sharing for Qualified Medicare Beneficiaries and Specified Low-Income Medicare Beneficiaries. It also amended section 1905(b) of the Act concerning the Federal Medical Assistance Percentage by incorporating reference to and establishing a new section 1933 for Qualifying Individuals.

The bureau promulgated a Rule in July 1998 adopting the provisions of Section 4732 of the Balanced Budget Act of 1997 governing the payment of Medicare Part B premiums for QIs in the two mandatory eligibility groups (*Louisiana Register*, Volume 24, Number 7). The provisions were effective for premiums payable beginning January 1, 1998

and ending December 31, 2002. Payment for the Medicare premiums is provided by 100 percent federal funds, which are provided as a capped annual grant. The number of QIs certified is limited by availability of these funds. Individuals in the first group of QIs (QI-1s) were eligible if their incomes were above 120 percent of the Federal poverty line, but less than 135 percent. The Medicaid benefit for QI-1s consisted of payment of the full Medicare Part B premium. Individuals in the second group of QIs (QI-2s) were eligible if their incomes were at least 135 percent of the federal poverty line, but less than 175 percent. The Medicaid benefit for this group consisted of partial payment of Medicare Part B premiums.

Federal statutory authority for the payment of Medicare Part B premiums benefits for QIs was originally intended to expire on December 31, 2002. However, a Continuing Resolution (Public Law No. 107-229, as amended by Public Law Nos. 107-240 and 107-244) has been enacted to extend the QI-1 benefits at the current funding levels through January 21, 2003. Therefore, the bureau proposes to amend the July 20, 1998 Rule to extend the QI-1 benefits. This action is being taken to avoid federal sanctions by complying with changes in federal regulations. It is estimated that the implementation of this emergency rule has no fiscal impact for state fiscal year 2002-2003 other than the administrative cost of promulgating the rule.

Emergency Rule

Effective January 1, 2003, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the provisions of the July 20, 1998 Rule and extends payment of Medicare Part B premiums for Qualifying Individuals -1 through January 21, 2003.

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 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

0212#096

DECLARATION OF EMERGENCY

**Department of Natural Resources
Office of Conservation**

Fees (LAC 43:XIX.703)

In accordance with the emergency provision of the Administrative Procedure Act, R.S. 49:953.B, and under the authority of R.S. 30:21 et seq., the Commissioner of Conservation of the Office of Conservation, declares that an

emergency action is necessary in order to collect additional application fees for public hearings, which are necessary to pay operating expenses for the Office of Conservation during FY 02/03. The Emergency Rule is effective on November 20, 2002, and shall remain in effect for a maximum of 120 days or until the final Rule is promulgated, whichever occurs first.

Act No. 97 of the First Extraordinary Session of 2002 authorized an increase of application fees of up to eight and one-half percent in the collections by the Office of Conservation. In order to invoice these authorized increases during the current fiscal year, this Emergency Rule is being implemented. The Office of Conservation will propose a Rule that reflects the provisions of this Emergency Rule, and will amend LAC 43:XIX, Chapter 7, by increasing the established application fees for public hearings.

Title 43

NATURAL RESOURCES

Part XIX. Office of Conservation General Operations

Subpart 2. Statewide Order No. 29-R

Chapter 7. Fees

§703. Fee Schedule for Fiscal Year 2002-2003

A. Fee Schedule

Application Fees	Amount

Application for Public Hearing	\$755

B. - E.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:21 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 14:543 (August 1988), amended LR 15:552 (July 1989), LR 21:1250 (November 1995), LR 24:458 (March 1998), LR 24:2128 (November 1998), LR 25:1874 (October 1999), LR 26:1528 (July 2000), LR 26:2304 (October 2000), LR 27: 1430 (August 2001), LR 27:1897 (November 2001), LR 28:2368 (November 2002), LR 29:

James H. Welsh
Commissioner

0212#004

Chapter 7. Watercraft

§703. Tables Watercraft

A. Floating Equipment Motor Vessels

Floating Equipment Motor Vessels				
Cost Index (Average)		Average Economic Life 12 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2002	0.997	1	94	.94
2001	1.003	2	87	.87
2000	1.011	3	80	.81
1999	1.029	4	73	.75
1998	1.033	5	66	.68
1997	1.042	6	58	.60
1996	1.058	7	50	.53
1995	1.074	8	43	.46

DECLARATION OF EMERGENCY

**Department of Revenue
Tax Commission**

Ad Valorem Tax

(LAC 61:V.303, 703, 907, 1503, 2503, 2705, and 2707)

The Louisiana Tax Commission, at its meeting of December 5, 2002, exercised the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and pursuant to its authority under R.S. 47:1837, adopted the following additions, deletions and amendments to the Real/Personal Property Rules and Regulations.

This Emergency Rule is necessary in order for ad valorem tax assessment tables to be disseminated to property owners and local tax assessors no later than the statutory valuation date of record of January 1, 2003. Cost indexes required to finalize these assessment tables are not available to this office until late October, 2002. The effective date of this Emergency Rule is January 1, 2003.

Title 61

REVENUE AND TAXATION

Part V. Ad Valorem Taxation

Chapter 3. Real and Personal Property

§303. Real Property

A. - B.2. ...

C. The Louisiana Tax Commission has ordered all property to be reappraised in all parishes for the 2004 tax year. Property is to be valued as of January 1, 2003, in Orleans Parish the same as applies to property in all other parishes.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 7:44 (February 1981), amended by the Department of Revenue and Taxation, Tax Commission, LR 9:69 (February 1983), LR 12:36 (January 1986), LR 13:764 (December 1987), LR 16:1063 (December 1990), LR 17:611 (June 1991), LR 21:186 (February 1995), amended by the Department of Revenue, Tax Commission, LR 25:312 (February 1999), LR 26:506 (March 2000), LR 29:

1994	1.113	9	36	.40
1993	1.144	10	29	.33
1992	1.167	11	24	.28
1991	1.181	12	22	.26
1990	1.205	13	20	.24

B. Floating EquipmentCBarges (Nonmotorized)

Floating EquipmentCBarges (Nonmotorized)				
Cost Index (Average)		Average Economic Life 20 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2002	0.997	1	97	.97
2001	1.003	2	93	.93
2000	1.011	3	90	.91
1999	1.029	4	86	.88
1998	1.033	5	82	.85
1997	1.042	6	78	.81
1996	1.058	7	74	.78
1995	1.074	8	70	.75
1994	1.113	9	65	.72
1993	1.144	10	60	.69
1992	1.167	11	55	.64
1991	1.181	12	50	.59
1990	1.205	13	45	.54
1989	1.237	14	40	.49
1988	1.303	15	35	.46
1987	1.359	16	31	.42
1986	1.378	17	27	.37
1985	1.392	18	24	.33
1984	1.412	19	22	.31
1983	1.451	20	21	.30
1982	1.477	21	20	.30

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:924 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186

(February 1995), LR 22:117 (February 1996), LR 23:204 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:479 (March 1998), LR 25:312 (February 1999), LR 26:506 (March 2000), LR 27:425 (March 2001), LR 28:518 (March 2002), LR 29:

Chapter 9. Oil and Gas Properties
§907. Tables Oil and Gas

A. ...

1. Oil, Gas and Associated Wells; Region 1C North Louisiana

Table 907.A-1 Oil, Gas and Associated Wells Region 1C North Louisiana				
Producing Depths	CostC New by depth, per foot		15 percent of CostC New by depth, per foot	
	\$Oil	\$Gas	\$Oil	\$Gas
0 - 1,249 ft.	11.39	26.81	1.71	4.02
1,250 - 2,499 ft.	11.32	16.00	1.70	2.40
2,500 - 3,749 ft.	13.38	15.23	2.01	2.28
3,750 - 4,999 ft.	15.27	17.02	2.29	2.55
5,000 - 7,499 ft.	20.42	21.47	3.06	3.22
7,500 - 9,999 ft.	30.67	29.05	4.60	4.36
10,000 -12,499 ft.	38.41	37.00	5.76	5.55
12,500 -Deeper ft.	N/A	73.50	N/A	11.03

2. Oil, Gas and Associated Wells; Region 2CSouth Louisiana

Table 907.A-2				
Oil, Gas and Associated Wells				
Region 2CSouth Louisiana				
Producing Depths	CostCNew by depth, per foot		15% of CostCNew by depth, per foot	
	\$Oil	\$Gas	\$Oil	\$Gas
0 - 1,249 ft.	81.27	81.14	12.19	12.17
1,250 - 2,499 ft.	78.45	85.94	11.77	12.89
2,500 - 3,749 ft.	63.64	80.01	9.55	12.00
3,750 - 4,999 ft.	46.08	55.56	6.91	8.33
5,000 - 7,499 ft.	55.60	54.73	8.34	8.21
7,500 - 9,999 ft.	62.03	62.08	9.30	9.31
10,000 -12,499 ft.	63.47	73.83	9.52	11.07
12,500 -14,999 ft.	77.82	93.73	11.67	14.06
15,000 -17,499 ft.	110.56	118.93	16.58	17.84
17,500 -19,999 ft.	93.73	153.50	14.06	23.03
20,000 -Deeper ft.	125.55	213.22	18.83	31.98

3. Oil, Gas and Associated Wells; Region 3C Offshore State Waters

Table 907.A-3				
Oil, Gas and Associated Wells				
Region 3C Offshore State Waters*				
Producing Depths	CostCNew by depth, per foot		15% of CostCNew by depth, per foot	
	\$Oil	\$Gas	\$Oil	\$Gas
0 - 1,249 ft.	N/A	N/A	N/A	N/A
1,250 - 2,499 ft.	317.22	433.06	47.58	64.96
2,500 - 3,749 ft.	238.49	321.73	35.77	48.26
3,750 - 4,999 ft.	247.08	258.15	37.06	38.72
5,000 - 7,499 ft.	204.54	175.70	30.68	26.36
7,500 - 9,999 ft.	191.42	168.06	28.71	25.21
10,000 -12,499 ft.	188.72	169.44	28.31	25.42
12,500 -14,999 ft.	179.89	164.02	26.98	24.60
15,000 -17,499 ft.	162.60	222.99	24.39	33.45
17,500 -Deeper ft.	462.60	332.74	69.39	49.91

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

2. Serial Number to Percent Good Conversion Chart

Table 907.B-2			
Serial Number to Percent Good Conversion Chart			
Year	Beginning Serial Number	Ending Serial Number	25 Year Life Percent Good
2002	226717	Higher	96
2001	225352	226716	92
2000	223899	225351	88
1999	222882	223898	84
1998	221596	222881	80
1997	220034	221595	76
1996	218653	220033	72
1995	217588	218652	68
1994	216475	217587	64
1993	215326	216474	60
1992	214190	215325	56
1991	212881	214189	52
1990	211174	212880	48
1989	209484	211173	44
1988	207633	209483	40
1987	205211	207632	36
1986	202933	205210	32
1985	Lower	202932	30*
VAR.	900000	Higher	50

* Reflects residual or floor rate.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2326.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February

1996), LR 23:205 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:480 (March 1998), LR 25:313 (February 1999), LR 26:507 (March 2000), LR 27:425 (March 2001), LR 28:518 (March 2002), LR 29:

Chapter 15. Aircraft

§1503. Aircraft (Including Helicopters) Table

A. Aircraft

Table 1503 Aircraft (Including Helicopters)				
Cost Index (Average)		Average Economic Life (10 Years)		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2002	0.997	1	92	.92
2001	1.003	2	84	.84
2000	1.011	3	76	.77
1999	1.029	4	67	.69
1998	1.033	5	58	.60
1997	1.042	6	49	.51
1996	1.058	7	39	.41
1995	1.074	8	30	.32
1994	1.113	9	24	.27
1993	1.144	10	21	.24
1992	1.167	11	20	.23

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:943 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:206 (February 1997), amended by the Department of Revenue, Tax Commission,

LR 24:490 (March 1998), LR 25:316 (February 1999), LR 26:509 (March 2000), LR 27:427 (March 2001), LR 28:520 (March 2002), LR 29:

Chapter 25. General Business Assets

§2503. Tables Ascertaining Economic Lives, Percent Food and Composite Multipliers of Business and Industrial Personal Property

- A. ...
- B. Cost Indices

Table 2503.B Cost Indices				
Year	Age	National Average 1926 = 100	January 1, 2002 = 100*	
2002	1	1100.0	0.997	
2001	2	1093.4	1.003	
2000	3	1084.3	1.011	
1999	4	1065.0	1.029	
1998	5	1061.8	1.033	
1997	6	1052.7	1.042	
1996	7	1036.0	1.058	
1995	8	1020.4	1.074	
1994	9	985.0	1.113	
1993	10	958.0	1.144	
1992	11	939.8	1.167	
1991	12	928.5	1.181	
1990	13	910.2	1.205	
1989	14	886.5	1.237	
1988	15	841.4	1.303	
1987	16	806.9	1.359	
1986	17	795.4	1.378	
1985	18	787.9	1.392	
1984	19	776.4	1.412	
1983	20	755.8	1.451	
1982	21	742.4	1.477	
1981	22	709.2	1.546	
1980	23	642.8	1.706	
1979	24	584.4	1.876	
1978	25	534.7	2.050	
1977	26	497.1	2.206	

*Reappraisal Date: January 1, 2002 - 1096.4 (Base Year)

C.1. - 4. ...
D. Composite Multipliers

Table 2503.D Composite Multipliers 2003 (2004 Orleans Parish)								
Age	3 Yr	5 Yr	8 Yr	10 Yr	12 Yr	15 Yr	20 Yr	25 Yr
1	.70	.85	.90	.92	.94	.95	.97	.98
2	.49	.69	.79	.84	.87	.90	.93	.95
3	.34	.53	.68	.77	.81	.86	.91	.94
4	.21	.35	.56	.69	.75	.81	.88	.93
5		.24	.44	.60	.68	.75	.85	.90
6		.21	.34	.51	.60	.71	.81	.88
7			.28	.41	.53	.66	.78	.86
8			.24	.32	.46	.59	.75	.84
9			.22	.27	.40	.55	.72	.83
10				.24	.33	.49	.69	.81
11				.23	.28	.43	.64	.79
12					.26	.37	.59	.76
13					.24	.31	.54	.72
14						.28	.49	.69
15						.27	.46	.68
16						.27	.42	.65
17							.37	.61
18							.33	.54
19							.31	.48
20							.30	.44
21							.30	.38
22								.36
23								.36
24								.38
25								.41
26								.44

Data sources for tables are:

1. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 9:69 (February 1983), LR 10:944 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:207 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:490 (March 1998), LR 25:317 (February 1999), LR 26:509 (March 2000), LR 27:427 (March 2001), LR 28:520 (March 2002), LR 29:

Chapter 27. Guidelines For Application, Classification and Assessment of Land Eligible To Be Assessed At Use Value

§2705. Classification

A. - B. ...

Bienville	Plaquemines

Jefferson Davis	Vernon

C. ...

AUTHORITY NOTE: Promulgated in accordance with LSA - Constitution of 1974, Article VII, '18, R.S. 47:2302, R.S. 47:2303 and R.S. 47:2304.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 3:289 (June 1977), amended by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), LR 15:1097 (December 1989), LR 19:212 (February 1993), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:208 (February 1997), amended by the Department of Revenue, Tax Commission, LR 25:318 (February 1999), LR 26:510 (March 2000), LR 27:428 (March 2001), LR 28:521 (March 2002), LR 29:

§2707. Map Index Table

Table 2707 Map Index Listing of General Soil Maps & Modern Soil Surveys For The State of Louisiana Published By U. S. Dept. of Agriculture, Natural Resources Conservation Service In Cooperation With Louisiana Agricultural Experiment Station			
Parish	Date (General)	Map No. (General)	Date Published or Status (Modern)

Beauregard	Nov., 1971	4-R-28744-A	September, 2002

East Feliciana	Nov., 1971	4-R-17441-A	November, 2001

West Feliciana	Sept., 1975	4-R-29109-A	November, 2001

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2301 and R.S. 47:2308.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 3:290 (June 1977), amended by the Department of Revenue and Taxation, Tax Commission, LR 10:946 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:208 (February 1997), amended by the Department of Revenue, Tax Commission, LR 25:319 (February 1999), LR 26:511 (March 2000), LR 27:428 (March 2001), LR 28:521 (March 2002), LR 29:

Malcolm B. Price, Jr.
Chairman

0212#088

DECLARATION OF EMERGENCY

Department of Social Services Office of Family Support

Child Care Assistance Program
Repair and Improvement
Grant Program and Definition of Disabled Adult
(LAC 67:III.5102, 5103 and 5107)

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 the following changes in the Child Care Assistance Program effective December 30, 2002. This Emergency Rule will remain in effect for a period of 120 days. This declaration is necessary to extend the original Emergency Rule of September 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 Early Childhood Supports and Services will be published in January 2003.)

Current regulations governing child care assistance for low-income households restrict the definition of disability of an adult household member to someone receiving Social Security Administration Disability benefits, Supplemental Security Income, or Veterans Administration Disability benefits for a disability of at least 70 percent. In an effort to assist more low-income households with child care, the agency is expanding the definition of a disabled adult to include an adult household member who is unable to care for his/her child(ren) as verified by a doctor's statement or by worker determination.

Whereas, the possibility exists that a working parent would have to give up employment or job training, forcing the client to go on welfare because child care assistance was denied when another adult household member is unable to care for his/her children but does not meet the current definition of disabled, and whereas the possibility of danger exists if children are left alone with a disabled adult household member who cannot provide adequate care for these children or, in extreme situations, may be left unattended. Therefore, an emergency rule is needed to effect changes to provide child care assistance to families when there is an adult household member who is disabled, but does not receive Social Security Administration Disability benefits, Social Security Income, or Veteran's Administration

Disability benefits and is unable to care for his/her child(ren) and another household member is working or attending a job training or educational program or engaged in a combination of both.

Additionally, the agency is amending the definition of Household to define a disabled adult parent. Head of Household and Training or Employment Mandatory Participant definitions are being amended for grammatical reasons only. An eligibility criterion is being added to the FIND Work Child Care participant to clarify that the household must include a child under the age of 13, and to expand on who is considered a disabled adult household member.

Pursuant to Act. 13 of the 2002 Regular Session of the Louisiana Legislature, to further the goals and intentions of the federal Temporary Assistance for Needy Families (TANF) Block Grant the agency will expand the Repair and Improvement Grant Program in an effort to assist more providers with the cost of repairs and improvements that are needed to improve the quality of child care to either licensed or registered providers, or to those who have applied to become licensed or registered.

Title 67

SOCIAL SERVICES

Part III. Family Support

Subpart 12. Child Care Assistance

Chapter 51. Child Care Assistance

Subchapter B. Child Care Assistance Program

§5102. Definitions

Head of Household Can an individual who may apply for child care assistance for a child that customarily resides more than half the time with him/her. The individual may be the parent of a child needing child care assistance or may be the adult household member with primary responsibility for the child's financial support and care if the child's parent is not living in the home, or is living in the home but is under age 18 and not emancipated by law, or is disabled and is unable to care for himself/herself and his/her child(ren) as verified by a doctor's statement or worker determination.

Household Ca group of individuals who live together, consisting of the head of household, that person's legal spouse or non-legal spouse (if the parent of a child in the household), the disabled adult parent who is unable to care for himself/herself and his/her child(ren) who are in need of care, and all children under the age of 18 who are dependent on the head of household and/or spouse, including the minor unmarried parent (MUP) who is not legally emancipated and the MUP's children.

Training or Employment Mandatory Participant (TEMP) Ca household member who is required to be employed or attending a job training or educational program, including the head of household, the head of household's legal spouse or non-legal spouse (if the parent of a child in the household), the MUP age 16 or older whose child(ren) need child care assistance, and the MUP under age 16 whose child(ren) lives with a disabled parent/guardian who is unable to care for the MUP's child(ren) while the MUP goes to school/work.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99 and P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:2826 (December

2000), LR 27:1932 (November 2001), LR 28:1490 (June 2002), LR 29:

§5103. Conditions of Eligibility

A. Family Independence Temporary Assistance Program (FITAP) recipients who are satisfactorily participating in the Family Independence Work Program (FIND Work), as determined by the case worker, are categorically eligible. The program will pay 100 percent of the FITAP/FIND Work participant's child care costs, up to the maximum amounts listed in 5109.B. The following eligibility criteria must be met:

1. The household must include a child in current need of child care services who is under the age of 13, or age 13 through 17 and physically or mentally incapable of caring for himself or herself, as verified by a physician or certified psychologist, or by receipt of Supplemental Security Income (SSI), or who is under court supervision.

B. Low-income families not receiving FITAP cash assistance, including former FITAP recipients who are given priority consideration, must meet the following eligibility criteria:

1. - 3. ...

4. Effective September 1, 2002, unless disabled as established by receipt of Social Security Administration Disability benefits, Supplemental Security Income, Veteran's Administration Disability benefits for a disability of at least 70 percent, or unless disabled and unable to care for his/her child(ren) as verified by a doctor's statement or by worker determination, the TEMP must be:

B.4.a. - D. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 24:356 (February 1998), amended LR 25:2444 (December 1999), LR 26:2827 (December 2000), LR 27:1932 (November 2001), LR 28:1490 (June 2002), LR 29:

§5107. Child Care Providers

A. - F. ...

G The Child Care Assistance Program offers Repair and Improvement Grants to either licensed or registered providers, or to those who have applied to become licensed or registered, to assist with the cost of repairs and improvements necessary to comply with DSS licensing or registration requirements and/or to improve the quality of child care services.

1. Effective September 1, 2002 the program will pay for 75 percent of the cost of such a repair or improvement, up to the following maximums:

a. for Class A centers the maximum grant amount will be equal to \$100 times the number of children listed in the licensed capacity, or \$10,000, whichever is less.

b. for Family Child Day Care Home (FCDCH) providers the maximum grant amount will be \$600.

2. A provider can receive no more than one such grant for any state fiscal year. To apply, the provider must submit an application form indicating that the repair or improvement is needed to meet DSS licensing or registration requirements, or to improve the quality of child care services. Two written estimates of the cost of the repair or improvement must be provided and the provider must certify that the funds will be used for the requested purpose. If the

provider has already paid for the repair or improvement, verification of the cost in the form of an invoice or cash register receipt must be submitted. Reimbursement can be made only for eligible expenses incurred no earlier than six months prior to the application.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 24:357 (February 1998), amended LR 25:2444 (December 1999), LR 26:2827 (December 2000), LR 27:1932 (November 2001), LR 28:349 (February 2002), LR 28:1491 (June 2002), LR 29:

Gwendolyn P. Hamilton
Secretary

0212#077

DECLARATION OF EMERGENCY

Department of Social Services Office of Family Support

Early Childhood Supports and Services Program (LAC 67:III.5559)

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 §5559 effective December 3, 2002. This Emergency Rule will remain in effect for a period of 120 days. This declaration is necessary to extend the original Emergency Rule of August 2, 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 Early Childhood Supports and Services will be published in January 2003.)

Pursuant to Act 13 of the 2002 Regular Session of the Louisiana Legislature, the Office of Family Support will adopt the TANF Initiative, Early Childhood Supports and Services Program (ECSS), to further the goals and intentions of the Temporary Assistance For Needy Families (TANF) Block Grant to Louisiana. The ECSS Program will function as a multi-agency network that identifies, screens, and refers eligible young children to the ECSS network for potential services in an effort to foster secure child/family relationships. The program will also develop effective means of prevention, assessment, and intervention related to developmental, social, and emotional factors affecting young children and their families.

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

§5559. Early Childhood Supports and Services ProgramC Effective August 2, 2002

A. The Department of Social Services, Office of Family Support, shall enter into a Memorandum of Understanding or contracts to create programs to identify and provide supports and services to young children, ages 0-5, and their

families who are at risk of developing cognitive, behavioral, and relationship difficulties, effective November 30, 2002.

Services may include but are not limited to:

1. referral to appropriate supports and services provided by network members and other resources in the community;

2. case management;
3. clinical case management;
4. behavior modification;
5. counseling;
6. parent support groups;
7. training and technical assistance;
8. consultation to other providers and agencies;
9. infant mental health screening;
10. infant mental health assessment;

11. non-recurrent, short-term emergency intervention funds for use in a crisis situation; and

12. other services as specified in the Individualized ECSS Family Services Plan.

B. Services provided by providers meet one or more of the following TANF goals:

1. to provide assistance to needy families so that children can be cared for in their own home or the home of a relative;

2. to end dependence of needy parents on government benefits by promoting job preparation, work, and marriage; and

3. to encourage the formation and maintenance of two-parent families.

C. Eligibility for services is limited to at-risk families that include a child age 05 years, and who have earned income at or below 200 percent of the federal poverty level.

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

E. Services will be offered in the following parishes: Desoto, East Baton Rouge, Lafayette, Ouachita, St. Tammany, and Terrebonne. Services may be expanded into other parishes at the discretion of the assistant secretary based on the availability of funds 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 Regular Session.

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

Gwendolyn Hamilton
Secretary

0212#007

DECLARATION OF EMERGENCY

Department of Social Services Office of Family Support

TANF Initiatives C Child-Parent
Enrichment Services Program
(LAC 67:III.5561)

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 §5561 effective December 30, 2002. This Emergency Rule will remain in effect for a period of 120 days. This declaration is

necessary to extend the original Emergency Rule of September 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 Early Childhood Supports and Services will be published in February 2003.)

Pursuant to Act 152 of the 2002 First Extraordinary Session of the Louisiana Legislature, Act 12 of the 2001 Regular Session of the Louisiana Legislature, and Act 13 of the 2002 Regular Session of the Louisiana Legislature, the Office of Family Support will implement the TANF Initiative, Child-Parent Enrichment Services Program, to further the goals and intentions of the Temporary Assistance for Needy Families (TANF) Block Grant to Louisiana. The Child-Parent Services Program will provide age-appropriate services during the school year, school holidays, before and after school, and the summer months to children at various sites, such as schools, Head Start Centers, churches, and Class A Day Care Centers. Additionally, parents, legal guardians, or caretaker relatives of children may be provided with parenting and adult/family educational services to pursue their own educational goals or increase their effectiveness as caregivers.

The authorization for emergency action is contained in Act 12 of the 2001 Regular Session of the Louisiana Legislature and 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

§5561. Child-Parent Enrichment Services Program Effective September 1, 2002

A. The Department of Social Services, Office of Family Support, shall enter into Memoranda of Understanding or contracts to create quality, early childhood education and parenting programs at various sites, such as schools, Head Start Centers, churches, and Class A Day Care Centers to provide children with age-appropriate services during the school year, school holidays, summer months and before-and-after school and to provide parents, legal guardians, or caretaker relatives of children with parenting and adult/family educational services.

B. Services offered by providers meet the TANF goals to prevent and reduce the incidence of out-of-wedlock births by providing supervised, safe environments for children thus limiting the opportunities for engaging in risky behaviors, and to encourage the formation and maintenance of two-parent families by providing educational services to parents or other caretakers to increase their own literacy level and effectiveness as a caregiver.

C. Eligibility for services is limited to needy families. A needy family is a family in which any member receives a Family Independence Temporary Assistance Program (FITAP) grant, Kinship Care Subsidy (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 (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. 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

0212#076

DECLARATION OF EMERGENCY

Department of Social Services Office of Family Support

TANF Initiatives Substance Abuse Treatment
Program for Needy Families
(LAC 67:III.5563)

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 §5563 effective January 8, 2003. This Emergency Rule will remain in effect for a period of 120 days. This declaration is necessary to extend the original Emergency Rule of September 10, 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 Early Childhood Supports and Services will be published in February 2003.)

Pursuant to Act 12 of the 2001 Regular Session of the Louisiana Legislature, the Office of Family Support will adopt a new TANF Initiative, Substance Abuse Treatment for Needy Families to further the goals and intentions of the Temporary Assistance for Needy Families (TANF) Block Grant to Louisiana.

The authorization for emergency action in the expenditure of TANF funds is contained in Act 12 of the 2001 Regular Session of the Louisiana Legislature and 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

§5563. Substance Abuse Treatment Program for Needy Families

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 to the extent that funds are available commencing June 1, 2002.

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 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, 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 includes a non-custodial parent, caretaker relative, or legal guardian who has 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 28:

Gwendolyn Hamilton
Secretary

0212#075

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

2002 Fall Commercial Red Snapper Season

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 resolution of January 3, 2002, to close the 2002 fall commercial red snapper season in Louisiana state waters when he is informed that the designated portion of the commercial red snapper quota for the Gulf of Mexico has been filled, or projected to be filled, the Secretary hereby declares:

Effective 12 noon, December 7, 2002, the commercial fishery for red snapper in Louisiana waters will close and remain closed until 12 noon, February 1, 2003. Nothing herein shall preclude the legal harvest of red snapper by legally licensed recreational fishermen once the recreational season opens. Effective with this closure, no person shall commercially harvest, purchase, barter, trade, sell or attempt to purchase, barter, trade or sell red snapper. Effective with closure, no person shall possess red snapper in excess of a daily bag limit, which may only be in possession during the open recreational season as described above. Nothing shall prohibit the possession or sale of fish legally taken prior to the closure providing that all commercial dealers possessing red snapper 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 National Marine Fisheries Service that the commercial red snapper season in federal waters of the Gulf of Mexico will close at 12 noon, December 7, 2002. Closing the season in state waters is necessary to provide effective rules and efficient

enforcement for the fishery, to prevent overfishing of this species in the long term.

James H. Jenkins, Jr.
Secretary

0212#006

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Game Breeder's License (LAC 76:V.107)

In accordance with the emergency provisions of R.S. 49:953.B of the Administrative Procedure Act, and under the authority of LSA Const. Art. IX Sec. 7; LSA 56:6(10), (13) and (15) and 20 and 171 et seq., the Wildlife and Fisheries Commission (LWFC) hereby adopts the following Emergency Rule.

This Emergency Rule is effective January 2, 2003 and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final Rule.

The reasons for the promulgation of this Declaration of Emergency are as follows.

Chronic Wasting Disease (CWD) is a neurodegenerative disease that has been found in captive and free-ranging deer and elk herds in nine states. In 1998, the LWFC prohibited importation of white-tailed deer from Wyoming and Colorado, states with endemic CWD in certain populations of free-ranging deer. Since that time, cases of CWD have been found in at least 21 captive deer or elk herds in Colorado, South Dakota, Oklahoma, Nebraska, Montana, Kansas, and the Canadian provinces of Saskatchewan and Alberta. In addition to the CWD cases in captive deer and elk, and those in the CWD endemic area of southeastern Wyoming and north-central Colorado, the disease has been found in free-ranging deer in Nebraska, South Dakota, New Mexico, and Wisconsin. The cases in Wisconsin, found in March 2002, are the first east of the Mississippi River. Recently, CWD has been found in free-ranging deer in western Colorado. These are the first CWD cases found outside of the endemic area in the northeastern part of that state. Several of the CWD outbreaks in wild deer appear to be associated with captive elk herds.

CWD is a poorly understood disease related to other transmissible spongiform encephalopathies such as Bovine Spongiform Encephalopathy (Mad Cow Disease) of cattle, Creutzfeld-Jakob Disease of humans, and scrapie of sheep. Mutant proteins, called prions, are believed to be the infectious agent responsible for CWD. Current information suggests that the disease is limited to deer and elk, and is not naturally transmitted to livestock or humans. The means by which CWD is transmitted is not known, but it is probably transmitted from animal to animal. Maternal transmission from infected does to fawns is also thought to occur. There is no cure or treatment for CWD, and it is always fatal.

CWD is a particularly difficult disease to detect and control. The incubation period (time from which the animal

is infected until it exhibits symptoms) is at least 18 months and may be as long as 35 years. Until symptoms appear, infected animals appear normal. Symptoms of CWD include weight loss, excessive salivation, depression, dehydration, general weakness, and behavioral changes. There is no live animal test for CWD. Examination of brain tissue from dead animals is the only means of positive diagnosis. The agent that causes CWD is extremely resistant to traditional disinfection techniques. It is not known how long the infectious agent can persist in the soil or other media, but some evidence indicates that the infectious agent can persist for an extended period of time.

Interstate and intrastate movement of infected captive deer and elk can quickly spread CWD beyond those areas where it already occurs. Strong circumstantial evidence suggests that CWD outbreaks in free ranging deer in Colorado, Nebraska, and South Dakota are related to captive elk enclosures.

Trade in captive deer and elk lend itself to the spread of CWD. Deer and elk are frequently transferred from one owner to another. For example, at least 109 elk movements which occurred during 1982-97, were indirectly or directly traced back to a single CWD positive captive elk herd in Montana. Elk from this herd were sent to at least 12 states and 2 Canadian provinces. Elk from a CWD infected Colorado herd were sent to 19 states and introduced into 45 herds. A CWD outbreak in Saskatchewan, Canada that affected 39 elk herds was traced back to a single elk from South Dakota. Exotic animal auctions are another source of concern. At these auctions, a large number of animals come into contact with each other and then are dispersed across the United States. Accurate and verifiable records of where animals have been, and what animals they have been in contact with, are seldom available. Enclosures are not escape-proof and escapes or fence to fence contact with free ranging wild deer can be expected.

The Louisiana Department of Wildlife and Fisheries licenses about 115 non-commercial game breeders that possess deer. These game breeders are usually small, non-commercial operations that keep deer for exhibit or pets. The Louisiana Department of Agriculture and Forestry licenses commercial deer and elk facilities. The deer and elk farming industry in Louisiana is relatively small.

In contrast, recreation associated with wild deer and wild deer hunting has significant economic impact in Louisiana. In 2001, there were approximately 172,000 licensed deer hunters in Louisiana. There were also an undetermined number that were not required to have a license (under age 16 or over age 60). The *1996 National Survey of Fishing, Hunting and Wildlife Associated Recreation* reports that deer hunting in Louisiana has an economic impact of \$603,909,581 per year and provides over 8,500 jobs. Many landowners receive income from land leased for deer hunting. Recreation has been the driving force maintaining rural and timberland real estate values during the last several years.

The cost of a CWD outbreak in Louisiana could be substantial. State government could incur considerable costs in order to effectively contain and monitor a CWD outbreak.

By way of example, the Governor of Wisconsin has estimated that approximately \$22,000,000 will be needed over the next 3 years to address the CWD outbreak in that state. The Colorado Division of Wildlife has requested an additional \$2,300,000 in FY 2002/03 to address CWD outbreaks in their state.

In addition to the cost to government, the private sector would be affected by a CWD outbreak in Louisiana. Interest in deer hunting would likely decline if significantly lower deer populations result. Additionally, hunter concerns regarding contact with, or consumption of, infected animals could also reduce deer hunting activity. Lower hunting lease values and fewer hunting related retail purchases would therefore be likely. In Wisconsin, Department of Natural Resources personnel report that a significant decline in land value in the CWD affected area has already occurred. A significant reduction in deer hunting activity could also have deleterious effects on agriculture, horticulture, and forestry resulting from increased deer depredation of crops, ornamentals, and trees if the reduction in hunting mortality is not offset by CWD mortality.

The primary means of containing a CWD outbreak involves depopulating an area surrounding the infection site(s). By way of example, Wisconsin Department of Natural Resources personnel and landowners are attempting to kill 25,000 deer in a 374 square mile area. In Colorado, the Division of Wildlife is killing as many deer and elk as possible in a 5-mile radius of the CWD outbreak in western Colorado. These types of depopulation efforts are offensive to wildlife agencies, hunters, and other citizens. However, this is the only available means to control CWD outbreaks in wild free-ranging deer.

In recognition of the CWD threat, and lack of a coordinated eradication/control effort, the United States Department of Agriculture enacted a declaration of emergency in September 2001 to authorize funding of a CWD indemnification and eradication program in the United States. Prohibitions on the importation of deer and elk have been instituted in at least 28 states including Texas, Arkansas, and Mississippi. Other states have developed rules that require that imported deer and elk originate from herds that have been certified free of CWD for at least 5 years. However, because few, if any, herds in the United States can meet that standard, this Rule is effectively an importation prohibition.

In May 2002, the Louisiana Wildlife and Fisheries Commission by Declaration of Emergency and accompanying Notice of Intent, prohibited the importation into, or transport through, Louisiana of deer and elk. However, CWD infected animals could have entered Louisiana prior to this action, or may have been imported in violation of this action. Continued issuance of new game breeder licenses for deer increases the potential exposure of wild deer to CWD. Allowing captive deer herds to proliferate and expand into new areas of Louisiana increases the opportunity for unwanted contact between wild and captive deer. In the event of a CWD outbreak in Louisiana, the presence of captive deer could hinder CWD control and eradication efforts. For these reasons and those outlined

above, the Louisiana Wildlife and Fisheries Commission believes that an immediate prohibition on the issuance of new game breeder licenses for deer is warranted. This prohibition will remain in effect until no longer necessary.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 1. Wild Quadrupeds

§107. Game Breeder's License

A. - B.7. ...

8. White-Tailed Deer or Other North American Deer

a. Except as specified herein, licenses will not be issued. Licenses will not be issued unless pens are completed and complete applications are received in the Wildlife Division Baton Rouge Office by 4:30 p.m. October 4, 2002. Pens must be inspected before a license will be issued. If at the time of inspection, pens do not meet the requirements of this rule, a license will not be issued and the application will not be reconsidered. Persons with valid licenses issued prior to this prohibition will be "grandfathered" and licenses may be renewed if all requirements are met. Licenses cannot be transferred beyond immediate family (father, mother, brother, sister, husband, wife, son and daughter). A license may be transferred to an immediate family member only if the pen remains in the original location. Qualified zoos, educational institutions and scientific organizations may be exempted on a case by case basis.

b. No license will be issued in metropolitan or urban areas. A rural environment is required to keep these animals. Qualified zoos, educational institutions and scientific organizations will be exempted on a case by case basis.

c. Single Animal. 5,000 square feet paddock or corral (For example: 50 feet wide by 100 feet long); increase corral size by 2,500 square feet for each additional animal; shelter required. Pen site must be well drained so as to prevent extended periods of standing water.

d. Materials. Chain link or other satisfactory woven wire, 12 gauge minimum, 8 feet high minimum. Welded wire is not acceptable.

e. Licensed game breeders are required to report all deaths of deer to a regional Wildlife Division office within 48 hours of the time of death and preserve the carcass as instructed by the Wildlife Division, but are encouraged to report the death sooner if possible.

B.9. - C.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:171.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 14:631 (September 1988), amended LR 18:1134 (October 1992), LR 21:1355 (December 1995), LR 28:

Thomas M. Gattle, Jr.
Chairman

0212#060

DECLARATION OF EMERGENCY

**Department of Wildlife and Fisheries
Office of Fisheries**

Iatt Lake Reopening

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 reopen to all legal fishing beginning on November 21, 2002.

The Department had previously declared a Declaration of Emergency and closed all fishing in Iatt Lake while the lake was in drawdown. The purpose of the drawdown was to

control submerged aquatic plants and the purpose of closing the lake to fishing was to protect the fish that were concentrated in the remaining water. The lake was scheduled to reopen to fishing on or after January 15, 2003. Unfortunately, rainfall has been above normal this year and the lake is currently above pool stage. Lake dewatering is hampered by high water in Red River and the waterways connecting Red River to Iatt Lake. This situation will prevent a successful drawdown from occurring this year.

James H. Jenkins, Jr.
Secretary

0212#003