

# Rules

## RULE

### Board of Elementary and Secondary Education

BESE Bulletins and Regulations  
Removal from the Louisiana Administrative Code  
Bulletin 1868  
(LAC 28:I:Chapter 9)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended Title 28, Education. The revision will change the status of Bulletin 1868, "*Personnel Manual of the State Board of Elementary and Secondary Education*," from a regulatory bulletin to a manual.

#### Title 28 EDUCATION

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

List of Bulletins to be Removed from the Louisiana Administrative Code

Bulletin Number	Bulletin Name
1868	Personnel Manual of the State Board of Elementary and Secondary Education

Weegie Peabody  
Executive Director

0212#040

## RULE

### Board of Elementary and Secondary Education

BESE Bulletins and Regulations  
Removal from the Louisiana Administrative Code  
Bulletin 1905  
(LAC 28:I:Chapter 9)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended Title 28, Education. The revision will remove from the Louisiana Administrative Code Bulletin 1905, *Reading, Writing, Speaking, and Listening Activities for Louisiana Technology Education Program*, which is obsolete.

#### Title 28 EDUCATION

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

List of Bulletins to be Removed from the Louisiana Administrative Code

Bulletin Number	Bulletin Name
1905	Reading, Writing, Speaking, and Listening Activities for Louisiana Technology Education Programs.

Weegie Peabody  
Executive Director

0212#041

## RULE

### Board of Elementary and Secondary Education

Vocational and Vocational-Technical Education  
(LAC 28:I.1501-1529)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has repealed Chapter 15, Vocational and Vocational-Technical Education, from the *Louisiana Administrative Code*. This action is necessary because Vocational Education and Vocational-Technical Education is no longer under the jurisdiction of the Board of Elementary and Secondary Education.

#### Title 28 EDUCATION

#### Part I. Board of Elementary and Secondary Education Chapter 15. Vocational and Vocational-Technical Education

#### Subchapter A. Vocational Education

#### §1501. General Policies

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:4, R.S. 17:6(A), R.S. 17:7(5), R.S. 17:10(A), R.S. 17:22(2), R.S. 17:1992, R.S. 17:2031-2036.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:541 (December 1975), amended LR 8:644 (December 1982), LR 16:297 (April 1990), repealed LR 28:2497 (December 2002).

#### Subchapter B. Vocational-Technical Education

#### §1503. Purpose; Objectives

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:4, R.S. 17:6(A), R.S. 17:7(5), R.S. 17:10(A), R.S. 17:1991-2007.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:541 (December 1975), amended LR 11:1137 (December 1985), LR 16:297 (April 1990), repealed LR 28:2497 (December 2002).

#### §1505. Office of Vocational Education

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(B), R.S. 17:1992, R.S. 17:1993, R.S. 17:1995, R.S. 39:330.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 2:317 (October 1976), amended LR 16:297 (April 1990), repealed LR 28:2497 (December 2002).

#### **§1507. State Advisory Council**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with 20 USC 2322.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 3:404 (October 1977), amended LR 16:297 (April 1990), repealed LR 28:2498 (December 2002).

#### **§1509. Regional Management System**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1994, R.S. 17:1995.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:310 (July 1975), amended LR 13:84 (February 1987), LR 16:297 (April 1990), repealed LR 28:2498 (December 2002).

#### **§1511. Local Advisory Bodies**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:1998, SCR 77 of 1974.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 16:297 (April 1990), repealed LR 28:2498 (December 2002).

#### **§1515. Commission on Occupational Education**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:10(A).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 21:259 (March 1995), repealed LR 28:2498 (December 2002).

#### **§1517. Staffing**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:7(6), R.S. 17:1993(2).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 3:404 (October 1977), amended LR 11:685 (July 1985), LR 12:830 (December 1986), LR 16:297 (April 1990), repealed LR 28:2498 (December 2002).

#### **§1521. Operations**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:2003, R.S. 17:2006.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 3:404 (October 1977), amended LR 4:359 (October 1978), LR 8:234 (May 1982), LR 12:763 (November 1986), LR 13:94 (February 1987), LR 14:11 (January 1988), LR 15:962 (November 1989), LR 16:297 (April 1990), LR 21:676 (July 1995), repealed LR 28:2498 (December 2002).

#### **§1523. Students**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and (11); R.S. 17:1997.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 3:404 (October 1977), amended LR 4:240 (July 1978), LR 6:650 (November 1980), LR 8:323 (July 1980), LR 9:209 (April 1983), LR 10:200 (March 1984), LR 11:617 (June 1985), LR 11:1065 (November 1985), LR 11:1138 (December 1985); LR 12:14 (January 1986), LR 12:92 (February 1986), LR 12:667 (October 1986), LR 12:830 (December

1986), LR 13:84 (February 1987), LR 13:160 (March 1987), LR 14:11, 12 (January 1988), LR 14:409 (July 1988), LR 14:704 (October 1988), LR 14:790 (November 1988), LR 16:297 (April 1990), LR 16:768 (September 1990), LR 17:589 (June 1991), LR 17:957 (October 1991), LR 18:29, 30 (January 1992), LR 19:1550, 1551 (December 1993), LR 1:464 (May 1995), LR 22:809 (September 1996), LR 24:297 (February 1998), LR 25:425 (March 1999), repealed LR 28:2498 (December 2002).

#### **§1525. Institute/Regional Management Center Calendars**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:1992, R.S. 17:1993, R.S. 17:3902.B(4).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 9:635 (December 1983), amended LR 16:297 (April 1990), LR 21:462 (May 1995), repealed LR 28:2498 (December 2002).

#### **§1527. Courses; Classes; Programs; Visits**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1994.1, R.S. 17:1995, R.S. 17:2002, R.S. 17:2007.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 3:404 (October 1977), amended LR 5:96 (May 1979), LR 8:314 (May 1982), LR 8:323 (July 1982), LR 9:255 (April 1983), LR 9:411 (June 1983), LR 9:614 (September 1983), LR 10:661 (September 1984), LR 11:686 (July 1985), LR 11:1137 (December 1985), LR 16:297 (April 1990), LR 17:879 (September 1991), LR 17:957 (October 1991), LR 18:27 (January 1992), LR 18:602 (June 1992), LR 19:614 (May 1993), LR 19:739 (June 1993), LR 19:1309 (October 1993), LR 19:1417 (November 1993), LR 20:161 (February 1994), LR 21:168 (February 1995), LR 21:677 (July 1995), repealed LR 28:2498 (December 2002).

#### **§1529. JTPA Projects**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24, 29 USCA 1501 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 4:489 (December 1978), amended LR 16:297 (April 1990), repealed LR 28:2498 (December 2002).

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Executive Director

0212#042

#### **RULE**

#### **Board of Elementary and Secondary Education**

Bulletin 741C Louisiana Handbook for School  
Administrators C Alternative Schools (LAC 28:I.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended Bulletin 741, *Louisiana Handbook for School Administrators*, referenced in LAC 28:I.901.A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). The revision will provide a more efficient and timely approval process for establishing new public alternative schools/programs; the approval process will not significantly change for non-public entities.

**Title 28**  
**EDUCATION**

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

**§901. School Approval Standards and Regulations**

A. Bulletin 741

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended by the Board of Elementary and Secondary Education in LR 27:694 (May 2001), LR 27:695 (May 2001), LR 27:815 (June 2001), LR 28:2499 (December 2002).

**System Policies and Standards**  
**Operation and Administration**

**Philosophy and Need for Alternative Schools/Programs**

**1.150.00** If alternative school programs are to be developed and established, they shall respond to particular educational needs within the community.

**1.150.01** The local educational governing authority shall pass a resolution establishing the need for the alternative school/program and setting forth its goals and objectives.

**1.150.03** The educational school/program shall be designed to implement the stated goals and objectives which shall be directly related to the unique educational requirements of its student body.

**Approval of Alternative Schools/Programs**

**1.151.00** Alternative schools/programs shall comply with prescribed policies and standards for regular schools except for those deviations granted by the State Board Elementary and Secondary Education.

**1.151.01** Approval to operate an Alternative School/Program shall rest with the local education authority (LEA).

A school system choosing to implement an Alternative School/Program shall submit to the Division of Family, Career and Technical Education by September 1<sup>st</sup> of each school year a list of their approved Alternative Schools/Programs.

Refer to the Alternative Education Handbook.

The State Department of Education will provide the SBESE with a listing of approved alternative schools/programs in October of each year.

**1.151.02** An approved alternative school/program shall be described in the LEA's Pupil Progression Plan.

**1.151.03** An annual school report based upon the standards for approval of alternative schools shall be made to the State Department of Education (SDE) on or before the date prescribed by the Department.

**School Policies and Standards**

**Philosophy and Need for Alternative Schools/Programs**

**2.150.02** Each alternative school/program shall develop and maintain a written statement of its philosophy and the major purposes to be served by the school/program.

The statement shall reflect the individual character of the school/program and the characteristics and needs of the students it serves.

**2.150.03** The educational school/program shall be designed to implement the stated goals and objectives which shall be directly related to the unique educational requirements of its student body.

**Approval of Alternative Schools/Programs**

**2.151.00** Alternative schools/programs shall comply with prescribed policies and standards for regular schools except for those deviations granted by the State Board of Elementary and Secondary Education.

**2.151.01** Approval to operate an Alternative School/Program shall rest with the local education authority (LEA).

A school system choosing to implement an Alternative School/Program shall submit to the Division of Family, Career and Technical Education by September 1<sup>st</sup> of each school year a list of their approved Alternative Schools/Programs.

Refer to the Alternative Education Handbook.

The State Department of Education will provide the SBESE with a listing of approved alternative schools/programs in October of each year.

**2.151.03** An annual school report based upon the standards for approval of alternative schools shall be made to the State Department of Education (SDE) on or before the date prescribed by the Department.

**Operation and Administration**

**Philosophy and Need for Alternative Schools/Programs**

**6.150.03** The educational school/program shall be designed to implement the stated goals and objectives which shall be directly related to the unique educational requirements of its student body.

**6.151.01** Initial Approval to Operate. Initial approval to operate shall be obtained from the State Department of Education prior to the establishment of the alternative school/program.

A narrative proposal describing the alternative school/program shall be submitted and shall include the following information:

1. purpose;
2. needs assessment;
3. type (alternative within regular education or alternative to regular education placement);
4. list of the *Bulletin 741: Louisiana Handbook for School Administrators*, policy and standard deviations;
5. anticipated date of implementation;
6. student eligibility;
7. entrance and exit criteria;
8. total number of students;
9. individual class sizes;
10. detailed outline of curriculum;
11. methods of instruction to meet individual student needs;
12. type and number of staff including qualifications/certification;
13. plan for awarding Carnegie units, when applicable;
14. grading and reporting procedures;
15. plan for parental and community involvement;
16. Educational support services;
17. In-service (professional development for personnel);
18. Type and location of physical facility;
19. Procedure for program evaluation.

A school system choosing to implement an alternative school/program shall submit the above proposal to the Division of Family, Career and Technical Education by May 1<sup>st</sup> for fall semester implementation and November 1<sup>st</sup> for spring semester implementation .

Refer to the Alternative Education Handbook.

The State Department of Education will provide the SBESE with a listing of approved alternative schools/programs twice annually, in June and December of each year.

### Final Approval to Operate

**6.151.03** Prior to final approval, the school shall be visited by State Department of Education (SDE) representatives, who will determine the school's suitability for SDE approval.

An annual school report based upon the standards for approval of alternative schools shall be made to the State Department of Education (SDE) on or before the date prescribed by the Department. Final approval is contingent upon review and satisfactory compliance with the requirements of the annual school report.

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0212#033

## RULE

### Board of Elementary and Secondary Education

Bulletin 746C Louisiana Standards for State Certification of School PersonnelC Non-Masters/Certification-Only ProgramC Alternative Path to Certification (LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended Bulletin 746, *Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. This policy provides a new structure for the Non-Master's/Certification-Only Program for alternate certification. The initial structure for this new alternate certification route was found to be deficient by a team of outside evaluators, who recommended its restructuring.

### Title 28

### EDUCATION

#### Part I. Board of Elementary and Secondary Education

#### Chapter 9. Bulletins, Regulations, and State Plans

#### Subchapter A. Bulletins and Regulations

#### §903. Teacher Certification Standards and Regulations

##### A. Bulletin 746

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

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975), amended LR 27:825 (June 2001), LR 27:827 (June 2001), LR 27:828 (June 2001), LR 28:2500 (December 2002).

### Non-Masters/Certification-Only Program Alternative Path to Certification

This program is designed to serve those candidates who may not elect participation in or be eligible for certification under either the Practitioner Teacher Alternate Certification Program or the Master's Degree Alternate Certification Program. The program may also be accessible in some areas of the state in which the other alternate certification programs are not available. A college or university may offer this program only in those certification areas in which that institution has a State-approved teacher education program. Non-Master's/Certification-Only Programs may offer certification in PK-3, 1-6, 4-8, 7-12, or Mild-Moderate Special Education.

#### Admission to the Program

To be admitted, individuals should:

1. possess a baccalaureate degree from a regionally accredited university;
2. have a 2.2 GPA, or higher, on undergraduate coursework. (An overall 2.5 GPA is required for certification. Those candidates with a GPA lower than 2.5 may have to take additional courses in the program to achieve a 2.5 GPA.);
3. pass the PRAXIS Pre-Professional Skills Test (PPST); and
4. pass the PRAXIS content-specific subject area examination.
  - a. Candidates for PK-3 (regular and special education): pass the Elementary Education: Content Knowledge (#0014) specialty exam.
  - b. Candidates for Grades 1-6 (regular and special education): pass the Elementary Education: Content Knowledge (#0014) specialty exam.
  - c. Candidates for Grades 4-8 (regular and special education): pass the Middle School Education: Content Knowledge (#0146) specialty exam.
  - d. Candidates for Grades 7-12 (regular and special education): pass the content specialty examination(s) (e.g. English, Mathematics, etc.) on the PRAXIS in the content area(s) in which they intend to teach.

#### Program Requirements

This program will provide the same rigor as other certification routes provided by aligning with such empirically-based standards as National Council for the Accreditation of Teacher Education (NCATE), Interstate New Teacher Assessment and Support Consortium (INTASC), Louisiana Components of Effective Teaching (LCET), and the Louisiana Content Standards. This program will also emphasize collaboration between the university and the school districts in order to share and exchange strategies, techniques, and methodologies; and integrate field-based experiences into the curriculum.

#### Program Structure

1. Knowledge of Learner and the Learning Environment\* 12 hours

Grades PK-3, 1-6, 4-8, and 7-12:

Child/adolescent development/psychology, the diverse learner, classroom management/organization/environment, assessment, instructional design, and reading/instructional strategies that are content- and level-appropriate.

Mild/Moderate Special Education 1-12:

Special needs of the mild/moderate exceptional child, classroom management, behavioral management, assessment and evaluation, methods and materials for mild/moderate exceptional children, vocational and transition services for students with disabilities

\*All courses for regular and special education will integrate effective teaching components, content standards, technology, reading, and portfolio development. Field-based experiences will be embedded in each course.

- 2. Methodology and Teaching 6 hours

Methods courses to include case studies and field experiences

- 3. Internship 6 hours

Will include methodology seminars that are participant-oriented

- 4. Prescriptive Plan

The candidate for this program who demonstrates areas of need will complete an individualized prescriptive plan, not to exceed 9 semester hours

Total 24-33 hours

Certification Requirements

Colleges or universities will submit signed statements to the Louisiana Department of Education that indicate the student completing the Non-Degree/Certification-Only alternative certification path met the following requirements:

- 1. passed the PPST components of the PRAXIS. (Note: This test was required for admission.)

- 2. Completed all coursework (including the certification program) with an overall 2.5 or higher GPA.

- 3. Passed the specialty examination (PRAXIS) for the area(s) of certification.

a. Grades PK-3: Elementary Education: Content Knowledge specialty exam (Note: This test was required for admission.)

b. Grades 1-6: Elementary Education: Content Knowledge specialty examination (Note: This test was required for admission.)

c. Grades 4-8: Middle School Education: Content Knowledge specialty examination (Note: This test was required for admission.)

d. Grades 7-12: Specialty content test in areas to be certified. (Note: This test was required for admission.)

e. Mild/Moderate Special Education 1-12: Special Education

- 4. Passed the Principles of Learning and Teaching examination (PRAXIS)

a. Grades PK-3: Principles of Learning and Teaching K-6

b. Grades 1-6: Principles of Learning and Teaching K-6

c. Grades 4-8: Principles of Learning and Teaching 5-9

d. Grades 7-12: Principles of Learning and Teaching 7-12

Universities offering the Non-Master's/Certification-Only alternative certification option are required to begin implementation of the newly adopted paths on or before January 2003.

No students should be accepted into the "old" post-baccalaureate alternate certification program after January 2003. Candidates already in the "old" alternative certification program would be given until January 2006 to complete their programs.

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0212#034

RULE

Board of Elementary and Secondary Education

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

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended Bulletin 746, Louisiana Standards for State Certification of School Personnel, referenced in LAC 28:I.903.A. This policy prescribes conditions under which the Practitioner Teacher License can be issued to candidates who enter new alternate certification programs. The policy provides revisions to the original Practitioner Teacher Licensure Policy, as follows.

In addition to candidates in the Practitioner Teacher Program, originally the only holders of this license, the new license can be issued to candidates in other new alternate routes C the Master's Degree Program, and the Non-Master's/Certification-Only Program.

All holders of this license will be granted special employment status so that districts will not have these individuals count for or against the district on the Annual School Report or for District Accountability purposes.

The policy is revised to reflect the new licensure structure that became effective July 1, 2002, with Level 1 as the initial license and Level 2 as the next stage of licensure. The old licensure policy had language that reflected the old licensure structure, with Type C as the initial license and Type B as the next stage of licensure.

Title 28

EDUCATION

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

Subchapter A. Bulletins and Regulations

§903. Teacher Certification Standards and Regulations

A. Bulletin 746

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975), amended LR 27:825 (June 2001), LR 27:827 (June 2001), LR 27:828 (June 2001), LR 28:2501 (December 2002).

Practitioner Teacher Licensure Policy

A Practitioner Teacher license, renewable yearly for a maximum of three years, will be granted to those candidates who meet all entrance requirements and who are accepted

into and enrolled in a State-approved Practitioner Teacher Program, Master's Degree Program, or Non-Master's/Certification-Only Program. Issuance of Practitioner Teacher licenses will require verification from the program provider and the employing system/school. Minimum admission requirements for the Practitioner Teacher Program, the Master's Degree Program, and the Non-Master's/Certification-Only Program stipulate that the candidate hold an undergraduate degree from a regionally accredited university, possess a minimum of a 2.2 GPA, and pass the Pre-Professional Skills Test and Content Specialty Exam of the PRAXIS. Additionally, Practitioner Teacher Program participants must have a teaching assignment in a State-approved Louisiana school in the area of certification being studied.

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

Practitioner Teacher Program, Master's Degree Program, and Non-Master/Certification-Only Program. Practitioner teachers are issued a one-year Practitioner Teacher license, renewable yearly for a maximum of three years. If a candidate withdraws or is dropped from the new alternate program, the Practitioner Teacher license is no longer valid. A practitioner teacher must remain enrolled in the alternate program and fulfill all coursework, teaching assignments (if applicable), and prescribed activities as identified by the program provider. All program requirements must be completed within the three-year period of the license. A practitioner teacher may complete all requirements of the alternate program in fewer than three years.

Once a practitioner teacher has completed all requirements of the alternate program and has been recommended by the program provider, he may apply for a Level 1 Teaching Certificate. A practitioner teacher's teaching experience, while holding a Practitioner Teacher license, will count toward the three years of teaching experience requirement that is needed to move from a Level 1 certificate to a Level 2 certificate.

Individuals actively enrolled in the Practitioner Teacher Program, the Master's Degree Program, or in the Non-Master's/Certification-Only Program will be granted special employment status so that districts will not have these individuals count for or against the district on the Annual School Report or for District Accountability purposes.

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Weegie Peabody  
Executive Director

## RULE

### Board of Elementary and Secondary Education

Bulletin 746C Louisiana Standards for State Certification of School PersonnelC Practitioner Teacher Program (LAC 28:1.903)

In accordance with R.S. 49:950, et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education has amended Bulletin 746, *Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:1.903.A. Revisions to the Practitioner Teacher Program are as follows:

1. A 2.2 GPA is required for entrance, rather than the originally stated 2.5 GPA;
2. Twelve semester hours of combined internship and seminars are required through this program, rather than the originally stated nine semester hours; and
3. Number of possible prescriptive hours were reduced from 12 to 9.

#### Title 28

#### EDUCATION

#### Part I. Board of Elementary and Secondary Education Chapter 9. Bulletins, Regulations, and State Plans Subchapter A. Bulletins and Regulations §903. Teacher Certification Standards and Regulations

##### A. Bulletin 746

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975); amended LR 27:825 (June 2001); LR 27:827 (June 2001); LR 27:828 (June 2001), LR 28:2502 (December 2002).

#### Practitioner Teacher Program

##### A. Major Components of the Practitioner Teacher Program

1. Universities, school districts, or private providers (e.g., Teach for America) will be able to offer a Practitioner Teacher Program.

2. Individuals will be considered for admission to a Practitioner Teacher Program if they possess a baccalaureate degree from a regionally-accredited university with a 2.2 or higher GPA\* and already possess the content knowledge to teach the subject area(s). To demonstrate knowledge of subject area(s), all individuals (with the exception of those who already possess a graduate degree) will be required to pass the Pre-Professional Skills Test (e.g., reading, writing, and mathematics) for the PRAXIS. Teachers of grades 1-6 (regular and special education) must pass the *Elementary Education Content Knowledge* specialty examination of the PRAXIS (#0014), and teachers of grades 4-8 (regular and special education) must pass the *Middle School Content Knowledge* specialty examination (#0146). Teachers of grades 7-12 (regular and special education) must pass the *specialty examination* on the PRAXIS in the content area(s) (e.g., English, mathematics, science, social studies, etc.) in which they intend to be certified. (\*Appropriate, successful work experience can be substituted for the required GPA, at the discretion of the program provider.)

3. If admitted to the Practitioner Teacher Program, individuals who intend to be certified to teach grades 1-6, 4-8, or 7-12 must successfully complete nine credit hours (or 135 contact hours) of instruction during the summer prior to the first year of teaching. Practitioner teachers will be exposed to teaching experiences in field-based schools while involved in course work.

4. All practitioner teachers will teach during the regular school year in the area(s) in which they are pursuing certification and participate in 12 credit hours (or 180 contact hours) of seminars and supervised internship during the fall and spring to address their immediate needs. Practitioner teachers will be observed and provided feedback about their teaching from the program provider. In addition, practitioner teachers will be supported by school-based mentors from the Louisiana Assistance and Assessment Program and by principals.

5. Practitioner teachers who complete the required course requirements (or equivalent contact hours) with a 2.5 or higher GPA and demonstrate *proficiency* during their first year of teaching can obtain a Level 2 Professional License after successfully completing all requirements for the Practitioner Teacher Program (which includes successful completion of the Louisiana Assistance and Assessment Program and passing scores on the PRAXIS) and after completing a total of three years of teaching.

6. Practitioner teachers who successfully complete the required courses (or equivalent contact hours) and demonstrate *weaknesses* during their first year of teaching will be required to complete from one to nine additional credit hours/equivalent contact hours. A team composed of the program provider, school principal, mentor teacher, and practitioner teacher will determine the types of courses and hours to be completed. The number of hours, which will be based upon the extent of the practitioner teachers' needs,

must be successfully completed within the next two years. The team will also determine when the practitioner teachers should be assessed for the Louisiana Assistance and Assessment Program during the next two year time period. Additionally, for teachers who successfully completed the Louisiana Assistance and Assessment Program prior to entering the Practitioner Teacher Program, the team will determine if the Louisiana Components of Effective Teaching are still being exhibited by the teacher at the "competent" level and, if so, allow by unanimous decision the teacher to be exempted from completing the Assessment part of the Louisiana Assistance and Assessment Program. The practitioner teachers must successfully complete all requirements for the Practitioner Teacher Program (which includes successful completion of the Louisiana Assistance and Assessment Program and passing scores on the PRAXIS in the specialty areas) and must teach for a total of three years before receiving a Level 2 Professional License.

7. The State's new Teacher Preparation Accountability System will be used to evaluate the effectiveness of all Practitioner Teacher Programs.

**B. Structure for a Practitioner Teacher Program**

**Program Providers**

Practitioner Teacher Programs may be developed and administered by

- universities;
- school districts; and
- other agencies (e.g., Teach for America, Troops for Teachers, Regional Service Centers, etc.).

The same State Teacher Preparation Accountability System will be utilized to assess the effectiveness of the Practitioner Teacher Programs provided by universities, school districts, and other agencies.

**Program Process**

Areas	Course/Contact Hours	Activities	Support
1. Admission To Program (Spring and Early Summer)		Program providers will work with district personnel to identify Practitioner Teacher Program candidates who will be employed by districts during the fall and spring. To be admitted, individuals must <ol style="list-style-type: none"> <li>a. possess a baccalaureate degree from a regionally accredited university.</li> <li>b. have a 2.2 GPA on undergraduate work. (*Appropriate, successful work experience can be substituted for the required GPA, at the discretion of the program provider.)</li> <li>c. pass the Pre-Professional Skills Test (e.g., reading, writing, and mathematics) on the PRAXIS. (Individuals who already possess a graduate degree will be exempted from this requirement.)</li> <li>d. pass the content specific examinations for the PRAXIS:               <ol style="list-style-type: none"> <li>(1) Practitioner candidates for Grades 1-6 (regular and special education): Pass the <i>Elementary Education Content Knowledge (#0014)</i> examination;</li> <li>(2) Practitioner candidates for Grades 4-8 (regular and special education): Pass the <i>Middle School Content Knowledge</i> examination (#0146);</li> <li>(3) Practitioner candidates for Grades 7-12 (regular and special education): Pass the <i>content specialty examination(s)</i> (e.g., English, mathematics, etc.) on the PRAXIS in the content area(s) in which they intend to teach.</li> </ol> </li> <li>e. meet other non-course requirements established by the program providers.</li> </ol>	

2. Teaching Preparation (Summer)	9 credit hours or 135 equivalent contact hours (5-8 weeks)	All teachers will participate in field-based experiences in school settings while completing the summer courses (or equivalent contact hours). Grades 1-6, 4-8, and 712 practitioner teachers will successfully complete courses (or equivalent contact hours) pertaining to child/adolescent development/psychology, the diverse learner, classroom management/organization, assessment, instructional design, and instructional strategies before starting their teaching internships. Mild/moderate special education teachers will successfully complete courses (or equivalent contact hours) that focus upon the special needs of the mild/moderate exceptional child, classroom management, behavioral management, assessment and evaluation, methods/materials for mild/moderate exceptional children, and vocational and transition services for students with disabilities.	Program Providers
3. Teaching Internship And First Year Support (Fall and Spring)	12 credit hours or 180 equivalent contact hours throughout the year.	Practitioner teachers will assume full-time teaching positions in districts. During the school year, these individuals will participate in two seminars (one seminar during the fall and one seminar during the spring) that address immediate needs of the Practitioner Teacher Program teachers and will receive one-on-one supervision through a year-long internship provided by the program providers. The practitioner teacher will also receive support from school-based mentor teachers (provided by the Louisiana Teacher Assistance and Assessment Program) and principals.	Program Providers, Principals and Mentors
4. Teaching Performance Review (End of First Year)		Program providers, principals, mentors, and practitioner teachers will form teams to review the first year teaching performance of practitioner teachers and to determine the extent to which the practitioner teachers have demonstrated teaching proficiency. If practitioner teachers demonstrate proficiency, they will enter into the assessment portion of the Louisiana Teacher Assistance and Assessment Program during the next fall. (If a practitioner teacher who passed the assessment portion of the Louisiana Teacher Assistance and Assessment Program prior to entering the Practitioner Teacher Program continues to demonstrate the Louisiana Components of Effective Teaching at the "competent" level, the team may, by unanimous decision, exempt the teacher from completing the Assessment part of the Louisiana Assistance and Assessment Program.) If weaknesses are cited, the teams will identify additional types of instruction needed to address the areas of need. Prescriptive plans that require from one to nine credit hours (or 15-135 equivalent contact hours) of instruction will be developed for practitioner teachers. In addition, the teams will determine whether the practitioner teachers should participate in the new teacher assessment during the fall or whether the practitioner teachers should receive additional mentor support and be assessed after the fall.	
5. Prescriptive Plan Implementation (Second Year)	9 credit hours (or 15-135 equivalent hours)	Practitioner teachers who demonstrate areas of need will complete prescriptive plans.	Program Providers
6. Louisiana Assessment Program (Second Year)		Practitioner teachers will be assessed during the fall or later depending upon their teaching proficiencies.	Program Providers
7. Praxis Review (Second Year)		Program providers will offer review sessions to prepare practitioner teachers to pass remaining components of the PRAXIS.	Program Providers

<p>8. Certification Requirements (Requirements must be met within a three-year time period. A practitioner teacher's license will not be renewed if all course requirements are not met within these three years.)</p>		<p>Program providers will submit signed statements to the Louisiana Department of Education to indicate that the practitioner teachers completed Practitioner Teacher Programs and met the following requirements within a three-year time period:</p> <ol style="list-style-type: none"> <li>1. passed the PPST components of the PRAXIS. <i>(Note: This test was required for admission.)</i></li> <li>2. completed the Teaching Preparation and Teaching Internship segments of the program with a 2.5 or higher cumulative GPA.</li> <li>3. passed the Louisiana Teacher Assistance and Assessment Program.</li> <li>4. completed prescriptive plans (if weaknesses were demonstrated).</li> <li>5. passed the specialty examination (PRAXIS) for their area(s) of certification. <ol style="list-style-type: none"> <li>a. Grades 1-6: <i>Elementary Education Content Knowledge Examination #0014 (Note: This test was required for admission)</i></li> <li>b. Grades 4-8: <i>Middle School Content Knowledge Exam #0146 (Note: This test was required for admission.)</i></li> <li>c. Grades 7-12: <i>Specialty content test in areas to be certified. (Note: This test was required for admission.)</i></li> <li>d. Mild/Moderate Special Education 1-12: <i>Special Education (to be determined)</i></li> </ol> </li> <li>6. passed the <i>Principals of Learning and Teaching</i> examination (PRAXIS) <ol style="list-style-type: none"> <li>a. Grades 1-6: <i>Principles of Learning and Teaching;</i></li> <li>b. Grades 4-8: <i>Principles of Learning and Teaching;</i></li> <li>c. Grades 7-12: <i>Principles of Learning and Teaching.</i></li> </ol> </li> </ol>	
<p>9. Ongoing Support (Second and Third Year)</p>		<p>Program providers will provide support services to practitioner teachers during their second and third years of teaching. Types of support may include on-line support, Internet resources, special seminars, etc.</p>	<p>Program Providers</p>
<p>10. Professional License (Practitioner License to Level 2)</p>		<p>Practitioner teachers will be issued a Practitioner License when they enter the program. They will be issued a Level 1 Professional License once they have successfully completed all requirements of the program; after three years of teaching they will be eligible for a Level 2 license.</p>	

Undergraduate/Graduate Courses and Graduate Programs  
Universities may offer the courses at undergraduate or graduate levels. Efforts should be made to allow students to use graduate hours as electives if the students are pursuing a graduate degree.

\* \* \*  
Weegie Peabody  
Executive Director

02121#038

**RULE**

**Board of Elementary and Secondary Education**

Bulletin 746C Louisiana Standards for State Certification of School Personnel  
Types of Teaching Authorizations and Certifications  
(LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education adopted an amendment to Bulletin 746, *Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. This policy prescribes three levels of the Practitioner Teacher License, corresponding to the three new alternate certification pathways, further clarifies the add-on of endorsements via passing the content specialty PRAXIS examination, and amends the Out-of-State Provisional License title to exclude the word "provisional."

The Practitioner Teacher License was originally used only for those admitted to the Practitioner Teacher Program, one of three new alternate pathways (the Practitioner Teacher Program operated as a pilot during SY 2001-2002). This policy brings consistency by specifying the Practitioner Teacher License as appropriate for all three new alternate certification routes to be fully implemented during SY 2002-2003. Further, this policy clarifies the new endorsement option for secondary teaching areas via passing the content specialty PRAXIS examination, and it amends the Out-of-State Provisional License title to exclude the word "provisional" to bring consistency with the new federal No Child Left Behind legislation.

**Title 28  
EDUCATION**

**Part I. Board of Elementary and Secondary Education  
Chapter 9. Bulletins, Regulations, and State Plans  
Subchapter A. Bulletins and Regulations  
§903. Teacher Certification Standards and Regulations  
A. Bulletin 746**

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975); amended LR 27:825-827 (June 2001), LR 27:827 (June 2001), LR 27:828 (June 2001), LR 28:2505 (December 2002).

## Types of Teaching Authorizations and Certifications

<b>Non-Standard Temporary Authorizations to Teach</b>			
<p><b>Temporary Authority to Teach</b></p> <p>(A teacher may hold a one-year Temporary Authorization to Teach for a maximum of three years while pursuing a specific certification area. He/she may not be issued another Temporary Certification at the end of the three years for the same certification unless the Louisiana Department of Education designates the certification area as one that requires extensive hours for completion.)</p>	<p>Districts may recommend that teachers be given one-year temporary authorizations to teach according to the stipulated conditions.</p> <p>Districts must provide a signed affidavit by the local superintendent that "there is no regularly certified, competent, and suitable person available for that position" and that the applicant is the best qualified person for the position.</p>	<p>Conditions</p>	<p>Requirements to renew temporary authorization to teach and/or move to another certification level</p>
		<p>a. Individual who graduates from teacher preparation program but does not pass PRAXIS</p>	<p>Teacher must prepare for the PRAXIS and take the necessary examinations at least twice a year.</p>
		<p>b. Individual who holds a minimum of a baccalaureate degree from a regionally-accredited institution and who applies for admission to a Practitioner Teacher Program or other alternate program but does not pass the PPST or the content specialty examination of the PRAXIS required for admission to the program.</p>	<p>Teacher must successfully complete a minimum of six credit hours per year in the subject area(s) that they are attempting to pass on the PRAXIS; candidate must reapply for admission to a Practitioner Teacher Program or other alternate program.</p>
<p>c. Individual who holds a minimum of a baccalaureate degree from a regionally-accredited institution and who is hired after the start of the Practitioner Teacher Program</p>	<p>Teacher must apply for admission to a Practitioner Teacher Program or other alternate program and pass the appropriate PRAXIS examinations required for admission to the program.</p>		
<p><b>Practitioner Teacher License</b></p> <p>One-year license that can be held a maximum of three years, renewable annually.</p>	<p>The District and the alternate certification program provider must identify the individual as a practitioner teacher (PL1), a non-master's alternate certification program teacher (PL2), or a master's alternate certification program teacher (PL3).</p>	<p>Teacher must be admitted to and enrolled in a State-approved Practitioner Teacher Program (PL1), Non-Master's Alternate Certification Program (PL2), or Master's Degree Alternate Certification Program (PL3), which necessitates meeting all program requirements including baccalaureate degree, stipulated GPA, and passing scores on the PRAXIS PPST and content area exams.</p>	<p>The alternate certification teacher (PL1, PL2, and PL3) must remain enrolled in the respective program and fulfill all coursework, teaching assignments, and prescribed activities as identified by the program provider. Program requirements must be completed within the three-year maximum that the license can be held. PL2 and PL3 teachers must demonstrate progress toward program requirements by successfully completing at least 9 semester hours each year to remain on the PL license.</p>

<p><b>Out-of-Field Authorization to Teach</b></p> <p>(A teacher may hold a one-year Out-of-Field Authorization to Teach, renewable annually, for a maximum of three years. If the teacher is actively pursuing certification in the field and LDE designates the certification area as one requiring extensive hours for completion, two additional years of annual renewability may be granted.)</p>	<p>District submits application to LDE; renewable annually for maximum of three years.</p> <p>Superintendent of employing district must provide a signed statement that certifies that "there is no regularly certified, competent and suitable person available for the position" and that the applicant is the best-qualified person available for the position.</p>	<p>a. Individual holds a Louisiana teaching certificate, but is teaching outside of the certified area.</p>	<p>Teacher must obtain a prescription/outline of course work required for add-on certification in the area of the teaching assignment. Teacher must successfully complete a minimum of six credit hours per year of courses that lead toward certification in the area in which he/she is teaching; or the secondary-certified teacher who is teaching out-of-field may opt to take and pass the required PRAXIS content specialty examination for the specific 7-12 academic certification area, if the area has been declared as a primary or secondary teaching focus area. The district must support a teacher's efforts in this area.</p>
<p><b>Temporary Employment Permit</b></p>	<p>Under condition (a) the district submits application to LDE; renewable annually.</p> <p>Under condition (b) the Individual submits application to LDE; renewable annually.</p>	<p>a. Individual meets all certification requirements, with the exception of passing all portions of the NTE examination, but scores within ten percent of the composite score required for passage of all exams. (Currently classified as EP)</p> <p>b. Individual meets all certification requirements, with the exception of passing one of the components of the PRAXIS, but has an aggregate score equal to or above the total required on all tests. (Currently classified as TEP)</p>	<p>Superintendent and President of the school board to which the individual has applied for employment must submit a signed affidavit to the LDE stipulating that there is no other applicant who has met all of the certification requirements available for employment for a specific teaching position. Such permit shall be in effect for not more than one year, but may be renewed. Such renewal of the permit shall be accomplished in the same manner as the granting of the original permit. The granting of such emergency teaching permit shall not waive the requirement that the person successfully complete the exam.</p> <p>While employed on an emergency teaching permit, employment period does not count toward tenure.</p> <p>Temporary Employment Permits are issued at the request of individuals. All application materials required for issuance of a regular certificate must be submitted to LDE with the application for issuance of a TEP. An individual can be re-issued a permit three times only if evidence is presented that the required test has been retaken within one year from the date the permit was last issued. Beginning with the fifth year, additional documentation must be submitted by the employing district.</p>

<p align="center"><b>Standard Teaching Certifications</b></p>			
<p><b>Out of State Certificate</b></p>	<p>Individual submits application to LDE; valid for three years, non-renewable.</p>	<p>a. A teacher certified in another state who meets all requirements for a Louisiana certificate, except for the PRAXIS examinations.</p>	<p>Teacher must take and pass the appropriate PRAXIS examinations -OR- Teacher provides evidence of at least four years of successful teaching experience in another state, completes one year of employment as a teacher in Louisiana public school systems, and secures recommendation of the local superintendent of the employing school system for continued employment.</p>

<b>Professional Level Certificates</b> (effective for all new certificates issued after July 1, 2002)		
<b>Level 1 Professional Certificate</b> (Three-year term)	<p>Teachers must graduate from a State-approved teacher preparation program (traditional or alternative path), pass PRAXIS, and be recommended by a university to receive a Level 1 Professional Certificate.</p> <p style="text-align: center;">-OR-</p> <p>Teacher must complete a State-approved Practitioner Teacher Program, pass PRAXIS, and be recommended by the Practitioner Teacher Program provider to receive a Level 1 Professional Certificate.</p> <p style="text-align: center;">-OR-</p> <p>Teacher must meet the requirements of an out-of-state certified teacher.</p>	A lapsed Level 1 certificate may be extended once for an additional three years, subject to the approval of the Division of Teacher Standards, Assessment, and Certification or upon the presentation of six semester hours of resident, extension, or correspondence credit directly related to the area of certification. However, if the holder of the Level 1 certificate has not been employed regularly as a teacher for at least one semester during a period of five years, his certificate can be reinstated for three years only upon the presentation of 150 hours of professional development.
<b>Level 2 Professional Certificate</b>	Teachers with a Level 1 Professional Certificate must pass the Louisiana Assistance and Assessment Program and teach for three years to receive a Level 2 Professional Certificate.	Teachers must complete 150 clock hours of professional development over a five-year time period in order to have a Level 2 Professional License renewed.
<b>Level 3 Professional Certificate</b>	Teachers with a Level 1 or Level 2 Certificate are eligible for a Level 3 Certificate if they complete a Masters Degree, teach for five years, and pass the Louisiana Assistance and Assessment Program.	Teachers must complete 150 clock hours of professional development over a five-year time period in order to have a Level 3 Professional License renewed.
<b>Standard Teaching Certificates</b> (issued prior to July 1, 2002)		
Type C Certificate	Type C certificates will not be issued after July 1, 2002.	
Type B Certificate	Candidates currently holding Type A or Type B certificates will continue to hold these certificates, which are valid for life, provided the holder does not allow any period of five or more consecutive years of disuse to accrue and/or the certificate is not revoked by the State Board of Elementary and Secondary Education, acting in accordance with law.	
Type A Certificate		
<i>Process for Renewing Lapsed Professional Certificates</i>		
<b>Type C, B, and A Certificates</b>		
<p>Type B and Type A certificates will lapse for disuse if the holder thereof allows a period of five consecutive calendar years to pass in which he is not a regularly employed teacher for at least one semester (90 consecutive days). Reinstatement of a lapsed certificate shall be made only on evidence that the holder has earned six semester hours of resident, extension, or correspondence credit in courses approved by the Division of Teacher Standards, Assessment, and Certification or a dean of a Louisiana college of education. The six semester credit hours of extension must be earned during the five-year period immediately preceding reinstatement.</p> <p>A lapsed Type C certificate may be renewed for an additional three years, subject to the approval of the Division of Teacher Standards, Assessment, and Certification or upon the presentation of six semester hours of credit directly related to the area(s) of certification. Such credit hours shall be resident, extension, or correspondence credit in courses approved by the Division of Teacher Standards, Assessment, and Certification or a dean of a Louisiana college of education. However, if the holder of a Type C certificate has not been employed regularly as a teacher for at least one semester during a period of five years, his certificate can be reinstated for three years only upon the presentation of the six semester hours of credit as described previously in the paragraph.</p>		
<b>Level 2 and 3 Certificates</b>		
<p>Level 2 and Level 3 professional certificates will lapse (a) for disuse if the holder thereof allows a period of five consecutive calendar years to pass in which he is not a regularly employed teacher for at least one semester (90 consecutive days), or (b) if the holder fails to complete the required number of professional development hours during his employ. Reinstatement of a lapsed certificate shall be made only on evidence that the holder has earned six semester hours of resident, extension, or correspondence credit in courses approved by the Division of Teacher Standards, Assessment, and Certification or a dean of a Louisiana college of education. The six semester credit hours of extension must be earned during the five-year period immediately preceding reinstatement.</p>		

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Weegie Peabody  
Executive Director

0212#039

**RULE**

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

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

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and in accordance with R.S. 29:383, the Department of Veterans Affairs has amended .LAC 4:VII.943.A pertaining to nursing care resident fee charged at Louisiana State Veterans Homes. This action has been taken to comply with nursing care fee changes approved by the Veterans Affairs Commission, effective July 1, 2002.

**Title 4**

**ADMINISTRATION**

**Part VII. Governor-s Office**

**Chapter 9. Veterans Affairs**

**Subchapter A. Veterans= Home**

**§943. Nursing Care Resident Fee**

A. Patients will be allowed to retain the first \$90 per month for personal spending and appropriate deduction(s) for any legal dependent(s) as specified in §941.C, effective July 1, 2002. All remaining income must be applied to the care and maintenance fee until maximum care cost is reached.

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

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Veterans Affairs, LR 9:411 (June 1983), repromulgated LR 9:549 (August 1983), amended LR 11:34 (January 1985), LR 13:86 (February 1987), LR 13:161 (March 1987), LR 21:802 (August 1995), LR 28:2509 (December 2002).

David Perkins  
Deputy Assistant Secretary

0212#027

**RULE**

**Office of the Governor  
Division of Administration  
Office of Group Benefits**

**EPOC Comprehensive Medical Benefits  
(LAC 32:V.701)**

Editor's Note: This section is being repromulgated to correct codification errors. Section 701 was printed in the November 2002 issue of the *Louisiana Register* on pages 2342 and 2343.

**Title 32**

**EMPLOYEE BENEFITS**

**Part V. Exclusive Provider (EPO) Plan of Benefits**

**Chapter 7. Schedule of Benefits–EPO**

**§701. Comprehensive Medical Benefits**

A. Eligible expenses for professional medical services are reimbursed on a fee schedule of maximum allowable charges. All eligible expenses are determined in accordance with plan limitations and exclusions.

	Non-EPO Provider	EPO Provider
Lifetime Maximum for all Benefits except Outpatient Prescription Drug Benefits per person ...		
Lifetime Maximum for all Outpatient Prescription Drug Benefits per person ...		

1. ...

**2.a. Percentage Payable after Satisfaction of Applicable Deductibles**

	Non-EPO Provider	EPO Provider
Eligible expenses incurred at an EPO ...		
Eligible expenses incurred at a PPO ...		
Eligible expenses incurred at a non-PPO/non-EPO when one is available in the region ...		
Eligible expenses incurred at a non-PPO/non-EPO when not available at an EPO/PPO or out of state ...		
Eligible expenses incurred when Medicare or Other Group Health plan is primary, and after Medicare reduction ...		
Eligible expenses in excess of \$10,000 per Calendar Year per person	100%	N/A

**b. Member Co-Payments**

	Non-EPO Provider	EPO Provider
Inpatient Hospital Services	N/A	\$100 per day up to \$300
Outpatient Services		
Physician services	N/A	\$ 15/\$25 <sup>1</sup>
Physical /Occupational Therapy <sup>2</sup>	N/A	\$ 15
Speech Therapy	N/A	\$ 15
Surgery	N/A	\$ 100
MRI/CAT SCAN	N/A	\$ 50
Sonograms	N/A	\$ 25
Cardiac Rehabilitation (6-month limit)	N/A	\$ 15
Emergency Room Services (waived if admitted)	N/A	\$100
Pre-Natal And Postpartum Maternity (one-time co-payment to include Physician delivery charge, all pre-natal, one postpartum visit)	N/A	\$ 90
Home Health (Limit 150 visits per Plan year; requires prior approval through Case Management)	N/A	\$ 15 per visit
• Note: Services rendered by non-EPO providers are subject to deductible.		

A.3. - E. ...

F. - G Reserved.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Trustees of the State Employees' Group Benefits Program, LR 25:1823 (October 1999), amended LR 26:487 (March 2000), LR 27:717 (May 2001), amended by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 27:1886 (November 2001), LR 28:476 (March 2002), LR 28:2342, 2343 (November 2002), repromulgated LR 28:2509 (December 2002).

0212#055

## RULE

### Office of the Governor Office of Elderly Affairs

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

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

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

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

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

#### Title 4

#### ADMINISTRATION

#### Part VII. Governor's Office

#### Chapter 11. Elderly Affairs

#### Subchapter G. Drug Testing for Employees

#### §1281. Definitions

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

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

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

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

**Reasonable Suspicion** Belief based upon objective and articulable facts derived from direct observation of specific physical, behavioral, odorous presence, or performance indicators and being of sufficient import and quantity to lead

a prudent person to suspect that an employee is in violation of this policy.

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

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

**Workplace** Any location on agency property including all property, offices and facilities (including all vehicles and equipment) whether owned, leased or otherwise used by the agency or by an employee on behalf of the agency in the conduct of its business in addition to any location from which an individual conducts agency business while such business is being conducted.

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

**HISTORICAL NOTE:** Promulgated by Office of the Governor, Office Elderly Affairs, LR 28:2510 (December 2002).

#### §1283. Policy Provisions

##### A General Provisions

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

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

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

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

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

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

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

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

E. Safety-Sensitive and Security-Sensitive Positions. These positions are identified within the agency by the appointing authority of the Governor's Office of Elderly Affairs and determined to be safety or security-sensitive after consultation with Louisiana Department of Justice.

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

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

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

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

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

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

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

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

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

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

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

HISTORICAL NOTE: Promulgated by Office of the Governor, Office Elderly Affairs, LR 28:2510 (December 2002).

Paul F. "Pete" Arceneaux  
Executive Director

0212#028

## **RULE**

### **Office of the Governor Used Motor Vehicle and Parts Commission**

Educational Program (LAC 46:V.4405)

Editor's Note: Section 4405 is being repromulgated to correct a codification error. This Section was printed in the November 2002 issue of the *Louisiana Register* on page 2352.

#### **Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS Part V. Automotive Industry Subpart 2. Used Motor Vehicle and Parts Commission Chapter 27. The Used Motor Vehicle and Parts Commission §4405. Educational Program**

A. The educational seminar will consist of information pertaining to the Used Motor Vehicle and Parts Commission, Department of Revenue and Taxation, Office of Motor Vehicles, Wildlife and Fisheries, Motor Vehicle Commission and Attorney General's Office. The items to be reviewed are as follows:

1. LUMVPC background of the agency, laws, rules and regulations, license requirements, area of responsibility,

complaint procedures, hearing procedures and non-delivery of titles;

- 2. LMVCCfinance licenses;
- 3. RevenueCsubmission of monthly sales reports and collection of taxes;
- 4. Office of Motor VehiclesCnon-delivery of titles, certificates of title and completion of titles by dealers;
- 5. Wildlife and FisheriesCregistration of marine products;
- 6. Office of Attorney GeneralCcivil and criminal matters.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:774.B.(3)(b)(i)-(iv).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Used Motor Vehicle and Parts Commission, LR 28:2352 (November 2002), repromulgated LR 28:2511 (December 2002).

0212#056

## RULE

### Department of Health and Hospitals Board of Dentistry

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

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the Dental Practice Act, R.S. 37:751, et seq., and particularly R.S. 37:760(8), the Department of Health and Hospitals, Board of Dentistry has amended LAC 46:XXXIII.122, 124, 301, 1609, and 1709.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part XXXIII. Dental Health Profession

#### Chapter 1. General Provisions

#### §122. Scopes of Practice

A. - B. ...

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

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

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

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

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

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

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 24:1114 (June 1998), amended LR 28:2512 (December 2002).

#### §124. Guidelines for Returning to Active Practice

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

B. - J. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 25:511 (March 1999), amended LR:28:2512 (December 2002)

#### Chapter 3. Dentists

#### §301. Advertising and Soliciting by Dentists

A. - C. ...

D. Definitions

\* \* \*

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

\* \* \*

E. - K. ...

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

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Dentistry, December 1970, amended 1971, amended and promulgated LR 13:179 (March 1987), amended by the Department of Health and Hospitals, Board of Dentistry, LR 15:966 (November 1989), LR 18:739 (July 1992), LR 20:657 (June 1994), LR 21:567 (June 1995), LR 22:23 (January 1996), LR 22:1215 (December 1996), repromulgated LR 23:199 (February 1997), amended LR 23:1524 (November 1997), LR 25:509 (March 1999), LR 25:1476 (August 1999), LR 26:690 (April 2000), LR 27:1890 (November 2001), LR 28:2512 (December 2002).

#### Chapter 16. Continuing Education Requirements

#### §1609. Reporting and Record Keeping

A. ...

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

C. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 20:661 (June 1994), amended LR 26:489 (March 2000), LR 28:2512 (December 2002).

**Chapter 17. Licensure Requirements**

**§1709. Examination of Dentists**

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

B. - D. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 24:1119 (June 1998), amended LR 28:2513 (December 2002).

C. Barry Ogden  
Executive Director

0212#044

**RULE**

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

**Temporary Permits  
(LAC 46:XLVII.3329)**

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

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part XLVII. Nurses**

**Subpart 2. Registered Nurses**

**Chapter 33. General**

**Subchapter C. Registration and Registered Nurse**

**Licensure**

**§3329. Temporary Permits**

A. - C. ...

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

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

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

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

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

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

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

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

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

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

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 7:74 (March 1981), amended by the Department of Health and Hospitals, Board of Nursing, LR 23:961 (August 1997), LR 24:1293 (July 1998), LR 28:2513 (December 2002).

Barbara L. Morvant  
Executive Director

0212#020

**RULE**

**Department of Health and Hospitals  
Office of Public Health**

**Safe Drinking Water Program  
Interim Enhanced Surface Water Treatment  
(LAC 51:XII.Chapters 1-11)**

Under the authority of R.S. 40:4 and 40:5, the Department of Health and Hospitals, Office of Public Health (DHH-OPH) has amended certain sections of Chapters 1 and 3 of Part XII (Water Supplies) of the Louisiana State Sanitary Code (LAC 51:XII). In addition, LAC 51:XII.Chapter 11 has been amended and renumbered in its entirety since new sections have been inserted.

**Title 51**

**PUBLIC HEALTH SANITARY CODE**

**Part XII. Water Supplies**

**Chapter 1. General**

**§101. Definitions**

A. Unless otherwise specifically provided herein, the following words and terms used in this Part of the Sanitary Code, and all other Parts which are adopted or may be adopted, are defined for the purposes thereof as follows:

\*\*\*

*Substantial Renovation* Instances when new water treatment units are added to existing water treatment plants or non-serviceable portions of existing water treatment units are reconstructed. In addition, alterations or changes which increase plant capacity are included in this term.

\* \* \*

**AUTHORITY NOTE:** The first source of authority for promulgation of the Sanitary Code is in R.S. 36:258 (B), with more particular provisions found in Chapters 1 and 4 of Title 40 of the Louisiana Revised Statutes. This Part is promulgated in accordance with R.S. 36:254 (B)(7), R.S. 40:4 (A)(8), R.S. 40:5 (2)(3)(5)(6)(17)(20), and R.S. 40:1148.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1318 (June 2002), amended LR 28:2513 (December 2002).

**Chapter 3. Water Quality Standards**

**§323. Filtration**

A. All potable water derived from surface waters shall be filtered before distribution. Pressure filters shall not be used as the primary turbidity removal mechanism in the filtration of surface waters. On a case-by-case basis, DHH may allow pressure filters to be used as the primary turbidity removal mechanism in systems identified as being a groundwater under the direct influence of surface water (GWUDISW) system.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:4 (A)(8) and R.S. 40:5 (5)(6).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1322 (June 2002), amended LR 28:2514 (December 2002).

**§355. Mandatory Disinfection**

A. Routine, continuous disinfection is required of all public water systems other than those under §361.A of this Part. Where continuous chlorination methods are used, the following minimum concentration of free chlorine residual shall be provided leaving the plant:

pH Value	Free Chlorine Residual
up to 7.0	0.4 mg/l
7.0 to 8.0	0.6 mg/l
8.0 to 9.0	0.8 mg/l
over 9.0	1.0 mg/l

1. This table does not apply to systems using chloramines.

B. All new groundwater systems installed after the effective date of these regulations shall provide at least 30 minutes contact time prior to the first customer. It is recommended that all existing systems provide the 30 minutes contact time prior to the first customer. Additions to or extensions of existing systems are exempt from the 30 minutes contact time.

C. Public water systems which use surface water or ground water under the direct influence of surface water shall meet the requirements of applicable sections of the Louisiana Interim Enhanced Surface Water Treatment Rule (LAC 51:XII.Chapter 11) as it pertains to CT and *Giardia*, *Cryptosporidium*, and virus removal/inactivation/disinfection requirements.

D. The effective date for mandatory disinfection for all public water systems serving a population of greater than 500 shall be July 1, 1995.

E. The effective date of mandatory disinfection for all public water systems serving a population of 500 or less shall be July 1, 1996.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:4 (A)(8) and R.S. 40:5 (5)(6).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1326 (June 2002), amended LR 28:2514 (December 2002).

**Chapter 11. Interim Enhanced Surface Water Treatment Rule**

**Subchapter A. General Requirements and Definitions**

**§1101. General Requirements**

A. For public water systems using surface water or groundwater under the direct influence of surface water (GWUDISW), this Chapter establishes or extends treatment technique requirements in lieu of maximum contaminant levels for the following microbial contaminants: *Giardia lamblia* (cysts), viruses, heterotrophic plate count bacteria, *Legionella*, turbidity, and (for public water systems using surface water or GWUDISW as its source of water supply and serving at least 10,000 individuals) *Cryptosporidium* oocysts.

B. Each supplier using an approved surface water as its source of water supply shall provide multibarrier treatment necessary to reliably protect users from the adverse health effects of microbiological contaminants and to comply with the requirements and performance standards prescribed in this Chapter.

C. Unless the Department of Health and Hospitals, hereinafter referred to as DHH, determines that a shorter time limit is necessary due to an emergency situation or the finding of a significant deficiency, a supplier shall, within 90 days from the date of notification by DHH that a treatment plant using surface water or GWUDISW as its source of water supply does not meet the requirements of this Chapter, submit for DHH approval a plan and schedule to bring its system into compliance.

D. If the supplier disagrees with the DHH's notification issued pursuant to §1101.C of this Part, then the supplier shall submit in writing reasons and evidence for its disagreement as soon as possible but not later than 30 days from the receipt of the notification unless an extension of time to meet this requirement is requested and granted by the DHH. In cases when DHH's notification involves an emergency situation or the finding of a significant deficiency, the supplier shall submit in writing reasons and evidence for its disagreement as soon as possible but not later than 14 days from the receipt of such notification.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:4 (A)(8) and R.S. 40:5 (2)(3)(5)(6)(17)(20).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1335 (June 2002), amended LR 28:2514 (December 2002).

**§1103. Definition of Terms**

A. Words Not Defined. Words not defined in this Chapter shall have the meanings stated in Section 101 of this Part or other Parts of the Louisiana State Sanitary Code. When words not defined in this Chapter are defined in both §101 of this Part and in another Part of the Louisiana State Sanitary Code, the definition contained within §101 of this Part shall be given preference as it pertains to water supplies. Words not defined in any of these source documents shall

have the meanings stated in the Merriam-Webster's Collegiate Dictionary-Tenth Edition, as revised.

B. Definitions. Definitions contained in §101 of this Part shall also apply to this Appendix except where the following special definitions apply.

**Approved Surface Water**Ca surface water or GWUDISW that has received permit approval from the DHH as a source of water supply for a public water system.

**Best Available Technology**Cfor the purpose of this Chapter in relation to the treatment of surface water, means conventional filtration treatment which conforms with all of the requirements of this Appendix.

**Calibration<sub>dra</sub>**Cto standardize [adjust the instrument response to a National Institute of Standards and Technology (NIST) traceable standard] a disinfectant residual analyzer (such as, but not limited to, a bench top or a continuous monitoring disinfectant residual analyzer using colorimetry or spectrophotometry) by determining the deviation from a NIST traceable standard so as to ascertain and implement the proper correction factors in an attempt to obtain accurate and reliable sample results.

**Calibration<sub>C</sub>**Cto standardize (adjust the instrument response to a turbidity primary standard) a turbidimeter (such as a bench top or continuous monitoring turbidimeter)by determining the deviation from a turbidity primary standard so as to ascertain and implement the proper correction factors in an attempt to obtain accurate and reliable sample results.

**Certified Operator**Cfor the purpose of this Chapter, the individual, as examined by the Committee of Certification and as approved by the State Health Officer, meeting all requirements of State Law and regulation and found competent to operate a treatment plant for a public water system which utilizes surface water or GWUDISW as its source of water supply.

**Coagulation**Ca process using coagulant chemicals and rapid mixing by which colloidal and suspended material are destabilized and agglomerated into settleable and/or filterable flocs.

**Comprehensive Performance Evaluation (CPE)**Ca thorough review and analysis of a treatment plant's performance-based capabilities and associated administrative, operation, and maintenance practices. It is conducted to identify factors that may be adversely impacting a plant's capability to achieve compliance and emphasizes approaches that can be implemented without significant capital improvements. It consists of at least the following components: assessment of plant performance; evaluation of major unit processes; identification and prioritization of performance limiting factors; assessment of the applicability of comprehensive technical assistance; and, preparation of a CPE report.

**Conventional Filtration Treatment**Ca series of treatment processes which includes coagulation, flocculation, sedimentation, and filtration resulting in substantial particulate removal.

**Deep Bed Filtration**Ca process for removing particulate matter from water by passage through porous media exceeding 42 inches in total depth. Underdrain gravels are not to be included.

**Diatomaceous Earth Filtration**Ca process resulting in particulate removal in which a precoat cake of graded

diatomaceous earth filter media is deposited on a support membrane (septum) and, while the water is being filtered by passing through the cake on the septum, additional filter media known as body feed is continuously added to the feed water to maintain the permeability of the filter cake.

**Direct Filtration Treatment**Ca series of processes including coagulation, flocculation, and filtration but excluding sedimentation.

**Disinfectant Contact Time ("T" in CT calculations)**Cthe time in minutes that it takes for water to move from the point of disinfectant application or a previous point of disinfectant residual measurement to a point before or at the point where residual disinfectant concentration is measured. The point of measurement shall be before or at the first customer. Disinfectant contact time in pipelines is calculated by dividing the internal volume of the pipe by the flow rate through the pipe. Disinfectant contact time with mixing basins and storage reservoirs is determined by tracer studies or an equivalent demonstration to the DHH.

**Disinfection**Ca process which inactivates pathogenic organisms in water by chemical oxidants or equivalent agents.

**Disinfection Profile**Ca summary of daily *Giardia lamblia* inactivation through the treatment plant. For any system that uses either chloramines or ozone for primary disinfection, this term shall additionally include a summary of daily virus inactivation through the treatment plant.

**Engineering Report**Ca water treatment technical report prepared by a qualified engineer.

**Filter Profile**Ca graphical representation of individual filter performance, based on continuous turbidity measurements versus time for an entire filter run, from startup to backwash inclusively, that includes an assessment of filter performance while another filter is being backwashed.

**Filtration**Ca process for removing particulate matter from water by passage through porous media.

**Flocculation**Ca process to enhance agglomeration or collection of smaller floc particles into larger, more easily settleable or filterable particles through gentle stirring by hydraulic or mechanical means.

**Groundwater Under the Direct Influence of Surface Water (GWUDISW)**Cany water beneath the surface of the ground with significant occurrence of insects or other macroorganisms, algae, or large diameter pathogens such as *Giardia lamblia* or (for public water systems using surface water or GWUDISW as its source of water supply and serving at least 10,000 individuals) *Cryptosporidium*, or significant and relatively rapid shifts in site specific water characteristics such as turbidity, temperature, conductivity or pH which closely correlate to climatological or surface water conditions. The DHH determination of direct influence may be based on an evaluation of site specific measurements of water quality and/or well characteristics and geology with field evaluation.

**Heterotrophic Plate Count (HPC)**Claboratory analytical procedure for estimating the number of live heterotrophic bacteria in water using instrumentation and methods as described in *Standard Methods for the Examination of Water and Wastewater*, 19th Edition. Results of such analysis is reported as "colony-forming units per milliliter" (cfu/ml).

**Legionella**Ca genus of bacteria, some species of which have caused a type of pneumonia called Legionnaires disease.

**Multibarrier Treatment**Ca series of water treatment processes that provide for both removal and inactivation of waterborne pathogens.

**Nephelometric Turbidity Unit (NTU)**Ca measurement of the turbidity of water as determined by the comparison of the intensity of light scattered by the sample to the intensity of incident light, using instrumentation and methods described in ¶105.B of this Chapter.

**Peak Hourly Flow**the maximum flow through a particular disinfection segment over a 1 hour period during 24 hourly periods in a calendar day.

**Pressure Filter**Ca pressurized vessel containing properly sized and graded granular media.

**Primary Standard (Turbidity)**C"turbidity primary standard".

**Qualified Engineer**Cany engineer who has been registered under the provisions of R.S. 37:681, *et seq.*, and who holds a current certificate issued by the Louisiana Professional Engineering and Land Surveying Board, and who has knowledge and experience in water treatment plant design, construction, operation, and watershed evaluations.

**Residual Disinfectant Concentration ("C" in CT calculations)**Cthe concentration of the disinfectant in milligrams per liter (mg/l) in a representative sample of water.

**Sedimentation**Ca process for removal of settleable solids before filtration by gravity or separation.

**Slow Sand Filtration**Ca process involving passage of raw water through a bed of sand at low velocity (less than 0.10 gallons per minute per square foot) resulting in substantial particulate removal by physical and biological mechanisms.

**Supplier**Cfor the purpose of this Chapter, means the owner or operator of a public water system.

**Surface Water**Call water open to the atmosphere and subject to surface runoff.

**Turbidity**Ca measure of the decline of the clarity of water caused by suspended and colloidal matter, such as clay, silt, finely divided organic and inorganic matter, plankton, and other microscopic organisms. It is formally expressed as the optical property that causes light to be scattered and absorbed, rather than transmitted with no change in direction through the sample.

**Turbidity Level**Cthe value in NTU obtained by measuring the turbidity of a representative grab sample of water at a specified regular interval of time. If continuous turbidity monitoring is utilized, the turbidity level is the discrete turbidity value at any given time.

**Turbidity Primary Standard**Ca suspension used to calibrate a turbidimeter, such as user-prepared formazin, commercial stock formazin suspensions, or commercial styrene-divinylbenzene suspensions. Such suspensions shall be prepared and used in conformity with the laboratory methods described in ¶105.B of this Chapter.

**Validation**Cto determine the degree of deviation of a measuring instrument (such as a bench top or continuous monitoring turbidimeter) from a primary standard by employing less sophisticated or involved means typically

employed during a calibration, such as use of a state-approved secondary standard.

**Virus**Cany of a large group of submicroscopic agents (that consist of a RNA or DNA core of genetic material surrounded by a protein coat but no semipermeable membrane) that are capable of growth and multiplication only in living cells and that are infectious to humans by waterborne transmission and that cause various important diseases in humans, including, but not limited to, poliomyelitis, aseptic meningitis, infectious hepatitis, gastroenteritis, etc.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:4 (A)(8), R.S. 40:5 (2)(3)(5)(6)(17)(20), and R.S. 40:1148.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1336 (June 2002), amended LR 28:2514 (December 2002).

**§1105. Analytical Requirements**

A. Analysis for total coliform, fecal coliform, or HPC which may be required (or, in the case of HPC, optionally allowed in lieu of a disinfectant residual) under this Chapter shall be conducted by a laboratory certified by DHH to do such analysis. Until laboratory certification criteria are developed, laboratories certified for total coliform analysis by DHH are deemed certified for fecal coliform and HPC analysis.

B. Public water systems shall conduct analysis for turbidity in accordance with:

1. SM 2130 B [(Nephelometric Method), *Standard Methods for the Examination of Water and Wastewater*, 19th edition, American Public Health Association (APHA), 800 I Street N.W., Washington, D.C. 20001-3710. Telephone (202)777-2742. Also available from the American Water Works Association (AWWA) and the Water Environment Federation (WEF)];

2. EPA Method 180.1 [(Nephelometric Method), "Methods for the Determination of Inorganic Substances in Environmental Samples", EPA -600-R-93-100, August 1993. Available from the National Technical Information Service, NTIS PB94-121811. Telephone (800) 553-6847]; or

3. GLI Method 2 [(Great Lakes Instrument Method 2), "Turbidity", November 2, 1982, GLI International, Inc., 9020 West Dean Road, Milwaukee, Wisconsin 53224. Telephone (414) 355-3601].

C. Public water systems shall conduct analysis for applicable residual disinfectant concentrations in accordance with one of the analytical methods in Table 1. The methods listed in the following table are contained in the *Standards Methods for the Examination of Water and Wastewater*, 19th Edition.

Table 1		
Residual	Methodology	Methods
Free Chlorine	Amperometric Titration	SM 4500-CI D
	DPD Ferrous Titrimetric	SM 4500-CI F
	DPD Colorimetric	SM 4500-CI G
	Syringaldazine (FACTS)	SM 4500-CI H
Total Chlorine	Amperometric Titration	SM 4500-CI D
	Amperometric Titration (low level measurement)	SM 4500-CI E
	DPD Ferrous Titrimetric	SM 4500-CI F
	DPD Colorimetric	SM 4500-CI G
	Iodometric Electrode	SM 4500-CI I

Chlorine Dioxide	Amperometric Titration	SM 4500-ClO <sub>2</sub> C
	DPD Method	SM 4500-ClO <sub>2</sub> D
	Amperometric Titration	SM 4500-ClO <sub>2</sub> E
Ozone	Indigo Method	SM 4500-O <sub>3</sub> B

1. Particularly for distribution system monitoring, nothing herein shall be construed to prevent a public water system from determining the residual disinfectant concentrations for free chlorine or combined chlorine by use of DPD colorimetric test kits.

D. Public water systems shall conduct analysis for pH using one of the following electrometric methods:

1. SM 4500-H<sup>+</sup> B (Standard Methods for the Examination of Water and Wastewater, 19th edition);

2. EPA Method 150.1 ("Methods for Chemical Analysis of Water and Wastes", EPA/600/4-79/020, March 1983. Available from the NTIS, PB84-128677);

3. EPA Method 150.2 ("Methods for Chemical Analysis of Water and Wastes", EPA/600/4-79/020, March 1983. Available from the NTIS, PB84-128677); or

4. ASTM Method D1293-95 [*Annual Book of ASTM Standards*, 1996, Vol. 11.01, American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959. Telephone (610) 832-9585. Note: Previous version (ASTM Method D1293-84) is also approved and is located in the *Annual Book of ASTM Standards*, 1994, Vols. 11.01].

E. Public water systems shall conduct analysis for temperature using the following thermometric method:

1. SM 2550 B (Standard Methods for the Examination of Water and Wastewater, 19th edition).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8) and 40:5 (5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1337 (June 2002), amended LR 28:2516 (December 2002).

**§1107. Calibration/Validation of Turbidimeters**

A. General. Calibration<sub>t</sub> using a turbidity primary standard shall be done in accord with approved methods listed in § 1105.B.

B. Calibration<sub>t</sub> of Turbidimeters. Bench top and continuous monitoring turbidimeters shall be calibrated using a turbidity primary standard at a frequency of no less than once every 90 days. The instruments shall be calibrated in accord with the manufacturer's instructions.

C. Validation of Bench Top Turbidimeters. Calibration<sub>t</sub> of the bench top turbidimeters shall be validated with state-approved secondary standards each time a sample or set of samples is tested. For turbidity measurements less than 0.2 NTU and the turbidimeter reading is ?20 percent or more deviation of the state-approved secondary standard, the bench top turbidimeter shall be recalibrated with a turbidity primary standard. For turbidity measurements greater than or equal to 0.2 NTU and the turbidimeter reading is ?10 percent or more deviation of the state-approved secondary standard, the bench top turbidimeter shall be recalibrated with a turbidity primary standard.

D. Validation of Continuous Monitoring Turbidimeters. Calibration<sub>t</sub> of the continuous monitoring turbidimeters shall be validated at least once each week by either using a state-approved secondary standard or determining the turbidity of the water flowing out of the continuous monitoring turbidimeter using a bench top turbidimeter. Follow-up

actions based upon the validation method selected are as follows.

1. Validation by Use of a State-Approved Secondary Standard

a. If the state-approved secondary standard is less than 0.2 NTU and the continuous monitoring turbidimeter reading is "20 percent or more deviation of the state-approved secondary standard, the continuous monitoring turbidimeter shall be recalibrated with a turbidity primary standard. If the state-approved secondary standard is greater than or equal to 0.2 NTU and the continuous monitoring turbidimeter reading is "10 percent or more deviation of the state-approved secondary standard, the continuous monitoring turbidimeter shall be recalibrated with a turbidity primary standard.

2. Validation by Determining the Turbidity of the Water Flowing out of the Continuous Monitoring Turbidimeter Using a Bench Top Turbidimeter

a. For turbidity measurements less than 0.2 NTU and the continuous monitoring turbidimeter reading is ?20 percent or more deviation from the bench top turbidimeter reading, the continuous monitoring turbidimeter shall be recalibrated with a turbidity primary standard. For turbidity measurements greater than or equal to 0.2 NTU and the continuous monitoring turbidimeter reading is ?10 percent or more deviation from the bench top turbidimeter reading, the continuous monitoring turbidimeter shall be recalibrated with a turbidity primary standard.

E. Re-Standardization of Secondary Standards. Each time a turbidimeter has been calibrated with a turbidity primary standard, the secondary standards shall be re-standardized. When a secondary standard has been assigned an expiration date by the manufacturer, nothing herein shall be construed as to allow the re-standardization of such secondary standard beyond the expiration date set by the manufacturer.

F. Records of Calibrations/Validations. Records of calibrations/validations on each bench top and continuous monitoring turbidimeter shall be maintained for at least 3 years, as follows.

1. Records of bench top turbidimeters shall include meter location, meter identification, dates of calibration<sub>t</sub>, and the name of the person performing the calibration<sub>t</sub>.

2. Records of continuous monitoring turbidimeters shall include meter location (e.g., filter number), unique meter identification (e.g., model and serial number), dates of calibration<sub>t</sub>, dates of validation, and the name of the person performing the calibration<sub>t</sub>.

G Records of Re-Standardization of Secondary Standards. Records of any re-standardization of secondary standards shall be maintained for at least 3 years, as follows:

1. Records of re-standardizations done using bench top turbidimeters shall include the value assigned to the secondary standard, date of assignment, meter identification (e.g., model and serial number) which was used to assign the secondary standard its unique value for such meter, manufacturer's expiration date, and the name of the person performing the re-standardization.

2. Records of re-standardizations done using continuous monitoring turbidimeters shall include the value assigned to the secondary standard, date of assignment, meter location (e.g., filter number), meter identification

(e.g., model and serial number) which was used to assign the secondary standard its unique value for such meter, manufacturer's expiration date, and the name of the person performing the re-standardization.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8) and 40:5 (5)(6)(17)(20).

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#### **§1109. Calibration<sub>dra</sub>/Validation of Disinfectant**

##### **Residual Analyzers**

A. Validation of Bench Top Disinfectant Residual Spectrophotometers/Colorimeters. The accuracy of bench top spectrophotometers/colorimeters used for disinfectant residual monitoring, particularly for validation of continuous disinfectant residual monitors, shall be determined at a frequency of no less than once every 90 days by use of a NIST traceable standard solution which has been obtained from an approved source (e.g., Certificate of Analysis by manufacturer). Deviations of  $\geq 10$  percent or more shall be cause for calibration<sub>dra</sub> of the equipment. The instruments shall be calibrated in accord with the manufacturer's instructions. After calibration<sub>dra</sub>, the instrument's accuracy shall be validated prior to return to service.

B. Validation/Standardization Using Other Methods. For approved methods for disinfectant residual analysis other than spectrophotometric/colorimetric methods, validation/standardization of disinfectant residual analyzers shall be performed in accord with procedures outlined in the particular method [see §1105.C].

C. Validation of Continuous Disinfectant Residual Monitors. The accuracy of residual disinfectant measurements from any continuous disinfectant residual monitor shall be validated weekly. Validation shall be performed by collecting a grab sample from the tubing supplying water to the monitor (e.g., via a tee connection which is normally capped or valved closed) at a location immediately upstream (less than 5 feet) of the continuous disinfectant residual monitor. Such grab sample shall be analyzed using a bench top spectrophotometer/colorimeter which has been calibrated according to §1109.A of this Chapter. If the spectrophotometer/colorimeter reading indicates  $\geq 10$  percent or more deviation as compared to the continuous disinfectant residual monitor reading, the cause of the disparity shall be investigated and resolved within five working days. In the meantime, grab samples shall be collected and analyzed every two hours as per §1125.B of this Chapter. The accuracy of residual disinfectant measurements from any replacement instrument shall be validated prior to service or return to service.

D. Records of Calibrations/Validations. Records of calibrations/validations on each bench top spectrophotometer/colorimeter used for disinfectant residual monitoring and on each continuous disinfectant residual monitor shall be maintained for at least three years, as follows.

1. Records of bench top spectrophotometers/colorimeters shall include meter location, meter identification, dates and results of NIST traceable standard solution, dates of calibration<sub>dra</sub>/validation and the name of the person performing the calibration<sub>dra</sub>/validation.

2. Records of continuous disinfectant residual monitors shall include meter location, unique meter identification (e.g., model and serial number), dates and results of calibration/validation, and the corrective actions taken when deviations of  $\geq 10$  percent or more occur.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8) and 40:5 (5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1338 (June 2002), amended LR 28:2518 (December 2002).

#### **§1111. Cleaning of Analytical Instrumentation**

A. A thorough cleaning of analytical instrumentation, particularly continuous monitoring turbidimeters and continuous disinfectant residual monitors, shall be performed, as necessary, prior to performing any calibration/validation. On a weekly basis, continuous monitoring turbidimeters and continuous disinfectant residual monitors shall be inspected to determine if there is any material or sedimentation in the measuring chambers. Records of such inspection/cleaning shall be kept for at least 3 years and such records shall include meter location (e.g., filter number), unique meter identification (e.g., model and serial number), dates of cleaning, and the name of the person performing the cleaning.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8) and 40:5 (5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1340 (June 2002), amended LR 28:2518 (December 2002).

#### **Subchapter B. Treatment Technique Requirements and Performance Standards**

##### **§1113. Treatment Technique Requirements**

A. Each supplier using surface water or GWUDISW shall provide multibarrier treatment that meets the requirements of this Chapter and reliably ensures at least:

1. A total of 99.9 percent (3 Log) reduction of *Giardia* cysts through treatment processes including filtration and disinfection.

2. A total of 99.99 percent (4 Log) reduction of viruses through treatment processes including filtration and disinfection.

3. For suppliers serving at least 10,000 individuals, a total of 99 percent (2 Log) removal of *Cryptosporidium* oocysts through treatment processes including filtration.

4. The total reductions to be required by the DHH may be higher and are subject to the source water concentration of *Giardia lamblia*, viruses, and for suppliers serving at least 10,000 individuals, *Cryptosporidium*.

B. Suppliers meeting the requirements of §§1115 and 1119 shall be deemed to be in compliance with the minimum reduction and removal requirements specified in §1113.A of this Chapter.

C. Section 1117 of this Chapter presents requirements for non-filtering systems. All suppliers which use surface water as a source shall provide filtration. On a case by case basis, systems using GWUDISW may not be required to filter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8) and R.S. 40:5 (2)(3)(5)(6)(17)(20).

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**§1115. Filtration Performance Standards**

A. All surface water or GWUDISW utilized by a supplier shall be treated using one of the following filtration technologies unless an alternative process has been approved by the DHH.

1. Conventional Filtration Treatment
2. Direct Filtration Treatment
3. Slow Sand Filtration
4. Diatomaceous Earth Filtration

B. Conventional filtration treatment shall be deemed to be capable of achieving at least 99.7 percent (2.5 Log) removal of *Giardia* cysts, 99 percent (2 Log) removal of *Cryptosporidium* oocysts (for public water systems serving at least 10,000 individuals), and 99 percent (2 Log) removal of viruses when in compliance with operation criteria (Subchapter D of this Chapter) and performance standards (§§1115 and 1119 of this Subchapter). Direct filtration treatment and diatomaceous earth filtration shall be deemed

to be capable of achieving at least 99 (2 Log) percent removal of *Giardia* cysts, 99 percent (2 Log) removal of *Cryptosporidium* oocysts (for public water systems serving at least 10,000 individuals), and 90 (1 Log) percent removal of viruses when in compliance with operation criteria (Subchapter D of this Chapter) and performance standard (§§1115 and 1119 of this Subchapter). Slow sand filtration shall be deemed to be capable of achieving at least 99 (2 Log) percent removal of *Giardia* cysts, 99 percent (2 Log) removal of *Cryptosporidium* oocysts (for public water systems serving at least 10,000 individuals), and 99 (2 Log) percent removal of viruses when in compliance with operation criteria and performance standards.

1. Expected minimum removal credits for public water systems serving at least 10,000 individuals are listed in Table 2 of this Chapter along with the corresponding remaining minimum disinfection log inactivation required.

Table 2 (applicable to systems serving at least 10,000 individuals)						
Treatment Methods						
Filtration Method	Expected Minimum Log Removals			Remaining Minimum Disinfection Log Inactivation Required		
	<i>Giardia</i>	<i>Crypto</i>	Virus	<i>Giardia</i>	<i>Crypto</i>	Virus
Conventional	2.5	2.0	2.0	0.5	-0-	2.0
Direct	2.0	2.0	1.0	1.0	-0-	3.0
Slow Sand	2.0	2.0	2.0	1.0	-0-	2.0
Diatomaceous Earth	2.0	2.0	1.0	1.0	-0-	3.0

2. Expected minimum removal credits for public water systems serving less than 10,000 individuals are listed

in Table 3 of this Appendix along with the corresponding remaining minimum disinfection log inactivation required.

Table 3 (applicable to systems serving less than 10,000 individuals)				
Treatment Methods				
Filtration Method	Expected Minimum Log Removals		Remaining Minimum Disinfection Log Inactivation Required	
	<i>Giardia</i>	Virus	<i>Giardia</i>	Virus
Conventional	2.5	2.0	0.5	2.0
Direct	2.0	1.0	1.0	3.0
Slow Sand	2.0	2.0	1.0	2.0
Diatomaceous Earth	2.0	1.0	1.0	3.0

3. The remaining minimum disinfection log inactivation shall not be less than what is required pursuant to Table 2 or 3, as applicable.

C. Conventional Filtration Treatment or Direct Filtration Treatment shall comply with the following performance standards for each treatment plant:

1. The turbidity level of the filtered water shall be equal to or less than 0.3 NTU in at least 95 percent of the measurements taken each month.

EXCEPTION: In the case of public water systems using surface water or GWUDISW as its source of water supply and serving less than 10,000 individuals, the turbidity level of the filtered water shall be equal to or less than 0.5 NTU in at least 95 percent of the measurements taken each month.

2. Filtered water turbidity shall not exceed 1 NTU at any time.

EXCEPTION: In the case of public water systems using surface water or GWUDISW as its source of water supply and serving less than 10,000 individuals, filtered water turbidity shall not exceed 5 NTU at any time.

D. Slow Sand Filtration shall comply with the following performance standards for each treatment plant:

1. The turbidity level of the filtered water shall be less than or equal to 1 NTU in at least 95 percent of the measurements taken each month.

2. The turbidity level of the filtered water shall at no time exceed 5 NTU.

E. Diatomaceous earth filtration shall comply with the following performance standards for each treatment plant:

1. The filtered water turbidity shall be less than or equal to 1 NTU in at least 95 percent of the measurements each month.

2. The turbidity level of representative samples of filtered water shall at no time exceed 5 NTU.

F. An alternative to the filtration technologies specified in §1115.A of this Chapter may be used provided the supplier demonstrates to the DHH that the alternative technology: provides a minimum of 99 percent *Giardia* cyst removal and 99 percent virus removal and for public water systems using surface water or GWUDISW as its source of water supply and serving at least 10,000 individuals, 99 percent (2 Log) *Cryptosporidium* oocyst removal, and meets the turbidity performance standards established in §1115.C of this Chapter. Such alternative filtration technology, in combination with disinfection treatment, shall be shown to consistently achieve a total of no less than 99.9 (3 Log) percent removal and/or inactivation of *Giardia lamblia* cysts and 99.99 (4 Log) percent removal and/or inactivation of viruses. The demonstration shall be based on the results from a prior equivalency demonstration or a testing of a full scale installation that is treating a water with similar characteristics and is exposed to similar hazards as the water proposed for treatment. A pilot plant test of the water to be treated may also be used for this demonstration if conducted with the approval of the DHH. The demonstration shall be presented in an engineering report prepared by a qualified engineer. Additional reporting for the first full year of operation of a new alternative filtration treatment process approved by the DHH, may be required at DHH discretion. The report would include results of all water quality tests performed and would evaluate compliance with established performance standards under actual operating conditions. It would also include an assessment of problems experienced, corrective actions needed, and a schedule for providing needed improvements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 (A)(8) and 40:5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1340 (June 2002), amended LR 28:2519 (December 2002).

**§1117. Non-Filtering Systems**

A. General. On a case-by-case basis, DHH may waive filtration requirements for suppliers using GWUDISW. To be considered, non-filtering systems shall conform to the criteria of this Section. All suppliers using surface water shall employ filtration.

**B. Source Water Quality to Avoid Filtration**

1. To avoid filtration, a system shall demonstrate that either the fecal coliform concentration is less than 20/100 ml and/or the total coliform concentration is less than 100/100 ml in the water prior to the point of disinfectant application in 90 percent of the samples taken during the six previous months. Samples shall be taken prior to blending, if employed.

a. If both fecal and total coliform analysis is performed, only the fecal coliform limit shall be met, under this condition, both fecal and total coliform results shall be reported.

b. Sample analyses methods may be the multiple-tube fermentation technique or the membrane filter technique as described in the *Standard Methods for the Examination of Water and Wastewater*, 19th Edition.

c. Minimum sampling frequencies:

Population	Samples/Week
#500	1
501-3300	2
3301-10,000	3
10,001-25,000	4
> 25,000	5

d. Also, one coliform sample shall be taken and analyzed each day the turbidity exceeds 1 NTU prior to disinfection.

2. To avoid filtration, the turbidity of the water prior to disinfection cannot exceed 5 NTU based on grab samples collected every 4 hours (or more frequently) that the system is in operation. Continuous turbidity measurement is allowed provided the accuracy of the turbidity measurements are validated at least weekly in accord with §107.D of this Chapter. If there is a failure in the continuous turbidity monitoring equipment, the system shall collect and analyze a grab sample every 4 hours in lieu of continuous monitoring. Systems shall maintain the results of these turbidity measurements for at least 3 years.

**C. Disinfection Criteria to Avoid Filtration**

1. To avoid filtration, a system shall demonstrate that it maintains disinfection conditions which inactivate 99.9 percent (3 Log) of *Giardia* cysts and 99.99 percent (4 Log) of viruses everyday of operation except any one day each month. To demonstrate adequate inactivations, the system shall monitor and record the disinfectant used, disinfectant residual at peak hourly flow, disinfectant contact time at peak hourly flow, pH, and water temperature, and use these data to determine if it is meeting the minimum total inactivation requirements of this rule.

a. A system shall demonstrate compliance with the inactivation requirements based on conditions occurring during peak hourly flow. Residual disinfectant measurements shall be taken hourly. Continuous disinfectant residual monitors are acceptable in place of hourly samples provided the accuracy of the disinfectant measurements are validated at least weekly in accord with §1109.B or C, as applicable, of this Chapter. If there is a failure in the continuous disinfectant residual monitoring equipment, the system shall collect and analyze a grab sample every hour in lieu of continuous monitoring. Systems shall maintain the results of disinfectant residual monitoring for at least 3 years.

b. pH and temperature shall be determined daily for each disinfection sequence prior to or at the first customer.

2. To avoid filtration, the system shall maintain a minimum residual of 0.2 mg/L free chlorine or 0.4 mg/L total chlorine entering the distribution system and maintain a detectable residual throughout the distribution system. Performance standards shall be as presented in §1119.B and C of this Chapter.

3. To avoid filtration, the disinfection system shall be capable of assuring that the water delivered to the distribution system is continuously disinfected. This requires:

a. Redundant disinfection equipment with auxiliary power and automatic start up and alarm; or

b. An automatic shut off of delivery of water to the distribution system when the disinfectant residual level drops below 0.2 mg/l free chlorine residual or 0.4 mg/L total chlorine residual.

D. Site Specific Conditions To Avoid Filtration. In addition to the requirement for source water quality and disinfection, systems shall meet the following criteria to avoid filtration: maintain a watershed control program, conduct a yearly on-site inspection, determine that no waterborne disease outbreaks have occurred, comply with the total coliform MCL at least 11 months of the 12 previous months that the system served water to the public and comply on an ongoing basis, comply with Disinfection By-Product(DBP)regulations for total trihalomethanes (TTHM), haloacetic acids (five) [HAA5], bromate, and chlorite, and comply with Maximum Residual Disinfection Level (MRDL)regulations for chlorine, chloramines, and chlorine dioxide.

1. Watershed Control Program. A watershed control program for systems using GWUDISW shall include as a minimum the requirements of the Wellhead Protection Program (WHPP), delineated as follows:

a. specify the duties of state agencies, local governmental entities and public water supply systems with respect to the development and implementation of the WHPP;

b. determine the wellhead protection area (WHPA) for each wellhead as defined in 42 U.S.C.A. 300h-7(e) based on all reasonably available hydrogeologic information, groundwater flow, recharge and discharge and other information the State deems necessary to adequately determine the WHPA;

c. identify within each WHPA all potential anthropogenic sources of contaminants which may have any adverse effect on the health of persons, specifically with the goal of minimizing the potential for contamination of the source water by *Giardia lamblia* cysts, viruses, and, for systems serving at least 10,000 individuals, *Cryptosporidium* oocysts;

d. describe a program that contains, as appropriate, technical assistance, financial assistance, implementation of control measures, education, training and demonstration projects to protect the water supply within WHPAs from such contaminants;

e. present contingency plans for locating and providing alternate drinking water supplies for each public water system in the event of well or wellfield contamination by such contaminants;

f. consider all potential sources of such contaminants within the expected wellhead area of a new water well which serves a public water system; and

g. provide for public participation.

2. On-Site Inspection. An annual on-site inspection is required to evaluate the watershed control program and disinfection facilities. The system shall be reviewed by a qualified engineer for the systems adequacy for producing

safe drinking water. The annual on-site inspection shall include as a minimum:

a. review the effectiveness of the watershed control program;

b. review the physical condition and protection of the source intake;

c. review the maintenance program to insure that all disinfection equipment is appropriate and has received regular maintenance and repair to assure a high operating reliability;

d. review improvements and/or additions made to disinfection processes during the previous year to correct deficiencies detected in earlier surveys;

e. review the condition of disinfection equipment;

f. review operating procedures;

g. review data records to assure that all required tests are being conducted and recorded and disinfection is effectively practiced; and

h. identify any needed improvements in the equipment, system maintenance and operation, or data collection.

3. Sanitary Survey. In addition to the above requirements, a sanitary survey shall be performed every 3 years for community water systems and every 5 years for non-community water systems which use GWUDISW without filtration. The sanitary survey shall include:

a. review the condition of finished water storage facilities;

b. determine that the distribution system has sufficient pressure throughout the year;

c. verify that distribution system equipment has received regular maintenance;

d. review cross connection prevention program, including annual testing of backflow prevention devices;

e. review routine flushing program for effectiveness;

f. evaluate the corrosion control program and its impact on distribution water quality;

g. review the adequacy of the program for periodic storage reservoir flushing;

h. review practices in repairing water main breaks to assure they include disinfection;

i. review additions, improvements incorporated during the year to correct deficiencies detected in the initial inspection;

j. review the operations to assure that any difficulties experienced during the year have been adequately addressed;

k. review staffing to assure adequate numbers of certified operators are available in accord with LAC 48:V.Chapter 73;

l. verify that a regular maintenance schedule is followed;

m. audit systems records to verify that they are adequately maintained; and

n. review bacteriological data from the distribution system for coliform occurrence, repeat samples and action response.

4. No Disease Outbreaks. To avoid filtration, a system using GWUDISW shall not have been identified as a source of waterborne disease. If such an outbreak has occurred and (in the opinion of DHH) was attributed to a treatment

deficiency, the system shall install filtration unless the system has upgraded its treatment to remedy the deficiency to the satisfaction of DHH.

5. Coliform MCL Regulations. To avoid filtration, a system shall have complied with the MCL for Total Coliforms, established in the Total Coliform Rule, for at least 11 out of 12 of the previous months unless DHH determines the failure to meet this requirement was not caused by a deficiency in treatment.

6. DBP Regulations. For a system using GWUDISW to continue using disinfection as the only treatment, the system shall comply with the DBP regulations, including TTHM, HAA5, bromate, and chlorite, as applicable.

7. MRDL Regulations. For a GWUDISW system to continue using disinfection as the only treatment, the system shall comply with the MRDLs for chlorine, chloramines, and chlorine dioxide, as applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40: 4 (A)(8) and 40: 5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1341 (June 2002), amended LR 28:2520 (December 2002).

#### **§1119. Disinfection Performance Standards**

A. All surface water or GWUDISW utilized by a supplier shall be provided with continuous disinfection treatment sufficient to ensure that the total treatment process provides inactivation of *Giardia* cysts and viruses, in conjunction with the removals obtained through filtration, to meet the reduction requirements specified in §1113 of this Chapter.

B. Disinfection treatment shall comply with the following performance standards:

1. Water delivered to the distribution system shall contain a disinfectant residual of not less than 0.2 mg/l free chlorine or 0.4 mg/l total chlorine for more than 4 hours in any 24 hour period.

2. The residual disinfectant concentrations of samples collected from the distribution system shall be detectable in at least 95 percent of the samples each month, taken during any two consecutive months. At any sample point in the distribution system, the presence of heterotrophic plate count (HPC) bacteria at concentrations less than 500 colony-forming units per milliliter (cfu/ml) shall be considered equivalent to a detectable disinfectant residual.

C. Determination of Inactivation by Disinfection. Minimum disinfection requirements shall be determined by DHH on a case-by-case basis but shall not be less than those required in Table 2 of §1115.B.1 or Table 3 of §1115.B.2, as applicable, of this Chapter. The desired level of inactivation shall be determined by the calculation of CT values; residual disinfectant concentration ("C") times the contact times ("T") when the pipe or vessel is in operation. Disinfectant contact time shall be determined by tracer studies.

1. The  $T_{10}$  value will be used as the detention time for calculating CTs.  $T_{10}$  is the detention time at which 90 percent of the flow passing through a vessel is retained within the vessel. Systems conducting tracer studies shall submit a plan to DHH for review and approval prior to the study being conducted. The plan shall identify how the study will be conducted, the tracer to be used, flow rates, etc. The plan shall also identify who will actually conduct the study. Tracer studies are to be conducted according to protocol found in standard engineering texts (such as Levenspiel), or

the methodology in EPA's *Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems using Surface Water Sources*, March 1991 Edition (SWTR Guidance Manual).

2. On a case-by-case basis, alternate empirical methods of calculating  $T_{10}$  as outlined in the SWTR Guidance Manual may be accepted for vessels with geometry and baffling conditions analogous to basins on which tracer studies have been conducted and results have been published in the SWTR Guidance Manual or the literature.

3. Additional tracer studies shall be conducted by the supplier whenever modifications are made which may impact flow distribution, contact time, or disinfectant distribution.

4. CT values utilized in this evaluation shall be those reported in the SWTR Guidance Manual.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40: 4 (A)(8) and 40: 5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1341 (June 2002), amended LR 28:2522 (December 2002).

#### **§1121. Design Standards**

A. All new treatment and disinfection facilities (and any existing treatment and disinfection facilities which undergo substantial renovation) shall be designed and constructed to meet the existing State Sanitary Code as modified by the requirements contained herein.

B. All new filtration facilities for surface water or GWUDISW plants (and any likewise existing filtration facilities which undergo substantial renovation) shall be designed such that each individual filter is constructed with filter-to-waste capability.

C. All new filtration and/or clearwell facilities for surface water or GWUDISW plants (and any likewise existing filtration and/or clearwell facilities which undergo substantial renovation) shall be designed to have one combined filter effluent point prior to clearwell storage. If this is not feasible for existing plants, such as when multiple clearwells already exist, each plant going to its own clearwell shall be designed to have a combined filter effluent point prior to that particular plant's clearwell.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 (A)(8) and 40: 5 ((2)(3)(5)(6)(17)(20).

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#### **§Subchapter C. Monitoring Requirements**

##### **§1123. Filtration Monitoring**

A. Source Water Turbidity Monitoring. Each supplier using surface water or GWUDISW as a source of water supply shall monitor the turbidity level of the raw water source by taking and analyzing no less than one grab sample per day. Continuous turbidity monitoring may be substituted provided the accuracy of the measurements are validated weekly in accord with §1107.D of this Chapter. If there is a failure in the continuous turbidity monitoring equipment, the system shall collect and analyze no less than one grab sample per day. Systems shall maintain the results of raw water turbidity monitoring for at least 3 years.

B. Settled Water Turbidity Monitoring

1. Each supplier using surface water as its source of water supply should monitor and record settled water

turbidity prior to filtration in each individual treatment train at least once every 4 hours.

2. Each supplier using GWUDISW as its source of water supply should, if filtration is required or otherwise performed, monitor and record settled water turbidity prior to filtration in each individual treatment train at least once every 4 hours.

C. Combined Filter Effluent Turbidity Monitoring. To determine compliance with the performance standards specified in §1115 of this Chapter, each supplier using surface water or GWUDISW shall conduct continuous turbidity monitoring of representative samples of the combined filter effluent prior to clearwell storage during all times that the system is in operation. Combined filter effluent turbidity measurements shall be recorded every 15 minutes. The accuracy of the turbidity measurements from the continuous turbidity monitor shall be validated weekly in accord with §1107.D of this Chapter. If there is a failure in the continuous turbidity monitoring equipment, the system shall collect and analyze a grab sample every 2 hours in lieu of continuous monitoring, but for no more than five working days following the failure of the equipment. Failure to have the continuous monitoring equipment replaced or repaired and put back into continuous service following the five working days allowed herein shall be deemed to constitute a violation of this Chapter. Systems shall maintain the results of combined filter effluent turbidity monitoring for at least 3 years.

EXCEPTION: In the case of public water systems using surface water or GWUDISW and serving less than 10,000 individuals, each supplier shall conduct turbidity monitoring of representative samples of the combined filter effluent, prior to clearwell storage, at least once every 4 hours that the system is in operation. The purpose of such monitoring is to determine compliance with the performance standards specified in §1115 of this Chapter which is applicable to such systems. Continuous turbidity monitoring may be substituted provided the accuracy of the measurements are validated weekly in accord with §1107.D of this Chapter. If there is a failure in the continuous turbidity monitoring equipment, the system shall collect and analyze a grab sample every 4 hours in lieu of continuous monitoring, but for no more than five working days following the failure of equipment. Systems shall maintain the results of combined filter effluent turbidity monitoring for at least 3 years.

1. In existing treatment plants which may not have a combined filter effluent point prior to clearwell storage or other design limitations, DHH may, on a case-by-case basis, allow turbidity compliance monitoring to be performed at an alternate sampling point which is determined to be representative of the system's filtered water (in accordance with Section 5.2.1 of the SWTR Guidance Manual). Requests to utilize an alternate turbidity monitoring sampling point for compliance monitoring shall be submitted in writing to DHH for review and approval.

2. In existing treatment plants which do not have a combined filter effluent point prior to clearwell storage, have at least 4 or more active filters, and which have been approved by DHH (pursuant to §1123.C.1 of this Chapter) to determine compliance with the turbidity performance standards specified in §1115 of this Chapter by using the average of measurements from each filter effluent shall, when there is a failure in the continuous turbidity monitoring equipment, only be required to collect and analyze a grab sample every 4 hours (in lieu of continuous monitoring and the normal every 2 hour grab sampling requirement

specified in §1123.C. of this Chapter), but for no more than five working days following the failure of the equipment. Failure to have the continuous monitoring equipment replaced or repaired and put back into continuous service following the five working days allowed herein shall be deemed to constitute a violation of this Chapter.

D. Slow Sand or Small System Turbidity Monitoring. Suppliers using surface water or GWUDISW and utilizing slow sand filtration or serving fewer than 500 people may reduce turbidity monitoring to one raw water and one combined filter effluent grab sample per day if DHH determines that less frequent monitoring is sufficient to indicate effective filtration performance.

E. Individual Filter Turbidity Monitoring/Additional Actions

1. Monitoring Individual Filters for Turbidity. Public water systems using surface water or GWUDISW as its source of water supply, serves at least 10,000 individuals, and utilizes conventional filtration treatment or direct filtration shall conduct continuous turbidity monitoring for each individual filter. Such systems shall record the results of individual filter monitoring every 15 minutes while the filter is in service. The accuracy of the turbidity measurements from the continuous turbidity monitor shall be validated weekly in accord with §1107.D of this Chapter. If there is a failure in the continuous turbidity monitoring equipment, the system shall conduct grab sampling every 4 hours in lieu of continuous monitoring, but for no more than five working days following the failure of equipment. Failure to have the continuous monitoring equipment replaced or repaired and put back into continuous service following the five working days allowed herein shall be deemed to constitute a violation of this Chapter. Systems shall maintain the results of individual filter monitoring for at least 3 years.

a. When a particular water treatment plant is not configured to allow individual filter turbidity monitoring (e.g., Greenleaf Filter Plants) as required under Paragraph 1 of this Subsection, the system shall consult with DHH on a case-by-case basis to obtain approval of a plant specific alternative monitoring plan which is deemed to comply with the intent of individual filter turbidity monitoring, as far as is possible.

2. Triggered Actions Based on Individual Filter Results

Refer to §1135.E.1 of this Chapter for additional actions which may be triggered dependent upon the results of individual filter turbidity monitoring. Compliance deadlines for performing such additional actions are also contained in §1135.E.1 of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40: 4 (A)(8) and 40: 5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1342 (June 2002), amended LR 28:2522 (December 2002).

### §1125. Disinfection Monitoring

A. CT Parameters Monitoring. To determine compliance with disinfection inactivation requirements specified in Table 2 of §1115.B.1 or Table 3 of §1115.B.2, as applicable, of this Chapter, each supplier shall develop and conduct a monitoring program to measure those parameters that affect the performance of the disinfection process. This shall include but not be limited to:

1. temperature of the disinfected water at each residual disinfectant concentration sampling point;

2. pH(s) of the disinfected water (if free chlorine is used as a disinfectant) at each free chlorine residual disinfectant concentration sampling point;

3. the disinfectant contact time(s) at peak hourly flow at each residual disinfectant concentration sampling point;

4. the residual disinfectant concentrations before or at the first customer during peak hourly flow; and

5. if the system uses more than one point of disinfectant application before the first customer, the system must determine the parameters identified in Paragraphs 1-4 of this Subsection for each individual disinfection segment immediately prior to the next point of disinfectant application during peak hourly flow so that a cumulative CT value can be determined before the treated water reaches the first customer. (Note: If the treatment plant uses its own finished water for potable purposes, the first customer may be the treatment plant itself.)

B. Disinfectant Residual Monitoring at Plant. To determine compliance with the performance standards specified in §§1115 or 1119 of this Chapter, the disinfectant residual concentrations of the water being delivered to the distribution system shall be measured and recorded continuously. The accuracy of disinfectant measurements obtained from continuous disinfectant monitors shall be validated at least weekly in accord with §1109.B or C, as applicable, of this Chapter. If there is a failure of continuous disinfectant residual monitoring equipment, grab sampling every 2 hours shall be conducted in lieu of continuous monitoring, but for no more than five working days following the failure of the equipment. Failure to have the continuous monitoring equipment replaced or repaired and put back into continuous service following the five working days allowed herein shall be deemed to constitute a violation of this Chapter. Systems shall maintain the results of disinfectant residual monitoring for at least 3 years.

C. Small System Disinfectant Residual Monitoring at Plant. Suppliers serving fewer than 3300 people may collect and analyze grab samples of the water being delivered to the distribution system for disinfectant residual determination each day in lieu of the continuous monitoring, in accordance with Table 5 of this Chapter, provided that any time the residual disinfectant falls below 0.2 mg/l free chlorine or 0.4 mg/l total chlorine, the supplier shall take a grab sample every 2 hours until the residual concentrations is equal to or greater than 0.2 mg/l free chlorine or 0.4 mg/l total chlorine.

Table 5 (applicable to systems serving less than 3,300 individuals) Disinfectant Residual Sampling	
System Population	Samples/Day
#500	1
501-1,000	2
1,001-2,500	3
2,501-3,300	4

D. Disinfectant Residual Monitoring in Distribution System. The residual disinfectant concentrations shall be measured at least at the same points in the distribution system and at the same time that samples for total coliforms are collected.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40: 4 (A)(8) and R.S. 40: 5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1342 (June 2002), amended LR 28:2523 (December 2002).

**§1127. Disinfection Profiling**

A. All public water systems using surface water or GWUDISW as its source of water supply and serving at least 10,000 individuals shall perform a disinfection profile of its disinfection practice on a continuous basis.

1. Any system that meets the criteria of Subsection A of this Section shall perform monitoring on each day of operation to determine the total logs of inactivation of *Giardia lamblia* cysts, based upon the CT<sub>99,9</sub> (3-Log) values in Appendix E of the SWTR Guidance Manual, as appropriate, through the entire treatment plant. Any system that uses either chloramines or ozone for primary disinfection shall additionally calculate the total logs of inactivation of viruses for each day of operation, based upon the CT<sub>99,99</sub> (4-Log) values in Appendix E of the SWTR Guidance Manual. Systems with more than one point of disinfectant application shall conduct monitoring for each disinfection segment. The following parameters shall be monitored:

a. the temperature of the disinfected water at each disinfectant residual concentration sampling point during peak hourly flow;

b. if the system uses free chlorine, the pH of the disinfected water at each free chlorine residual disinfectant concentration sampling point during peak hourly flow;

c. the disinfectant contact time(s) ("T") at peak hourly flow at each residual disinfectant concentration sampling point;

i. contact time(s) determined through actual tracer studies shall be used [not theoretical contact time(s) using baffling factors];

d. the residual disinfectant concentration(s) ("C") of the water before or at the first customer during peak hourly flow (Note: If the treatment plant uses its own finished water for potable purposes, the first customer may be the treatment plant itself.); and

e. if the system uses more than one point of disinfectant application before the first customer, the system must determine the parameters identified in Subparagraphs a-d of this Paragraph for each individual disinfection segment immediately prior to the next point of disinfectant application during peak hourly flow so that a cumulative CT value can be determined before the treated water reaches the first customer. (Note: If the treatment plant uses its own finished water for potable purposes, the first customer may be the treatment plant itself.)

B. In addition, systems subject to the requirements of Subsection A of this Section shall compute their daily total logs of inactivation utilizing a computer spread sheet format/formulas approved by DHH. The system shall retain printed disinfection profile data as daily individual spreadsheets (containing the monitoring data, CT computation, and total log inactivation data) and in monthly/yearly graphical profile form for review as part of sanitary surveys conducted by DHH.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40: 4 (A)(8) and R.S. 40: 5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:2524 (December 2002).

### **§1129. Disinfection Practice Changes**

A. Suppliers using surface water or GWUDISW as the source of water supply which decide to make a significant change to its disinfection practice shall submit plans and specifications to DHH for review and approval (in accord with the requirements of 105 of this Part) prior to making such change. Significant changes to disinfection practice are:

1. any changes to the point of disinfection;
2. any changes to the disinfectant(s) used in the treatment plant;
3. any changes to the disinfection process; or,
4. any disinfection practice modification which may lower the system's ability to comply with the required minimum log inactivation attributable to disinfection as listed in Table 2 of §1115.B.1 or Table 3 of §1115.B.2, as applicable, of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40: 4 (A)(8) and R.S. 40: 5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:2525 (December 2002).

### **Subchapter D. Operation**

#### **§1131. Operating Criteria**

A. All treatment plants utilizing surface water or GWUDISW shall be operated by certified operators in accord with LAC 48:V.Chapter 73.

B. Filtration facilities shall be operated in accordance with the following requirements.

1. Conventional and direct filtration treatment plants shall be operated at flow rates not to exceed 3 gallons per minute per square foot (gpm/sq ft) for gravity filters. In any instance when pressure filters have been approved by DHH as the primary turbidity removal mechanism (see §323 of this Part), filtration rates shall not exceed 2 gpm/sq ft.

2. Slow sand filters shall be operated at filtration rates not to exceed 0.10 gallons per minute per square foot. The filter bed shall not be dewatered except for cleaning and maintenance purposes.

3. Diatomaceous earth filters shall be operated at filtration rates not to exceed 1.0 gallon per minute per square foot.

4. In order to obtain approval for higher filtration rates than those specified in this Section, the supplier shall demonstrate to DHH that the filters can achieve an equal degree of performance.

5. Filtration rates shall be increased gradually when placing filters back into service following backwashing or any other interruption in the operation of the filter.

6. In any instance when pressure filters have been approved by DHH as the primary turbidity removal mechanism (see §323 of this Part), such filters shall be physically inspected and evaluated annually (not sooner than 120 calendar days from any previous inspection/evaluation) for such factors as media condition, mudball formation, and short circuiting. A written record of the inspection shall be maintained at the treatment plant.

C. Disinfection facilities shall be operated in accordance with the following requirements:

1. A supply of chemicals necessary to provide continuous operation of disinfection facilities shall be maintained as a reserve or demonstrated to be available under all conditions and circumstances.

2. An emergency plan shall be developed prior to and implemented in the event of disinfection failure to prevent delivery to the distribution system of any undisinfectant or inadequately disinfected water. The plan shall be posted in the treatment plant or other place readily accessible to the plant operator.

3. System redundancy and changeover systems shall be maintained and kept operational at all times to ensure no interruption in disinfection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40: 4 (A)(8), R.S. 40: 5 (2)(3)(5)(6)(17)(20) and R.S. 40: 1148.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:2525 (December 2002).

### **Subchapter E. Reporting**

#### **§1133. DHH Notification**

A. The supplier shall notify DHH by telephone or other equally rapid means as soon as possible but no later than 24 hours whenever:

1. the turbidity of the combined filter effluent as monitored exceeds 1.0 NTU at any time for conventional filtration treatment or direct filtration treatment;

EXCEPTION: In the case of public water systems using surface water and serving less than 10,000 individuals, whenever the turbidity of the combined filter effluent as monitored exceeds 5.0 NTU at any time for conventional filtration treatment or direct filtration treatment.

2. more than two consecutive 4 hour monitoring periods of the combined filter effluent show an exceedance of 0.5 NTU for conventional filtration treatment or direct filtration treatment;

EXCEPTION: In the case of public water systems using surface water and serving less than 10,000 individuals, more than two consecutive 4 hour monitoring periods of the combined filter effluent show an exceedance of 1.0 NTU for conventional filtration treatment or direct filtration treatment.

3. the turbidity of the combined filter effluent as monitored exceeds 1.0 NTU for slow sand filtration or diatomaceous earth filtration;

4. the turbidity of the combined filter effluent as monitored exceeds the maximum level set by DHH for the particular alternative filtration technology approved by DHH pursuant to §1115.F of this Chapter;

5. there is a failure to maintain a minimum disinfectant residual of 0.2 mg/l free chlorine or 0.4 mg/l total chlorine in the water being delivered to the distribution system and whether or not the disinfectant residual was restored to at least 0.2 mg/l free chlorine or 0.4 mg/l total chlorine within 4 hours;

6. an event occurs which may affect the ability of the treatment plant to produce a safe, potable water including, but not limited to, spills of hazardous materials in the watershed and unit treatment process failures;

7. a waterborne disease outbreak potentially attributable to the water system has occurred and is discovered by the supplier.

B. In accord with the requirement of §321 of this Part, the supplier shall notify DHH by telephone or other equally rapid means as soon as possible but no later than 48 hours whenever:

1. non-compliance with a combined filter effluent turbidity standard occurs during any one particular month, e.g., anytime a minimum number of individual turbidity measurements above the turbidity standard will cause the system to exceed its 5 percent monthly allowance. [For example, in a 30 calendar day month and a plant operating 24 hours per day a total of 180 combined filter effluent turbidity compliance measurements are to be taken per month. Whenever 10 compliance measurements exceed the turbidity standard applicable to such system, the system is in violation of its treatment technique requirement ( $10 \div 180 \times 100 = 5.5$  percent) and must notify DHH as soon as possible but not later than 48 hours of the violation.]

AUTHORITY NOTE: Promulgated in accordance with R.S. 40: 4 (A)(8) and 40: 5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:2525 (December 2002).

### §1135. Monthly Report

A. General. Each supplier with a surface water or GWUDISW treatment facility shall submit a monthly written report on the operation of each facility to the DHH by the tenth day of the following month. Such report shall be signed by a certified operator of the public water system.

B. Combined Filter Effluent Turbidity Results. The monthly report shall include the following results of samples collected from the combined filter effluent (or from an alternate compliance sampling point as approved by DHH on a case-by-case basis).

1. The highest individual turbidity measurement determined within each 4 hour monitoring period for each day that the system is in operation. Suppliers operating treatment facilities continuously shall report the highest individual turbidity measurement for each of the following 4 hour monitoring periods:

- a. 12:01 am - 4:00 am;
- b. 4:01 am - 8:00 am;
- c. 8:01 am - 12:00 pm (noon);
- d. 12:01 pm - 4:00 pm;
- e. 4:01 pm - 8:00 pm;
- f. 8:01 pm - 12:00 am (midnight).

NOTE: Suppliers which do not operate their treatment facilities continuously shall utilize these same time periods, as applicable, for reporting purposes. Times when there is no combined filter effluent available for monitoring, such as when the plant is not in operation, shall also be recorded by the supplier and such events shall be clearly identified and reported on the monthly report.

2. The number and percent of turbidity measurements reported under Paragraph 1 of this Subsection which are less than or equal to the performance standard specified for each filtration technology in §1115 of this Chapter, or as required for an alternative filtration technology.

3. The maximum daily raw water turbidity.

4. For public water systems using surface water or GWUDISW which serve at least 10,000 individuals and utilize conventional or direct filtration treatment, the monthly report shall advise whether or not combined filter effluent turbidity monitoring has been conducted continuously and whether or not the measurements were recorded every 15 minutes. The monthly report shall also indicate the date and time when there is a failure in the continuous turbidity monitoring equipment or plant out of

service as well as the date and time that such equipment/plant was placed back into service.

5. At the special request of the state health officer on a case-by-case basis, the supplier shall also provide an additional report listing the date and value of any other combined filter effluent turbidity measurement recorded by the supplier which exceeded the performance levels specified in §1115 of this Chapter and any corresponding raw water turbidity levels.

C. Disinfection Monitoring Results. The monthly report shall include the following disinfection monitoring results.

1. The date and duration of each instance when the disinfectant residual in water supplied to the distribution system is less than 0.2 mg/l free chlorine or 0.4 mg/l total chlorine and when the DHH was notified of the occurrence.

2. The following information on samples taken from the distribution system:

a. The number of samples where the disinfectant residual is measured.

b. The number of samples where only the heterotrophic plate count (HPC) is measured.

c. The number of measurements with no detectable disinfectant residual and no HPC is measured.

d. The number of measurements with no detectable disinfectant residual and HPC is greater than 500 colony forming units per milliliter.

e. The number of measurements where only HPC is measured and is greater than 500 colony forming units per milliliter.

D. Explanation of Cause of Violation. The monthly report shall include a written explanation of the cause of any violation of performance standards specified in §§1115, 1117, or 1119 and operating criteria specified in §1131 of this Chapter.

E. Individual Filter Turbidity Results/Additional Actions

1. For public water systems using surface water or GWUDISW which serve at least 10,000 individuals and utilizes conventional or direct filtration treatment, the monthly report shall advise whether or not individual filter turbidity monitoring has been conducted continuously and whether or not the measurements were recorded every 15 minutes. Such systems shall additionally report individual filter turbidity measurement results taken only if measurements demonstrate one or more of the following four exceedance conditions.

a. For any individual filter that has a measured turbidity level of greater than 1.0 NTU in two consecutive measurements taken 15 minutes apart, the system shall report the filter number, the turbidity measurement, and the date(s) on which the exceedance occurred. In addition, the system shall either produce a filter profile for the filter within 7 days of the exceedance (if the system is not able to identify an obvious reason for the abnormal filter performance) and report that the profile has been produced or report the obvious reason for the exceedance.

b. For any individual filter that has a measured turbidity level of greater than 0.5 NTU in two consecutive measurements taken 15 minutes apart at the end of the first 4 hours of continuous filter operation after the filter has been backwashed or otherwise taken off-line, the system shall report the filter number, the turbidity, and the date(s) on which the exceedance occurred. In addition, the system

shall either produce a filter profile for the filter within 7 days of the exceedance (if the system is not able to identify an obvious reason for the abnormal filter performance) and report that the profile has been produced or report the obvious reason for the exceedance.

c. For any individual filter that has a measured turbidity level of greater than 1.0 NTU in two consecutive measurements taken 15 minutes apart at any time in each of three consecutive months, the system shall report the filter number, the turbidity measurement, and the date(s) on which the exceedance occurred. In addition, the system shall conduct a self-assessment of the filter within 14 days of the exceedance and report that the self-assessment was conducted. The self-assessment shall consist of at least the following components: an in-depth evaluation of filter performance, including analysis of historical filtered water turbidity from the filter; development of a filter profile; identification and prioritization of factors limiting filter performance; evaluation of the applicability of corrections; and, preparation of a filter self-assessment report.

d. For any individual filter that has a measured turbidity level of greater than 2.0 NTU in two consecutive measurements taken 15 minutes apart at any time in each of two consecutive months, the system shall report the filter number, the turbidity measurement, and the date(s) on which the exceedance occurred. In addition, the system shall arrange for the conduct of a comprehensive performance evaluation (CPE) by DHH or a third party approved by DHH no later than 30 days following the exceedance and have the evaluation completed and submitted to DHH no later than 90 days following the exceedance. For systems experiencing multiple exceedances, only one CPE is adequate until that CPE has been completed and the appropriate corrective actions taken.

i. This CPE shall be considered a compliance CPE; thus, either or both of the following shall be considered a violation(s) of this Chapter:

(a.) failure to respond in writing to performance-limiting factors identified in the CPE within 45 days after receipt of the report, indicating how and on what schedule the system will address performance-limiting factors noted in the report; or

(b.) failure to correct the performance-limiting factors identified in the CPE within a time schedule acceptable to DHH.

2. When a filter profile/obvious reason, self-assessment, or CPE has been triggered by the turbidity results of an individual filter, the following additional information for such filter shall be reported in the monthly report.

a. Data recorded relative to the occurrence of a failure in the continuous turbidity monitoring equipment for the affected individual filter or filter out of service conditions, the identity of the individual filter, the date and time of such equipment failure or out of service conditions as well as the date and time that the equipment and/or filter was placed back into service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40: 4 (A)(8) and R.S. 40: 5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:2526 (December 2002).

### **§1137. Disinfection Profiling Report**

A. Public water systems subject to the requirements of §1127.A of this Chapter shall submit to DHH a printed report on the initial 12 consecutive months of disinfection profiling data (including daily individual spreadsheets containing the monitoring data, CT computation, and total log inactivation data) and in monthly/yearly graphical profile form as required under §1127 of this Chapter. This disinfection profiling report is due on no later than February 15, 2004.

B. On a case-by-case basis, DHH may accept existing operational data in lieu of the requirements of Subsection A of this Section if DHH determines that such data is substantially equivalent to data required to be collected under §1127 of this Chapter. Such data shall be representative of inactivation through the entire treatment plant and not just of certain treatment segments.

C. Following the submittal of the initial 12 consecutive month period report required under Subsection A of this Section, nothing herein shall be construed to prohibit DHH from requiring the public water system to submit a more current disinfection profiling data set on a case-by-case basis (e.g., when a significant change to the disinfection practice is proposed, etc.).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40: 4 (A)(8) and R.S. 40: 5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:2527 (December 2002).

### **Subchapter F. Public Notification**

#### **§1139. Consumer Notification**

A. Treatment Technique/Performance Standard Violations. The supplier shall notify persons served by the system whenever there is a failure to comply with the treatment technique requirements specified in §1113 or performance standards specified in §§1115, 1117, or 1119 of this Chapter. The notification shall be given in a manner approved by the DHH, and shall include the following mandatory language:

1. "The La. Department of Health and Hospitals (DHH) sets drinking water standards and has determined that the presence of microbiological contaminants are a health concern at certain levels of exposure. If water is inadequately treated, microbiological contaminants in that water may cause disease. Disease symptoms may include diarrhea, cramps, nausea, and possibly jaundice, and any associated headaches and fatigue. These symptoms, however are not just associated with disease-causing organisms in drinking water, but also may be caused by a number of factors other than your drinking water. DHH has set enforceable requirements for treating drinking water to reduce the risk of these adverse health effects. Treatment such as filtering and disinfecting the water removes or destroys microbiological contaminants. Drinking water which is treated to meet DHH requirements is associated with little to none of this risk and should be considered safe."

2. When there is a failure to comply with a treatment technique requirement or performance standard as required in Subsection A of this Section, the supplier shall provide public notification in a daily or weekly newspaper serving the area as soon as possible but no later than 14 days after

the violation or failure. Where newspaper notice is not feasible for a non-community water system, continuous posting may be substituted; however, such notice shall remain posted for a minimum of at least 7 days. In addition to newspaper notice, a notice shall also be provided to the consumers by direct mail or hand delivery within 45 days after the violation or failure.

B. **Monitoring Violations.** The supplier shall notify persons served by the system in the manner approved by DHH whenever there is a failure to comply with the monitoring requirements specified in §§1123 or 1125 of this Chapter. When there is a failure to comply with the monitoring requirements specified in §§1123 or 1125 of this Chapter, the supplier shall provide public notification in a daily or weekly newspaper serving the area within 3 months of the violation or failure. Where newspaper notice is not feasible for a non-community water system, continuous posting in conspicuous places within the area served by the system may be substituted; however, such notice shall remain posted for a minimum of at least 7 days. In addition to newspaper notice, a notice shall also be provided to the consumers by direct mail or hand delivery within 3 months after the violation or failure.

C. **Acute Violations. When:**

1. an event occurs which may affect the ability of the treatment plant to produce safe, potable water as specified under §1133.A.6 of this Chapter;

2. a waterborne disease outbreak occurs as specified under §1133.A.7 of this Chapter;

3. the combined filter effluent turbidity level exceeds 5.0 NTU; or,

4. other conditions/violations which are deemed by the state health officer, acting personally, as posing an acute risk to human health exist or occur;

5. the supplier shall furnish a notice to radio and television stations serving the area as soon as possible but not later than 24 hours after awareness of the incident by the supplier. The supplier shall also provide public notification in a daily or weekly newspaper serving the area as soon as possible but no later than 14 days after the violation or failure. In addition to newspaper notice, a notice shall also be provided to the consumers by direct mail or hand delivery within 45 days after the violation or failure.

**EXCEPTION:** Where furnishing a notice to radio and television stations, newspaper notice, or mailing is deemed not feasible for a non-community water system, continuous posting may be substituted; however, such notice shall remain posted for a minimum of at least 7 days.

D. **Public Notice Verification.** Systems required to provide public notification shall otherwise be required to comply with the requirements of §1133 of this Part, including, but not limited to, submission of public notice verification to the State Health Officer within 10 days subsequent to the completion of public notification.

**AUTHORITY NOTE:** Promulgated in accordance with RS. 40:4 (A)(8) and 40:5 (2)(3)(5)(6)(17)(20).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:2527 (December 2002).

David W. Hood  
Secretary

0212#078

## RULE

### Department of Health and Hospitals Office of Public Health

Sanitary Code General Provisions  
(LAC 51:I.101, 107, 109, 111, and 113)

The Department of Health and Hospitals, Office of Public Health, pursuant to the authority in R.S. 40:5, has amended and revised Part I, Chapter 1, §101, §107, §109, §111, and §113 of the Louisiana State Sanitary Code.

#### Title 51

### PUBLIC HEALTH SANITARY CODE

#### Part I. General Provisions

#### Chapter 1. General

#### §101. Definitions

[formerly paragraph 1:001]

A. - B. ...

**Code** the word "Code" means Sanitary Code.

**Compliance Order** a written notice issued by the state health officer and the secretary of the Department of Health and Hospitals, which documents violation(s) of the state sanitary code and references the provision(s) of the code violated, to the owner, manager, lessee or their agent, of an establishment, facility or property, and specifies a time frame for compliance. The Compliance Order shall be issued after violation(s) have been documented in an inspection and the same violation(s) continue and are documented in a reinspection. The Compliance Order shall inform the aggrieved party of the possible penalties for failure to comply with the Compliance Order and the right of the aggrieved party to an administrative appeal to the Division of Administrative Law.

**CFR** Code of Federal Regulations.

**Department** the Department of Health and Hospitals and Secretary means the Secretary thereof.

**EPAC** United States Environmental Protection Agency.

**FDAC** United States Food and Drug Administration.

**Emergency Situation** refers to any situation or condition which warrants immediate enforcement measures more expedient than normal administrative violation control and abatement procedures due to its perceived imminent or potential danger to the public health.

**Hazard** a biological, chemical, or physical property that may cause an unacceptable consumer health risk.

**Imminent Health Hazard** an emergency situation that is a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury or serious illness.

**Law** applicable local, state, and federal statutes, regulations, and ordinances.

**Notice of Violation** a written notice issued to the owner, manager, lessee or their agent of an establishment, facility or property which documents the nature of the violation(s) of the state sanitary code, including a reference to the provision(s) of the Code which have been violated, which were observed during an inspection by a representative of the State Health Officer.

PersonCany natural person, individual, partnership, corporation, association, governmental subdivision, receiver, tutor, curator, executor, administrator, fiduciary, or representative of another person, or public or private organization of any character.

SecretaryCsee department.

ShallCmandatory requirements.

Should or MayCrecommended or advisory procedures or equipment.

State Health OfficerCthe legally appointed or acting State Health Officer of the Department of Health and Hospitals having jurisdiction over the entire State of Louisiana, and includes his/her duly authorized representative in accordance with R.S. 40:4 and 40:5.

Substantial RenovationC

a.i. alterations or repairs made within a 12 month period, costing in excess of 50 percent of the then physical value of the existing building; or

ii. alterations or repairs made within a 12 month period, costing in excess of \$15,000; or

iii. alterations or repairs made involving a change in "occupancy classification" or use of the property.

b. The physical value of the building in Clause a.i of this Paragraph may be established by an appraisal not more than three years old, provided that said appraisal was performed by a certified appraiser or by the tax assessor in the parish where the building is located.

c. The cost of alterations or repairs in Clause a.ii or a.iii of this Paragraph may be established by:

i. an estimate signed by a licensed architect or a licensed general contractor; or

ii. by copies of receipts for the actual costs.

ViolationC a transgression of a section or subsection of the state sanitary code. Violations are classified into four classes corresponding to the severity of the violation:

Class A ViolationC violations that create a condition or occurrence, which may result in death or serious harm to the public. Class A civil fines shall be \$100 per day per violation.

Class B ViolationC violations related to permitting, submitting of plans, or training requirements. Class B civil fines shall be \$75 per day per violation.

Class C ViolationC violations that create a condition or occurrence, which creates a potential for harm by indirectly threatening the health and/or safety of the public or creates a nuisance to the public. Class C civil fines shall be \$50 per day per violation.

Class D ViolationC violations related to administrative, ministerial, and other reporting requirements that do not directly threaten the health or safety of the public. Class D civil fines shall be \$25 per day per violation.

ViolatorC any person who has been issued a Notice of Imposition of penalty for noncompliance with any provision of a compliance order.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 27:1693 (October 2001), repromulgated LR 28:1208 (June 2002), amended LR 28:2528 (December 2002).

## §107. Delivery of the Notice of Violation [formerly paragraph 1:007-2]

A. The Notice of Violation form listing the violation(s) may:

1 - 2. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 27:1693 (October 2001), repromulgated LR 28:1208 (June 2002), amended LR 28:2529 (December 2002).

## §109. Violation Notice [formerly paragraph 1:007-4]

A. In those cases in which the State Health Officer or his/her representative determines that a violation has occurred and a decision is made to issue a Notice of Violation letter, the Notice of Violation letter shall be either sent to the owner, manager, lessee or their agent, of the establishment, facility or property involved by United States Postal Service, via certified mail-return receipt requested, registered mail-return receipt requested, or express mail-return receipt requested, or hand delivered.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 27:1693 (October 2001), repromulgated LR 28:1208 (June 2002), amended LR 28:2529 (December 2002).

## §111. Reinspection and Compliance Order [formerly paragraph 1:007-5]

A. If reinspection discloses that the violation(s) specified in the Notice of Violation have not been remedied, the state health officer or his/her representative may issue a Compliance Order requiring correction of the violation(s) within 20 days after said Compliance Order is served, or take whatever action is authorized by law to remedy the violation(s). Compliance Orders shall be served by United States Postal Service, via certified mail-return receipt requested, registered mail-return receipt requested, or express mail-return receipt requested, or hand delivered. Any Compliance Order issued pursuant to this section shall inform the aggrieved party of his right to an administrative appeal to the Division of Administrative Law within 20 days after said Compliance Order is served.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 27:1693 (October 2001), repromulgated LR 28:1208 (June 2002), amended LR 28:2529 (December 2002).

## §113. Suspension/Revocation/Civil Fines or Penalties [formerly paragraph 1:007-21]

A. Pursuant to the provisions of R.S. 40:4, R.S. 40:5 and R.S. 40:6, the state health officer acting through the Office of Public Health, for violation(s) of a Compliance Order may:

1. suspend or revoke an existing license or permit;
2. seek injunctive relief as provided for in R.S. 40:4 and in 40:6; and/or
3. impose a civil fine.

a. These civil fines shall not exceed \$10,000 per violator per calendar year applicable to each specific establishment, facility, or property that the violator owns, manages, operates or leases. The schedule of civil fines by class of violations shall be as follows:

i. Class A. Violations that create a condition or occurrence, which may result in death or serious harm to the public. These violations include, but are not limited to: cooking, holding or storing potentially hazardous food at improper temperatures; failure to follow schedule process in low acid canned foods or acidified food production; poor personal hygienic practices; failure to sanitize or sterilize equipment, utensils or returnable, multi-use containers; no water; unapproved water source; cross contamination of water; inadequate disinfection of water before bottling; sewage back up; sewage discharge on to the ground; sewage contamination of drinking water; failure to comply with Human Drug Current Good Manufacturing Practices (CGMP); inadequate labeling of foods or drugs regarding life threatening ingredients or information; failure to provide consumer advisories; non-compliant UV lamps or termination control switch on tanning equipment; the inadequate handling and disposal of potentially infectious biomedical wastes; etc. Class A civil fines shall be \$100 per day per violation.

ii. Class B. Violations related to permitting, submitting of plans, or training requirements. These violations include, but are not limited to: failure to submit plans or to obtain or hold: a permit to operate; a food safety certificate; a commercial body art certification; tanning equipment operator training; day care training; a license to install, maintain, or pump out sewage systems; etc. Class B civil fines shall be \$75 per day per violation.

iii. Class C. Violations that create a condition or occurrence, which creates a potential for harm by indirectly threatening the health and/or safety of the public or creates a nuisance to the public. These violations include, but are not limited to, failure to: properly label food; properly protect food; properly store clean equipment; provide self closing restroom doors; provide adequate lighting; provide hair restraints; provide soap and towels at hand-washing lavatories; clean floors, walls, ceilings and non-food contact surfaces; properly dispose of garbage; maintain onsite sewage systems; provide electrical power to onsite sewage systems; etc. Class C civil fines shall be \$50 per day per violation.

iv. Class D. Violations related to administrative, ministerial, and other reporting requirements that do not directly threaten the health or safety of the public. These violations include, but are not limited to, failure to: retain oyster tags; provide Hazard Analysis Critical Control Plans (HACCP); maintain HACCP records; provide consumer information; provide written recall procedures; maintain lot tracking records; turn in onsite sewage system maintenance records or certification of installation; register product labels; etc. Class D civil fines shall be \$25 per day per violation.

b. The duration of noncompliance with a provision of the compliance order shall be determined as follows.

i. An investigation shall be conducted by staff for the purpose of determining compliance/noncompliance within 5 working days after the deadline date(s) specified in

the compliance order. If non-compliance still exists, staff will provide a copy of the post-order investigation report to the person in charge and daily penalty assessments shall begin to accrue immediately from the date that non-compliance was determined in the post-order investigation report.

ii. The daily penalties shall accrue until such time as the agency has been notified in writing by the person in charge that compliance has been achieved and such compliance verified by agency staff, or upon reaching the maximum penalty cap of \$10,000 per violator per calendar year. Upon written notification by the person in charge of compliance, an investigation to verify compliance shall be made within 5 working days of receipt of such notification.

iii. Upon verification by investigation that compliance has been achieved, the penalties will cease to accrue on the date of receipt of notification by the person in charge.

c. The secretary of the Department of Health and Hospitals, upon the recommendation of the state health officer, may exercise his discretion and mitigate these civil fines or in lieu of a civil fine, require the violator or an employee designee to attend training seminars in the area of the violator's operations in cases where he is satisfied the violator has abated the violation and demonstrated a sincere intent to prevent future violations.

d. At the discretion of the state health officer, notice(s) imposing penalty assessments may be issued subsequent to either initial or continued noncompliance with any provision of the compliance order. Notice(s) imposing penalty assessments shall be served by United States Postal Service, via certified mail-return receipt requested, registered mail-return receipt requested, or express mail-return receipt requested, or hand delivered. Within the notice imposing penalty assessment, the state health officer will inform the person in charge of the ability to apply for mitigation of penalties imposed and of the opportunity to petition for administrative appeal within 20 days after said notice is served, according to the provisions of R.S. 49:992 of the Administrative Procedure Act.

e. Once a penalty assessment is imposed, it shall become due and payable 20 calendar days after receipt of notice imposing the penalty unless a written application for mitigation is received by the state health officer within 20 calendar days after said notice is served or a petition for administrative appeal relative to contesting the imposition of the penalty assessment is filed with the Division of Administrative Law, P.O. Box 44033, Baton Rouge, Louisiana 70804-4033 within 20 calendar days after said notice is served.

f. The department may institute all necessary civil action to collect fines imposed.

g. This section shall not be construed to limit in any way the state health officer's authority to issue Emergency Orders pursuant to the authority granted in R.S. 40:4 and §115 of this Part.

h. The provisions of Paragraph 3 and Subparagraph a shall not apply to floating camps, including but not limited to houseboats which are classified as vessels by the United States Coast Guard in accordance with R.S. 40:6 as amended by Act 516 of the 2001 Regular Legislative Session.

4. - 5.b. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 27:1693 (October 2001), repromulgated LR 28:1208 (June 2002), amended LR 28:2529 (December 2002).

David W. Hood  
Secretary

0212#079

**RULE**

**Department of Health and Hospitals  
Office of Public Health**

Sanitary Code Retail Food Establishments  
(LAC 51:XXIII.101, 903, 911, 1119, 1305,  
1315, 1321, 1501, 1503, 2101, 2503, 3105,  
3111, 3117, 3307, 3901, and 4121)

The Department of Health and Hospitals, Office of Public Health, pursuant to the authority in R.S. 40:5, is amending and revising Part XXIII, Chapter 1, §101; Chapter 9, §§903 and 911; Chapter 11, §1119; Chapter 13, §§1305.A.6, 1315, and 1321; Chapter 15, §§1501 and 1503; Chapter 21, §2101; Chapter 25, §2503.A.1; Chapter 31, §§3105, 3111, and 3117; Chapter 33, §3307; Chapter 39, §3901; and Chapter 41, §4121.

**Title 51**

**PUBLIC HEALTH SANITARY CODE  
Part XXIII. Retail Food Establishments**

**§101. Definitions**

**[formerly paragraph 23:001]**

A. - *Offal.* ...

*Open Air Market* a site that deals in produce that is normally peeled or washed prior to consumption.

*Organizer/Promoter/Chairman - Potentially Hazardous Food.* b. ...

c. *potentially hazardous food* does not include:

i. an air-cooled hard-boiled-egg with shell intact, or a shell egg that is not hard-boiled, but has been treated to destroy all viable *Salmonellae*;

c.ii. - *Wholesome.* ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:311 (February 2002), repromulgated LR 28:1208 (June 2002), amended LR 28:2531 (December 2002).

**§903. Fingernails**

**[formerly paragraph 22:06-2]**

A. Employees shall keep their fingernails clean and trimmed not to exceed the end of the fingertip. An employee shall not wear nail polish, long, or artificial fingernails when working with exposed food unless wearing intact gloves in good repair.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:311 (February 2002), repromulgated LR 28:1208 (June 2002), amended LR 28:2531 (December 2002).

**§911. Tasting, Eating and Drinking  
[formerly paragraph 23:034-1]**

A. Employees shall eat and drink only in designated areas where the contamination of exposed food, equipment, utensils or other items needing protection cannot result, except an employee may drink from a closed beverage container if the container is handled properly to prevent contamination.. An employee may not use a utensil more than once to taste food that is to be sold or served.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:311 (February 2002), repromulgated LR 28:1208 (June 2002), amended LR 28:2531 (December 2002).

**§1119. Eggs**

**[formerly paragraph 22:08-9]**

A. - B. ...

C. Shell eggs which have not been specifically processed to destroy all live *Salmonellae* before distribution to the consumer shall be labeled with the following safe handling statement on the label of the shell eggs: "SAFE HANDLING INSTRUCTIONS: To prevent illness from bacteria: keep eggs refrigerated, cook eggs until yolks are firm and cook foods containing eggs thoroughly."

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:311 (February 2002), repromulgated LR 28:1208 (June 2002), amended LR 28:2531 (December 2002).

**§1305. Cooking/Reheating**

**[formerly paragraph 22:09-3]**

A. - A.5. ...

6. 130°F (54°C) minimum internal temperature for beef roasts or to a temperature and time that will cook all parts of the roast as required by the following:

a. in an oven that is preheated to the temperature specified for the roast's weight in the following chart and that is held at that temperature;

Oven Type	Oven Temperature Based on Roast Weight	
	Less than 4.5 kg (10 lbs)	4.5 kg (10 lbs) or More
Still Dry	350°F (177°C) or more	250°F (121°C) or more
Convection	325°F (163°C) or more	250°F (121°C) or more
High Humidity <sup>1</sup>	250°F (121°C) or more	250°F (121°C) or more

<sup>1</sup> Relative humidity greater than 90 percent for at least 1 hour as measured in the cooking chamber or exit of the oven; or in a moisture-impermeable bag that provides 100 percent humidity.

and;

b. as specified in the following chart, to heat all parts of the food to a temperature and for the holding time that corresponds to that temperature;

Temperature °F (°C)	Time <sup>1</sup> in Minutes	Temperature °F (°C)	Time <sup>1</sup> in Seconds
130 (54.4)	112	147 (63.9)	134
131 (55.0)	89	149 (65.0)	85
133 (56.1)	56	151 (66.1)	54
135 (57.2)	36	153 (67.2)	34
136 (57.8)	28	155 (68.3)	22
138 (58.9)	18	157 (69.4)	14
140 (60.0)	12	158 (70.0)	0

142 (61.1)	8		
144 (62.2)	5		
145 (62.8)	4		
<sup>1</sup> Holding time may include post-oven heat rise.			

A.7. - B.2. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:311 (February 2002), repromulgated LR 28:1208 (June 2002), amended LR 28:2531 (December 2002).

**§1315. Thawing**

**[formerly paragraph 22:09-8]**

A. Potentially hazardous food shall be thawed by one of the following methods:

1. under refrigeration that maintains the food temperature at 41 °F (5°C) or below;
2. completely submerged under potable running water at a temperature of 70°F (21°C) or below with sufficient velocity to agitate and float off loose particles in an overflow, and for a period of time that does not allow thawed portions of a raw animal food requiring cooking to be above 41°F (5°C) for more than 4 hours including:
  - a. the time the food is exposed to the running water and the time needed
  - b. for preparation for cooking; or
  - b. the time it takes under refrigeration to lower the food temperature to 41°F (5°C);
3. as part of the conventional cooking process;
4. thawed in a microwave oven and immediately transferred to conventional cooking equipment and cooked as specified in §1305, with no interruption of the process.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:311 (February 2002), repromulgated LR 28:1208 (June 2002), amended LR 28:2532 (December 2002).

**§1321. Temperature Measuring Devices (Thermometers)**

**[formerly paragraph 22:09-10]**

A. - A.1. ...

2. the ambient air temperature of all equipment or a simulated product temperature in all equipment used to hold potentially hazardous food on a device scaled in Fahrenheit accurate to a plus or minus 3°F or Celsius accurate to a plus or minus 1.5°C.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:311 (February 2002), repromulgated LR 28:1208 (June 2002), amended LR 28:2532 (December 2002).

**§1501. Protected**

**[formerly paragraph 22:10-1]**

A. Food shall be protected from contamination by storing the food:

1. in a clean, covered container except during periods of preparation or service;
2. in a clean, dry location;
3. where it is not exposed to splash, dust, or other contamination;
4. at least six inches (15 cm) above the floor except:

i. metal pressurized beverage containers and cased food packages in cans, glass or other waterproof containers need not be elevated when the food container is not exposed to floor moisture.

ii. containerized food may be stored on dollies, racks or pallets, provided such equipment is readily movable;

5. so that it is arranged so that cross contamination of raw animal foods of one type with another, or ready to eat foods is prevented.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:311 (February 2002), repromulgated LR 28:1208 (June 2002), amended LR 28:2532 (December 2002).

**§1503. Storage**

**[formerly paragraph 22:10-2]**

A. - A.5. ...

6. under sewer pipes that are not adequately shielded to intercept potential drips;

7. - 10. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:311 (February 2002), repromulgated LR 28:1208 (June 2002), amended LR 28:2532 (December 2002).

**§2101. General**

**[formerly paragraph 22:13]**

A. All equipment and utensils shall be of construction approved by the state health officer and shall be maintained in good repair.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:311 (February 2002), repromulgated LR 28:1208 (June 2002), amended LR 28:2532 (December 2002).

**§2503. Frequency of Cleaning**

**[formerly paragraph 22:19-2]**

A. Equipment food contact surfaces and utensils shall be cleaned:

1. before each use with a different type of raw animal food such as beef, seafood, lamb, pork, or poultry, except when the food contact surface or utensil is in contact with a succession of different raw animal foods each requiring a higher cooking temperature, as specified in §1305, than the previous food, such as raw fish followed by raw poultry on the same cutting board;

A.2. - D.3. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:311 (February 2002), repromulgated LR 28:1208 (June 2002), amended LR 28:2532 (December 2002).

**§3105. Backflow**

**[formerly paragraph 22:22-3]**

A. - A.2. ...

3. not having a direct connection between the drainage system and any drain line originating from food handling equipment (e.g., any sink where food is cleaned, peeled, cut up, rinsed, battered, defrosted, or otherwise prepared or

handled; potato peelers; ice cream dipper wells; refrigerators; freezers; walk-in coolers and freezers; ice boxes; ice making machines, fountain type drink dispensers; rinse sinks, cooling or refrigeration coils; laundry washers; extractors; steam tables; egg boilers; coffee urns; or similar equipment).

Exception: A commercial dishwashing (warewashing) machine may have a direct connection between its waste outlet and a floor drain when the machine is located within five feet (1.5m) of a trapped floor drain and the machine outlet is connected to the inlet side of a properly vented floor drain trap.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:311 (February 2002), repromulgated LR 28:1208 (June 2002), amended LR 28:2532 (December 2002).

### **§3111. Toilet Facility**

**[formerly paragraph 22:22-6]**

A. - A.4. ...

B. Floor drains will be provided in restrooms in accordance with Part XIV of the State Sanitary Code.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:311 (February 2002), repromulgated LR 28:1208 (June 2002), amended LR 28:2533 (December 2002).

### **§3117. Utility or Service Sink**

**[formerly paragraph 22:22-9]**

A. At least one service sink provided with hot and cold water, or one curbed cleaning facility equipped with a floor drain and hot and cold water, shall be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and similar waste. The sink shall be located in an area to avoid food contamination.

B. - C. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:311 (February 2002), repromulgated LR 28:1208 (June 2002), amended LR 28:2533 (December 2002).

### **§3307. Cleaning and Storage**

**[formerly paragraph 22:23-4]**

A. - B. ...

C. Suitable cleaning equipment and supplies such as high pressure pumps, steam, and detergent shall be provided as necessary and hot and cold water shall be provided in accordance with Part XIV of the State Sanitary Code for effective cleaning of equipment and receptacles.

D. Liquid waste from the cleaning operation shall be disposed of as sewage. Methods used for this disposal shall prevent rainwater and runoff from entering the sanitary sewerage system. Dumpster pads may be elevated or curbed, enclosed or covered, and the sanitary sewerage drain provided and protected with a proper cover in accordance with Part XIV of the State Sanitary Code.

E. - F. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:311 (February 2002), repromulgated LR 28:1208 (June 2002), amended LR 28:2533 (December 2002).

### **§3901. Labeling**

**[formerly paragraph 22:29-1]**

A. ...

B. Working containers used for storing poisonous or toxic materials such as cleaners and sanitizers taken from bulk supplies shall be clearly and individually identified with the common name of the material.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:311 (February 2002), repromulgated LR 28:1208 (June 2002), amended LR 28:2533 (December 2002).

### **§4121. Reduced Oxygen Packaging**

**[formerly paragraph 22:39]**

A. - A.2.d. ...

e. the product is immediately frozen upon packaging and labeled with instructions to keep frozen or maintain at 41°F (5°C) or below and discard the food within 14 days of defrosting.

3. - 4. ...

a. maintain refrigerated food at 41°F (5°C) or below, and

b. discard the refrigerated food if within 14 calendar days from packaging it is not served for on-premises consumption, or consumed if served or sold for off-premise consumption;

5. limits:

a. the refrigerated shelf life to no more than 14 calendar days from packaging to consumption or the original manufacturer's "sell by" or "use by" date, whichever occurs first; or

b. limits the shelf life of frozen product to no more than 14 calendar days from defrosting;

A.6. - B. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:311 (February 2002), repromulgated LR 28:1208 (June 2002), amended LR 28:2533 (December 2002).

David W. Hood  
Secretary

0212#081

### **RULE**

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

Home and Community Based Services Waivers  
Provider Enrollment Requirement

The Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services has adopted the following Rule in the Medical Assistance

Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

**Rule**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services adopts the following provisions governing participation as a Medicaid provider in designated Home and Community Based Services Waivers.

Attendance at a provider enrollment orientation shall be required prior to enrollment as a Medicaid provider of services under the following waivers:

1. the Elderly and Disabled Adult Waiver;
2. the Mental Retardation/Developmental Disabilities Waiver; and
3. the Children's Choice Waiver.

The frequency of the provider enrollment orientations shall be determined by the Bureau of Community Supports and Services, but they shall be conducted at least semi-annually.

David W. Hood  
Secretary

0212#105

**RULE**

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

**Mentally Retarded/Developmentally Disabled Waiver  
Supervised Independent Living**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services has adopted the following Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is adopted in accordance with the Administrative Procedure Act, R. S. 49:950 et seq.

**Rule**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services increases the Supervised Independent Living per diem rate as follows.

Procedure Code	Name	Current Rate	New Rate
Z0006	SIL Per Diem	\$22.76	\$34.98

David W. Hood  
Secretary

0212#106

**RULE**

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

**Early and Periodic Screening, Diagnosis and Treatment  
Dental ProgramC Reimbursement Fee Increase**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has adopted the following Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

**Rule**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing increases the reimbursement fees for certain designated Early and Periodic Screening, Diagnostic and Treatment Dental procedure codes to the following rates.

Procedure Code	Procedure Name	New Rate
00120	Periodic Oral Exam	\$ 16.00
00220	Radiograph - Periapical - First Film	\$ 6.00
00230	Radiograph - Periapical - Each Additional Film	\$ 5.00
00272	Radiographs - Bitewing - Two Films	\$ 12.00
01110	Adult Prophylaxis	\$ 27.00
01120	Child Prophylaxis	\$ 12.00
01351	Sealant -Per Tooth	\$ 16.00
02120	Amalgam - Two Surface, Primary	\$ 50.00
02130	Amalgam - Three Surface, Primary	\$ 60.00
02140	Amalgam - One Surface, Permanent	\$ 42.00
02150	Amalgam - Two Surface, Permanent	\$ 53.00
02160	Amalgam - Three Surface, Permanent	\$ 64.00
02330	Resin - One Surface	\$ 45.00
02331	Resin - Two Surface	\$ 55.00
02332	Resin - Three Surface	\$ 65.00
02930	Stainless Steel Crown, Primary	\$ 80.00
02931	Stainless Steel Crown, Permanent	\$ 80.00
02950	Crown Buildup	\$ 85.00
03220	Pulpotomy - Deciduous Tooth Only	\$ 40.00
03310	Root Canal - One Canal	\$212.00
03320	Root Canal - Two Canals	\$241.00
03330	Root Canal - Three Canals	\$306.00
07110	Simple Extraction	\$ 38.00
07210	Surgical Extraction	\$ 57.00

In addition, the bureau shortens the identification requirements which must be processed into new removable dental prosthetics. EPSDT Dental Program providers shall process into the acrylic base of each new removable dental prosthesis the first four letters of the recipient's last name, first initial, month and year, and the last five digits of the Medicaid provider number.

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.

David W. Hood  
Secretary

0212#104

**RULE**

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

**Emergency Medical Transportation Program  
Emergency Ambulance Services  
Reimbursement Increase**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has adopted the following Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

**Rule**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing increases the reimbursement for the following designated procedure codes for emergency ambulance transportation services by 5 percent.

A0427	ALS-Emergency
A0433	ALS2
A0434	Speciality care transport

Reimbursement for the following designated procedure code for emergency ambulance transportation services will be increased by 6 percent.

A0425	Ground mileage
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Implementation of the provisions of this Rule shall be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

David W. Hood  
Secretary

0212#103

**RULE**

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

**Medical Transportation Services  
Non-Emergency Ambulance Services  
Reimbursement Increase**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has adopted the following Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

**Rule**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing increases the reimbursement for certain designated procedure codes for non-emergency ambulance transportation services to the following rates:

A0426	ALS non-emergency transport	\$178.26
A0428	BLS non-emergency transport	\$178.26
Z5100	Transfer, loaded miles, BLS, 1st trip	\$178.26
Z5101	Transfer, loaded miles, ALS, 1 <sup>st</sup> trip	\$178.26

Implementation of the provisions of this Rule shall be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

David W. Hood  
Secretary

0212#107

**RULE**

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

**Minimum Licensing Standards  
Ambulatory Surgical Centers  
Stereotactic Radiosurgery  
(LAC 48:I.4501, 4503, 4509 and 4571)**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has amended LAC 48:I.4501, 4503, and 4509 as authorized by R.S. 40:2131-2141 and Act 754 of 2001. This Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

**Title 48**  
**PUBLIC HEALTHC GENERAL**  
**Part I. General Administration**  
**Subpart 3. Licensing and Certification**  
**Chapter 45. Ambulatory Surgical Center**

**§4501. Definitions**

**A. Ambulatory Surgical CenterC**

1. an establishment with an organized medical staff of physicians, with permanent facilities that are equipped and operated primarily for the purpose of performing surgical procedures, with continuous physician services and registered professional nursing services available whenever a patient is in the facility, which does not provide services or other accommodations for patients to stay overnight, and which offers the following services whenever a patient is in the center:

- a. drug services as needed for medical operations and procedures performed;
- b. provisions for physical and emotional well-being of patients;
- c. provision of emergency services;
- d. organized administrative structure; and
- e. administrative, statistical, and medical records.

2. *Ambulatory Surgical Center* also means a treatment center that is operated primarily for the purpose of offering stereotactic radiosurgery by use of a Gamma Knife or similar neurosurgical tool.

**B. StandardsC**the rules, regulations and minimum standards duly adopted and promulgated by the Department of Health and Hospitals with approval of the secretary.

**C. DivisionC**the Bureau of Health Services Financing of the Department of Health and Hospitals.

**D. DepartmentC**the Department of Health and Hospitals.

**E. SecretaryC**the secretary of the Department of Health and Hospitals of the state of Louisiana.

F. - Q.4 ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2131-2143.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended LR 14:155 (March 1988), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:2536 (December 2002).

**§4503. Agency Responsibilities**

A. Responsibilities for licensing procedures for ambulatory surgical centers shall be accomplished by the Bureau of Health Services Financing.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:2536 (December 2002).

**§4509. General**

A. Except as otherwise specified in §4571, ambulatory surgical centers shall comply with the following:

1. all licensing requirements contained in this Chapter 45; and
2. all applicable sections of the Guidelines for Design and Construction of Hospital and Health Care Facilities.

B. - N. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2131-2143.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended LR 14:155 (March 1988), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:2536 (December 2002)

**§4571. Stereotactic Radiosurgery**

A. Ambulatory surgical centers operated primarily for the purpose of offering stereotactic radiosurgery by use of a Gamma Knife or similar neurosurgical tool are exempt from:

1. the following requirements in this Chapter 45:
  - a. Subsection 4509.L;
  - b. Subsection 4545.B;
  - c. Subsection 4545.D; and

2. Section 9.5.F5.c of the Guidelines for Design and Construction of Hospital and Health Care Facilities, which provides:

a. "Scrub facilities. Station(s) shall be provided near the entrance to each operating room and may service two operating rooms if needed. Scrub facilities shall be arranged to minimize incidental splatter on nearby personnel or supply carts."

B. The exceptions listed in this §4571 do not apply to ambulatory surgical centers performing surgical procedures in conjunction with stereotactic radiosurgery.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:2536 (December 2002).

David W. Hood  
Secretary

0212#102

**RULE**

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

Nursing Facilities  
Reimbursement Methodology  
Minimum Data Set Verification  
(LAC 50:VII.1301, 1303, 1313 and 1315)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has amended LAC 50:VII.1301 and 1303 and adopted new provisions under the Medical Assistance Program as authorized by R.S. 46:2742 and R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

**Title 50**

**PUBLIC HEALTHC MEDICAL ASSISTANCE**

**Part VII. Long Term Care Services**

**Subpart 1. Nursing Facilities**

**Chapter 13. Reimbursement**

**§1301. Definitions**

\* \* \*

*Calendar QuarterC*a three-month period beginning January 1, April 1, July 1, or October 1.

\* \* \*

**Case Mix Index**Ca numerical value that describes the resident's relative resource use within the groups under the Resource Utilization Group (RUG-III) classification system prescribed by the department based on the resident's MDS assessment. Two average CMIs will be determined for each facility on a quarterly basis, one using all residents (the facility average CMI) and one using only Medicaid residents (the Medicaid average CMI).

\* \* \*

**Delinquent MDS Resident Assessment**Can MDS assessment that is more than 121 days old, as measured by the R2b date field on the MDS.

\* \* \*

**Minimum Data Set (MDS)**Ca core set of screening and assessment data, including common definitions and coding categories, that form the foundation of the comprehensive assessment for all residents of long term care facilities certified to participate in the Medicaid program. The items in the MDS standardize communication about resident problems, strengths, and conditions within facilities, between facilities, and between facilities and outside agencies. The Louisiana system will employ the MDS 2.0 or subsequent revisions as approved by the Center for Medicare and Medicaid Services.

**MDS Supportive Documentation Guidelines**the department's publication of the minimum medical record documentation guidelines for the MDS items associated with the RUG-III classification system. These guidelines shall be maintained by the department and updated and published as necessary.

**On-Site MDS Review**Ca systematic official verification, including the final written report of the examination of original medical record documentation supporting resident assessment data.

\* \* \*

**Point-in-Time**Ca report that reflects the residents in the facility on the last day of the previous calendar quarter.

\* \* \*

**RUG-III Resident Classification System**the resource utilization group used to classify residents. When a resident classifies into more than 1 RUG-III group, the RUG-III group with the greatest CMI will be utilized to calculate the facility average CMI and Medicaid average CMI.

**Unsupported MDS Resident Assessment**Can assessment where one or more data items that are used to classify a resident pursuant to the RUG-III, 34-group, resident classification system is not supported according to the MDS supporting documentation guidelines and a different RUG-III classification would result in order for the MDS assessment to be considered "unsupported."

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 46:2742, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1473 (June 2002), amended LR 28:1790 (August 2002), LR 28:2536 (December 2002).

### §1303. Cost Reports

A. - A.4. ...

B. Cost reports must be prepared in accordance with the cost reporting instructions adopted by the Medicare Program and using the definition of allowable and non allowable cost

contained in the Medicare/Medicaid provider reimbursement manual, with the following exceptions.

1. Cost reports must be submitted annually. The due date for filing annual cost reports is the last day of the fifth month following the facility's fiscal year end.

2. There shall be no automatic extension of the due date for the filing of cost reports. If a provider experiences unavoidable difficulties in preparing its cost report by the prescribed due date, one 30-day extension may be permitted, upon written request submitted to the Medicaid Program prior to the due date. The request must explain in detail why the extension is necessary. Extensions beyond 30 days may be approved for situations beyond the facility's control. An extension will not be granted when the provider agreement is terminated or a change in ownership occurs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 46:2742, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1473 (June 2002), amended LR 28:1790 (August 2002), LR 28:2537 (December 2002).

### §1313. Verification of Minimum Data Set Assessments

A. The department or its contractor shall provide each nursing facility with a point-in-time preliminary case mix index (CMI) report by approximately the fifteenth day of the second month following the beginning of a calendar quarter. This preliminary CMI report will serve as notice of the MDS assessments transmitted and provide an opportunity for the nursing facility to correct and transmit any missing MDS assessments or tracking records or apply the CMS correction policy where applicable. The department or its contractor shall provide each nursing facility with a final CMI report utilizing MDS assessments after allowing the facilities a reasonable amount of time to process their corrections (approximately two weeks).

1. If the department or its contractor determines that a nursing facility has delinquent MDS resident assessments, for purposes of determining both average CMIs, such assessments shall be assigned the case mix index associated with the RUG-III group "BC1-Delinquent." A delinquent MDS shall be assigned a CMI value equal to the lowest CMI in the RUG-III classification system.

B. The department or its contractor shall periodically review the MDS supporting documentation maintained by nursing facilities for all residents, regardless of payer type. Such reviews shall be conducted as frequently as deemed necessary by the department. The department shall notify facilities of the MDS reviews not less than two business days prior to the start of the MDS review date and a fax, electronic mail or other form of communication will be provided to the administrator and MDS coordinator on the same date identifying documentation that will be required to be available at the start of the on-site MDS review.

1. The department or its contractor shall review a sample of MDS resident assessments equal to the greater of 20 percent of the occupied bed size of the facility or 10 assessments and shall include those transmitted assessments posted on the most current point-in-time report. The MDS review will determine the percentage of assessments in the sample that are unsupported MDS resident assessments. The department may review additional or alternative MDS assessments, if it is deemed necessary.

2. When conducting the MDS reviews, the department or its contractor shall consider all MDS supporting documentation that is provided by the nursing facility and is available to the RN reviewers prior to the exit conference. MDS supporting documentation that is provided by the nursing facility after the exit conference shall not be considered for the MDS review.

3. Upon request by the department or its contractor, the nursing facility shall be required to produce a computer-generated copy of the transmitted MDS assessment which shall be the basis for the MDS review.

4. After the close of the MDS review, the department or its contractor will submit an MDS review findings report to the facility within 10 business days following the exit conference.

5. The following corrective action will apply to those facilities with unsupported MDS resident assessments identified during an on-site review.

a. If the percentage of unsupported assessments in the initial on-site review sample is greater than 25 percent, the sample shall be expanded to include another 20 percent of remaining resident assessments.

b. If the percentage of unsupported assessments in the total sample is equal to or less than the threshold percentage as shown in Column (B) of the table in Subparagraph d below, no corrective action will be applied.

c. If the percentage of unsupported assessments in the total sample is greater than the threshold percentage as shown in Column (B) of the table in Subparagraph d below, the RUG-III classification shall be recalculated for the unsupported MDS assessments based upon the available documentation obtained during the review process. The facility's CMI and resulting Medicaid rate shall be recalculated for the quarter in which the point-in-time roster was used to determine the Medicaid rate. A follow-up review process described in Subparagraphs d and e may be utilized at the discretion of the department.

d. Those providers exceeding the thresholds [see Column (B) of the table in Subparagraph e] during the initial on-site review will be given 90 days to correct their assessing and documentation processes. A follow-up MDS review may be performed at the discretion of the Department at least 30 days after the facility's 90-day correction period. The department shall notify the facility not less than two business days prior to the start of the MDS review date. A FAX, electronic mail, or other form of communication will be provided to the administrator and MDS coordinator on the same date identifying documentation that must be available at the start of the on-site MDS review.

e. After the follow-up MDS review, if the percentage of unsupported assessments in the total sample is greater than the threshold percentage as shown in Column (B) of the following table, the RUG-III classification shall be recalculated for the unsupported MDS assessments based upon the available documentation obtained during the review process. The facility's CMI and resulting Medicaid rate shall be recalculated for the quarter in which the point-in-time roster was used to determine the Medicaid rate. In addition, facilities found to have unsupported MDS resident assessments in excess of the threshold in Column (B) of the table below may be required to enter into an MDS Documentation Improvement Plan with the department of

Health and Hospitals. Additional follow-up MDS reviews may be conducted at the discretion of the department.

Effective Date (A)	Threshold Percent (B)
January 1, 2003	Educational
January 1, 2004	40%
January 1, 2005	35%
January 1, 2006	25%

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 46:2742, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:2537 (December 2002).

**§1315. Appeal Process**

A. If the facility disagrees with the review findings, a written request for an informal reconsideration must be submitted to the department or its contractor within 15 business days of the facility's receipt of the MDS review findings report. Otherwise, the results of the MDS review findings report are considered final and not subject to appeal. The department or its contractor will review the facility's informal reconsideration request within 10 business days and will send written notification of the final results of the reconsideration to the facility. No appeal of findings will be accepted until after communication of final results of the informal reconsideration process.

B. The provider has the right to request an appeal within 30 days of the written notice of the results of the informal reconsideration. Such request must be in writing to the Appeals Section. The request must contain a statement and be accompanied by supporting documents setting forth with particularity those asserted discrepancies which the provider contends are in compliance with the agency's regulations and the reasons for such contentions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 46:2742, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:2538 (December 2002).

David W. Hood  
Secretary

0212#108

**RULE**

**Department of Insurance  
Office of the Commissioner**

**Regulation 78C Policy Form Filing Requirements  
(LAC 37:XIII.Chapters 59 and 101)**

Under the authority of Louisiana Revised Statutes Title 22, R.S. 49:950 et seq. and R.S. 22:620.A, the Department of Insurance has adopted the following Rule to establish reasonable requirements for insurers who seek to file insurance products in this state for approval. This Rule is necessary to provide for the uniform and practicable administration of the form filing, review and approval requirements of the Louisiana Insurance Code and to assist all insurers doing business in the state of Louisiana in

complying with the form filing, review and approval requirements of the Louisiana Insurance Code.

Existing Chapter 59, Regulation 15C Rules, Rates, and Forms (By Lines) of the Department of Insurance is repealed in its entirety as of the effective date of this proposed regulation.

**Title 37**  
**INSURANCE**

**Part XIII. Regulations**

**Chapter 59. Regulation 15C Rules, Rates, and Forms (By Lines)**

**§5901. Filing Requirements**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, October 1, 1958, repealed LR 28:2539 (December 2002)

**Chapter 101. Regulation 78C Policy Form Filing Requirements**

**§10101. Purpose**

A. The purpose of this regulation is:

1. to provide for the uniform and practicable administration of the form filing, review and approval requirements of the Louisiana Insurance Code;

2. to clarify the disparate provisions of R.S. 22:620.B;

3. to further protect the interests of insurance consumers and the public through improvements to the form filing, review and approval processes; and

4. to assist all insurers doing business in the state of Louisiana in complying with the form filing, review and approval requirements of the Louisiana Insurance Code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and *Directive* 169.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 28:2539 (December 2002).

**§10103. Authority**

A. This regulation is adopted pursuant to R.S. 22:3.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and *Directive* 169.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 28:2539 (December 2002).

**§10105. Applicability and Scope; Severability**

A. This regulation applies to all insurers doing business in the state of Louisiana subject to the form filing, review and approval provisions of the Louisiana Insurance Code.

B. If any provision of this regulation, or its application to any person or circumstance, is held invalid, such determination shall not affect other provisions or applications of this regulation which can be given effect without the invalid provision or application, and to that end, the provisions of this regulation are severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and *Directive* 169.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 28:2539 (December 2002).

**§10107. Filing and Review of Health Insurance Policy Forms and Related Matters**

A. Definitions. As used in this Section, the following terms shall have the meaning or definition as indicated herein.

**Affirmative Approval** Cdepartment approval, as a result of the department taking action, following *compliance review* of a complete filing, or a filing pursuant to §4.D hereof.

**Association** Can organization legally formed for purposes other than the procurement of insurance and, depending upon the particular insurance products in question, meeting the requirements of R.S. 22:215.A(1)(a)(iv), or R.S. 22:215.A(4)(a), or R.S. 22:250.1(5)(b), or R.S. 22:1734(4), whichever is applicable.

**Basic Insurance Policy Form** Can insurance contractual agreement delineating the terms, provisions and conditions of a particular insurance product. It includes certificates of coverage and any other evidence of coverage, subscriber agreements, application forms where written application is required and is to be attached to the policy or be a part of the contract, and any life or health and accident rider or endorsement form. It does not include policies, riders, or endorsements designed, at the request of the individual policyholder, contract holder, or certificate holder, to delineate insurance coverage upon a particular subject or which relate to the manner of distribution of benefits or to the reservation of rights and benefits under such policy.

**Certification of Compliance** Ccertification by an *insurer*, executed by an officer or authorized representative of the *insurer* on a form prescribed by the department, that upon knowledge and belief a filing is complete and in compliance with all applicable statutes, and rules and regulations promulgated by the department. A *Certification of Compliance* must be included with any filing for *certified approval*.

**Certified Approval** Cexpedited approval by the department of a complete filing based upon the inclusion of a *Statement of Compliance* and a *Certification of Compliance*, executed by an officer or authorized representative of the filing *insurer* on a form prescribed by the department. The department shall by *directive* determine those specific types of coverages and particular types of contracts for which the *certified approval* procedure is either required or available at the option of the *insurer*.

**Complete Filing** Cthe filing of a single insurance product, including any required filing fees, a basic insurance policy form, application form and supplemental application form, if any, to be attached to the policy or be a part of the contract, any life or health and accident rider or endorsement forms, all items required under Subsection C hereof, "General Filing Requirements," and any other requirements as may be set forth in the applicable *Statement of Compliance*.

**Compliance Audit** Ca retrospective review conducted by the department of previously approved basic insurance policy forms to determine compliance with applicable law.

**Compliance Review** Cdepartment review of a filing made pursuant to this Section to determine either that the filing is in compliance with all applicable statutes, rules and regulations, or that the filing should be disapproved for noncompliance.

**Deemed Approval** Capproval of a *complete filing* based upon notice, as provided herein, made to the department by the filing *insurer*, following expiration of the specific time periods as provided herein, where affirmative approval has

not been granted and the filing has not been disapproved by the department.

**Department**—the Louisiana Department of Insurance, and includes the Commissioner of Insurance.

**Endorsement**—a written agreement attached to an insurance product to add or subtract coverage, or otherwise modify the product.

**Insurance Product**—a basic insurance policy form delineating the terms, provisions and conditions of a specific type of coverage under a particular type of contract.

**Insurer**—every person engaged in the business of making contracts of insurance, as further defined in R.S. 22:5. As used in this Section, *insurer* shall also include fraternal benefit societies and health maintenance organizations.

**Method of Marketing**—marketing either through independent or captive agents; telephone, e-mail or direct mail solicitation; groups, organizations, associations or trusts; and/or the Internet.

**Required Filing Fee**—the fee assessed per product or filing pursuant to state insurance law.

**Rider**—an endorsement to an insurance product that modifies clauses and provisions of the product, including adding or excluding coverage.

**Statement of Compliance**—a form prescribed by the department, detailing the requirements specific to a particular form of coverage and contract type.

**Trust**—a fund established by an employer, two or more employers in the same industry, a labor union, or an association, pursuant to a trust instrument which transfers title to property and/or funds to one or more trustees to be administered as fiduciaries for the benefit of others, pursuant to R.S. 22:215.A.(1).

#### B. Filing Required

1. Pursuant to R.S. 22:620.A, no basic insurance policy form, or application form where written application is required and is to be attached to the policy or be a part of the contract, or printed rider or endorsement form, may be issued or delivered in this state unless and until it has been filed with and approved by the commissioner of insurance. This requirement also applies to any group health or accident insurance policy covering residents of Louisiana, regardless of where issued or delivered. Every page of each such form, including rider and endorsement forms, filed with the department must be identified by a form number in the lower left corner of the page.

2. A Health and Accident Transmittal Document must accompany every filing, describing the items included in the filing, the insurance product for which the filing is being made, and the method of marketing to be used for the product. If the filing will include life insurance to be offered as an optional benefit under the base health insurance contract, the policy forms should be submitted in triplicate, notwithstanding the provisions of Paragraph C.2 hereof, and include the appropriate *Statement of Compliance* for said life insurance product.

#### C. General Filing Requirements

1. The department shall designate, by *directive*, those insurance products which must be filed pursuant to the requirements for *certified approval* as set forth in Subsection F hereof, "Time Periods and Requirements for Certified Approval of Policy Form Filings." A directive issued

pursuant to this Subsection may also designate those insurance products which may, at the discretion of the *insurer*, be filed either pursuant to said requirements for Certified Approval, or as ordinary filings subject to review as set forth in Subsection E hereof. All insurance products not so designated shall be filed pursuant to the requirements for Compliance Review as set forth in Subsection E hereof, "Time Periods and Requirements for Compliance Review of Basic Insurance Policy Forms."

2. Other than as specified in Subsection D hereof, "Exceptions," only complete filings will be accepted, whether by mail or as otherwise authorized. In order for the department to conduct a proper compliance review or compliance audit of an insurance product, all items associated therewith must be included. A filing will be determined incomplete and will be disapproved if it does not contain all applicable items.

a. All filings of an insurance product must include, in final wording, the following items, in order:

- i. required filing fee, per insurance product, per insurance company;
- ii. completed Health and Accident Transmittal Document, as prescribed by the department;
- iii. *Statement of Compliance* for said product;
- iv. policy forms filed for approval, in duplicate;
- v. application form, in duplicate;
- vi. rider or endorsement forms, in duplicate;
- vii. copies of any sample identification card intended for issue to covered persons, in duplicate;
- viii. initial premium rates and classification of risks; and

ix. stamped, self-addressed envelope of sufficient size for use in returning the company's set of the policy forms filed, unless filed electronically.

c. Filings of policy forms for one or more standardized Medicare Supplement insurance plans, or one or more standardized Medicare Select insurance plans, shall be considered a filing of one insurance product per *insurer*. Such filings must include, in final wording, the following items, in order:

- i. required filing fee, per insurance product, per insurance company;
- ii. required filing fee for premium rates, rating schedule and supporting documentation; and required filing fee for advertisements;
- iii. completed Health and Accident Transmittal Document, as prescribed by the department;
- iv. *Statement of Compliance* for said product;
- v. policy forms filed for approval, in duplicate;
- vi. outline of coverage, in duplicate;
- vii. application form, in duplicate;
- viii. replacement notice, in duplicate;
- ix. rider or endorsement forms, in duplicate;
- x. proposed plan of operation, as set forth in LAC 37:XIII.525.E for Medicare Select insurance plans, in duplicate;
- xi. premium rates, rating schedule, and supporting documentation, in duplicate;
- xii. any new related advertising as defined in Rule 3A, §4, in duplicate; and

xiii. stamped, self-addressed envelope of sufficient size for use in returning the company's set of the policy forms filed, unless filed electronically.

c. Filings of policy forms for Long Term Care insurance must include, in final wording, the following items, in order:

- i. required filing fee, per insurance product, per insurance company;
- ii. completed Health and Accident Transmittal document, as prescribed by the department;
- iii. *Statement of Compliance* for said product;
- iv. policy forms filed for approval, in duplicate;
- v. outline of coverage, in duplicate;
- vi. application form, in duplicate;
- vii. replacement notice, in duplicate;
- viii. rider or endorsement forms, in duplicate;
- ix. premium rates and classification of risks;
- x. personal worksheet, as per Regulation 46, Appendix B, in duplicate;
- xi. disclosure, as per Regulation 46, Appendix C, in duplicate;
- xii. suitability letter, as per Regulation 46, Appendix D, in duplicate;
- xiii. any new related advertising as defined in Rule 3, 3.4, in duplicate; and
- xiv. stamped, self-addressed envelope of sufficient size for use in returning the company's set of the policy forms filed, unless filed electronically.

d. Filings of all group insurance products must include the group master contract, individual certificates or subscriber agreements or other statements of coverage, group application, individual enrollment forms, and any conversion insurance policy and application for conversion, if offered under the group master contract.

e. Filings of group health and accident products intended for issue to an association are limited to associations as defined herein and must include the association's constitution, by-laws, membership application, membership agreement and brochure of membership benefits other than the insurance products offered.

f. Filings of group health and accident products intended for issue to a trust are limited to trusts established by an employer or association and must include the trust agreement, articles of incorporation or other instrument creating the trust, and member adoption agreement. If the trust was established by an association, include the information described in Subparagraph C.2.e hereof.

g. Filings of amendatory riders or endorsements are permitted where the insurance product to be altered was originally certified or granted affirmative approval not more than three years prior to the filing of said amendatory rider or endorsement. Such filings must include specimen copies of the pertinent previously approved or certified forms, the dates previously approved or certified, and the specific terms and provisions being amended, underlined in red or similarly emphasized. Such filings must also include an affidavit, on a form prescribed by the department, affirming that the insurance product, if amended by rider or endorsement as requested, will be fully compliant with all pertinent statutes and regulations. Premium rates and classification of risks are not required with such filings.

h. Filings of amendatory riders or endorsements, as needed to bring into compliance with law any existing insurance products that have been previously certified or granted *affirmative approval* and are currently in force, but are no longer being marketed, must include specimen copies of the previously approved or certified forms, the dates previously approved or certified, and the specific terms and provisions being amended, underlined in red or similarly emphasized. Premium rates and classification of risks are not required with such filings. The transmittal document should advise that the previously approved or certified form is no longer being marketed.

D. Exceptions. Exceptions to the requirements for a complete filing may be allowed, at the discretion of the department, subject to the conditions stated herein, for the following policy forms.

1. Application forms or enrollment forms to be used with a particular insurance product, or with multiple insurance products, provided that the policy form filings and dates approved are identified for each previously approved product with which the application form or enrollment form will henceforth be used, and the application form or enrollment form is included with any subsequently filed basic insurance policy forms as needed to constitute a complete filing. No filing fees will be required for these filings.

2. Identification Cards. No filing fees will be required for these filings.

3. Medicare Supplement Advertising. Such filings must include statutory filing fees.

4. Long Term Care Advertising. No filing fees will be required for these filings.

5. Medicare Supplement Rate Filings. Such filings must clearly indicate the percentage of increase in rates for each standardized plan and existing pre-standardized plan. Such filings must include statutory filing fees for standardized plans.

6. Exclusionary riders pursuant to R.S. 22:250.11.C; provided that the policy form filings and dates approved are identified for each previously approved product with which the rider form will henceforth be used. No filing fees will be required for these filings. The rider form shall be included with any subsequently filed basic insurance policy forms as needed to constitute a complete filing.

7. Assumption certificates, which must be filed in duplicate, with a single copy of the assumption agreement, letter of domiciliary state approval, information fully identifying the block of business being assumed, the number of covered lives residing in the state of Louisiana to be affected by the assumption, and the effective date of the assumption. No filing fees will be required for these filings.

8. Following approval of a complete filing of a Medicare Supplement insurance product, subsequent filings by the same *insurer* of standardized plans of insurance of the same type do not require inclusion of associated forms such as the replacement notice or plan of operation, unless changes have been made or the plan of operation has changed.

9. Following approval of a complete filing of a Long Term Care insurance product, subsequent filings by the same *insurer* of other Long Term Care products do not require inclusion of associated forms such as the replacement notice,

personal worksheet, disclosure notice and suitability letter, unless changes have been made.

10. Forms for lines of insurance or insurance products specifically exempted pursuant to statute.

#### E. Time Periods and Requirements for Compliance Review of Basic Insurance Policy Forms

1. The time periods stated in this Section do not begin until the date a complete filing, or a filing pursuant to Subsection D hereof, "Exceptions," is received by the department.

2. If a filing made is incomplete, notice of disapproval in accordance with R.S. 22:621(6) will be issued for failure to comply with the requirements of this Regulation.

3. A basic insurance policy form must be submitted to the department in accordance with the "General Filing Requirements" of this Section no less than 45 days in advance of planned issuance, delivery or use.

4. If affirmatively approved by the department prior to expiration of the 45-day period allowed for department review of a filing, the policy forms filed may be used on or after the date approved.

5. If disapproved, the policy forms filed may not be used.

6. At the expiration of 45 days, if no order has been issued affirmatively approving or disapproving a filing, the *insurer* may submit written notice to the department that the filing has been deemed approved on a specific date, or advise when the filing is withdrawn from consideration. Deemed approval shall not be effective until the *insurer* has so notified the department, by either ordinary mail, facsimile transmission or electronic mail.

7. The commissioner of insurance may send written notice prior to expiration of the initial 45-day period extending the time allowed for approval or disapproval by an additional 15 days.

a. If affirmatively approved by order of the commissioner prior to expiration of the 15-day extended period allowed for department review, the policy forms filed may be used on or after the date approved.

b. At the expiration of the 15-day extended period, if no order has been issued affirmatively approving or disapproving the policy form filing, the *insurer* may submit written notice to the department that the policy forms filing has been deemed approved on a specific date, or advise when the policy forms filing is withdrawn from consideration. Deemed approval shall not be effective until the *insurer* has so notified the department, by either ordinary mail, facsimile transmission or electronic mail.

#### F. Time Periods and Requirements for *Certified Approval* of Policy Form Filings

1. The department will make available *Statements of Compliance* setting forth the statutory and regulatory requirements specific to the various forms of coverage and contract types, as well as *Certification of Compliance* forms.

2. A policy form filing submitted for *certified approval* must include the following documents:

a. *Statement of Compliance* applicable to the form of coverage and contract type being submitted;

b. signed and dated *Certification of Compliance*;

c. all other items as set forth in Paragraph C.2 hereof.

3. If the filing is incomplete, notice of disapproval in accordance with R.S. 22:621(6) will be issued for failure to comply with the requirements of this Regulation.

4. At the expiration of 15 days from acknowledged receipt of a filing by the department, if no order has been issued affirming *certified approval* or disapproving the policy form filing, the *insurer* may submit written notice to the department that the policy forms filing has been deemed approved on a specific date, or advise when the policy forms filing is withdrawn from consideration. Deemed approval shall not be effective until the *insurer* has so notified the department, by either ordinary mail, facsimile transmission or electronic mail.

5. No *insurer*, or officer, employee or representative of an *insurer*, shall file a *Certification of Compliance* containing false attestations, or from which material facts or information have been omitted. In the event that the department subsequently learns that a *Certification of Compliance* contained any inaccuracies, false attestations, or material omissions, approval of the subject forms may be withdrawn, and the *insurer* may be subjected to the provisions of Subsection I hereof.

#### G. Resubmission of Filings

1. When submitting revised forms in response to an order of disapproval, or withdrawal of approval, whether issued pursuant to Subsection E, Subsection F or Subsection I hereof, the revised forms will constitute a new filing; must comply with all provisions of this Section for such a filing; and, in addition to the required filing fee, must include:

a. an outline of the proposed revisions, referencing the specific sections and page numbers for each form being revised;

b. a restatement of the form with all necessary revisions, as set forth in the prior order of disapproval, underlined in red or similarly emphasized; and

c. a copy of the prior order of disapproval, or withdrawal of approval, issued by the department on the previous filing.

2. When submitting revisions to previously approved forms, the revised forms will constitute a new filing; must be a complete filing as set forth in Subsection C hereof, "General Filing Requirements"; and, in addition to the required filing fee, must include:

a. a copy of the previously approved form;

b. an outline of the proposed revisions, referencing the specific sections and page numbers for each previously approved form being revised;

c. a restatement of the form, with all proposed revisions underlined in red or similarly emphasized; and

d. a copy of the prior order of approval, issued by the department on the previous filing.

3. For simplicity, it is advisable that a unique form number be assigned to a substantially rewritten form, and that such form be filed as an original filing.

#### H. Compliance and Audits

1. Approval of a basic insurance policy form does not assure perpetual compliance. Following subsequent changes in applicable law, *insurers* shall not fail to revise and file updated insurance products, or amendatory riders or endorsements where appropriate, with the department for approval as required to maintain continuous compliance with the current requirements of law. This provision shall apply to

all new business issued, or in-force business renewed, following any such subsequent changes in applicable law, or as otherwise determined by the Louisiana Legislature.

2. A retrospective review process will be utilized to verify compliance of approved filings and to assure that all approved filings remain in compliance with currently applicable law. Compliance audits may be conducted by random selection, prompted by complaints filed with the department or requests for information made by the department, or performed during the course of examinations conducted by the department.

3. *Insurers* shall notify the department in writing to advise when a previously approved basic insurance policy form will no longer be marketed in this state and is being permanently withdrawn from the market. Such notification shall also advise whether or not coverage issued in this state under the policy form remains in force and whether or not such existing business will continue to be renewed. The notification shall provide the policy form numbers, being discontinued and dates originally approved by the department.

#### I. Withdrawal of Approval and Corrective Action

1. The department shall withdraw any affirmative approval of a filing previously granted, or withdraw any approval of a filing previously deemed approved by an *insurer*, if the department determines that any of the reasons for disapproval as stated in R.S. 22:621 apply to the filing in question. The notice of withdrawal of approval by the department shall state that such withdrawal of approval is effective 30 days after receipt of such notice by the affected *insurer*.

a. The affected *insurer* may request a hearing on the withdrawal of approval, by written request mailed to the department within 30 days of receipt of the notice of withdrawal of approval.

b. Upon receipt by the department of a request for a hearing, the 30-day notice period precedent to withdrawal of approval being effective shall be suspended for the duration of the hearing process, and shall recommence upon the date of a ruling adverse to the *insurer* requesting the hearing. Such suspension of the notice of withdrawal of approval shall be applicable to Paragraphs I.2, 3, 4 and 5 hereof.

2. Upon receipt of the notice of withdrawal of approval by the department, the affected *insurer* must:

a. immediately amend its procedures to assure that all in-force business is properly administered in accordance with the findings stated in the withdrawal of approval;

b. immediately review and ascertain any negative impact upon covered persons caused directly or indirectly by non-compliant provisions of the forms for which approval has been withdrawn; and

c. immediately review other products being marketed by the *insurer* to assure that they do not contain such non-compliant provisions.

3. Within 30 days of receipt of the notice of withdrawal of approval by the department, a corrective action plan must be submitted to the department by the affected *insurer*. The corrective action plan must include the following.

a. If the affected product will no longer be marketed, amendatory endorsement forms or rider forms to affect any in-force business written utilizing the non-

compliant forms, correcting all areas of non-compliance as stated in the withdrawal of approval by the department; and a prototype of the notice to be utilized in notifying any affected policyholders of the changes to their existing coverage.

b. If the *insurer* desires to continue marketing the affected product, both:

i. a complete filing of properly revised forms in accordance with Paragraph G1 hereof; and

ii. amendatory endorsement forms or rider forms to affect any in-force business written utilizing the non-compliant forms, correcting all areas of non-compliance as stated in the withdrawal of approval by the department; and a prototype of the notice to be utilized in notifying any affected policyholders of the changes to their existing coverage.

c. Where such a required change can be clearly explained to prospective policy holders through amendatory endorsement forms or rider forms. Such approval shall not extend to any reprinting of such forms.

4. As of 30 days following receipt of the notice of withdrawal of approval by the department, an affected product shall not be issued by the *insurer*, except in accordance with a corrective action plan approved by the department. The *insurer* has the obligation to timely notify its marketing force, or to otherwise adjust its business operations, accordingly.

5. The department may, in its discretion, extend the 30-day period for approval of a corrective action plan, upon the written request of the affected *insurer* and for good cause shown. In the event such an extension is granted, the date by which the *insurer* must cease issuing the affected product, except in accordance with a corrective action plan approved by the department, shall likewise be so extended.

6. Failure to timely respond as required herein shall result in a formal investigation to establish the extent of statutory violations, followed by an administrative hearing to determine appropriate sanctions against the *insurer*.

7. Where the department fails to respond to a corrective action plan filed by an insurer, or takes no action whatsoever regarding such plan, the insurer may deem the subject corrective action plan approved at the expiration of the 30-day period for approval by the department.

J. Appeals; Hearings. Any *insurer* or other person aggrieved by a failure to approve any filing, or the disapproval of any filing, or the withdrawal of approval of any filing, or any related action taken by the department pursuant to this Section, may request an administrative hearing in accordance with the provisions of Part XXIX of Title 22 of the Louisiana Revised Statutes. pursuant to R.S. 22:1351, such demand must be in writing, must specify in what respects the company is aggrieved and the grounds to be relied upon as basis for relief to be demanded at the hearing, and must be made within 30 days of receipt of actual notice or, if actual notice is not received, within 30 days of the date such *insurer* or other person learned of the act, or failure to act, upon which the demand for hearing is based.

K. Maintenance of Records; Alteration of Forms Prohibited

1. Every *insurer* or other person filing policy forms, or related forms, for approval by the department shall maintain

in their files the original set of any and all forms as returned by the department, along with all related correspondence and transmittal documents from the department. Alternatively, images of such documents may be maintained in electronic/digital form. Such files shall be available for inspection by the department upon request, and must be maintained until the forms have been withdrawn from the market in accordance with Paragraph H.3 hereof and no coverage issued on risks in this state utilizing such forms remains in force.

2. The alteration of, or any change to, any such form approved by the department is prohibited. Any such altered or changed form shall be submitted to the department as a new filing, and shall comply with all provisions of this Section applicable to a new filing. This Subsection shall not apply to typographical corrections and format improvements that do not affect the terms, provisions or clarity of the product.

3. A change of company name or logo, a change of address, and changes in listed officers do not require a new filing of forms when the department is otherwise properly notified of such change, and a copy of such notification is maintained on file by the *insurer*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and *Directive* 169.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 28:2539 (December 2002).

#### **§10109. Filing and Review of Life and Annuity Insurance Policy Forms and Related Matters**

A. Definitions. As used in this Section, the following terms shall have the meaning or definition as indicated herein.

*Affirmative Approval* department approval, as a result of the department taking action, following *compliance review* of a complete filing, or a filing pursuant to Subsection D hereof.

*Association* Can organization which has been formed for purposes other than procuring insurance for the members or employees.

*Basic Insurance Policy Form* Can insurance contractual agreement delineating the terms, provisions and conditions of a particular insurance or annuity product. It includes certificates of coverage, application forms where written application is required and is to be attached to the policy or be a part of the contract, and any life or health and accident rider or endorsement form. It does not include policies, riders, or endorsements designed, at the request of the individual policyholder, contract holder, or certificate holder, to delineate insurance coverage upon a particular subject or which relate to the manner of distribution of benefits or to the reservation of rights and benefits under such policy.

*Certification of Compliance* certification by an *insurer*, executed by an officer or authorized representative of the *insurer* on a form prescribed by the department, that upon knowledge and belief a filing is complete and in compliance with all applicable statutes, and rules and regulations promulgated by the department. A *Certification of Compliance* must be included with any filing for Certified Approval.

*Certified Approval* expedited approval by the department of a complete filing based upon the inclusion of a *Statement of Compliance* and a *Certification of Louisiana Register Vol. 28, No. 12 December 20, 2002*

*Compliance*, executed by an officer or authorized representative of the filing *insurer* on forms prescribed by the department. The department shall by *directive* determine those specific types of coverage and particular types of contracts for which the *certified approval* procedure is either required or available at the option of the *insurer*.

*Complete Filing* the filing of a single insurance product, including any required filing fees, a basic insurance policy form, application form and supplemental application form, if any, to be attached to the policy or be a part of the contract, any life or health and accident rider or endorsement forms, all items required under Subsection C hereof, "General Filing Requirements," and any other requirements as may be set forth in the applicable *Statement of Compliance*.

*Compliance Audit* a retrospective review conducted by the department of previously approved basic insurance policy forms to determine compliance with applicable law.

*Compliance Review* department review of a filing made pursuant to this Section to determine either that the filing is in compliance with all applicable statutes, rules and regulations, or that the filing should be disapproved for noncompliance.

*Deemed Approval* approval of a complete filing based upon notice, as provided herein, made to the department by the filing *insurer*, following expiration of the specific time periods as provided herein, where *affirmative approval* has not been granted and the filing has not been disapproved by the department.

*Department* the Louisiana Department of Insurance, and includes the commissioner of insurance.

*Endorsement* a written agreement attached to an insurance product to add or subtract coverage, or otherwise modify the product.

*Insurance Product* a basic insurance policy form delineating the terms, provisions and conditions of a specific type of coverage under a particular type of contract.

*Insurer* every person engaged in the business of making contracts of insurance, as further defined in R.S. 22:5. As used in this Section, *insurer* shall also include fraternal benefit societies.

*Method of Marketing* marketing either through independent or captive agents; telephone, email or direct mail solicitation; groups, organizations, associations or trusts; and/or the Internet.

*Required Filing Fee* the fee assessed per product or filing pursuant to state insurance law.

*Rider* Can endorsement to an insurance product that modifies clauses and provisions of the product, including adding or excluding coverage.

*Statement of Compliance* a form prescribed by the department detailing the requirements specific to a particular form of coverage and contract type.

*Trust* a fund established by an employer, two or more employers, a labor union, or an association, pursuant to a trust instrument which transfers title to property and/or funds to one or more trustees to be administered as fiduciaries for the benefit of others.

#### **B. Filing Required**

1. pursuant to R.S. 22:620.A, no basic insurance policy form, or application form where written application is required and is to be attached to the policy or be a part of the

contract, or printed rider or endorsement form, may be issued or delivered in this state unless and until it has been filed with and approved by the commissioner of insurance. This requirement applies to any group life insurance policy or annuity covering residents of Louisiana where issued or delivered in Louisiana. Every page of each such form, including rider and endorsement forms, filed with the department must be identified by a form number in the lower left corner of the page.

2. A Life and Annuity Transmittal Document must accompany every filing, describing the items included in the filing, the insurance or annuity product for which the filing is being made, and the method of marketing to be used for the product. If the filing will include health insurance to be offered as an optional benefit under the base life insurance contract, the policy forms should be submitted in triplicate, notwithstanding the provisions of Paragraph C.2 hereof, and include the appropriate *Statement of Compliance* for said health insurance product.

### C. General Filing Requirements

1. The department shall designate, by directive, those insurance or annuity products which must be filed pursuant to the requirements for *certified approval* as set forth in Subsection F hereof, "Time Periods and Requirements for Certified Approval of Policy Form Filings." A directive issued pursuant to this Subsection may also designate those insurance or annuity products which may, at the discretion of the *insurer*, be filed either pursuant to said requirements for *certified approval*, or as ordinary filings subject to review as set forth in Subsection E hereof. All insurance or annuity products not so designated shall be filed pursuant to the requirements for *compliance review* as set forth in Subsection E hereof, "Time Periods and Requirements for Compliance Review of Basic Insurance Policy Forms."

2. Other than as specified in Subsection D hereof, "Exceptions," only complete filings will be accepted, whether by mail or as otherwise authorized. In order for the department to conduct a proper compliance review or compliance audit of an insurance or annuity product, all items associated therewith must be included. A filing will be determined incomplete and will be disapproved if it does not contain all applicable items.

a. All filings of individual life insurance or annuity products must include, in final wording, the following items, in order:

- i. required filing fee, per insurance or annuity product, per company;
- ii. completed Life and Annuity Transmittal Document, as prescribed by the department;
- iii. *Statement of Compliance* for said product;
- iv. policy forms filed for approval, in duplicate;
- v. application form, in duplicate;
- vi. *rider* or endorsement forms, in duplicate;
- vii. actuarial memorandum describing the statutory reserves and non-forfeiture values that will be used for each plan of insurance, in duplicate;
- viii. life illustrations, if illustrated, in duplicate; and
- ix. stamped, self-addressed envelope of sufficient size for use in returning the company's set of the policy forms filed, unless filed electronically.

b. Filings of all group life and annuity products must include, in final wording, the following:

- i. required filing fee, per insurance or annuity product, per insurance company;
- ii. completed Life and Annuity Transmittal Document, as prescribed by the department;
- iii. *Statement of Compliance* for said product;
- iv. group master contract, in duplicate;
- v. individual certificate, in duplicate;
- vi. group application, in duplicate;
- vii. *rider* or endorsement forms, in duplicate;
- viii. employee/member enrollment forms, in duplicate;
- ix. actuarial memorandum describing the statutory reserves and non-forfeiture values that will be used for each plan of insurance, in duplicate; and
- x. stamped, self-addressed envelope of sufficient size for use in returning the company's set of the policy forms filed, unless filed electronically.

c. Filings of group life and annuity products intended for issue to an association are limited to associations as defined herein, and must include the association's constitution, by-laws, membership application, membership agreement and brochure of membership benefits other than the insurance products offered.

d. Filings of group life and annuity products intended for issuance to a *trust* are limited to *trusts* established by an employer or association and must include the *trust* agreement, articles of incorporation or other instrument creating the *trust*, and member adoption agreement. If the *trust* was established by an association, include the information described in Subparagraph C.2.c hereof. This subsection shall not apply to trusts established by qualified or government pension plans.

e. Filings of amendatory *riders* or endorsements as needed to bring into compliance with law any existing insurance or annuity products that have been previously approved and are currently in force, but are no longer being marketed, must include specimen copies of the previously approved forms, the dates previously approved, and the specific terms and provisions being amended, underlined in red or otherwise noted. The transmittal letter should advise that the previously approved form is no longer being marketed.

D. Exceptions. Exceptions to the requirements for a complete filing may be allowed, at the discretion of the department, subject to the conditions stated herein, for the following policy forms.

1. Application forms to be used with a particular insurance or annuity product, or with multiple insurance or annuity products, provided that the policy form filings and dates approved are identified for each previously approved product with which the application form will henceforth be used and, the application form is included with any subsequently filed basic insurance or annuity policy forms as needed to constitute a complete filing. No filing fees will be required for these filings.

2. Assumption certificates, which must be filed in duplicate, with a single copy of the assumption agreement, letter of domiciliary state approval, information fully identifying the block of business being assumed, the number of covered lives residing in the state of Louisiana to be affected by the assumption, and the effective date of the assumption. No filing fees will be required for these filings.

3. *riders* or endorsement forms affecting previously approved life insurance or annuity products, provided that the policy form filings and dates approved are identified for each previously approved product with which the rider or endorsement form will henceforth be used. No filing fees will be required for these filings. The rider or endorsement forms shall be included with any subsequently filed basic insurance policy forms as needed to constitute a complete filing.

4. Forms for lines of insurance or insurance products specifically exempted pursuant to statute.

E. Time Periods and Requirements for Compliance Review of Basic Insurance Policy Forms

1. The time periods stated in this Section do not begin until the date a complete filing, or a filing pursuant to Subsection D hereof, "Exceptions," is received by the department.

2. If a filing made is incomplete, notice of disapproval in accordance with R.S. 22:621(6) will be issued for failure to comply with the requirements of this Regulation.

3. A basic insurance policy form must be submitted to the department in accordance with the General Filing Requirements of this Section no less than 45 days in advance of planned issuance, delivery or use.

4. If affirmatively approved by the department prior to expiration of the 45-day period allowed for department review of a filing, the policy forms filed may be used on or after the date approved.

5. If disapproved, the policy forms filed may not be used.

6. At the expiration of 45 days, if no order has been issued affirmatively approving or disapproving a filing, the *insurer* may submit written notice to the department that the filing has been deemed approved on a specific date, or advise when the filing is withdrawn from consideration. Deemed approval shall not be effective until the *insurer* has so notified the department, by either ordinary mail, facsimile transmission or electronic mail.

7. The commissioner of insurance may send written notice prior to expiration of the initial 45-day period extending the time allowed for approval or disapproval by an additional 15 days.

a. If affirmatively approved by order of the commissioner prior to expiration of the 15-day extended period allowed for department review, the policy forms filed may be used on or after the date approved.

b. At the expiration of the 15-day extended period, if no order has been issued affirmatively approving or disapproving the policy form filing, the *insurer* may submit written notice to the department that the policy forms filing has been deemed approved on a specific date, or advise when the policy forms filing is withdrawn from consideration. Deemed approval shall not be effective until the *insurer* has so notified the department, by either ordinary mail, facsimile transmission or electronic mail.

F. Time Periods and Requirements for Certified Approval of Policy Form Filings

1. The department will make available "Statements of Compliance" setting forth the statutory and regulatory requirements specific to the various forms of coverage and contract types, as well as *Certification of Compliance* forms.

2. A policy form filing submitted for *certified approval* must include the following documents:

a. *Statement of Compliance* applicable to the form of coverage and contract type being submitted;

b. signed and dated *Certification of Compliance*;

c. all other items as set forth in Paragraph C.2 hereof.

3. If the filing is incomplete, notice of disapproval in accordance with R.S. 22:621(6) will be issued for failure to comply with the requirements of this Regulation.

4. At the expiration of 15 days from acknowledged receipt of a filing by the department, if no order has been issued affirming *certified approval* or disapproving the policy form filing, the *insurer* may submit written notice to the department that the policy forms filing has been deemed approved on a specific date, or advise when the policy forms filing is withdrawn from consideration. Deemed approval shall not be effective until the *insurer* has so notified the department, by either ordinary mail, facsimile transmission or electronic mail.

5. No *insurer*, or officer, employee or representative of an *insurer*, shall file a *Certification of Compliance* containing false attestations, or from which material facts or information have been omitted. In the event that the department subsequently learns that a *Certification of Compliance* contained any inaccuracies, false attestations, or material omissions, approval of the subject forms may be withdrawn, and the *insurer* may be subjected to the provisions of Subsection I hereof.

G. Resubmission of Filings

1. When submitting revised forms in response to an order of disapproval, or withdrawal of approval, whether issued pursuant to Subsection E, Subsection F or Subsection I hereof, the revised forms will constitute a new filing; must be a complete filing as set forth in Subsection C hereof, "General Filing Requirements"; and, in addition to the required filing fee, must include:

a. an outline of the proposed revisions, referencing the specific sections and page numbers for each form being revised;

b. a restatement of the form with all necessary revisions, as set forth in the prior order of disapproval, underlined in red or similarly emphasized; and

c. a copy of the prior order of disapproval, or withdrawal of approval, issued by the department on the previous filing.

2. When submitting revisions to previously approved forms, the revised forms will constitute a new filing; must be a complete filing as set forth in Subsection C hereof, "General Filing Requirements"; and, in addition to the required filing fee, must include:

a. a copy of the previously approved form;

b. an outline of the proposed revisions, referencing the specific sections and page numbers for each previously approved form being revised;

c. a restatement of the form, with all proposed revisions underlined in red or similarly emphasized; and

d. a copy of the prior order of approval, issued by the department on the previous filing.

3. For simplicity, it is advisable that a unique form number be assigned to a substantially rewritten form, and that such form be filed as an original filing.

## H. Compliance and Audits

1. Approval of a basic insurance policy form does not assure perpetual compliance. Following subsequent changes in applicable law, *insurers* shall not fail to revise and file updated insurance products, or amendatory riders or endorsements where appropriate, with the department for approval as required to maintain continuous compliance with the current requirements of law. This provision shall apply to all new business issued, or in-force business renewed, following any such subsequent changes in applicable law, or as otherwise determined by the Louisiana Legislature.

2. A retrospective review process will be utilized to verify compliance of approved filings and to assure that all approved filings remain in compliance with currently applicable law. Compliance audits may be conducted by random selection, prompted by complaints filed with the department or requests for information made by the department, or performed during the course of examinations conducted by the department.

3. *Insurers* shall notify the department in writing to advise when a previously approved basic insurance policy form will no longer be marketed in this state and is being permanently withdrawn from the market. Such notification shall also advise whether or not coverage issued in this state under the policy form remains in force and whether or not such existing business will continue to be renewed. The notification shall provide the policy form numbers being discontinued and dates originally approved by this department.

### I. Withdrawal of Approval and Corrective Action

1. The department shall withdraw any *affirmative approval* of a filing previously granted, or withdraw any approval of a filing previously deemed approved by an *insurer*, if the department determines that any of the reasons for disapproval as stated in R.S. 22:621 apply to the filing in question. The notice of withdrawal of approval by the department shall state that such withdrawal of approval is effective 30 days after receipt of such notice by the affected *insurer*.

a. The affected *insurer* may request a hearing on the withdrawal of approval, by written request mailed to the department within 30 days of receipt of the notice of withdrawal of approval.

b. Upon receipt by the department of a request for a hearing, the 30-day notice period precedent to withdrawal of approval being effective shall be suspended for the duration of the hearing process, and shall recommence upon the date of a ruling adverse to the *insurer* requesting the hearing. Such suspension of the notice of withdrawal of approval shall be applicable to Paragraphs I.2, 3, 4 and 5 hereof.

2. Upon receipt of the notice of withdrawal of approval by the department, the affected *insurer* must:

a. immediately amend its procedures to assure that all in-force business is properly administered in accordance with the findings stated in the withdrawal of approval;

b. immediately review and ascertain any negative impact upon covered persons caused directly or indirectly by non-compliant provisions of the forms for which approval has been withdrawn; and

c. immediately review other products being marketed by the *insurer* to assure that they do not contain such non-compliant provisions.

3. Within 30 days of receipt of the notice of withdrawal of approval by the department, a corrective action plan must be submitted to the department by the affected *insurer*. The corrective action plan must include the following.

a. If the affected product will no longer be marketed, amendatory endorsement forms or rider forms to affect any in-force business written utilizing the non-compliant forms, correcting all areas of non-compliance as stated in the withdrawal of approval by the department; and a prototype of the notice to be utilized in notifying any affected policyholders of the changes to their existing coverage.

b. If the *insurer* desires to continue marketing the affected product, both:

i. a complete filing of properly revised forms in accordance with Paragraph G.1 hereof; and

ii. amendatory endorsement forms or *rider* forms to affect any in-force business written utilizing the non-compliant forms, correcting all areas of non-compliance as stated in the withdrawal of approval by the department; and a prototype of the notice to be utilized in notifying any affected policyholders of the changes to their existing coverage.

c. Where such a required change can be clearly explained to prospective policyholders through amendatory endorsement forms or rider forms, an insurer may request department approval to utilize its existing inventory of the policy forms in question subject to the incorporation of approved amendatory endorsement forms or rider forms. Such approval shall not extend to any reprinting of such forms.

4. As of 30 days following receipt of the notice of withdrawal of approval by the department, an affected product shall not be issued by the *insurer*, except in accordance with a corrective action plan approved by the department. The *insurer* has the obligation to timely notify its marketing force, or to otherwise adjust its business operations, accordingly.

5. The department may, in its discretion, extend the 30-day period for approval of a corrective action plan, upon the written request of the affected *insurer* and for good cause shown. In the event such an extension is granted, the date by which the *insurer* must cease issuing the affected product, except in accordance with a corrective action plan approved by the department, shall likewise be so extended.

6. Failure to timely respond as required herein shall result in a formal investigation to establish the extent of statutory violations, followed by an administrative hearing to determine appropriate sanctions against the *insurer*.

7. Where the department fails to respond to a corrective action plan filed by an insurer, or takes no action whatsoever regarding such plan, the insurer may deem the subject corrective action plan approved at the expiration of the 30-day period for approval by the department.

J. Appeals; Hearings. Any *insurer* or other person aggrieved by a failure to approve any filing, or the disapproval of any filing, or the withdrawal of approval of any filing, or any related action taken by the department pursuant to this Section, may request an administrative hearing in accordance with the provisions of Part XXIX of Title 22 of the Louisiana Revised Statutes. pursuant to R.S.

22:1351, such demand must be in writing, must specify in what respects the company is aggrieved and the grounds to be relied upon as basis for relief to be demanded at the hearing, and must be made within 30 days of receipt of actual notice or, if actual notice is not received, within 30 days of the date such insurer or other person learned of the act, or failure to act, upon which the demand for hearing is based.

#### K. Maintenance of Records; Alteration of Forms Prohibited

1. Every insurer or other person filing policy forms, or related forms, for approval by the department shall maintain in their files the original set of any and all forms as returned by the department, along with all related correspondence and transmittal documents from the department. Alternatively, images of such documents may be maintained in electronic/digital form. Such files shall be available for inspection by the department upon request, and must be maintained until the forms have been withdrawn from the market in accordance with Paragraph H.3 hereof and no coverage issued on risks in this state utilizing such forms remains in force.

2. The alteration of, or any change to, any such form approved by the department is prohibited. Any such altered or changed form shall be submitted to the department as a new filing, and shall comply with all provisions of this Section applicable to a new filing. This Subsection shall not apply to typographical corrections and format improvements that do not affect the terms, provisions or clarity of the product.

3. A change of company name or logo, a change of address, and changes in listed officers do not require a new filing of forms when the department is otherwise properly notified of such change, and a copy of such notification is maintained on file by the insurer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and *Directive* 169.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 28:2544 (December 2002).

### §10113. Filing and Review of Property and Casualty Insurance Policy Forms and Related Matters

A. Definitions. As used in this Section, the following terms shall have the meaning or definition as indicated herein.

*Affirmative Approval* department approval, as a result of the department taking action, following *Compliance Review* of a complete filing, or a filing pursuant to Subsection D hereof.

*Basic Insurance Policy Form* an insurance contractual agreement delineating the terms, provisions and conditions of a particular insurance product. It includes endorsements, and application forms where written application is required and is to be attached to the policy or be a part of the contract. It does not include policies, riders, or endorsements designed, at the request of the individual policyholder, contract holder, or certificate holder, to delineate insurance coverage upon a particular subject or which relate to the manner of distribution of benefits or to the reservation of rights and benefits under such policy.

*Certification of Compliance* certification by an insurer, executed by an officer or authorized representative of the

insurer on a form prescribed by the department, that upon knowledge and belief a filing is complete and in compliance with all applicable statutes, and rules and regulations promulgated by the department. A *Certification of Compliance* must be included with any filing for *certified approval*.

*Certified Approval* expedited approval by the department of a complete filing based upon the inclusion of a *Statement of Compliance* and a *Certification of Compliance*, executed by an officer or authorized representative of the filing insurer on forms prescribed by the department. The department shall by *Directive* determine those specific types of coverage and particular types of contracts for which the Certified Approval procedure is either required or available at the option of the insurer.

*Complete Filing* the filing of a single insurance product, including any required filing fees, a basic insurance policy form, application form to be attached to the policy or be a part of the contract, all items required under Subsection C hereof, "General Filing Requirements," and any other requirements as may be set forth in the applicable *Statement of Compliance*.

*Compliance Audit* a retrospective review conducted by the department of previously approved basic insurance policy forms to determine compliance with applicable law.

*Compliance Review* department review of a filing made pursuant to this Section to determine either that the filing is in compliance with all applicable statutes, rules and regulations, or that the filing should be disapproved for noncompliance.

*Deemed Approval* approval of a complete filing based upon notice, as provided herein, made to the department by the filing insurer, following expiration of the specific time periods as provided herein, where Affirmative approval has not been granted and the filing has not been disapproved by the department.

*Department* the Louisiana Department of Insurance, and includes the commissioner of insurance.

*Endorsement* a written agreement attached to an insurance product to add or subtract coverage, or otherwise modify the product.

*Filing Organization* an entity authorized by the Louisiana Insurance Rating Commission to act as an advisory or rating organization on behalf of its members and subscribers.

*Insurance Product* a basic insurance policy form delineating the terms, provisions and conditions of a specific type of coverage under a particular type of contract, or a basic insurance policy form which combines more than one line of business within one policy form at a single premium.

*Insurer* every person engaged in the business of making contracts of insurance, as further defined in R.S. 22:5.

*Method of Marketing* marketing either through independent or captive agents; telephone, email or direct mail solicitation; groups, organizations, associations or trusts; and/or the Internet.

*Rate/Rule Approval* a department notice addressed to an insurer granting authorization to implement or revise rates and/or rules on a specified date.

*Required Filing Fee* the fee assessed per product or filing pursuant to state insurance law.

*RiderCan* endorsement to an insurance product that modifies clauses and provisions of the product, including adding or excluding coverage.

*Statement of ComplianceCa* form prescribed by the department detailing the requirements specific to a particular form of coverage and contract type.

B. Filing Required

1. Pursuant to R.S. 22:620.A, no basic insurance policy form, other than surety bond forms, or application form where written application is required and is to be attached to the policy or be a part of the contract, or printed rider or endorsement form, may be issued or delivered in this state unless and until it has been filed with and approved by the commissioner of insurance. Every page of each such form, including rider and endorsement forms, filed with the department must be identified by a form number in the lower left corner of the page.

2. A Property and Casualty Transmittal Document must accompany every filing, describing the items included in the filing, the insurance product for which the filing is being made, and the method of marketing to be used for the product.

C. General Filing Requirements

1. The department shall designate, by directive, those insurance products which must be filed pursuant to the requirements for *certified approval* as set forth in Subsection F hereof, "Time Periods and Requirements for Certified Approval of Policy Form Filings," and those insurance products which may, at the discretion of the *insurer*, be filed pursuant to said requirements. All insurance products not so designated shall be filed pursuant to the requirements for Compliance Review as set forth in Subsection E hereof, "Time Periods and Requirements for Compliance Review of Policy Form Filings." Filing organizations are excepted from the mandatory provisions relative to Certified Approval and may, at their option, make filings pursuant to Subsection E hereof.

2. Only complete filings will be accepted, whether by mail or as otherwise authorized. In order for the department to conduct a proper compliance review or compliance audit of an insurance product, all items associated therewith must be included. A filing of a basic insurance policy form will be determined incomplete and will be disapproved if it does not contain all applicable items.

a. All filings of an insurance product must include, in final wording, the following items, in order:

- i. required filing fee, per product, per insurance company; or required filing fee per endorsement filing; per insurance company;
- ii. forms filed for approval;
- iii. completed Property and Casualty Transmittal Document, as prescribed by the department;
- iv. *Statement of Compliance* for said product;
- v. duplicate set of the policy forms filing, as filed for approval;
- vi. explanation of any rate/rule impact, with a copy of any rate/rule approval letters issued by the department; if none, so state;
- vii. stamped, self-addressed envelope of sufficient size for use in returning the company's set of the policy forms filed, unless filed electronically.

3. An *insurer* may elect to adopt forms submitted by a filing organization, or have a filing organization file forms on its behalf. An *insurer* may request an effective date later than the effective date of the filing by the filing organization. Such adoptions, whether delayed or not, must be requested by letter. The Forms and Compliance Division staff of the department will verify that the *insurer* is a member or subscriber of the filing organization, and that the forms being adopted have been approved by the department.

a. Adoptions, including delayed adoptions, are filed for informational purposes only, but the request will be denied if the forms proposed for adoption are not approved by the department. To receive an acknowledgement of filing, the *insurer's* request must contain the following items, in order:

- i. required filing fee, per adoption, per insurance company whether or not delayed;
- ii. reference to the filing organization's identification/code number;
- iii. line of business;
- iv. name of the program; and
- v. stamped, self-addressed envelope of sufficient size for use in returning the *insurer's* cover letter bearing the department's stamp of acknowledgement, or disapproval of an adoption.

b. An *insurer* may elect to non-adopt forms submitted by a filing organization. Non-adoptions are filed for informational purposes only, and must be submitted by the *insurer*. To receive an acknowledgement of the informational letter, it must contain the following items, in order:

- i. reference to the filing organization's identification/code number;
- ii. line of business;
- iii. name of the program; and
- iv. stamped, self-addressed envelope of sufficient size for use in returning the *insurer's* cover letter bearing the department's stamp of acknowledgement.

D. Exceptions. Exceptions to the requirements for a complete filing may be allowed, at the discretion of the department, subject to the conditions stated herein, for the following policy forms:

1. informational filings, submitted for acknowledgement, for surety bond forms as exempted by R.S. 22:620 A(1);
2. filings for certain commercial lines, exempted pursuant to the commercial deregulation laws set by Regulation 72;
3. application forms to be used with a particular insurance product, or with multiple insurance products, provided that the policy form filings and dates approved are identified for each previously approved product with which the application form will henceforth be used, and the application form is included with any subsequently filed basic insurance policy forms as needed to constitute a complete filing. No filing fees will be required for these filings;
4. forms for lines of insurance or insurance products specifically exempted pursuant to statute.

E. Time Periods and Requirements for Compliance Review of Policy Form Filings

1. The time periods stated in this Section do not begin until the date a complete filing, or a filing pursuant to Subsection D hereof, "Exceptions," is received by the department.

2. If a filing made is incomplete, notice of disapproval in accordance with R.S. 22:621(6) will be issued for failure to comply with the requirements of this Regulation.

3. A basic insurance policy form must be submitted to the department in accordance with the General Filing Requirements of this Section no less than 45 days in advance of planned issuance, delivery or use.

4. If affirmatively approved by order of the commissioner prior to expiration of the 45-day period allowed for department review of a filing, the policy forms filed may be used on or after the date approved.

5. If disapproved, the policy forms filed may not be used.

6. At the expiration of 45 days, if no order has been issued affirmatively approving or disapproving a filing, the *insurer* may submit written notice to the department that the filing has been deemed approved on a specific date, or advise when the filing is withdrawn from consideration. Deemed approval shall not be effective until the *insurer* has so notified the department, by either ordinary mail, facsimile transmission or electronic mail.

7. The commissioner of insurance may send written notice prior to expiration of the initial 45-day period extending the time allowed for approval or disapproval by an additional 15 days.

a. If affirmatively approved by order of the commissioner prior to expiration of the 15-day extended period allowed for department review, the policy forms filed may be used on or after the date approved.

b. At the expiration of the 15-day extended period, if no order has been issued affirmatively approving or disapproving the policy form filing, the *insurer* may submit written notice to the department that the policy forms filing has been deemed approved on a specific date or, advise when the policy forms filing is withdrawn from consideration. Deemed approval shall not be effective until the *insurer* has so notified the department, by either ordinary mail, facsimile transmission or electronic mail.

#### F. Time Periods and Requirements for Certified Approval of Policy Form Filings

1. The department will make available *Statements of Compliance* setting forth the statutory and regulatory requirements specific to the various forms of coverage and contract types, as well as *Certification of Compliance* forms.

2. A policy form filing submitted for *certified approval* must include the following documents.

a. *Statement of Compliance* applicable to the form of coverage and contract type being submitted.

b. Signed and dated *Certification of Compliance*.

c. All other items as set forth in Paragraph C.2 hereof.

3. If the filing is incomplete, notice of disapproval in accordance with R.S. 22:621(6) will be issued for failure to comply with the requirements of this Regulation.

4. At the expiration of 15 days from acknowledged receipt of a filing by the department, if no order has been issued affirming *certified approval* or disapproving the policy form filing, the *insurer* may submit written notice to

the department that the policy form filing has been deemed approved on a specific date, or advise when the policy form filing is withdrawn from consideration. Deemed approval shall not be effective until the *insurer* has so notified the department, by either ordinary mail, facsimile transmission or electronic mail.

5. No *insurer*, or officer, employee or representative of an *insurer*, shall file a *Certification of Compliance* containing false attestations, or from which material facts or information have been omitted. In the event that the department subsequently learns that a *Certification of Compliance* contained any inaccuracies, false attestations, or material omissions, approval of the subject forms may be withdrawn, and the *insurer* may be subjected to the provisions of Subsection I hereof.

#### G. Resubmission of Filings

1. When submitting revised forms in response to an order of disapproval, or withdrawal of approval, whether issued pursuant to Subsection E, Subsection F or Subsection I hereof, the revised forms will constitute a new filing; must comply with all provisions of this Section for such a filing; and, in addition to the required filing fee, must include:

a. an outline of the proposed revisions, referencing the specific sections and page numbers for each form being revised;

b. a restatement of the form with all necessary revisions, as set forth in the prior order of disapproval, underlined in red or similarly emphasized; and

c. a copy of the prior order of disapproval, or withdrawal of approval, issued by the department on the previous filing.

2. When submitting revisions to previously approved forms, the revised forms will constitute a new filing; must be a complete filing as set forth in Subsection C hereof, "General Filing Requirements"; and, in addition to the required filing fee, must include:

a. a copy of the previously approved form;

b. an outline of the proposed revisions, referencing the specific sections and page numbers for each previously approved form being revised;

c. a restatement of the form, with all proposed revisions underlined in red or similarly emphasized; and

d. a copy of the prior order of approval, issued by the department on the previous filing.

3. For simplicity, it is advisable that a unique form number be assigned to a substantially rewritten form, and that such form be filed as an original filing.

#### H. Compliance and Audits

1. Approval of a basic insurance policy form does not assure perpetual compliance. Following subsequent changes in applicable law, *insurers* shall not fail to revise and file updated insurance products, or amendatory *riders* or endorsements where appropriate, with the department for approval as required to maintain continuous compliance with the current requirements of law. This provision shall apply to all new business issued, or in-force business renewed, following any such subsequent changes in applicable law, or as otherwise determined by the Louisiana Legislature.

2. A retrospective review process will be utilized to verify compliance of approved filings and to assure that all approved filings remain in compliance with currently applicable law. Compliance audits may be conducted by

random selection, prompted by complaints filed with the department or requests for information made by the department, or performed during the course of examinations conducted by the department.

3. *Insurers* shall notify the department in writing to advise when a previously approved basic insurance policy form will no longer be marketed in this state and is being permanently withdrawn from the market. Such notification shall be sent 30 days prior to the market end date and shall also advise whether or not coverage issued in this state under the policy form remains in force and whether or not such existing business will continue to be renewed. The notification shall provide the policy form numbers being discontinued and dates originally approved by this department. The *insurer* may request acknowledgement of such notification.

#### I. Withdrawal of Approval and Corrective Action

1. The department shall withdraw any affirmative approval of a filing previously granted, or withdraw any approval of a filing previously deemed approved by an *insurer*, if the department determines that any of the reasons for disapproval as stated in R.S. 22:621 apply to the filing in question. The notice of withdrawal of approval by the department shall state that such withdrawal of approval is effective 30 days after receipt of such notice by the affected *insurer*.

a. The affected *insurer* may request a hearing on the withdrawal of approval, by written request mailed to the department within 30 days of receipt of the notice of withdrawal of approval.

b. Upon receipt by the department of a request for a hearing, the 30-day notice period precedent to withdrawal of approval being effective shall be suspended for the duration of the hearing process, and shall recommence upon the date of a ruling adverse to the *insurer* requesting the hearing. Such suspension of the notice of withdrawal of approval shall be applicable to Paragraphs I.2, 3, 4, and 5 hereof.

2. Upon receipt of the notice of withdrawal of approval by the department, the affected *insurer* must:

a. immediately amend its procedures to assure that all in-force business is properly administered in accordance with the findings stated in the withdrawal of approval;

b. immediately review and ascertain any negative impact upon covered persons caused directly or indirectly by non-compliant provisions of the forms for which approval has been withdrawn; and

c. immediately review other products being marketed by the *insurer* to assure that they do not contain such non-compliant provisions.

3. Within 30 days of receipt of the notice of withdrawal of approval by the department, a corrective action plan must be submitted to the department by the affected *insurer*. The corrective action plan must include the following.

a. If the affected product will no longer be marketed, amendatory endorsement forms or rider forms to affect any in-force business written utilizing the non-compliant forms, correcting all areas of non-compliance as stated in the withdrawal of approval by the department; and a prototype of the notice to be utilized in notifying any affected policyholders of the changes to their existing coverage.

b. If the *insurer* desires to continue marketing the affected product, both:

i. a complete filing of properly revised forms in accordance with Paragraph G.1 hereof; and

ii. amendatory endorsement forms or rider forms to affect any in-force business written utilizing the non-compliant forms, correcting all areas of non-compliance as stated in the withdrawal of approval by the department; and a prototype of the notice to be utilized in notifying any affected policyholders of the changes to their existing coverage.

c. Where such a required change can be clearly explained to prospective policy holders through amendatory endorsement forms or rider forms, an insurer may request department approval to utilize its existing inventory of the policy forms in question subject to the incorporation of approved amendatory endorsement forms or rider forms. Such approval shall not extend to any reprinting of such forms.

4. As of 30 days following receipt of the notice of withdrawal of approval by the department, an affected product shall not be issued by the *insurer*, except in accordance with a corrective action plan approved by the department. The *insurer* has the obligation to timely notify its marketing force, or to otherwise adjust its business operations, accordingly.

5. The department may, in its discretion, extend the 30-day period for approval of a corrective action plan, upon the written request of the affected *insurer* and for good cause shown. In the event such an extension is granted, the date by which the *insurer* must cease issuing the affected product, except in accordance with a corrective action plan approved by the department, shall likewise be so extended.

6. Failure to timely respond as required herein shall result in a formal investigation to establish the extent of statutory violations, followed by an administrative hearing to determine appropriate sanctions against the *insurer*.

7. Where the department fails to respond to a corrective action plan filed by an insurer, or takes no action whatsoever regarding such plan, the insurer may deem the subject corrective action plan approved at the expiration of the 30-day period for approval by the department.

J. Appeals; Hearings. Any *insurer* or other person aggrieved by a failure to approve any filing, or the disapproval of any filing, or the withdrawal of approval of any filing, or any related action taken by the department pursuant to this Section, may request an administrative hearing in accordance with the provisions of Part XXIX of Title 22 of the Louisiana Revised Statutes. pursuant to R.S. 22:1351, such demand must be in writing, must specify in what respects the company is aggrieved and the grounds to be relied upon as basis for relief to be demanded at the hearing, and must be made within 30 days of receipt of actual notice or, if actual notice is not received, within 30 days of the date such *insurer* or other person learned of the act, or failure to act, upon which the demand for hearing is based.

K. Maintenance of Records; Alteration of Forms Prohibited

1. Every *insurer* or other person filing policy forms, or related forms, for approval by the department shall maintain in their files the original set of any and all forms as returned

by the department, along with all related correspondence and transmittal documents from the department. Alternatively, images of such documents may be maintained in electronic/digital form. Such files shall be available for inspection by the department upon request, and must be maintained until the forms have been withdrawn from the market in accordance with Paragraph H.4 hereof and no coverage issued on risks in this state utilizing such forms remains in force.

2. The alteration of, or any change to, any such form approved by the department is prohibited. Any such altered or changed form shall be submitted to the department as a new filing, and shall comply with all provisions of this Section applicable to a new filing. This Subsection shall not apply to typographical corrections and format improvements that do not affect the terms, provisions or clarity of the product.

3. A change of company name or logo, a change of address, and changes in listed officers do not require a new filing of forms when the department is otherwise properly notified of such change, and a copy of such notification is maintained on file by the *insurer*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and *Directive 169*.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 28:2548 (December 2002).

#### **§10115. Penalties**

A. pursuant to R.S. 22:1462.1, "False or Fraudulent Material Information," in accordance with all provisions thereof, and specifically applicable to all documents required by this regulation.

1. It shall be unlawful for any person to intentionally and knowingly supply false or fraudulent material information pertaining to any document or statement required by the Department of Insurance.

2. Whoever violates the provisions of this Section shall be imprisoned, with or without hard labor, for not more than five years, or fined not more than \$5,000, or both.

B. Pursuant to R.S. 22:1214(12), in accordance with all provisions thereof, any violation of a prohibitory provision of this Regulation shall constitute an unfair trade practice, and, after proper notice and hearing as specified by statute, may subject the *insurer* and its officer(s) or representative(s) to:

1. the provisions of R.S. 22:1217, including:

a. payment of a monetary penalty of not more than \$1,000. for each and every act or violation, but not to exceed an aggregate penalty of \$100,000 unless the person knew or reasonably should have known he was in violation of applicable law, in which case the penalty shall be not more than \$25,000 for each and every act or violation, but not to exceed an aggregate penalty of \$250,000 in any six-month period; and,

b. suspension or revocation of the license of the person if he knew or reasonably should have known he was in violation of applicable law.

2. The provisions of R.S. 22:1217.1, including:

a. a monetary penalty of not more than \$25,000 for each and every act or violation, not to exceed an aggregate of \$250,000; and

b. suspension or revocation of such person's license or certificate of authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and *Directive 169*.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 28:2552 (December 2002).

#### **§10117. Effective Date**

A. This regulation shall become effective on January 1, 2003, or upon final publication in the *Louisiana Register* if after that date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and *Directive 169*.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 28:2552 (December 2002).

J. Robert Wooley  
Acting Commissioner

0212#036

### **RULE**

#### **Department of Public Safety and Corrections Corrections Services**

##### **Death Penalty (LAC 22:I.103)**

In accordance with the Administrative Procedures Act, R.S. 49:953.B, the Department of Public Safety and Corrections, Corrections Services, has amended its Rules dealing with the Death Penalty.

#### **Title 22**

### **CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT**

#### **Part I. Corrections**

#### **Chapter 1. Secretary's Office**

#### **§103. Death Penalty**

A. - B. ...

C. Incarceration Prior to Execution. Male inmates sentenced to death shall be incarcerated at the Louisiana State Penitentiary at Angola, Louisiana. Female inmates sentenced to death shall be incarcerated at the Louisiana Correctional Institute for Women at St. Gabriel, Louisiana. Until the time for execution, the warden shall incarcerate the inmate in a manner affording maximum protection to the general public, the employees of the department, and the security of the institution. Female inmates shall be transported to the Louisiana State Penitentiary for execution as directed by the secretary.

D. ...

1. Prior to the scheduled execution, the warden may approve special visits for the condemned inmate.

2. Visits will normally terminate by 3 p.m. on the day of the execution except visits with a priest, minister, religious advisor, or attorney, which will terminate at the direction of the warden or his designee.

E. - F. ...

1. The warden shall select an appropriate area to serve as a press room.

2. In the five days prior to the execution, access to the execution room will be restricted in accordance with institution policy.

3. ...

G Execution Time and Place. The execution shall take place at the Louisiana State Penitentiary between the hours of 6 p.m. and 9 p.m. [R.S. 15:570.C].

H. - H.2.a.ii. ...

2.a.iii. a representative selected from all other media persons requesting to be present;

a.iv. - c. ...

i. at least 10 days prior to the execution, the secretary shall give either written or verbal notice, (followed by written notice placed in the United States mail within five days thereafter), of the date and time of the execution to the victim's parents, or guardian, spouse and any adult children who have indicated to the secretary that they desire such notice. The named parties shall be given the option of attending the execution and shall, within three days of their receipt of the notification, notify, either verbally or in writing, the secretary's office of their intention to attend;

ii. the number of victim relationship witnesses may be limited to two. If more than two victim relationship witnesses desire to attend the execution, the secretary is authorized to select from the interested parties the two victim relationship witnesses who will be authorized to attend;

H.2.d. - I.1. ...

2. The inmate will then be taken to the lethal injection room by the escorting officers. Once in the room, the inmate will be afforded the opportunity to make a last verbal statement, if he so desires. He will then be assisted onto the lethal injection table and properly secured to the table by the officers. Once the officers exit the room, the warden will close the curtain to the witness room and signal the I.V. technician(s) to enter. The I.V. technician(s) will appropriately prepare the inmate for execution and exit the room. The warden will reopen the witness room curtain.

3. The person designated by the warden and at the warden's direction, will then administer, by intravenous injection, the appropriate substances in a lethal quantity into the body of the inmate until he is deceased.

4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:567, et seq., (as amended by Act No. 717 of the 1990 Regular Session of the Louisiana Legislature, Act No. 159 of the 1991 Regular Session, Act No. 1260 of the 1997 Regular Session and Act No. 145 of the 2002 First Extraordinary Session).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the Secretary, LR 6:10 (January 1980), amended LR 7:177 (April 1981), amended by the Department of Public Safety and Corrections, Corrections Services, LR 17:202 (February 1991), LR 18:77 (January 1992), LR 24:342 (February 1998), LR 25:2410 (December 1999), LR 28:2552 (December 2002).

Richard L. Stalder  
Secretary

0212#092

## RULE

### Department of Public Safety and Corrections Liquefied Petroleum Gas Commission

New Dealers CFees (LAC 55:IX.107)

In accordance with the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and R.S. 40:1846 relative to the authority of the Liquefied Petroleum Gas Commission to make and enforce reasonable Rules and Regulations governing the storage, sale, and transportation of liquefied petroleum gases, that the commission has amended an existing Rule.

#### Title 55

#### PUBLIC SAFETY

#### Part IX. Liquefied Petroleum Gas

#### Chapter 1. General Requirements

#### Subchapter A. New Dealers

#### §107. Requirements

A. - A.5.c. ...

6. Applicant must have paid a permit fee in the amount of \$75, except for Class VII-E, which shall be \$100, and R-1, R-2 registrations, which shall be \$37.50 and Class VI-X shall be in the amount of \$75 for the first location, plus \$50 for each 2-11 locations, plus \$25 for each 12-infinity locations. For succeeding years the permit fee shall be .1350 of 1 percent of annual gross sales of liquefied petroleum gas with a minimum of \$75, except in the case of Class VI-X which the minimum permit fee shall be \$75 for the first location, plus \$50 for each 2-11 locations, plus \$25 for each 12-infinity locations; or .1350 of 1 percent of annual gross sales of liquefied petroleum gases of all locations whichever is greater. For classes not selling liquefied petroleum gases in succeeding years the permit fee shall be \$75, except registrations shall be \$37.50 per year.

6.a. - 15 ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 1:315 (July 1975), LR 4:86 (March 1978), LR 7:633 (December 1981), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:557 (May 1985), LR 15:854 (October 1989), LR 16:1063 (December 1990), LR 20:1400 (December 1994), LR 24:461 (March 1998), LR 24:2311 (December 1998), LR 25:1262 (July 1999), LR 25:2410 (December 1999), LR 26:1487 (July 2000), LR 27:2256 (December 2001), LR 28:2553 (December 2002).

Charles M. Fuller  
Director

0212#022

**RULE**

**Department of Public Safety and Corrections  
Office of State Police**

Hazardous Materials CResponse, Command  
and Coordination; Inventory Form  
(LAC 33:V.10112 and 10119)

The Department of Public Safety and Corrections, Office of State Police, in accordance with R.S. 49:950 et seq., and R.S. 30:2361 et seq., has amended its Rules regulating chemical inventory filing and those entities involved in emergency response. Specifically, the requirement of electronic filing of chemical inventories is repealed for small businesses, and the registration requirement for emergency response entities is repealed.

**Title 33**

**ENVIRONMENTAL QUALITY**

**Part V. Hazardous Wastes and Hazardous Materials**

**Subpart 2. Department of Public Safety and  
Corrections C Hazardous Materials**

**Chapter 101. Hazardous Material Information  
Development, Preparedness and Response  
Act**

**§10112. Response, Command and Coordination**

A. As per the authority granted in R.S. 30:2376, the Office of State Police, Transportation and Environmental Safety Section will coordinate emergency response activities arising from any release, or threatened release or incident requiring reporting under these rules. Except as otherwise provided by law, as State On-Scene Coordinator (SOSC), the Louisiana State Police shall have the responsibility to ensure a safe and timely resolution to any hazardous materials release or incident. All responding industries, contractors, and agencies shall participate in the Incident Command process. Only those participants meeting the training requirements of EPA in 40 CFR 311 and OSHA's regulations in 29 CFR 1910.120 shall engage in active response or remedial activities within areas of hazardous materials contamination or threatened release.

B. All persons and facilities regulated by R.S. 30:2361 et seq. shall comply with all the requirements relative to the entry, inspection, investigation, response and emergency coordination efforts of the Office of State Police as authorized in R.S. 30:2361 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2361 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:863 (June 2001), LR 28:2554 (December 2002).

**§10119. Inventory Form**

A. Tier Two "E-filing" is the preferred method of reporting the chemical inventory required in these Rules. All industries and businesses, excepting small businesses, will be required to utilize this electronic means of inventory reporting by March 1, 2002. The use of this "E-filing" process allows for the immediate access of facility and chemical information by all local emergency planning committees and fire departments having Internet capability. Paper filing of "Tier Two Emergency and Hazardous Chemical Inventory" shall be an acceptable alternative to the E-filing of such inventory for March 1, 2001 only.

B. Small businesses, as defined in §10105, are strongly encouraged to report their chemical inventory electronically, but such businesses shall have the option to file their chemical inventory by paper if the electronic reporting creates a hardship.

C. The "Louisiana Tier Two Emergency and Hazardous Chemical Inventory" form is the official inventory form for compliance with R.S. 30:2361-2380 Louisiana's Right-to-Know law, and is the form selected by the Louisiana Emergency Response Commission for inventory reporting as required under Section 312 of SARA. The inventory form can be obtained via the Right-to-Know website at [www.lsp.org/rtk.html](http://www.lsp.org/rtk.html) or upon request to the Department of Public Safety and Corrections, Office of State Police, Transportation and Environmental Safety Section-Mail Slip A-26, Box 66614, Baton Rouge, LA 70896.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2361 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 12:327 (May 1986), amended LR 13:184 (March 1987), LR 13:762 (December 1987), LR 14:804 (November 1988), LR 16:975 (November 1990), LR 27:865 (June 2001), LR 28:2554 (December 2002).

Chris Keaton  
Undersecretary

0212#031

**RULE**

**Department of Revenue  
Policy Services Division**

**Definition of Lease or Rental (LAC 61:I.4301)**

Under the authority of R.S. 47:301 and R.S. 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 47:950 et seq., the Department of Revenue, Policy Services Division, amends LAC 61:I.4301 relative to the definition of *lease or rental* for sales tax purposes.

These amendments discuss the seven exclusions from the definition of *lease or rental* provided in R.S. 47:301(7). The amendments also provide guidance to lease-rental dealers and their customers in distinguishing between transactions for the *lease or rental* of tangible personal property and transactions for the providing of services.

The department's positions concerning sales taxability provided in this Rule supersede any conflicting positions of taxability or non-taxability provided in department policy/procedure memorandums issued prior to the promulgation date of this Rule. Under Section 61.III.101.C.3 of the *Louisiana Administrative Code*, policy/procedure memoranda are no longer used for the dissemination of tax policy.

**Title 61**

**REVENUE AND TAXATION**

**Part I. Taxes Collected and Administered by the  
Secretary of Revenue**

**Chapter 43. Sales and Use Tax**

**§4301. Definitions**

A. - C. ...

\* \* \*

### *Lease or Rental*<sup>C</sup>

a. General. The *lease or rental* of tangible personal property for a consideration in Louisiana is a transaction that is subject to the sales or use tax. The term *lease or rental* means the grant to another of the right to use and possess tangible personal property for a period of time and for a consideration without the transfer of title to the property. In a lease transaction, the lessee obtains possession or use of the tangible personal property, so that the lessee has enjoyment of the property during a certain time period. Re-leases or sub-leases and re-rentals or sub-rentals are also considered as leases or rentals.

b. Statutory Exclusions. Some arrangements or agreements for the use of tangible personal property are specifically excluded in R.S. 47:301(7) (b) through (h) from the definition of *lease or rental*. The types of arrangements or agreements that are not defined as leases or rentals are:

i. the *lease or rental* for re-lease or re-rental of property to be used in connection with the operating, drilling, completion, or reworking of oil, gas, sulfur, or other mineral wells. The *lease or rental* for re-lease or re-rental of casing tools, pipe, drill pipe, tubing, compressors, tanks, pumps, power units, and other drilling or related equipment qualifies for exclusion if the property is to be used for one of the specified purposes. The re-lease or re-rental to the ultimate user is not exempt;

ii. the *lease or rental* of property to be used in the performance of contracts with the United States Navy for the construction or overhaul of U.S. Naval vessels;

iii. the *lease or rental* of airplanes or airplane equipment by commuter airlines domiciled in Louisiana;

iv. the *lease or rental* of items that are reasonably necessary for the operation of free hospitals in Louisiana;

v. the *lease or rental* of certain limited items of educational materials for classroom instruction by approved private and parochial elementary and secondary schools;

vi. the *lease or rental* by Boys State of Louisiana, Inc. and Girls State of Louisiana, Inc. of materials for use by those organizations in their educational and public service programs for youth; and

vii. the *lease or rental* of motor vehicles by motor vehicle dealers and manufacturers for use in furnishing to customers in the performance of dealers' or manufacturers' warranty obligations or when the applicable warranty has lapsed and the leased or rented motor vehicle is provided at no charge.

c. Transactions involving both the providing of tangible personal property and the performance of a service.

i. A *lease or rental* does not include providing tangible personal property with an operator who provides some additional service for a fixed or indeterminate period of time when the essence of the transaction is the performance of a service. The essence of the transaction is to provide a service when obtaining the tangible personal property is not an end in and of itself but rather furnishes the mechanism through which a service is provided.

ii. In order to determine the essence of a transaction involving both the performance of a service and the providing of tangible personal property, the facts and circumstances of each transaction must be examined. The following factors suggest, but are not necessarily conclusive,

that the essence of the transaction is for the performance of a service:

(a). in order for the tangible personal property to perform as designed, the owner's operator maintains control over the property. This level of control by the owner's operator involves more than maintaining, inspecting, or setting-up the property;

(b). the contract between the owner of the property and the person receiving the services and property provides for the performance of a specific job that requires services for a certain number of hours or until completion of a specific job;

(c). the performance of the job using the tangible personal property is conducted in a manner determined by the owner of the property;

(d). the owner of the tangible personal property is responsible for choosing the particular piece of property to be used in the transaction; or

(e). the owner of the tangible personal property has a standard business practice of not allowing customers to rent the property separately from the services provided.

d. Revenue Sharing Arrangements. Agreements, joint ventures, arrangements, or partnerships between exhibitors (movie theater operators) and film distributors place significant restrictions on the use of the movies and on the proceeds from the use of the movies. These agreements are more in the nature of revenue sharing agreements and would not qualify as leases or rentals because of the restrictions placed on the party using the tangible personal property. An example of this arrangement would be an agreement between an exhibitor and a film distributor that not only stipulates that the proceeds from the showing of the film are to be shared, but also specifies the amount to be charged to the movie patron, the number of and/or the time of showings, or the types or sizes of the facilities where the film is shown.

\* \* \*

AUTHORITY NOTE: Promulgated in Accordance with R.S. 47:301 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:107 (February 1987), amended by the Department of Revenue and Taxation, Sales Tax Division, LR 21:957 (September 1995), LR 22:855 (September 1996), amended by the Department of Revenue, Policy Services Division, LR 27:1703 (October 2001), LR 28:348 (February 2002), LR 28:1488 (June 2002), LR 28:2554 (December 2002).

Raymond E. Tangney  
Senior Policy Consultant

0212#015

### **RULE**

### **Department of Revenue Policy Services Division**

### **Definition of Tangible Personal Property (LAC 61:I.4301)**

Under the authority of R.S. 47:301 and R.S. 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, has amended LAC

61:I.4301 relative to the definition of *tangible personal property* for sales tax purposes.

These amendments to LAC 61:I.4301 provide guidance concerning the *first purchase* of *digital television conversion equipment* as defined in R.S. 47:301(16)(i). That statute excludes the *first purchase* of *digital television conversion equipment* by taxpayers that hold a Federal Communications License pursuant to 47 CFR Part 73 from state sales and use tax. This exclusion applies to purchases made after January 1, 1999. The law also allows local taxing authorities to exempt these transactions by ordinance.

The Rule explains the procedures for claiming a credit for the sales or use taxes paid on *first purchases* of *digital television conversion equipment* made prior to June 25, 2002, and after January 1, 1999. It also notifies purchasers about the requirement to file an annual report that lists all qualifying purchases made for the year.

**Title 61**

**REVENUE AND TAXATION**

**Part I. Taxes Collected and Administered by the Secretary of Revenue**

**Chapter 43. Sales and Use Tax**

**§4301. Definitions**

A. - C. ...

\* \* \*

*Tangible Personal Property*C

a. - d. ...

e. - i. Reserved.

j. The *first purchase* of *digital television conversion equipment* by a taxpayer that holds a Federal Communications License issued pursuant to 47 CFR Part 73 is excluded from the definition of *tangible personal property* for state sales tax and local sales tax if the local authority adopts this exemption by ordinance.

i. *Digital television conversion equipment*Citems listed in R.S. 47:301(16)(i).

ii. *First Purchase*Cthe *first purchase* of each item from the categories of *digital television conversion equipment* listed in R.S. 47:301(16)(i).

iii. License holders may obtain a credit for sales taxes paid on the *first purchase* of *digital television conversion equipment* made after January 1, 1999, and before June 25, 2002, by submitting a request on forms prescribed by the Department of Revenue. Guidelines for claiming the credit will be published in a Revenue Ruling.

iv. License holders may obtain an exemption certificate from the Department of Revenue and make *first purchases* of qualifying digital equipment on or after June 25, 2002, without paying state sales tax or local sales tax in those local jurisdictions that elect to provide an exemption for these purchases. Sales tax paid on *first purchases* of qualifying digital equipment on or after June 25, 2002, may be refunded as tax paid in error.

v. License holders must submit to the Department of Revenue an annual report of the purchases of digital equipment for which exclusion has been claimed that includes all information required by the Department to verify the value of exclusion claimed. Guidelines for submitting this report will be published in a Revenue Ruling.

\* \* \*

AUTHORITY NOTE: Promulgated in Accordance with R.S. 47:301 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:107 (February 1987), amended by the Department of Revenue and Taxation, Sales Tax Division, LR 21:957 (September 1995), LR 22:855 (September 1996), amended by the Department of Revenue, Policy Services Division, LR 27:1703 (October 2001), LR 28:348 (February 2002), LR 28:1488 (June 2002), LR 28:2556 (December 2002).

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0212#017

**RULE**

**Department of Revenue  
Policy Services Division**

**Furnishing of Cold Storage Space (LAC 61:I.4301)**

Under the authority of R.S. 47:301 and R.S. 47:1511 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, has amended LAC 61:I.4301 relative to the definition of the *furnishing of cold storage space* for sales tax purposes.

Revised Statute 47:301(14)(f) defines *sales of services* to include "the *furnishing of cold storage space*, except that space which is furnished pursuant to a bailment arrangement, and the furnishing of the service of *preparing tangible personal property for cold storage*, where such service is incidental to the operation of storage facilities." These proposed amendments provide guidance concerning the types of transactions that are within the purview of the statute. The service *furnishing of cold storage space* is interpreted to mean transactions in which customers, for consideration, are provided designated spaces that are artificially frozen or refrigerated. The proposed amendments also clarify that sales tax must be collected on the charges for *preparing tangible personal property for cold storage*, such as packaging, wrapping, containerizing, cleaning, or washing, when provided in conjunction with the *furnishing of cold storage space*.

Under the Rule, the furnishing of air-conditioned warehouses or mini-storage units, that are cooled only to a normal room temperature level or above, and transactions in which possession of the customers' property is transferred to the owner or operator of a frozen or refrigerated facility for retention and safekeeping in the facility as in a bailment or deposit are not considered the *furnishing of cold storage space* for sales tax purposes.

**Title 61**

**REVENUE AND TAXATION**

**Part I. Taxes Collected and Administered by the Secretary of Revenue**

**Chapter 43. Sales and Use Tax**

**§4301. Definitions**

A. - C. ...

\* \* \*

*Sales of Services*C

a. - g.iii. ...

h. R.S. 47:301(14)(f) defines the furnishing of cold storage space and preparing tangible personal property for cold storage as services subject to sales and use tax.

i. *Cold Storage Space*—a space that is artificially frozen or refrigerated to prevent the stored items from perishing or deteriorating.

ii. *Furnishing of Cold Storage Space*—transactions in which *cold storage space* is provided to customers for a consideration when the owner or operator of the *cold storage space* designates specific areas or volumes of space for the customers' use. The customers are required to compensate for the space allotted regardless of the degree of use of the space.

iii. Transactions that are not considered the *furnishing of cold storage space* for sales tax purposes include:

(a). storage space in air-conditioned warehouses or mini-storage units that are cooled to a normal room temperature level; and

(b) storage space in facilities where the possession of customers' property is transferred to the owner or operator of a *cold storage space* for retention and safekeeping as in a bailment or deposit transaction.

iv. *Preparing Tangible Personal Property for Cold Storage*—activities necessary to prepare the product to be stored for cold storage. This includes but is not limited to packaging, wrapping, containerizing, cleaning or washing.

(a). *Preparing tangible personal property for cold storage* is included in *sales of services* only if it is incidental to the operation of cold storage facilities.

(b). Separately stated charges for handling the property to be placed in or removed from the facility are not subject to the sales tax. If handling charges are included in the price for the *furnishing of cold storage space* or *preparing tangible personal property for cold storage*, tax is due on the entire amount.

\* \* \*

AUTHORITY NOTE: Promulgated in Accordance with R.S. 47:301 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:107 (February 1987), amended by the Department of Revenue and Taxation, Sales Tax Division, LR 21:957 (September 1995), LR 22:855 (September 1996), amended by the Department of Revenue, Policy Services Division, LR 27:1703 (October 2001), LR 28:348 (February 2002), LR 28:1488 (June 2002), LR 28:2556 (December 2002).

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Senior Policy Consultant

0212#016

## RULE

### Department of Revenue Policy Services Division

#### Income Tax Withholding Tables (LAC 61:I.1501)

Under the authority of R.S. 47:112, R.S. 47:295, and R.S. 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, adopts LAC 61:I.1501 to establish individual income tax withholding tables based on the new income tax rates provided by Act 51 of the 2002 Regular Session of the Louisiana Legislature.

Act 51 amended both R.S. 47:112, which requires every employer paying wages to deduct and withhold income tax from those wages, and R.S. 47:295, which provides for the tax rates. These statutory amendments will be effective January 1, 2003, only if the proposed constitutional amendment contained in Act 88 of the 2002 Regular Session of the Louisiana Legislature is adopted at the statewide election to be held November 5, 2002.

## Title 61

### REVENUE AND TAXATION

#### Part I. Taxes Collected and Administered by the Secretary of Revenue

#### Chapter 15. Income: Withholding Tax

#### §1501. Income Tax Withholding Tables

A. Employers required to deduct and withhold taxes pursuant to R.S. 47:112 shall deduct and withhold tax in an amount determined in accordance with the tables provided in Subsection C, the formula provided in Subsection D, or a formula that produces equivalent amounts.

#### B. Wage Bracket Tables and Instructions

1. Select the set of tables that corresponds to the payroll period of the employee.

2. With the use of the information obtained from Form R-1300 (L-4), *Employee's Withholding Exemption Certificate*, determine which column of the tables to use.

a. If your employee claims neither himself, his spouse, nor any dependency credits, use the first column in the table designated 0 exemptions, 0 dependents.

b. If your employee claims only himself, whether he is married or not, use Column 1. Also, use the appropriate subcolumn for the number of dependency credits he is claiming.

c. If your employee claims himself and his spouse, use Column 2. Also, use the appropriate subcolumn for the number of dependency credits he is claiming.

#### C. Withholding Tax Tables

1. For the Purposes of the Withholding Tax Tables

a. Exemptions are for a husband, wife, or single filer.

b. Dependency credits include children, stepchildren, etc., as described in Section 152 of the Internal Revenue Code.

2. Adjustments to Wage Bracket Tables

a. Each table provides for the appropriate withholding amount for single or married personal exemptions with up to six dependency credits. There is no provision for withholding based on head-of-household status and these taxpayers may claim only a single withholding personal exemption.

b. When an employee has more than six dependents, the amount may be determined by reducing the tax shown in the column for six dependents by the amount shown below for the applicable payroll period multiplied by the number of dependents over six.

Payroll Period	Amount of Reduction
Daily	\$0.08
Weekly	0.40
Biweekly	0.80
Semimonthly	0.85
Monthly	1.70

c. When the employee claims only credit for dependents and no withholding personal exemption, the amount to be deducted and withheld should be determined by reducing the amount selected under the column for

employees claiming no exemption or credits by the amount in Subparagraph b above multiplied by the number of dependents claimed.

### 3. Withholding Tables

Daily Louisiana Income Tax Withholding Table																						
Exemptions:		0								1							2					
Dependents:		0								1							2					
Salary Range:		0								1							2					
Min	Max	0	0	1	2	3	4	5	6	0	1	2	3	4	5	6						
0.00	10.00	2.1%	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00						
10.01	12.00	0.23	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00						
12.01	14.00	0.27	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00						
14.01	16.00	0.32	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00						
16.01	18.00	0.36	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00						
18.01	20.00	0.40	0.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00						
20.01	22.00	0.44	0.08	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00						
22.01	24.00	0.48	0.12	0.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00						
24.01	26.00	0.53	0.16	0.08	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00						
26.01	28.00	0.57	0.20	0.12	0.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00						
28.01	30.00	0.61	0.25	0.17	0.08	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00						
30.01	32.00	0.65	0.29	0.21	0.13	0.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00						
32.01	34.00	0.69	0.33	0.25	0.17	0.09	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00						
34.01	36.00	0.74	0.37	0.29	0.21	0.13	0.05	0.00	0.00	0.01	0.00	0.00	0.00	0.00	0.00	0.00						
36.01	38.00	0.78	0.41	0.33	0.25	0.17	0.09	0.01	0.00	0.05	0.00	0.00	0.00	0.00	0.00	0.00						
38.01	40.00	0.82	0.46	0.38	0.29	0.21	0.13	0.05	0.00	0.09	0.01	0.00	0.00	0.00	0.00	0.00						
40.01	42.00	0.86	0.50	0.42	0.34	0.26	0.17	0.09	0.01	0.13	0.05	0.00	0.00	0.00	0.00	0.00						
42.01	44.00	0.90	0.54	0.46	0.38	0.30	0.22	0.14	0.06	0.18	0.10	0.02	0.00	0.00	0.00	0.00						
44.01	46.00	0.95	0.58	0.50	0.42	0.34	0.26	0.18	0.10	0.22	0.14	0.06	0.00	0.00	0.00	0.00						
46.01	48.00	0.99	0.62	0.54	0.46	0.38	0.30	0.22	0.14	0.26	0.18	0.10	0.02	0.00	0.00	0.00						
48.01	50.00	1.04	0.68	0.60	0.52	0.44	0.35	0.27	0.19	0.30	0.22	0.14	0.06	0.00	0.00	0.00						
50.01	52.00	1.11	0.75	0.67	0.59	0.50	0.42	0.34	0.26	0.34	0.26	0.18	0.10	0.02	0.00	0.00						
52.01	54.00	1.18	0.82	0.74	0.65	0.57	0.49	0.41	0.33	0.39	0.31	0.23	0.14	0.06	0.00	0.00						
54.01	56.00	1.25	0.89	0.80	0.72	0.64	0.56	0.48	0.40	0.43	0.35	0.27	0.19	0.11	0.02	0.00						
56.01	58.00	1.32	0.95	0.87	0.79	0.71	0.63	0.55	0.47	0.47	0.39	0.31	0.23	0.15	0.07	0.00						
58.01	60.00	1.39	1.02	0.94	0.86	0.78	0.70	0.62	0.54	0.51	0.43	0.35	0.27	0.19	0.11	0.03						
60.01	62.00	1.46	1.09	1.01	0.93	0.85	0.77	0.69	0.61	0.55	0.47	0.39	0.31	0.23	0.15	0.07						
62.01	64.00	1.52	1.16	1.08	1.00	0.92	0.84	0.76	0.68	0.60	0.52	0.44	0.35	0.27	0.19	0.11						
64.01	66.00	1.59	1.23	1.15	1.07	0.99	0.91	0.83	0.75	0.64	0.56	0.48	0.40	0.32	0.23	0.15						
66.01	68.00	1.66	1.30	1.22	1.14	1.06	0.98	0.90	0.81	0.68	0.60	0.52	0.44	0.36	0.28	0.20						
68.01	70.00	1.73	1.37	1.29	1.21	1.13	1.04	0.96	0.88	0.72	0.64	0.56	0.48	0.40	0.32	0.24						
70.01	72.00	1.80	1.44	1.36	1.28	1.19	1.11	1.03	0.95	0.76	0.68	0.60	0.52	0.44	0.36	0.28						
72.01	74.00	1.87	1.51	1.43	1.34	1.26	1.18	1.10	1.02	0.81	0.73	0.65	0.56	0.48	0.40	0.32						
74.01	76.00	1.94	1.58	1.49	1.41	1.33	1.25	1.17	1.09	0.85	0.77	0.69	0.61	0.53	0.44	0.36						
76.01	78.00	2.01	1.64	1.56	1.48	1.40	1.32	1.24	1.16	0.89	0.81	0.73	0.65	0.57	0.49	0.41						
78.01	80.00	2.08	1.71	1.63	1.55	1.47	1.39	1.31	1.23	0.93	0.85	0.77	0.69	0.61	0.53	0.45						
80.01	82.00	2.15	1.78	1.70	1.62	1.54	1.46	1.38	1.30	0.97	0.89	0.81	0.73	0.65	0.57	0.49						
82.01	84.00	2.21	1.85	1.77	1.69	1.61	1.53	1.45	1.37	1.02	0.94	0.86	0.77	0.69	0.61	0.53						
84.01	86.00	2.28	1.92	1.84	1.76	1.68	1.60	1.52	1.44	1.06	0.98	0.90	0.82	0.74	0.65	0.57						
86.01	88.00	2.35	1.99	1.91	1.83	1.75	1.67	1.59	1.50	1.10	1.02	0.94	0.86	0.78	0.70	0.62						
88.01	90.00	2.42	2.06	1.98	1.90	1.82	1.73	1.65	1.57	1.14	1.06	0.98	0.90	0.82	0.74	0.66						
90.01	92.00	2.49	2.13	2.05	1.97	1.88	1.80	1.72	1.64	1.18	1.10	1.02	0.94	0.86	0.78	0.70						
92.01	94.00	2.56	2.20	2.12	2.03	1.95	1.87	1.79	1.71	1.23	1.15	1.07	0.98	0.90	0.82	0.74						
94.01	96.00	2.63	2.27	2.18	2.10	2.02	1.94	1.86	1.78	1.27	1.19	1.11	1.03	0.95	0.86	0.78						
96.01	98.00	2.71	2.35	2.26	2.18	2.10	2.02	1.94	1.86	1.32	1.24	1.16	1.08	1.00	0.92	0.84						
98.01	100.00	2.80	2.44	2.36	2.28	2.20	2.12	2.04	1.96	1.39	1.31	1.23	1.15	1.07	0.99	0.91						
100.01	102.00	2.90	2.54	2.46	2.38	2.29	2.21	2.13	2.05	1.46	1.38	1.30	1.22	1.14	1.06	0.97						
102.01	104.00	3.00	2.63	2.55	2.47	2.39	2.31	2.23	2.15	1.53	1.45	1.37	1.29	1.21	1.12	1.04						
104.01	106.00	3.09	2.73	2.65	2.57	2.49	2.41	2.33	2.24	1.60	1.52	1.44	1.36	1.27	1.19	1.11						
106.01	108.00	3.19	2.83	2.74	2.66	2.58	2.50	2.42	2.34	1.67	1.59	1.51	1.42	1.34	1.26	1.18						
108.01	110.00	3.28	2.92	2.84	2.76	2.68	2.60	2.52	2.44	1.74	1.65	1.57	1.49	1.41	1.33	1.25						
110.01	112.00	3.38	3.02	2.94	2.86	2.77	2.69	2.61	2.53	1.80	1.72	1.64	1.56	1.48	1.40	1.32						
112.01	114.00	3.48	3.11	3.03	2.95	2.87	2.79	2.71	2.63	1.87	1.79	1.71	1.63	1.55	1.47	1.39						
114.01	116.00	3.57	3.21	3.13	3.05	2.97	2.89	2.81	2.72	1.94	1.86	1.78	1.70	1.62	1.54	1.46						
116.01	118.00	3.67	3.31	3.22	3.14	3.06	2.98	2.90	2.82	2.01	1.93	1.85	1.77	1.69	1.61	1.53						
118.01	120.00	3.76	3.40	3.32	3.24	3.16	3.08	3.00	2.92	2.08	2.00	1.92	1.84	1.76	1.68	1.60						
120.01	122.00	3.86	3.50	3.42	3.34	3.25	3.17	3.09	3.01	2.15	2.07	1.99	1.91	1.83	1.75	1.66						
122.01	124.00	3.96	3.59	3.51	3.43	3.35	3.27	3.19	3.11	2.22	2.14	2.06	1.98	1.90	1.81	1.73						

Daily Louisiana Income Tax Withholding Table																
Exemptions:		0		1						2						
Dependents:		0	0	1	2	3	4	5	6	0	1	2	3	4	5	6
Salary Range:																
Min	Max															
124.01	126.00	4.05	3.69	3.61	3.53	3.45	3.37	3.29	3.20	2.29	2.21	2.13	2.05	1.96	1.88	1.80
126.01	128.00	4.15	3.79	3.70	3.62	3.54	3.46	3.38	3.30	2.36	2.28	2.20	2.11	2.03	1.95	1.87
128.01	130.00	4.24	3.88	3.80	3.72	3.64	3.56	3.48	3.40	2.43	2.34	2.26	2.18	2.10	2.02	1.94
130.01	132.00	4.34	3.98	3.90	3.82	3.73	3.65	3.57	3.49	2.49	2.41	2.33	2.25	2.17	2.09	2.01
132.01	134.00	4.44	4.07	3.99	3.91	3.83	3.75	3.67	3.59	2.56	2.48	2.40	2.32	2.24	2.16	2.08
134.01	136.00	4.53	4.17	4.09	4.01	3.93	3.85	3.77	3.68	2.63	2.55	2.47	2.39	2.31	2.23	2.15
136.01	138.00	4.63	4.27	4.18	4.10	4.02	3.94	3.86	3.78	2.70	2.62	2.54	2.46	2.38	2.30	2.22
138.01	140.00	4.72	4.36	4.28	4.20	4.12	4.04	3.96	3.88	2.77	2.69	2.61	2.53	2.45	2.37	2.29
140.01	142.00	4.82	4.46	4.38	4.30	4.21	4.13	4.05	3.97	2.84	2.76	2.68	2.60	2.52	2.44	2.35
142.01	144.00	4.92	4.55	4.47	4.39	4.31	4.23	4.15	4.07	2.91	2.83	2.75	2.67	2.59	2.50	2.42
144.01	146.00	5.01	4.65	4.57	4.49	4.41	4.33	4.25	4.16	2.98	2.90	2.82	2.74	2.65	2.57	2.49
146.01	148.00	5.11	4.75	4.66	4.58	4.50	4.42	4.34	4.26	3.05	2.97	2.89	2.80	2.72	2.64	2.56
148.01	150.00	5.20	4.84	4.76	4.68	4.60	4.52	4.44	4.36	3.12	3.03	2.95	2.87	2.79	2.71	2.63
150.01	152.00	5.30	4.94	4.86	4.78	4.69	4.61	4.53	4.45	3.18	3.10	3.02	2.94	2.86	2.78	2.70
152.01	154.00	5.40	5.03	4.95	4.87	4.79	4.71	4.63	4.55	3.25	3.17	3.09	3.01	2.93	2.85	2.77
154.01	156.00	5.49	5.13	5.05	4.97	4.89	4.81	4.73	4.64	3.32	3.24	3.16	3.08	3.00	2.92	2.84
156.01	158.00	5.59	5.23	5.14	5.06	4.98	4.90	4.82	4.74	3.39	3.31	3.23	3.15	3.07	2.99	2.91
158.01	160.00	5.68	5.32	5.24	5.16	5.08	5.00	4.92	4.84	3.46	3.38	3.30	3.22	3.14	3.06	2.98
160.01	162.00	5.78	5.42	5.34	5.26	5.17	5.09	5.01	4.93	3.53	3.45	3.37	3.29	3.21	3.13	3.04
162.01	164.00	5.88	5.51	5.43	5.35	5.27	5.19	5.11	5.03	3.60	3.52	3.44	3.36	3.28	3.19	3.11
164.01	166.00	5.97	5.61	5.53	5.45	5.37	5.29	5.21	5.12	3.67	3.59	3.51	3.43	3.34	3.26	3.18
166.01	168.00	6.07	5.71	5.62	5.54	5.46	5.38	5.30	5.22	3.74	3.66	3.58	3.49	3.41	3.33	3.25
168.01	170.00	6.16	5.80	5.72	5.64	5.56	5.48	5.40	5.32	3.81	3.72	3.64	3.56	3.48	3.40	3.32
170.01	172.00	6.26	5.90	5.82	5.74	5.65	5.57	5.49	5.41	3.87	3.79	3.71	3.63	3.55	3.47	3.39
172.01	174.00	6.36	5.99	5.91	5.83	5.75	5.67	5.59	5.51	3.94	3.86	3.78	3.70	3.62	3.54	3.46
174.01	176.00	6.45	6.09	6.01	5.93	5.85	5.77	5.69	5.60	4.01	3.93	3.85	3.77	3.69	3.61	3.53
176.01	178.00	6.55	6.19	6.10	6.02	5.94	5.86	5.78	5.70	4.08	4.00	3.92	3.84	3.76	3.68	3.60
178.01	180.00	6.64	6.28	6.20	6.12	6.04	5.96	5.88	5.80	4.15	4.07	3.99	3.91	3.83	3.75	3.67
180.01	182.00	6.74	6.38	6.30	6.22	6.13	6.05	5.97	5.89	4.22	4.14	4.06	3.98	3.90	3.82	3.73
182.01	184.00	6.84	6.47	6.39	6.31	6.23	6.15	6.07	5.99	4.29	4.21	4.13	4.05	3.97	3.88	3.80
184.01	186.00	6.93	6.57	6.49	6.41	6.33	6.25	6.17	6.08	4.36	4.28	4.20	4.12	4.03	3.95	3.87
186.01	188.00	7.03	6.67	6.58	6.50	6.42	6.34	6.26	6.18	4.43	4.35	4.27	4.18	4.10	4.02	3.94
188.01	190.00	7.12	6.76	6.68	6.60	6.52	6.44	6.36	6.28	4.50	4.41	4.33	4.25	4.17	4.09	4.01
190.01	192.00	7.22	6.86	6.78	6.70	6.61	6.53	6.45	6.37	4.56	4.48	4.40	4.32	4.24	4.16	4.08
192.01	194.00	7.32	6.95	6.87	6.79	6.71	6.63	6.55	6.47	4.64	4.56	4.48	4.40	4.32	4.24	4.16

Add 4.80% for amounts in excess of \$194

Weekly Louisiana Income Tax Withholding Table																
Exemptions:		0		1						2						
Dependents:		0	0	1	2	3	4	5	6	0	1	2	3	4	5	6
Salary Range:																
Min	Max															
0.00	50.00	2.1%	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
50.01	70.00	1.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
70.01	90.00	1.68	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
90.01	110.00	2.10	0.28	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
110.01	130.00	2.52	0.70	0.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
130.01	150.00	2.94	1.12	0.72	0.32	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
150.01	170.00	3.36	1.54	1.14	0.74	0.33	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
170.01	190.00	3.78	1.96	1.56	1.16	0.75	0.35	0.00	0.00	0.15	0.00	0.00	0.00	0.00	0.00	0.00
190.01	210.00	4.20	2.38	1.98	1.58	1.17	0.77	0.36	0.00	0.57	0.16	0.00	0.00	0.00	0.00	0.00
210.01	230.00	4.62	2.80	2.40	2.00	1.59	1.19	0.78	0.38	0.99	0.58	0.18	0.00	0.00	0.00	0.00
230.01	250.00	5.04	3.22	2.82	2.42	2.01	1.61	1.20	0.80	1.41	1.00	0.60	0.19	0.00	0.00	0.00
250.01	270.00	5.72	3.91	3.50	3.10	2.70	2.29	1.89	1.48	1.83	1.42	1.02	0.61	0.21	0.00	0.00
270.01	290.00	6.41	4.60	4.19	3.79	3.39	2.98	2.58	2.17	2.25	1.84	1.44	1.03	0.63	0.23	0.00
290.01	310.00	7.10	5.29	4.88	4.48	4.08	3.67	3.27	2.86	2.67	2.26	1.86	1.45	1.05	0.65	0.24
310.01	330.00	7.79	5.98	5.57	5.17	4.77	4.36	3.96	3.55	3.09	2.68	2.28	1.87	1.47	1.07	0.66
330.01	350.00	8.48	6.67	6.26	5.86	5.46	5.05	4.65	4.24	3.51	3.10	2.70	2.29	1.89	1.49	1.08
350.01	370.00	9.17	7.36	6.95	6.55	6.15	5.74	5.34	4.93	3.93	3.52	3.12	2.71	2.31	1.91	1.50
370.01	390.00	9.86	8.05	7.64	7.24	6.84	6.43	6.03	5.62	4.35	3.94	3.54	3.13	2.73	2.33	1.92
390.01	410.00	10.55	8.74	8.33	7.93	7.53	7.12	6.72	6.31	4.77	4.36	3.96	3.55	3.15	2.75	2.34
410.01	430.00	11.24	9.43	9.02	8.62	8.22	7.81	7.41	7.00	5.19	4.78	4.38	3.97	3.57	3.17	2.76
430.01	450.00	11.93	10.12	9.71	9.31	8.91	8.50	8.10	7.69	5.61	5.20	4.80	4.39	3.99	3.59	3.18
450.01	470.00	12.62	10.81	10.40	10.00	9.60	9.19	8.79	8.38	6.03	5.62	5.22	4.81	4.41	4.01	3.60
470.01	490.00	13.31	11.50	11.09	10.69	10.29	9.88	9.48	9.07	6.45	6.04	5.64	5.23	4.83	4.43	4.02
490.01	510.00	14.26	12.45	12.04	11.64	11.24	10.83	10.43	10.02	7.12	6.72	6.32	5.91	5.51	5.11	4.70

Weekly Louisiana Income Tax Withholding Table																							
Exemptions:		0								1							2						
Dependents:		0	0	1	2	3	4	5	6	0	1	2	3	4	5	6							
Salary Range:																							
Min	Max																						
510.01	530.00	15.22	13.41	13.00	12.60	12.20	11.79	11.39	10.98	7.81	7.41	7.01	6.60	6.20	5.80	5.39							
530.01	550.00	16.18	14.37	13.96	13.56	13.16	12.75	12.35	11.94	8.50	8.10	7.70	7.29	6.89	6.49	6.08							
550.01	570.00	17.14	15.33	14.92	14.52	14.12	13.71	13.31	12.90	9.19	8.79	8.39	7.98	7.58	7.18	6.77							
570.01	590.00	18.10	16.29	15.88	15.48	15.08	14.67	14.27	13.86	9.88	9.48	9.08	8.67	8.27	7.87	7.46							
590.01	610.00	19.06	17.25	16.84	16.44	16.04	15.63	15.23	14.82	10.57	10.17	9.77	9.36	8.96	8.56	8.15							
610.01	630.00	20.02	18.21	17.80	17.40	17.00	16.59	16.19	15.78	11.26	10.86	10.46	10.05	9.65	9.25	8.84							
630.01	650.00	20.98	19.17	18.76	18.36	17.96	17.55	17.15	16.74	11.95	11.55	11.15	10.74	10.34	9.94	9.53							
650.01	670.00	21.94	20.13	19.72	19.32	18.92	18.51	18.11	17.70	12.64	12.24	11.84	11.43	11.03	10.63	10.22							
670.01	690.00	22.90	21.09	20.68	20.28	19.88	19.47	19.07	18.66	13.33	12.93	12.53	12.12	11.72	11.32	10.91							
690.01	710.00	23.86	22.05	21.64	21.24	20.84	20.43	20.03	19.62	14.02	13.62	13.22	12.81	12.41	12.01	11.60							
710.01	730.00	24.82	23.01	22.60	22.20	21.80	21.39	20.99	20.58	14.71	14.31	13.91	13.50	13.10	12.70	12.29							
730.01	750.00	25.78	23.97	23.56	23.16	22.76	22.35	21.95	21.54	15.40	15.00	14.60	14.19	13.79	13.39	12.98							
750.01	770.00	26.74	24.93	24.52	24.12	23.72	23.31	22.91	22.50	16.09	15.69	15.29	14.88	14.48	14.08	13.67							
770.01	790.00	27.70	25.89	25.48	25.08	24.68	24.27	23.87	23.46	16.78	16.38	15.98	15.57	15.17	14.77	14.36							
790.01	810.00	28.66	26.85	26.44	26.04	25.64	25.23	24.83	24.42	17.47	17.07	16.67	16.26	15.86	15.46	15.05							
810.01	830.00	29.62	27.81	27.40	27.00	26.60	26.19	25.79	25.38	18.16	17.76	17.36	16.95	16.55	16.15	15.74							
830.01	850.00	30.58	28.77	28.36	27.96	27.56	27.15	26.75	26.34	18.85	18.45	18.05	17.64	17.24	16.84	16.43							
850.01	870.00	31.54	29.73	29.32	28.92	28.52	28.11	27.71	27.30	19.54	19.14	18.74	18.33	17.93	17.53	17.12							
870.01	890.00	32.50	30.69	30.28	29.88	29.48	29.07	28.67	28.26	20.23	19.83	19.43	19.02	18.62	18.22	17.81							
890.01	910.00	33.46	31.65	31.24	30.84	30.44	30.03	29.63	29.22	20.92	20.52	20.12	19.71	19.31	18.91	18.50							
910.01	930.00	34.42	32.61	32.20	31.80	31.40	30.99	30.59	30.18	21.61	21.21	20.81	20.40	20.00	19.60	19.19							
930.01	950.00	35.38	33.57	33.16	32.76	32.36	31.95	31.55	31.14	22.30	21.90	21.50	21.09	20.69	20.29	19.88							
950.01	970.00	36.34	34.53	34.12	33.72	33.32	32.91	32.51	32.10	22.99	22.59	22.19	21.78	21.38	20.98	20.57							
970.01	990.00	37.30	35.49	35.08	34.68	34.28	33.87	33.47	33.06	23.68	23.28	22.88	22.47	22.07	21.67	21.26							

Add 4.80% for amounts in excess of \$990

Biweekly Louisiana Income Tax Withholding Table																							
Exemptions:		0								1							2						
Dependents:		0	0	1	2	3	4	5	6	0	1	2	3	4	5	6							
Salary Range:																							
Min	Max																						
0.00	100.00	2.1%	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00							
100.01	140.00	2.52	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00							
140.01	180.00	3.36	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00							
180.01	220.00	4.20	0.57	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00							
220.01	260.00	5.04	1.41	0.60	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00							
260.01	300.00	5.88	2.25	1.44	0.63	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00							
300.01	340.00	6.72	3.09	2.28	1.47	0.66	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00							
340.01	380.00	7.56	3.93	3.12	2.31	1.50	0.69	0.00	0.00	0.29	0.00	0.00	0.00	0.00	0.00	0.00							
380.01	420.00	8.40	4.77	3.96	3.15	2.34	1.54	0.73	0.00	1.13	0.32	0.00	0.00	0.00	0.00	0.00							
420.01	460.00	9.24	5.61	4.80	3.99	3.18	2.38	1.57	0.76	1.97	1.16	0.36	0.00	0.00	0.00	0.00							
460.01	500.00	10.08	6.45	5.64	4.83	4.02	3.22	2.41	1.60	2.81	2.00	1.20	0.39	0.00	0.00	0.00							
500.01	540.00	11.45	7.81	7.01	6.20	5.39	4.58	3.78	2.97	3.65	2.84	2.04	1.23	0.42	0.00	0.00							
540.01	580.00	12.83	9.19	8.39	7.58	6.77	5.96	5.16	4.35	4.49	3.68	2.88	2.07	1.26	0.45	0.00							
580.01	620.00	14.21	10.57	9.77	8.96	8.15	7.34	6.54	5.73	5.33	4.52	3.72	2.91	2.10	1.29	0.48							
620.01	660.00	15.59	11.95	11.15	10.34	9.53	8.72	7.92	7.11	6.17	5.36	4.56	3.75	2.94	2.13	1.33							
660.01	700.00	16.97	13.33	12.53	11.72	10.91	10.10	9.30	8.49	7.01	6.20	5.40	4.59	3.78	2.97	2.17							
700.01	740.00	18.35	14.71	13.91	13.10	12.29	11.48	10.68	9.87	7.85	7.04	6.24	5.43	4.62	3.81	3.01							
740.01	780.00	19.73	16.09	15.29	14.48	13.67	12.86	12.06	11.25	8.69	7.88	7.08	6.27	5.46	4.65	3.85							
780.01	820.00	21.11	17.47	16.67	15.86	15.05	14.24	13.44	12.63	9.53	8.72	7.92	7.11	6.30	5.49	4.69							
820.01	860.00	22.49	18.85	18.05	17.24	16.43	15.62	14.82	14.01	10.37	9.56	8.76	7.95	7.14	6.33	5.53							
860.01	900.00	23.87	20.23	19.43	18.62	17.81	17.00	16.20	15.39	11.21	10.40	9.60	8.79	7.98	7.17	6.37							
900.01	940.00	25.25	21.61	20.81	20.00	19.19	18.38	17.58	16.77	12.05	11.24	10.44	9.63	8.82	8.01	7.21							
940.01	980.00	26.63	22.99	22.19	21.38	20.57	19.76	18.96	18.15	12.89	12.08	11.28	10.47	9.66	8.85	8.05							
980.01	1,020.00	28.53	24.89	24.09	23.28	22.47	21.66	20.86	20.05	14.25	13.44	12.63	11.83	11.02	10.21	9.40							
1,020.01	1,060.00	30.45	26.81	26.01	25.20	24.39	23.58	22.78	21.97	15.63	14.82	14.01	13.21	12.40	11.59	10.78							
1,060.01	1,100.00	32.37	28.73	27.93	27.12	26.31	25.50	24.70	23.89	17.01	16.20	15.39	14.59	13.78	12.97	12.16							
1,100.01	1,140.00	34.29	30.65	29.85	29.04	28.23	27.42	26.62	25.81	18.39	17.58	16.77	15.97	15.16	14.35	13.54							
1,140.01	1,180.00	36.21	32.57	31.77	30.96	30.15	29.34	28.54	27.73	19.77	18.96	18.15	17.35	16.54	15.73	14.92							
1,180.01	1,220.00	38.13	34.49	33.69	32.88	32.07	31.26	30.46	29.65	21.15	20.34	19.53	18.73	17.92	17.11	16.30							
1,220.01	1,260.00	40.05	36.41	35.61	34.80	33.99	33.18	32.38	31.57	22.53	21.72	20.91	20.11	19.30	18.49	17.68							
1,260.01	1,300.00	41.97	38.33	37.53	36.72	35.91	35.10	34.30	33.49	23.91	23.10	22.29	21.49	20.68	19.87	19.06							
1,300.01	1,340.00	43.89	40.25	39.45	38.64	37.83	37.02	36.22	35.41	25.29	24.48	23.67	22.87	22.06	21.25	20.44							
1,340.01	1,380.00	45.81	42.17	41.37	40.56	39.75	38.94	38.14	37.33	26.67	25.86	25.05	24.25	23.44	22.63	21.82							
1,380.01	1,420.00	47.73	44.09	43.29	42.48	41.67	40.86	40.06	39.25	28.05	27.24	26.43	25.63	24.82	24.01	23.20							
1,420.01	1,460.00	49.65	46.01	45.21	44.40	43.59	42.78	41.98	41.17	29.43	28.62	27.81	27.01	26.20	25.39	24.58							

Biweekly Louisiana Income Tax Withholding Table																															
Exemptions:		0								1							2														
Dependents:		0		0		1		2		3		4		5		6		0		1		2		3		4		5		6	
Salary Range:		0		0		1		2		3		4		5		6		0		1		2		3		4		5		6	
Min	Max																														
1,460.01	1,500.00	51.57	47.93	47.13	46.32	45.51	44.70	43.90	43.09	30.81	30.00	29.19	28.39	27.58	26.77	25.96															
1,500.01	1,540.00	53.49	49.85	49.05	48.24	47.43	46.62	45.82	45.01	32.19	31.38	30.57	29.77	28.96	28.15	27.34															
1,540.01	1,580.00	55.41	51.77	50.97	50.16	49.35	48.54	47.74	46.93	33.57	32.76	31.95	31.15	30.34	29.53	28.72															
1,580.01	1,620.00	57.33	53.69	52.89	52.08	51.27	50.46	49.66	48.85	34.95	34.14	33.33	32.53	31.72	30.91	30.10															
1,620.01	1,660.00	59.25	55.61	54.81	54.00	53.19	52.38	51.58	50.77	36.33	35.52	34.71	33.91	33.10	32.29	31.48															
1,660.01	1,700.00	61.17	57.53	56.73	55.92	55.11	54.30	53.50	52.69	37.71	36.90	36.09	35.29	34.48	33.67	32.86															
1,700.01	1,740.00	63.09	59.45	58.65	57.84	57.03	56.22	55.42	54.61	39.09	38.28	37.47	36.67	35.86	35.05	34.24															
1,740.01	1,780.00	65.01	61.37	60.57	59.76	58.95	58.14	57.34	56.53	40.47	39.66	38.85	38.05	37.24	36.43	35.62															
1,780.01	1,820.00	66.93	63.29	62.49	61.68	60.87	60.06	59.26	58.45	41.85	41.04	40.23	39.43	38.62	37.81	37.00															
1,820.01	1,860.00	68.85	65.21	64.41	63.60	62.79	61.98	61.18	60.37	43.23	42.42	41.61	40.81	40.00	39.19	38.38															
1,860.01	1,900.00	70.77	67.13	66.33	65.52	64.71	63.90	63.10	62.29	44.61	43.80	42.99	42.19	41.38	40.57	39.76															
1,900.01	1,940.00	72.69	69.05	68.25	67.44	66.63	65.82	65.02	64.21	45.99	45.18	44.37	43.57	42.76	41.95	41.14															
1,940.01	1,980.00	74.61	70.97	70.17	69.36	68.55	67.74	66.94	66.13	47.87	47.06	46.25	45.45	44.64	43.83	43.02															

Add 4.80% for amounts in excess of \$1,980

Semimonthly Louisiana Income Tax Withholding Table																															
Exemptions:		0								1							2														
Dependents:		0		0		1		2		3		4		5		6		0		1		2		3		4		5		6	
Salary Range:		0		0		1		2		3		4		5		6		0		1		2		3		4		5		6	
Min	Max																														
0.00	100.00	2.1%	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00															
100.01	140.00	2.52	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00															
140.01	180.00	3.36	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00															
180.01	220.00	4.20	0.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00															
220.01	260.00	5.04	1.10	0.23	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00															
260.01	300.00	5.88	1.94	1.07	0.19	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00															
300.01	340.00	6.72	2.78	1.91	1.03	0.16	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00															
340.01	380.00	7.56	3.62	2.75	1.87	1.00	0.12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00															
380.01	420.00	8.40	4.46	3.59	2.71	1.84	0.96	0.09	0.00	0.53	0.00	0.00	0.00	0.00	0.00	0.00															
420.01	460.00	9.24	5.30	4.43	3.55	2.68	1.80	0.93	0.05	1.37	0.49	0.00	0.00	0.00	0.00	0.00															
460.01	500.00	10.08	6.14	5.27	4.39	3.52	2.64	1.77	0.89	2.21	1.33	0.46	0.00	0.00	0.00	0.00															
500.01	540.00	10.92	6.98	6.11	5.23	4.36	3.48	2.61	1.73	3.05	2.17	1.30	0.42	0.00	0.00	0.00															
540.01	580.00	12.29	8.35	7.48	6.60	5.73	4.85	3.98	3.10	3.89	3.01	2.14	1.26	0.10	0.00	0.00															
580.01	620.00	13.67	9.73	8.86	7.98	7.11	6.23	5.36	4.48	4.73	3.85	2.98	2.10	0.94	0.00	0.00															
620.01	660.00	15.05	11.11	10.24	9.36	8.49	7.61	6.74	5.86	5.57	4.69	3.82	2.94	1.78	0.35	0.00															
660.01	700.00	16.43	12.49	11.62	10.74	9.87	8.99	8.12	7.24	6.41	5.53	4.66	3.78	2.62	1.19	0.00															
700.01	740.00	17.81	13.87	13.00	12.12	11.25	10.37	9.50	8.62	7.25	6.37	5.50	4.62	3.46	2.03	0.59															
740.01	780.00	19.19	15.25	14.38	13.50	12.63	11.75	10.88	10.00	8.09	7.21	6.34	5.46	4.30	2.87	1.43															
780.01	820.00	20.57	16.63	15.76	14.88	14.01	13.13	12.26	11.38	8.93	8.05	7.18	6.30	5.14	3.71	2.27															
820.01	860.00	21.95	18.01	17.14	16.26	15.39	14.51	13.64	12.76	9.77	8.89	8.02	7.14	5.98	4.55	3.11															
860.01	900.00	23.33	19.39	18.52	17.64	16.77	15.89	15.02	14.14	10.61	9.73	8.86	7.98	6.82	5.39	3.95															
900.01	940.00	24.71	20.77	19.90	19.02	18.15	17.27	16.40	15.52	11.45	10.57	9.70	8.82	7.66	6.23	4.79															
940.01	980.00	26.09	22.15	21.28	20.40	19.53	18.65	17.78	16.90	12.29	11.41	10.54	9.66	8.50	7.07	5.63															
980.01	1,020.00	27.47	23.53	22.66	21.78	20.91	20.03	19.16	18.28	13.13	12.25	11.38	10.50	9.34	7.91	6.47															
1,020.01	1,060.00	28.85	24.91	24.04	23.16	22.29	21.41	20.54	19.66	13.97	13.09	12.22	11.34	10.18	8.75	7.31															
1,060.01	1,100.00	30.75	26.81	25.93	25.06	24.18	23.31	22.43	21.56	15.32	14.45	13.57	12.70	11.54	10.10	8.67															
1,100.01	1,140.00	32.67	28.73	27.85	26.98	26.10	25.23	24.35	23.48	16.70	15.83	14.95	14.08	12.92	11.48	10.05															
1,140.01	1,180.00	34.59	30.65	29.77	28.90	28.02	27.15	26.27	25.40	18.08	17.21	16.33	15.46	14.30	12.86	11.43															
1,180.01	1,220.00	36.51	32.57	31.69	30.82	29.94	29.07	28.19	27.32	19.46	18.59	17.71	16.84	15.68	14.24	12.81															
1,220.01	1,260.00	38.43	34.49	33.61	32.74	31.86	30.99	30.11	29.24	20.84	19.97	19.09	18.22	17.06	15.62	14.19															
1,260.01	1,300.00	40.35	36.41	35.53	34.66	33.78	32.91	32.03	31.16	22.22	21.35	20.47	19.60	18.44	17.00	15.57															
1,300.01	1,340.00	42.27	38.33	37.45	36.58	35.70	34.83	33.95	33.08	23.60	22.73	21.85	20.98	19.82	18.38	16.95															
1,340.01	1,380.00	44.19	40.25	39.37	38.50	37.62	36.75	35.87	35.00	24.98	24.11	23.23	22.36	21.20	19.76	18.33															
1,380.01	1,420.00	46.11	42.17	41.29	40.42	39.54	38.67	37.79	36.92	26.36	25.49	24.61	23.74	22.58	21.14	19.71															
1,420.01	1,460.00	48.03	44.09	43.21	42.34	41.46	40.59	39.71	38.84	27.74	26.87	25.99	25.12	23.96	22.52	21.09															
1,460.01	1,500.00	49.95	46.01	45.13	44.26	43.38	42.51	41.63	40.76	29.12	28.25</																				

Semimonthly Louisiana Income Tax Withholding Table																	
Exemptions:		0		1						2							
Dependents:		0		0		1		2		3		4		5		6	
Salary Range:		0		0		1		2		3		4		5		6	
Min	Max																
1,900.01	1,940.00	71.07	67.13	66.25	65.38	64.50	63.63	62.75	61.88	44.30	43.43	42.55	41.68	40.52	39.08	37.65	
1,940.01	1,980.00	72.99	69.05	68.17	67.30	66.42	65.55	64.67	63.80	45.68	44.81	43.93	43.06	41.90	40.46	39.03	
1,980.01	2,020.00	74.91	70.97	70.09	69.22	68.34	67.47	66.59	65.72	47.06	46.19	45.31	44.44	43.28	41.84	40.41	
2,020.01	2,060.00	76.83	72.89	72.01	71.14	70.26	69.39	68.51	67.64	48.44	47.57	46.69	45.82	44.66	43.22	41.79	
2,060.01	2,100.00	78.75	74.81	73.93	73.06	72.18	71.31	70.43	69.56	49.82	48.95	48.07	47.20	46.04	44.60	43.17	
2,100.01	2,140.00	80.67	76.73	75.85	74.98	74.10	73.23	72.35	71.48	51.70	50.82	49.95	49.07	47.92	46.48	45.04	

Add 4.80% for amounts in excess of \$2,140

Monthly Louisiana Income Tax Withholding Table																	
Exemptions:		0		1						2							
Dependents:		0		0		1		2		3		4		5		6	
Salary Range:		0		0		1		2		3		4		5		6	
Min	Max																
0.00	200.00	2.1%	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
200.01	280.00	5.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
280.01	360.00	6.72	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
360.01	440.00	8.40	0.53	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
440.01	520.00	10.08	2.21	0.46	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
520.01	600.00	11.76	3.89	2.14	0.39	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
600.01	680.00	13.44	5.57	3.82	2.07	0.32	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
680.01	760.00	15.12	7.25	5.50	3.75	2.00	0.24	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
760.01	840.00	16.80	8.93	7.18	5.43	3.68	1.93	0.18	0.00	1.05	0.00	0.00	0.00	0.00	0.00	0.00	
840.01	920.00	18.48	10.61	8.86	7.11	5.36	3.61	1.86	0.11	2.73	0.98	0.00	0.00	0.00	0.00	0.00	
920.01	1,000.00	20.16	12.29	10.54	8.79	7.04	5.29	3.54	1.79	4.41	2.66	0.91	0.00	0.00	0.00	0.00	
1,000.01	1,080.00	21.84	13.97	12.22	10.47	8.72	6.97	5.22	3.47	6.09	4.34	2.59	0.84	0.00	0.00	0.00	
1,080.01	1,160.00	24.58	16.70	14.95	13.20	11.45	9.70	7.95	6.20	7.77	6.02	4.27	2.52	0.77	0.00	0.00	
1,160.01	1,240.00	27.34	19.46	17.71	15.96	14.21	12.46	10.71	8.96	9.45	7.70	5.95	4.20	2.45	0.70	0.00	
1,240.01	1,320.00	30.10	22.22	20.47	18.72	16.97	15.22	13.47	11.72	11.13	9.38	7.63	5.88	4.13	2.38	0.63	
1,320.01	1,400.00	32.86	24.98	23.23	21.48	19.73	17.98	16.23	14.48	12.81	11.06	9.31	7.56	5.81	4.06	2.31	
1,400.01	1,480.00	35.62	27.74	25.99	24.24	22.49	20.74	18.99	17.24	14.49	12.74	10.99	9.24	7.49	5.74	3.99	
1,480.01	1,560.00	38.38	30.50	28.75	27.00	25.25	23.50	21.75	20.00	16.17	14.42	12.67	10.92	9.17	7.42	5.67	
1,560.01	1,640.00	41.14	33.26	31.51	29.76	28.01	26.26	24.51	22.76	17.85	16.10	14.35	12.60	10.85	9.10	7.35	
1,640.01	1,720.00	43.90	36.02	34.27	32.52	30.77	29.02	27.27	25.52	19.53	17.78	16.03	14.28	12.53	10.78	9.03	
1,720.01	1,800.00	46.66	38.78	37.03	35.28	33.53	31.78	30.03	28.28	21.21	19.46	17.71	15.96	14.21	12.46	10.71	
1,800.01	1,880.00	49.42	41.54	39.79	38.04	36.29	34.54	32.79	31.04	22.89	21.14	19.39	17.64	15.89	14.14	12.39	
1,880.01	1,960.00	52.18	44.30	42.55	40.80	39.05	37.30	35.55	33.80	24.57	22.82	21.07	19.32	17.57	15.82	14.07	
1,960.01	2,040.00	54.94	47.06	45.31	43.56	41.81	40.06	38.31	36.56	26.25	24.50	22.75	21.00	19.25	17.50	15.75	
2,040.01	2,120.00	57.70	49.82	48.07	46.32	44.57	42.82	41.07	39.32	27.93	26.18	24.43	22.68	20.93	19.18	17.43	
2,120.01	2,200.00	61.49	53.62	51.87	50.12	48.37	46.62	44.87	43.12	30.65	28.90	27.15	25.40	23.65	21.90	20.15	
2,200.01	2,280.00	65.33	57.46	55.71	53.96	52.21	50.46	48.71	46.96	33.41	31.66	29.91	28.16	26.41	24.66	22.91	
2,280.01	2,360.00	69.17	61.30	59.55	57.80	56.05	54.30	52.55	50.80	36.17	34.42	32.67	30.92	29.17	27.42	25.67	
2,360.01	2,440.00	73.01	65.14	63.39	61.64	59.89	58.14	56.39	54.64	38.93	37.18	35.43	33.68	31.93	30.18	28.43	
2,440.01	2,520.00	76.85	68.98	67.23	65.48	63.73	61.98	60.23	58.48	41.69	39.94	38.19	36.44	34.69	32.94	31.19	
2,520.01	2,600.00	80.69	72.82	71.07	69.32	67.57	65.82	64.07	62.32	44.45	42.70	40.95	39.20	37.45	35.70	33.95	
2,600.01	2,680.00	84.53	76.66	74.91	73.16	71.41	69.66	67.91	66.16	47.21	45.46	43.71	41.96	40.21	38.46	36.71	
2,680.01	2,760.00	88.37	80.50	78.75	77.00	75.25	73.50	71.75	70.00	49.97	48.22	46.47	44.72	42.97	41.22	39.47	
2,760.01	2,840.00	92.21	84.34	82.59	80.84	79.09	77.34	75.59	73.84	52.73	50.98	49.23	47.48	45.73	43.98	42.23	
2,840.01	2,920.00	96.05	88.18	86.43	84.68	82.93	81.18	79.43	77.68	55.49	53.74	51.99	50.24	48.49	46.74	44.99	
2,920.01	3,000.00	99.89	92.02	90.27	88.52	86.77	85.02	83.27	81.52	58.25	56.50	54.75	53.00	51.25	49.50	47.75	
3,000.01	3,080.00	103.73	95.86	94.11	92.36	90.61	88.86	87.11	85.36	61.01	59.26	57.51	55.76	54.01	52.26	50.51	
3,080.01	3,160.00	107.57	99.70	97.95	96.20	94.45	92.70	90.95	89.20	63.77	62.02	60.27	58.52	56.77	55.02	53.27	
3,160.01	3,240.00	111.41	103.54	101.79	100.04	98.29	96.54	94.79	93.04	66.53	64.78	63.03	61.28	59.53	57.78	56.03	
3,240.01	3,320.00	115.25	107.38	105.63	103.88	102.13	100.38	98.63	96.88	69.29	67.54	65.79	64.04	62.29	60.54	58.79	
3,320.01	3,400.00	119.09	111.22	109.47	107.72	105.97	104.22	102.47	100.72	72.05	70.30	68.55	66.80	65.05	63.30	61.55	
3,400.01	3,480.00	122.93	115.06	113.31	111.56	109.81	108.06	106.31	104.56	74.81	73.06	71.31	69.56	67.81	66.06	64.31	
3,480.01	3,560.00	126.77	118.90	117.15	115.40	113.65	111.90	110.15	108.40	77.57	75.82	74.07	72.32	70.57	68.82	67.07	
3,560.01	3,640.00	130.61	122.74	120.99	119.24	117.49	115.74	113.99	112.24	80.33	78.58	76.83	75.08	73.33	71.58	69.83	
3,640.01	3,720.00	134.45	126.58	124.83	123.08	121.33	119.58	117.83	116.08	83.09	81.34	79.59	77.84	76.09	74.34	72.59	
3,720.01	3,800.00	138.29	130.42	128.67	126.92	125.17	123.42	121.67	119.92	85.85	84.10	82.35	80.60	78.85	77.10	75.35	
3,800.01	3,880.00	142.13	134.26	132.51	130.76	129.01	127.26	125.51	123.76	88.61	86.86	85.11	83.36	81.61	79.86	78.11	
3,880.01	3,960.00	145.97	138.10	136.35	134.60	132.85	131.10	129.35	127.60	91.37	89.62	87.87	86.12	84.37	82.62	80.87	
3,960.01	4,040.00	149.81	141.94	140.19	138.44	136.69	134.94	133.19	131.44	94.13	92.38	90.63	88.88	87.13	85.38	83.63	
4,040.01	4,120.00	153.65	145.78	144.03	142.28	140.53	138.78	137.03	135.28	96.89	95.14	93.39	91.64	89.89	88.14	86.39	
4,120.01	4,200.00	157.49	149.62	147.87	146.12	144.37	142.62	140.87	139.12	99.65	97.90	96.15	94.40	92.65	90.90	89.15	
4,200.01	4,280.00	161.33	153.46	151.71	149.96	148.21	146.46	144.71	142.96	103.40	101.65	99.90	98.15	96.40	94.65	92.90	

Add 4.80% for amounts in excess of \$4,280

Monthly Louisiana Income Tax Withholding Table																	
Exemptions:		0		1						2							
Dependents:		0		0	1	2	3	4	5	6	0	1	2	3	4	5	6
Salary Range:		0		0	1	2	3	4	5	6	0	1	2	3	4	5	6
Min	Max																
Annual Louisiana Income Tax Withholding Table																	
Exemptions:		0		1						2							
Dependents:		0		0	1	2	3	4	5	6	0	1	2	3	4	5	6
Salary Range:		0		0	1	2	3	4	5	6	0	1	2	3	4	5	6
Min	Max																
0.00	2,500.00	2.1%	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2,500.01	2,900.00	56.70	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2,900.01	3,300.00	65.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3,300.01	3,700.00	73.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3,700.01	4,100.00	81.90	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4,100.01	4,500.00	90.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4,500.01	4,900.00	98.70	4.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4,900.01	5,300.00	107.10	12.60	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5,300.01	5,700.00	115.50	21.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5,700.01	6,100.00	123.90	29.40	8.40	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6,100.01	6,500.00	132.30	37.80	16.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6,500.01	6,900.00	140.70	46.20	25.20	4.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6,900.01	7,300.00	149.10	54.60	33.60	12.60	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7,300.01	7,700.00	157.50	63.00	42.00	21.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7,700.01	8,100.00	165.90	71.40	50.40	29.40	8.40	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8,100.01	8,500.00	174.30	79.80	58.80	37.80	16.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8,500.01	8,900.00	182.70	88.20	67.20	46.20	25.20	4.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8,900.01	9,300.00	191.10	96.60	75.60	54.60	33.60	12.60	0.00	0.00	2.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9,300.01	9,700.00	199.50	105.00	84.00	63.00	42.00	21.00	0.00	0.00	10.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9,700.01	10,100.00	207.90	113.40	92.40	71.40	50.40	29.40	8.40	0.00	18.90	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10,100.01	10,500.00	216.30	121.80	100.80	79.80	58.80	37.80	16.80	0.00	27.30	6.30	0.00	0.00	0.00	0.00	0.00	0.00
10,500.01	10,900.00	224.70	130.20	109.20	88.20	67.20	46.20	25.20	4.20	35.70	14.70	0.00	0.00	0.00	0.00	0.00	0.00
10,900.01	11,300.00	233.10	138.60	117.60	96.60	75.60	54.60	33.60	12.60	44.10	23.10	2.10	0.00	0.00	0.00	0.00	0.00
11,300.01	11,700.00	241.50	147.00	126.00	105.00	84.00	63.00	42.00	21.00	52.50	31.50	10.50	0.00	0.00	0.00	0.00	0.00
11,700.01	12,100.00	249.90	155.40	134.40	113.40	92.40	71.40	50.40	29.40	60.90	39.90	18.90	0.00	0.00	0.00	0.00	0.00
12,100.01	12,500.00	258.30	163.80	142.80	121.80	100.80	79.80	58.80	37.80	69.30	48.30	27.30	6.30	0.00	0.00	0.00	0.00
12,500.01	12,900.00	266.70	172.20	150.80	129.80	108.80	87.80	66.80	45.80	77.70	56.70	35.70	14.70	0.00	0.00	0.00	0.00
12,900.01	13,300.00	275.10	180.60	158.80	137.80	116.80	95.80	74.80	53.80	86.10	65.10	44.10	23.10	2.10	0.00	0.00	0.00
13,300.01	13,700.00	283.50	189.00	166.80	145.80	124.80	103.80	82.80	61.80	94.50	73.50	52.50	31.50	10.50	0.00	0.00	0.00
13,700.01	14,100.00	291.90	197.40	174.80	153.80	132.80	111.80	90.80	69.80	102.90	81.90	60.90	39.90	18.90	0.00	0.00	0.00
14,100.01	14,500.00	300.30	205.80	182.80	161.80	140.80	119.80	98.80	77.80	111.30	90.30	69.30	48.30	27.30	6.30	0.00	0.00
14,500.01	14,900.00	308.70	214.20	190.80	169.80	148.80	127.80	106.80	85.80	119.70	98.70	77.70	56.70	35.70	14.70	0.00	0.00
14,900.01	15,300.00	317.10	222.60	198.80	177.80	156.80	135.80	114.80	93.80	128.10	107.10	86.10	65.10	44.10	23.10	2.10	0.00
15,300.01	15,700.00	325.50	231.00	206.80	185.80	164.80	143.80	122.80	101.80	136.50	115.50	94.50	73.50	52.50	31.50	10.50	0.00
15,700.01	16,100.00	333.90	239.40	214.80	193.80	172.80	151.80	130.80	109.80	144.90	123.90	102.90	81.90	60.90	39.90	18.90	0.00
16,100.01	16,500.00	342.30	247.80	222.80	201.80	180.80	159.80	138.80	117.80	153.30	132.30	111.30	90.30	69.30	48.30	27.30	0.00
16,500.01	16,900.00	350.70	256.20	230.80	209.80	188.80	167.80	146.80	125.80	161.70	140.70	119.70	98.70	77.70	56.70	35.70	0.00
16,900.01	17,300.00	359.10	264.60	238.80	217.80	196.80	175.80	154.80	133.80	170.10	149.10	128.10	107.10	86.10	65.10	44.10	0.00
17,300.01	17,700.00	367.50	273.00	246.80	225.80	204.80	183.80	162.80	141.80	178.50	157.50	136.50	115.50	94.50	73.50	52.50	0.00
17,700.01	18,100.00	375.90	281.40	254.80	233.80	212.80	191.80	170.80	149.80	186.90	165.90	144.90	123.90	102.90	81.90	60.90	0.00
18,100.01	18,500.00	384.30	289.80	262.80	241.80	220.80	199.80	178.80	157.80	195.30	174.30	153.30	132.30	111.30	90.30	69.30	0.00
18,500.01	18,900.00	392.70	298.20	270.80	249.80	228.80	207.80	186.80	165.80	203.70	182.70	161.70	140.70	119.70	98.70	77.70	0.00
18,900.01	19,300.00	401.10	306.60	278.80	257.80	236.80	215.80	194.80	173.80	212.10	191.10	170.10	149.10	128.10	107.10	86.10	0.00
19,300.01	19,700.00	409.50	315.00	286.80	265.80	244.80	223.80	202.80	181.80	220.50	199.50	178.50	157.50	136.50	115.50	94.50	0.00
19,700.01	20,100.00	417.90	323.40	294.80	273.80	252.80	231.80	210.80	189.80	228.90	207.90	186.90	165.90	144.90	123.90	102.90	0.00
20,100.01	20,500.00	426.30	331.80	302.80	281.80	260.80	239.80	218.80	197.80	237.30	216.30	195.30	174.30	153.30	132.30	111.30	0.00
20,500.01	20,900.00	434.70	340.20	310.80	289.80	268.80	247.80	226.80	205.80	245.70	224.70	203.70	182.70	161.70	140.70	119.70	0.00
20,900.01	21,300.00	443.10	348.60	318.80	297.80	276.80	255.80	234.80	213.80	254.10	233.10	212.10	191.10	170.10	149.10	128.10	0.00
21,300.01	21,700.00	451.50	357.00	326.80	305.80	284.80	263.80	242.80	221.80	262.50	241.50	220.50	199.50	178.50	157.50	136.50	0.00
21,700.01	22,100.00	459.90	365.40	334.80	313.80	292.80	271.80	250.80	229.80	270.90	249.90	228.90	207.90	186.90	165.90	144.90	0.00
22,100.01	22,500.00	468.30	373.80	342.80	321.80	300.80	279.80	258.80	237.80	279.30	258.30	237.30	216.30	195.30	174.30	153.30	0.00
22,500.01	22,900.00	476.70	382.20	350.80	329.80	308.80	287.80	266.80	245.80	287.70	266.70	245.70	224.70	203.70	182.70	161.70	0.00
22,900.01	23,300.00	485.10	390.60	358.80	337.80	316.80	295.80	274.80	253.80	296.10	275.10	254.10	233.10	212.10	191.10	170.10	0.00
23,300.01	23,700.00	493.50	399.00	366.80	345.80	324.80	303.80	282.80	261.80	304.50	283.50	262.50	241.50	220.50	199.50	178.50	0.00

Monthly Louisiana Income Tax Withholding Table																						
Exemptions:		0								1							2					
Dependents:		0		0		1		2		3		4		5		6						
Salary Range:		0		0		1		2		3		4		5		6						
Min	Max	0	0	1	2	3	4	5	6	0	1	2	3	4	5	6						
26,500.01	26,900.00	775.35	680.85	659.85	638.85	617.85	596.85	575.85	554.85	394.65	373.65	352.65	331.65	310.65	289.65	268.65						
26,900.01	27,300.00	794.55	700.05	679.05	658.05	637.05	616.05	595.05	574.05	408.45	387.45	366.45	345.45	324.45	303.45	282.45						
27,300.01	27,700.00	813.75	719.25	698.25	677.25	656.25	635.25	614.25	593.25	422.25	401.25	380.25	359.25	338.25	317.25	296.25						
27,700.01	28,100.00	832.95	738.45	717.45	696.45	675.45	654.45	633.45	612.45	436.05	415.05	394.05	373.05	352.05	331.05	310.05						
28,100.01	28,500.00	852.15	757.65	736.65	715.65	694.65	673.65	652.65	631.65	449.85	428.85	407.85	386.85	365.85	344.85	323.85						
28,500.01	28,900.00	871.35	776.85	755.85	734.85	713.85	692.85	671.85	650.85	463.65	442.65	421.65	400.65	379.65	358.65	337.65						
28,900.01	29,300.00	890.55	796.05	775.05	754.05	733.05	712.05	691.05	670.05	477.45	456.45	435.45	414.45	393.45	372.45	351.45						
29,300.01	29,700.00	909.75	815.25	794.25	773.25	752.25	731.25	710.25	689.25	491.25	470.25	449.25	428.25	407.25	386.25	365.25						
29,700.01	30,100.00	928.95	834.45	813.45	792.45	771.45	750.45	729.45	708.45	505.05	484.05	463.05	442.05	421.05	400.05	379.05						
30,100.01	30,500.00	948.15	853.65	832.65	811.65	790.65	769.65	748.65	727.65	518.85	497.85	476.85	455.85	434.85	413.85	392.85						
30,500.01	30,900.00	967.35	872.85	851.85	830.85	809.85	788.85	767.85	746.85	532.65	511.65	490.65	469.65	448.65	427.65	406.65						
30,900.01	31,300.00	986.55	892.05	871.05	850.05	829.05	808.05	787.05	766.05	546.45	525.45	504.45	483.45	462.45	441.45	420.45						
31,300.01	31,700.00	1,005.75	911.25	890.25	869.25	848.25	827.25	806.25	785.25	560.25	539.25	518.25	497.25	476.25	455.25	434.25						
31,700.01	32,100.00	1,024.95	930.45	909.45	888.45	867.45	846.45	825.45	804.45	574.05	553.05	532.05	511.05	490.05	469.05	448.05						
32,100.01	32,500.00	1,044.15	949.65	928.65	907.65	886.65	865.65	844.65	823.65	587.85	566.85	545.85	524.85	503.85	482.85	461.85						
32,500.01	32,900.00	1,063.35	968.85	947.85	926.85	905.85	884.85	863.85	842.85	601.65	580.65	559.65	538.65	517.65	496.65	475.65						
32,900.01	33,300.00	1,082.55	988.05	967.05	946.05	925.05	904.05	883.05	862.05	615.45	594.45	573.45	552.45	531.45	510.45	489.45						
33,300.01	33,700.00	1,101.75	1,007.25	986.25	965.25	944.25	923.25	902.25	881.25	629.25	608.25	587.25	566.25	545.25	524.25	503.25						
33,700.01	34,100.00	1,120.95	1,026.45	1,005.45	984.45	963.45	942.45	921.45	900.45	643.05	622.05	601.05	580.05	559.05	538.05	517.05						
34,100.01	34,500.00	1,140.15	1,045.65	1,024.65	1,003.65	982.65	961.65	940.65	919.65	656.85	635.85	614.85	593.85	572.85	551.85	530.85						
34,500.01	34,900.00	1,159.35	1,064.85	1,043.85	1,022.85	1,001.85	980.85	959.85	938.85	670.65	649.65	628.65	607.65	586.65	565.65	544.65						
34,900.01	35,300.00	1,178.55	1,084.05	1,063.05	1,042.05	1,021.05	1,000.05	979.05	958.05	684.45	663.45	642.45	621.45	600.45	579.45	558.45						
35,300.01	35,700.00	1,197.75	1,103.25	1,082.25	1,061.25	1,040.25	1,019.25	998.25	977.25	698.25	677.25	656.25	635.25	614.25	593.25	572.25						
35,700.01	36,100.00	1,216.95	1,122.45	1,101.45	1,080.45	1,059.45	1,038.45	1,017.45	996.45	712.05	691.05	670.05	649.05	628.05	607.05	586.05						
36,100.01	36,500.00	1,236.15	1,141.65	1,120.65	1,099.65	1,078.65	1,057.65	1,036.65	1,015.65	725.85	704.85	683.85	662.85	641.85	620.85	599.85						
36,500.01	36,900.00	1,255.35	1,160.85	1,139.85	1,118.85	1,097.85	1,076.85	1,055.85	1,034.85	739.65	718.65	697.65	676.65	655.65	634.65	613.65						
36,900.01	37,300.00	1,274.55	1,180.05	1,159.05	1,138.05	1,117.05	1,096.05	1,075.05	1,054.05	753.45	732.45	711.45	690.45	669.45	648.45	627.45						
37,300.01	37,700.00	1,293.75	1,199.25	1,178.25	1,157.25	1,136.25	1,115.25	1,094.25	1,073.25	767.25	746.25	725.25	704.25	683.25	662.25	641.25						
37,700.01	38,100.00	1,312.95	1,218.45	1,197.45	1,176.45	1,155.45	1,134.45	1,113.45	1,092.45	781.05	760.05	739.05	718.05	697.05	676.05	655.05						
38,100.01	38,500.00	1,332.15	1,237.65	1,216.65	1,195.65	1,174.65	1,153.65	1,132.65	1,111.65	794.85	773.85	752.85	731.85	710.85	689.85	668.85						
38,500.01	38,900.00	1,351.35	1,256.85	1,235.85	1,214.85	1,193.85	1,172.85	1,151.85	1,130.85	808.65	787.65	766.65	745.65	724.65	703.65	682.65						
38,900.01	39,300.00	1,370.55	1,276.05	1,255.05	1,234.05	1,213.05	1,192.05	1,171.05	1,150.05	822.45	801.45	780.45	759.45	738.45	717.45	696.45						
39,300.01	39,700.00	1,389.75	1,295.25	1,274.25	1,253.25	1,232.25	1,211.25	1,190.25	1,169.25	836.25	815.25	794.25	773.25	752.25	731.25	710.25						
39,700.01	40,100.00	1,408.95	1,314.45	1,293.45	1,272.45	1,251.45	1,230.45	1,209.45	1,188.45	850.05	829.05	808.05	787.05	766.05	745.05	724.05						
40,100.01	40,500.00	1,428.15	1,333.65	1,312.65	1,291.65	1,270.65	1,249.65	1,228.65	1,207.65	863.85	842.85	821.85	800.85	779.85	758.85	737.85						
40,500.01	40,900.00	1,447.35	1,352.85	1,331.85	1,310.85	1,289.85	1,268.85	1,247.85	1,226.85	877.65	856.65	835.65	814.65	793.65	772.65	751.65						
40,900.01	41,300.00	1,466.55	1,372.05	1,351.05	1,330.05	1,309.05	1,288.05	1,267.05	1,246.05	891.45	870.45	849.45	828.45	807.45	786.45	765.45						
41,300.01	41,700.00	1,485.75	1,391.25	1,370.25	1,349.25	1,328.25	1,307.25	1,286.25	1,265.25	905.25	884.25	863.25	842.25	821.25	800.25	779.25						
41,700.01	42,100.00	1,504.95	1,410.45	1,389.45	1,368.45	1,347.45	1,326.45	1,305.45	1,284.45	919.05	898.05	877.05	856.05	835.05	814.05	793.05						
42,100.01	42,500.00	1,524.15	1,429.65	1,408.65	1,387.65	1,366.65	1,345.65	1,324.65	1,303.65	932.85	911.85	890.85	869.85	848.85	827.85	806.85						
42,500.01	42,900.00	1,543.35	1,448.85	1,427.85	1,406.85	1,385.85	1,364.85	1,343.85	1,322.85	946.65	925.65	904.65	883.65	862.65	841.65	820.65						
42,900.01	43,300.00	1,562.55	1,468.05	1,447.05	1,426.05	1,405.05	1,384.05	1,363.05	1,342.05	960.45	939.45	918.45	897.45	876.45	855.45	834.45						
43,300.01	43,700.00	1,581.75	1,487.25	1,466.25	1,445.25	1,424.25	1,403.25	1,382.25	1,361.25	974.25	953.25	932.25	911.25	890.25	869.25	848.25						
43,700.01	44,100.00	1,600.95	1,506.45	1,485.45	1,464.45	1,443.45	1,422.45	1,401.45	1,380.45	988.05	967.05	946.05	925.05	904.05	883.05	862.05						
44,100.01	44,500.00	1,620.15	1,525.65	1,504.65	1,483.65	1,462.65	1,441.65	1,420.65	1,399.65	1,001.85	980.85	959.85	938.85	917.85	896.85	875.85						
44,500.01	44,900.00	1,639.35	1,544.85	1,523.85	1,502.85	1,481.85	1,460.85	1,439.85	1,418.85	1,015.65	994.65	973.65	952.65	931.65	910.65	889.65						
44,900.01	45,300.00	1,658.55	1,564.05	1,543.05	1,522.05	1,501.05	1,480.05	1,459.05	1,438.05	1,029.45	1,008.45	987.45	966.45	945.45	924.45	903.45						
45,300.01	45,700.00	1,677.75	1,583.25	1,562.25	1,541.25	1,520.25	1,499.25	1,478.25	1,457.25	1,043.25	1,022.25	1,001.25	980.25	959.25	938.25	917.25						
45,700.01	46,100.00	1,696.95	1,602.45	1,581.45	1,560.45	1,539.45	1,518.45	1,497.45	1,476.45	1,057.05	1,036.05	1,015.05	994.05	973.05	952.05	931.05						
46,100.01	46,500.00	1,716.15	1,621.65	1,600.65	1,579.65	1,558.65	1,537.65	1,516.65	1,495.65	1,070.85	1,049.85	1,028.85	1,007.85	986.85	965.85	944.85						
46,500.01	46,900.00	1,735.35	1,640.85	1,619.85	1,598.85	1,577.85	1,556.85	1,535.85	1,514.85	1,084.65	1,063.65	1,042.65	1,021.65	1,000.65	979.65	958.65						
46,900.01	47,300.00	1,754.55	1,660.05	1,639.05	1,618.05	1,597.05	1,576.05	1,555.05	1,534.05	1,098.45	1,077.45	1,056.45	1,035.45	1,014.45	993.45	972.45						
47,300.01	47,700.00	1,773.75	1,679.25	1,658.25	1,637.25	1,616.25	1,595.25	1,574.25	1,553.25	1,112.25	1,091.25	1,070.25	1,049.25	1,028.25	1,007.25	986.25						
47,700.01	48,100.00	1,792.95	1,698.45	1,677.45	1,656.45	1,635.45	1,614.45	1,593.45	1,572.45	1,126.05	1,105.05	1,084.05	1,063.05	1,042.05	1,021.05	1,000.05						
48,100.01	48,500.00	1,812.15	1,717.65	1,696.65	1,675.65	1,654.65	1,633.65	1,612.65	1,591.65	1,139.85	1,118.85	1,097.85	1,076.85	1,055.85	1,034.85	1,013.85						
48,500.01	48,900.00	1,831.35	1,736.85	1,715.85	1,694.85	1,673.85	1,652.85	1,631.85	1,610.85	1,153.65	1,132.65	1,111.65	1,090.65	1,069.65	1,048.65	1,027.65						
48,900.01	49,300.00	1,850.55	1,756.05	1,735.05	1,714.05	1,693.05	1,672.05	1,651.05	1,630.05	1,167.45	1,146.45	1,1										

2. Withholding formula used to compute the withholding tables is as follows:

W = Withholding tax.  
S = Salary per period.  
X = Number of personal exemptions claimed for withholding;  
X may be 0, 1, or 2.  
Y = Number of dependency credits claimed for withholding;  
Y may be 0 or greater.  
M = Income Brackets for tax rate change.  
If X = 0 or 1, then M<sub>1</sub> = \$12,500, and M<sub>2</sub> = \$25,000  
If X = 2, then M<sub>1</sub> = \$25,000, and M<sub>2</sub> = \$50,000  
N = Number of pay-periods per year (for example, weekly = 52  
or monthly =12).

If S > 0  
Then A = (S \* .021)  
Else A = 0

If S > (M<sub>1</sub> / N)  
Then B = .0135 [S - (M<sub>1</sub> / N)]  
Else B = 0

If S > (M<sub>2</sub> / N)  
Then C = .0135 [S - (M<sub>2</sub> / N)]  
Else C = 0

D = .021 [(X \* \$4,500) + (Y \* \$1,000)] / N}

If [(X \* \$4,500) + (Y \* \$1,000)] > M<sub>1</sub>  
Then E = .0135 [(X \* \$4,500) + (Y \* \$1,000) - M<sub>1</sub>] / N}

If (A + B + C) - (D + E) > 0  
Then W = (A + B + C) - (D + E)  
Else W = 0

3. In place of the withholding tables in Subsection C, employers may use the formula described in Paragraph D.2 or an alternative formula if it produces equivalent results.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:112, R.S. 47:295 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Revenue, LR 28:2557 (December 2002).

Cynthia Bridges  
Secretary

0212#021

## RULE

### Department of Social Services Office of Family Support

FITAP/KCSP Adverse Action and Reporting Requirements  
(LAC 67:III.1209, 5307, and 5347)

The Department of Social Services, Office of Family Support, has amended the Louisiana Administrative Code, Title 67, Part III, Chapter 12, Family Independence Temporary Assistance Program (FITAP) and Chapter 53, Kinship Care Subsidy Program (KCSP).

Pursuant to the authority granted to the Department by the Temporary Assistance for Needy Families Block Grant, the agency amended §§1209 and 5307 to align FITAP and KCSP regulations for taking immediate action in reducing or terminating client benefits with Food Stamp Program regulations. The agency adopted §5347 to include KCSP

reporting requirements as a condition of eligibility. Adoption of the requirement in KCSP further aligns the program with FITAP and Food Stamp Program regulations that require the household to report only certain increases in household members' income.

## Title 67

### SOCIAL SERVICES

#### Part III. Office of Family Support

##### Subpart 2. Family Independence Temporary Assistance Program (FITAP)

##### Chapter 12. Application, Eligibility, and Furnishing Assistance

##### Subchapter A. Application, Determination of Eligibility, and Furnishing Assistance

##### §1209. Notices of Adverse Actions

A. A notice of adverse action shall be sent at least 13 days prior to taking action to reduce or terminate benefits. In some circumstances advance notice is not required. A concurrent notice shall be sent to the client at the time of action in the following situations:

1. - 14. ...

15. the agency receives a written report signed by the head of household or other responsible household member which provides sufficient information for the agency to determine the household's benefit amount or ineligibility;

16. the agency receives a report of change through the semi-annual reporting process that would reduce or terminate benefits;

17. mass changes.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B., R.S. 46:237.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2447 (December 1999), amended LR 26:349 (February 2000), LR 28:2565 (December 2002).

##### Subpart 13. Kinship Care Subsidy Program (KCSP) Chapter 53. Application, Eligibility, and Furnishing Assistance

##### Subchapter A. Application, Determination of Eligibility, and Furnishing Assistance

##### §5307. Notices of Adverse Actions

A. A notice of adverse action shall be sent at least 13 days prior to taking action to terminate benefits. In some circumstances advance notice is not required. A concurrent notice shall be sent to the client at the time of action in the following situations:

1. - 10. ...

11. the agency receives a written report signed by the head of household or other responsible household member which provides sufficient information for the agency to determine the client's ineligibility;

12. the agency receives a report of change through the semi-annual reporting process that would reduce or terminate benefits;

13. mass changes.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B., R.S. 46:237.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:351 (February 2000), LR 28:2565 (December 2002).

##### §5347. Reporting Changes

A. A KCSP household shall report any change that affects eligibility. Changes in income must be reported if the

household's gross monthly income changes by more than \$100 in earned income or \$25 in unearned income.

B. Changes shall be reported within 10 days of the knowledge of the change unless the KCSP household is included in a food stamp semi-annual reporting household. The KCSP household is then subject to the semi-annual household reporting requirements in accordance with §2013.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:2565 (December 2002).

Gwendolyn P. Hamilton  
Secretary

0212#074

## RULE

### Department of Social Services Office of Family Support

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

In accordance with R.S.49:950 et seq., the Administrative Procedure Act, and pursuant to Act 13 of the 2002 Regular Session of the Louisiana Legislature, the Department of Social Services, Office of Family Support, has adopted LAC 67:III, Subpart 15, Chapter 56, Diversion Assistance Program (DAP) as part of the Temporary Assistance For Needy Families (TANF) Initiatives. The agency implemented the Diversion Assistance Program to provide a one-time, lump sum cash payment for eligible families with dependent children who have a recent connection with the workforce, and are unemployed or facing the possibility of unemployment, due to a crisis or barrier to employment which may be overcome through the receipt of Diversion Assistance.

The program was effected July 1, 2002, by a Declaration of Emergency which was published in the July issue of the *Louisiana Register*.

#### Title 67

#### SOCIAL SERVICES

#### Part III. Family Support

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

#### Chapter 56. Diversion Assistance Program (DAP)

#### §5601. General Authority

A. The Diversion Assistance Program (DAP) is established in accordance with state and federal laws effective July 1, 2002, to help prevent the dependence of needy families on government benefits by providing cash assistance to low-income families in order to promote job retention and work. Applications will be accepted and eligible households certified based upon the availability of funding.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193 and R.S. 46:231, and Act 13, 2002 Regular Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:2566 (December 2002).

### Subchapter A. Application, Determination of Eligibility, and Furnishing Assistance

#### §5603. Application Date

A. All individuals applying for DAP shall file a written and signed application form under penalty of perjury. The date the application form is received in the parish office shall be considered the date of application.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193 and R.S. 46:231, and Act 13, 2002 Regular Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:2566 (December 2002).

#### §5605. Standard Filing Unit

A. The mandatory filing unit includes the dependent child, the dependent child's siblings (including half and step-siblings) and the parents (including legal stepparents) of any of these children living in the home. A dependent child must be under 19 years of age. In the case of the child of a minor parent, the filing unit shall include the child, the minor parent, the minor parent's siblings (including half and step) and the parents of any of these children living in the home. Supplemental Security Income (SSI) recipients, FITAP recipients, and children receiving Kinship Care Subsidy Payments may not be included in the filing unit.

B. All persons who live in the same home and are eligible for inclusion in a DAP assistance unit as specified in §5605.A., must be included in the same certification. A separate DAP assistance unit is necessary if unrelated families living together experience an eligible crisis.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193 and R.S. 46:231, and Act 13, 2002 Regular Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:2566 (December 2002).

#### §5607. Application Time Limit

A. The time within which the worker shall dispose of the application is limited to within 30 days from the date on which the signed application is received in the local office. The payment shall be issued or the applicant shall be notified that he has been found ineligible for a payment by the 30th day, unless an unavoidable delay has occurred.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193 and R.S. 46:231, and Act 13, 2002 Regular Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:2566 (December 2002).

#### §5609. Certification Period and Payment Amounts

A. Families shall receive Diversion Assistance only once within a 12-month period with a lifetime limit of two payments.

B. The DAP payment amount shall be equal to four times the Family Independence Temporary Assistance Program (FITAP) flat grant amount applicable to the household's size as specified in LAC 67:III.1229.D

C. Adults in the assistance unit will be ineligible for FITAP benefits for four months from the effective date of certification for DAP unless certain, severe circumstances occur during that four-month period. These include but are not limited to:

1. loss of job;
2. natural disaster;
3. incapacity or disability of the adult(s); or
4. domestic violence.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193 and R.S. 46:231, and Act 13, 2002 Regular Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:2566 (December 2002).

#### **§5611. Domestic Violence**

A. The DAP household is subject to regulations governing domestic violence issues in accordance with LAC 67:III.1213.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193 and R.S. 46:231, and Act 13, 2002 Regular Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:2567 (December 2002).

### **Subchapter B. Conditions of Eligibility**

#### **§5613. Citizenship**

A. Citizenship requirements outlined in LAC 67:III.1223. must be met for each member included in the DAP payment.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B., and Act 13, 2002 Regular Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:2567 (December 2002).

#### **§5615. Enumeration**

A. Each applicant for DAP is required to furnish a social security number or to apply for a social security number if such a number has not been issued or is not known.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193 and R.S. 46:231, and Act 13, 2002 Regular Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:2567 (December 2002).

#### **§5617. Living in the Home of a Qualified Relative**

A. A child must reside in the home of a parent or other qualified relative who is responsible for the day-to-day care of the child. Benefits will not be denied when the qualified relative or the child is temporarily out of the home. Good cause must be established for a temporary absence of more than 45 days. The following relatives are qualified relatives and these may be either biological or adoptive relatives:

1. grandfather or grandmother (extends to great-great-great);
2. brother or sister (including half-brother and half-sister);
3. uncle or aunt (extends to great-great);
4. first cousin (including first cousin once removed);
5. nephew or niece (extends to great-great);
6. stepfather or stepmother;
7. stepbrother or stepsister.

B. Eligibility for assistance for minor unmarried parents shall require that the individual and dependent child reside in the residence of the individual's parent, legal guardian, other relative, or in a foster home, maternity home or other adult-supervised supportive living arrangement, and that where possible, aid shall be provided to the parent, legal guardian or other adult relative on behalf of the individual and dependent. The following exceptions apply:

1. the minor parent has no parent or guardian (of his or her own) who is living and whose whereabouts are known;
2. no living parent or legal guardian allows the minor parent to live in his/her home;

3. the minor parent lived apart from his/her own parent or legal guardian for a period of at least one year before the birth of the dependent child or the parent's having made application for DAP;

4. the physical or emotional health or safety of the minor parent or dependent child would be jeopardized if he/she resided in the same household with the parent or legal guardian;

5. there is otherwise good cause for the minor parent and dependent child to receive assistance while living apart from the minor parent's parent, legal guardian or other adult relative, or an adult-supervised supportive living arrangement.

C. Essential persons are individuals who may be included in the DAP payment and are defined as follows:

1. a person providing child care which enables the qualified relative to work full-time outside the home;

2. a person providing full-time care for an incapacitated family member living in the home;

3. a person providing child care that enables the qualified relative to receive full-time training;

4. a person providing child care that enables a qualified relative to attend high school or General Education Development (GED) classes full-time;

5. a person providing child care for a period not to exceed two months that enables a caretaker relative to participate in employment search or another FITAP work program; or

6. children not within the degree of relationship to be DAP eligible who live in the home and who meet all other DAP requirements.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193 and R.S. 46:231, and Act 13, 2002 Regular Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:2567 (December 2002).

#### **§5619. Income**

A. Income is any gain or benefit to a household that has monetary value and is not considered a resource. Count all income in determining eligibility and payment amounts except income from:

1. adoption assistance;
2. earned income of a child, including a minor unmarried parent, who is in school and working toward a high school diploma, GED, or special education certificate;
3. disaster payments;
4. Domestic Volunteer Service Act;
5. Earned Income Credits (EIC);
6. education assistance;
7. energy assistance;
8. foster care payments;
9. monetary gifts up to \$30 per calendar quarter;
10. Agent Orange Settlement payments;
11. HUD payments or subsidies other than those paid as wages or stipends under the HUD Family Investment Centers Program;
12. income in-kind;
13. Indian and Native Claims and Lands;
14. irregular and unpredictable sources;
15. lump sum payments;
16. nutrition programs;
17. job training income that is not earned;

18. relocation assistance;
19. a bona fide loan which is considered bona fide if the client is legally obligated or intends to repay the loan;
20. Supplemental Security Income;
21. Wartime Relocation of Civilians Payments;
22. Developmental Disability Payments;
23. Delta Service Corps post-service benefits paid to participants upon completion of the term of service if the benefits are used as intended for higher education, repayment of a student loan, or for closing costs or down payment on a home;
24. Americorps VISTA payments to participants (unless the value of all such payments, adjusted to reflect the number of hours such volunteers are serving, is equivalent to or greater than the minimum wage);
25. Radiation Exposure Compensation Payments;
26. payment to victims of Nazi persecution;
27. restricted income received for a person not in the assistance unit or not in the income unit. Restricted income is income which is designated specifically for a person's use by federal statute or court order and may include RSDI, VA benefits and court-ordered support payments;
28. crime victim compensation program payments to an applicant/recipient whose assistance is necessary, in full or in part, because of the commission of a crime against the applicant, and to the extent it is sufficient to fully compensate the applicant for losses suffered as a result of the crime; or
29. post-FITAP payments.

**B. Income Eligibility Standards**

1. The income eligibility standards for DAP shall be based on gross income with no income disregards.

a. Gross Income shall be 130 percent of the Office of Management and Budget's (OMB) nonfarm income poverty guidelines for the 48 states and the District of Columbia.

b. The income eligibility limits, as described in this Paragraph, are revised annually, to reflect OMB's annual adjustment to the nonfarm poverty guidelines for the 48 states and the District of Columbia, for Alaska, and for Hawaii.

**C. Income and Resources of Alien Sponsors**

1. In determining the eligibility and benefits of an alien with an affidavit of support executed under 213A of the INA (8 U.S.C. 1183a), the income and resources of the sponsor and the sponsor's spouse shall be considered except as follows in §5619.C.a-b. This attribution shall continue for the period prescribed in 8 U.S.C. 1631.

a. Indigence Exception. If an alien has been determined indigent, as provided in 8 U.S.C. 1631(e), the amount of income and resources of the sponsor or the sponsor's spouse which shall be attributed to the alien shall not exceed the amount actually provided for a period beginning on the date of such determination and ending 12 months after such date.

b. Special Rule for Battered Spouse and Child. If an alien meets the requirements of the special rule for a battered spouse or child, as provided in 8 U.S.C. 1631(f), and subject to the limitations provided therein, the provisions of §5619.C.1. shall not apply during a 12-month period. After a 12-month period, the batterer's income and resources shall not be considered if the alien demonstrates that the battery

and cruelty as defined in 8 U.S.C. 1631(f)(1) has been recognized in an order of a judge or administrative law judge or a prior determination of the Immigration and Naturalization Service, and that such battery or cruelty has, in the department's opinion, a substantial connection to the need for benefits.

2. The agency has opted not to apply the deeming Rule of 42 U.S.C. 608 in determining the eligibility and benefits of non-213A.

**D. Income of Alien Parent**

1. When determining eligibility, income of an alien parent who is disqualified is considered available to the otherwise eligible child. The needs and income of disqualified alien siblings are not considered in determining the eligibility of an otherwise eligible dependent child.

**AUTHORITY NOTE:** Promulgated in accordance with P.L. 104-193 and R.S. 46:231, and Act 13, 2002 Regular Session.

**HISTORICAL NOTE:** Promulgated by the Department of Social Services, Office of Family Support, LR 28:2567 (December 2002).

**§5621. Residency**

A. DAP recipients must reside in Louisiana with intent to remain.

**AUTHORITY NOTE:** Promulgated in accordance with P.L. 104-193 and R.S. 46:231, and Act 13, 2002 Regular Session.

**HISTORICAL NOTE:** Promulgated by the Department of Social Services, Office of Family Support, LR 28:2568 (December 2002).

**§5623. Resources**

A. The DAP household is subject to regulations governing FITAP resources in accordance with LAC 67:III.1235.

**AUTHORITY NOTE:** Promulgated in accordance with P.L. 104-193 and R.S. 46:231, and Act 13, 2002 Regular Session.

**HISTORICAL NOTE:** Promulgated by the Department of Social Services, Office of Family Support, LR 28:2568 (December 2002).

**§5625. Work Requirements**

A. At least one adult member of the income unit must have worked for pay at least 40 hours or earned the equivalent of 40 times the federal minimum wage during any 30-day period within the three months preceding the date of application.

B. Adult members of the income unit shall register for work with the Louisiana Department of Labor Job Center, unless receiving unemployment compensation benefits, and provide verification of registration. An exemption from work registration may be allowed if there are bonafide reasons or hardships which would negate any possible benefit of registration. These can include but are not limited to:

1. disability of an adult member;
2. the adult member is needed to provide care for a disabled household member;
3. certain domestic violence situations; or
4. transportation problems.

**AUTHORITY NOTE:** Promulgated in accordance with P.L. 104-193 and R.S. 46:231, and Act 13, 2002 Regular Session.

**HISTORICAL NOTE:** Promulgated by the Department of Social Services, Office of Family Support, LR 28:2568 (December 2002).

**§5627. Job Loss Factors**

A. A DAP payment may be made to a family with dependent children who is experiencing an employment-related crisis. An eligible crisis is a job loss or barrier to

employment due to a significant, out-of-the-ordinary expense that could be paid with a one-time cash benefit. The causative factor leading to the crisis and necessary expenditure must be verified and can include but is not limited to:

1. loss or lack of transportation;
2. loss or lack of tools necessary for employment;
3. eviction, threat of eviction, or some other housing emergency;
4. a need for job skills training certification or licensing;
5. loss of clothing through fire, flood, or theft, or loss or lack of appropriate work attire;
6. escape from domestic violence; or
7. serious injury of the individual or dependent child.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193 and R.S. 46:231, and Act 13, 2002 Regular Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:2568 (December 2002).

#### **§5629. Fleeing Felons and Probation/Parole Violators**

A. DAP household shall be subject to regulations governing fleeing felons and probation/parole violators in accordance with LAC 67:III.1251.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193 and R.S. 46:231, and Act 13, 2002 Regular Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:2569 (December 2002).

#### **§5631. Strikers**

A. DAP payments cannot be paid to families in which the caretaker relative or stepparent is participating in a strike on the last day of the month and, if any other member of the household is participating in a strike, his or her needs cannot be considered in computing the DAP payment.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193 and R.S. 46:231, and Act 13, 2002 Regular Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:2569 (December 2002).

Gwendolyn P. Hamilton  
Secretary

0212#073

### **RULE**

#### **Department of Treasury Teachers' Retirement System**

##### **Withdrawal of Funds from a DROP Account (LAC 58:III.509 and 511)**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Trustees of Teachers' Retirement System of Louisiana has amended policies governing the withdrawal of funds from Deferred Retirement Option Plan (DROP) accounts.

#### **Title 58 RETIREMENT**

##### **Part III. Teachers' Retirement System of Louisiana Chapter 5. Deferred Retirement Option Plan**

##### **§509. Withdrawal of Funds from a Drop Account**

A. - A.6.a. ...

b. changes to the monthly or annual withdrawals may only be made in accordance 511.A;

c. if a member is 70 1/2 or older when he chooses a partial single sum after withdrawals have begun, even though he retired at a younger age, he will have the required minimum distribution calculated using the "Single Life Table" (SLT), or he may choose the "Uniform Lifetime Table" (ULT), or the "Joint and Last Survivor Table" (JLST), whichever applies. The result of using one of these tables may allow a member to lower his monthly or annual withdrawal.

7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:786-791.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Teachers' Retirement System of Louisiana, LR 18:621 (June 1992), amended LR 18:1419 (December 1992), LR 19:1601 (December 1993), LR 20:1020 (September 1994), LR 21:1267 (November 1995), LR 23:85 (January 1997), repromulgated LR 24:499 (March 1998), amended LR:28:1031 (May 2002), LR 28:2569 (December 2002).

#### **§511. Change of DROP Withdrawal Method**

A. The participant will have one opportunity per 12-month period to change the chosen withdrawal method and/or amount if the original method selected was either §509.A.2, 3, 4, or 5. Any change must be made in accordance with the life expectancy of the participant.

1. For participants under age 70 1/2, any change in the withdrawal method must be made in accordance with the life expectancy of the participant at the time of his retirement, and at no time may the disbursement from the account be less than the amount of the originally selected periodic payment.

2. For participants over age 70 1/2 at the time of the change, the change in the withdrawal method may allow the participant to reduce the disbursement only if the participant was not age 70 1/2 at the time he began withdrawals. Otherwise the rule under §511.A.1 will apply.

B. When the life expectancy of the participant governs the selected periodic withdrawal method, disbursements from the DROP account shall be made in accordance with the "Single Life Table" (SLT) for participants first eligible to begin withdrawing on or after January 1, 2003. Exception: if a retiree is 70 1/2 or older, he must meet a required minimum distribution (RMD) and may request the use of the "Single Life Table" (SLT), "Uniform Lifetime Table" (ULT) or the "Joint and Last Survivor Table" (JLST), whichever applies. Once the election has been made he cannot elect to make a change at a later date.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:739 and R.S. 11:786-791.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Teachers' Retirement System of Louisiana, LR 18:621 (June 1992), amended LR 18:1419 (December 1992), LR 19:1601 (December 1993), LR 20:1020 (September 1994), LR 21:1267 (November 1995), LR 23:85 (January 1997), repromulgated LR 24:499 (March 1998), amended LR 24:961 (May 1998), LR 28:1032 (May 2002), LR 28:2569 (December 2002).

Brian N. Minturn  
Director/CEO

0212#030

## RULE

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

#### Control of Wild Nuisance Quadrupeds (LAC 76:V.125)

The Wildlife and Fisheries Commission has adopted Rules governing control of nuisance wild quadrupeds.

#### Title 76

#### WILDLIFE AND FISHERIES

#### Part V. Wild Quadrupeds and Wild Birds

#### Chapter 1. Wild Quadrupeds

#### §125. Control of Nuisance Wild Quadrupeds

A. This Rule applies only to the control of the wild quadrupeds listed below and only when they are conclusively proven to be creating a nuisance or causing damage to property. The burden of establishing that the animal in question is causing the property damage shall rest with the property owner.

B. The following wild quadrupeds may be taken year-round without permit by the property owner or his designee, but only by trapping or shooting during legal daylight hours: coyote, armadillo, nutria, beaver, skunks, and opossums.

C. Squirrels, rabbits, foxes, bobcats, mink, otter, muskrat, raccoons and any of the other species listed above may be trapped alive and relocated to suitable habitat without permit provided the following conditions are met.

1. Written permission is obtained from the property owner where the animals are to be released and such written permission is carried in possession while transport and release activities are taking place.

2. Animals are treated in a responsible and humane manner and released within 12 hours of capture.

D. Traps shall be set in such a manner that provides the trapped animal protection from harassment from dogs and other animals and direct sun exposure.

E. Nuisance animals listed above may be so controlled only on the owner's property to prevent further damage.

F. Property owners must comply with all additional local laws and/or municipal ordinances governing the shooting or trapping of wildlife or discharge of firearms.

G. No animal taken under this provision or parts thereof shall be sold. A valid trapping license is required to sell or pelt nuisance furbearers during the open trapping season.

H. No species taken under the provisions of this rule shall be kept in possession for a period of time exceeding 12 hours.

I. This rule has no application to any species of bird as birds are the subject of other state and federal laws, rules and regulations.

J. Game animals, other than squirrels and rabbits, may only be taken by hunting during the open season under the conditions set forth under Title 56 of the Louisiana Revised Statutes and the rules and regulations of the Department of Wildlife and Fisheries.

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution, Article IX, Section 7, R.S. 56:1, R.S. 56:5, 56:6(10) and (15), R.S. 56:112, et seq.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 28:2570 (December 2002).

Thomas M. Gattle, Jr.  
Chairman

0212#063

## RULE

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

#### Recreational Electronic Licensing (LAC 76:I.327)

The Wildlife and Fisheries Commission has adopted a Rule, LAC 76:I.327.P, which provides a special outdoor press license for purchase by nonresident members of the outdoor press for a fee of \$20. The license shall be valid for four consecutive days. Authority for adoption of this Rule is included in R.S. 56:647.1.

#### Title 76

#### WILDLIFE AND FISHERIES

#### Part I. Wildlife and Fisheries Commission and Agencies

#### Thereunder

#### Chapter 3. Special Powers & Duties

#### Subchapter H. Electronic Licenses Issuance

#### §327. Recreational Electronic Licensing

A. - O. ...

P. In lieu of recreational basic fishing and recreational saltwater fishing license the Department may issue a special Outdoor Press Fishing License to nonresident members of the outdoor press which will include basic and saltwater fishing; in lieu of basic hunting and Louisiana duck license the Department may issue a special Outdoor Press Hunting License to nonresident members of the outdoor press which will include migratory bird hunting and Louisiana duck license.

1. A fee of \$20 will be charged for each outdoor press fishing license issued and the license shall be valid for a period of four consecutive days; a fee of \$20 will be charged for each Outdoor Press Hunting License and the license shall be valid for a period of three consecutive days; or a fee of \$20 will be charged for both if purchased for periods that begin on the same date.

2. All outdoor press licenses will be issued from the Baton Rouge Headquarters location.

3. To qualify for certification an applicant must submit to the Department of Culture, Recreation and Tourism one or more of the following:

- a. recent tear sheets of published articles;
- b. letter of assignment from publication, television or radio company;
- c. a written recommendation from one of the Department of Culture, Recreation and Tourism's international offices;
- d. a written recommendation from Travel South USA, Louisiana Travel Promotion Association or similar organizations.

4. In no case will the Department of Culture, Recreation and Tourism forward an application from any individual or group not directly involved in producing stories or broadcast materials pertaining to Louisiana fishing and/or outdoor recreation opportunities.

5. Certified applications with all supporting documents and license fees shall be forwarded to the Department of Wildlife and Fisheries for approval. The license fee shall be returned to the applicant for any application not certified by the Department of Culture, Recreation and Tourism or approved by the Secretary of the Department of Wildlife and Fisheries.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(21) and R.S. 56:641.1.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Office of Management and Finance, LR 24:505 (March 1998), amended by Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 26:1078 (May 2000), amended by Department of Wildlife and Fisheries, Office of Management and Finance, LR 27:1243 (August 2001), amended by Department of Wildlife and Fisheries Commission, Wildlife and Fisheries Commission, LR 28:2570 (December 2002).

Thomas M. Gattle, Jr.  
Chairman

0212#062

## **RULE**

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

#### **Shrimp Excise Tax (LAC 76:VII.365)**

The Wildlife and Fisheries Commission has adopted a Rule relative to the excise tax on shrimp in accordance with Act 75 of the 2002 Regular Session of the Louisiana Legislature.

#### **Title 76**

#### **WILDLIFE AND FISHERIES**

#### **Part VII. Fish and Other Aquatic Life**

#### **Chapter 3. Saltwater Sport and Commercial Fishing**

#### **§365. Shrimp Excise Tax**

A. Shrimp Excise Tax, Shrimp Records, Shrimp Packaging

1. A shrimp excise tax shall be paid in accordance with the provisions as set forth in R.S. 56:506. Dealers shall file monthly tax reports and furnish all information required thereon on forms provided by the department. A wholesale/retail seafood dealer shall file a monthly report indicating "zero" in amount due, for each month in which such wholesale/retail seafood dealer does not import shrimp into the state and does not purchase or acquire shrimp harvested in Louisiana directly from a harvesting vessel.

2. Wholesale/retail seafood dealers, retail seafood dealers, restaurants and retail grocers shall maintain records in accordance with R.S. 56:306.5 and 56:506. In addition to the requirements therein, wholesale/retail seafood dealers when selling or otherwise transferring shrimp shall specify on each invoice of sale or transfer required to be delivered to

retail dealers, restaurants and/or retail grocers the specific country of origin of the shrimp being sold or transferred. All purchase and sales records of wholesale/retail seafood dealers, which are required to be maintained by law, shall specify the country of origin of all shrimp acquired and sold or transferred. All purchase records of retail dealers, restaurants and retail grocers which are required to be maintained by law, shall specify the country of origin of shrimp acquired or purchased. Shrimp from different countries shall be recorded separately on all records.

3. All records for shrimp, which are harvested from Louisiana waters or which are landed in Louisiana from a harvesting vessel, shall indicate such shrimp are a "Product of Louisiana" or "Louisiana Shrimp" or "Louisiana (and shrimp species)".

4. It shall be a violation of this section for any wholesale/retail seafood dealer to purchase, barter, sell, exchange or possess any shrimp without paying all excise taxes owed on the shrimp as provided by law.

5. Wholesale/retail seafood dealers shall provide all information required on forms provided for the purpose of data collection relating to the shrimp excise tax. Such information shall include but not be limited to:

- a. wholesale/retail seafood dealer license number;
- b. month and year, indicating reporting month and year;
- c. date of submission, date in which the dealer or authorized representative completes and submits shrimp excise report form;
- d. legal name of business;
- e. if purchasing or acquiring shrimp from vessels harvesting or landing in Louisiana waters, pounds of such shrimp purchased or acquired; shrimp that are landed in Louisiana by harvesting vessels are deemed to be taken in Louisiana waters;
- f. if purchasing, importing, storing, brokering, or receiving shrimp domestically harvested within the United States, pounds of such shrimp purchased, imported, stored, brokered or received;
- g. if purchasing, importing, storing, brokering, or receiving shrimp from a foreign country, pounds of such shrimp purchased, imported, stored, brokered or received;
- h. if purchasing, importing, storing, brokering, or receiving shrimp which were taken, harvested or landed in Louisiana and excise tax has previously been paid and such shrimp are packaged, labeled and recorded to be a "Product of Louisiana" or "Louisiana Shrimp" or "Louisiana (and shrimp species)", indicate the pounds of such shrimp. No shrimp excise tax is due again on such shrimp;
- i. for all shrimp reported, the shrimp excise report form shall indicate the form in which all shrimp is purchased, imported, received, brokered or stored (i.e. heads-on, headless, or peeled). Shrimp which are fully cooked, canned cooked or breaded cooked, and frozen cooked shrimp ready for immediate consumption, shall be exempt from the requirements herein;
- j. all lines, columns and blocks on the shrimp excise tax report form shall be filled out in order for the form to be deemed completed;

k. signature of dealer or authorized representative, (first and last name) and date.

6. No wholesale/retail seafood dealer, retail seafood dealers, restaurants or retail grocers shall knowingly possess, package, process, sell, barter, exchange or attempt to sell, barter, trade or exchange shrimp which is represented to be a product of the United States or a product of Louisiana unless such shrimp is actually a product of the United States or a product of Louisiana.

7. No wholesale/retail seafood dealer, retail seafood dealers or restaurants shall possess, package, process, sell, barter, exchange or attempt to sell, barter, trade or exchange shrimp from a foreign country which is commingled with

shrimp caught in the United States or which is represented to be a product of the United States.

B. Violations of the provisions of this Section shall constitute a class four violation as defined in R.S. 56:34.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:506.

HISTORICAL NOTE: Promulgated by Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 28:2571 (December 2002).

Thomas M. Gattle, Jr.  
Chairman

0212#061