

Notices of Intent

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1566C Guidelines for Pupil Progression
(LAC 28:XXXIX.1301)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the State Board of Elementary and Secondary Education approved for advertisement an amendment to Bulletin 1566, *Guidelines for Pupil Progression*, referenced in LAC 28:1.907.A. The State Board of Elementary and Secondary Education (SBESE) at its February 2003 meeting approved a change to the High Stakes Testing Policy which is incorporated into Bulletin 1566, *Guidelines for Pupil Progression*. The proposed Rule change eliminates the previously allowed one-year deferment from testing in the LEAP 21 for Limited English Proficient (LEP) students. The action is necessary to bring Louisiana's High Stakes Testing Policy in line with the federal No Child Left Behind legislation.

Title 28

EDUCATION

Part XXXIX. Bulletin 1566C Guidelines for Pupil Progression

Chapter 13. Appendix B

§1301. LEAP for the 21st Century, High Stakes Testing Policy

A. Grade 4

1. - 6.b.i.(c).(i). ...

c. Waiver for Limited English Proficient (LEP) Students

i. LEP students shall participate in statewide assessment. The SBLC shall be granted the authority to waive the state's grade promotion policy for an LEP student. An LEP student who was granted a waiver at the 4th grade level is ineligible for a waiver at the 8th grade level.

6.c.ii. - 7. ...

B. Grade 8

1. - 8.b.i.(c).(i). ...

c. Waiver for Limited English Proficient (LEP) Students

i. LEP students shall participate in statewide assessment. The SBLC shall be granted the authority to waive the state's grade promotion policy for a LEP student. A LEP student who was granted a waiver at the 4th grade level is ineligible for a waiver at the 8th grade level.

d. Appeals Process

8.d.i. - 9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 27:1008 (July 2001), amended LR 27:1683 (October 2001), LR 28:1189 (June 2002), LR 29:

Interested persons may submit comments until 4:30 p.m., June 9, 2003, to Nina A. Ford, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 1566C Guidelines for Pupil Progression

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

It is estimated that approximately 300 students will be affected by this Rule change. The average cost to test a student is \$50 (for scoring and reporting). Therefore, it is estimated that there will be an additional state cost of \$15,000.

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

There is no effect on revenue collection of state or local governmental units.

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

School Systems personnel, Limited English Proficient (LEP) students, and the general public will be affected by the policies in Bulletin 1566 because of better accountability and a more informed public.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There should be no effect on competition and employment.

Marilyn Langley
Deputy Superintendent
Management and Finance
0304#029

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division

De Minimis Concentration of Regulated Substances
(LAC 33:XI.101)(UT010)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Underground Storage Tanks regulations, LAC 33:XI.101 (Log #UT010).

The proposed Rule will clarify the existing regulation in a way that is consistent with the department's and the Environmental Protection Agency's long-standing

interpretation and application of that regulation. The ambiguity of the term, *de minimis* concentration, has affected department enforcement actions directed at sub-standard USTs that have been in temporary closure for more than 12 months and that have not been upgraded or permanently closed according to department regulations. The basis and rationale for this Rule are to provide clarification to the UST regulations when referring to *de minimis* concentrations of a regulated substance.

This proposed Rule meets an exception listed in R.S. 30:2019.D.(2) and R.S. 49:953.G.(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 33

ENVIRONMENTAL QUALITY

Part XI. Underground Storage Tanks

Chapter 1. Program Applicability and Definitions

§101. Applicability

A. ...

B. Exclusions. The following UST systems are excluded from the requirements of these regulations. The owner or operator must provide documentation for any exclusion claimed.

1. Any UST system holding hazardous wastes listed or identified in the Louisiana Department of Environmental Quality's Hazardous Waste Regulations or a mixture of such hazardous waste and other regulated substances is excluded from the requirements of these regulations.

2. Any wastewater treatment tank system that is part of a wastewater treatment facility regulated under Section 402 or 307(b) of the Clean Water Act is excluded from the requirements of these regulations.

3. Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks is excluded from the requirements of these regulations.

4. Any UST system whose capacity is 110 gallons or less is excluded from the requirements of these regulations.

5. Any UST system that has never contained more than a *de minimis* concentration of regulated substances is excluded from the requirements of these regulations.

6. Any emergency spill or overflow containment UST system that is expeditiously emptied after use is excluded from the requirements of these regulations.

C. - C.2.b. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 17:658 (July 1991), LR 18:727 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:

A public hearing will be held on May 27, 2003, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Attendees should report directly

to the hearing location for DEQ visitor registration, instead of to the security desk in the DEQ Headquarters building. Should individuals with a disability need an accommodation in order to participate, contact Lynn Wilbanks at the address given below or at (225) 765-0399.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by UT010. Such comments must be received no later than June 3, 2003, at 4:30 p.m., and should be sent to Lynn Wilbanks, Regulation Development Section, Box 4314, Baton Rouge, LA 70821-4314 or to fax (225) 765-0389 or by e-mail to lynnw@deq.state.la.us. Copies of this proposed regulation can be purchased by contacting the DEQ Records Management Section at (225) 765-0843. Check or money order is required in advance for each copy of UT010.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 104 Lococo Drive, Raceland, LA 70394 or on the Internet at <http://www.deq.state.la.us/planning/regs/index.htm>.

James H. Brent, Ph.D.
Assistant Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: *De Minimis* Concentration of Regulated Substances

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

No implementation costs or savings to state or local governmental units are expected as result of this Rule.

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

There should be no effect on revenue collections of state or local governmental units as a result of implementation of this Rule.

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

The proposed Rule will have little effect on costs or benefits to regulated persons or groups. However, a small but undetermined number of additional regulated UST owners and operators may incur the cost of closure as a result of the clarification of the regulations. It is not possible at this time to estimate the additional cost, if any, which may result.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment are not expected to be affected as a result of the implementation of this Rule.

Robert P. Hannah
Deputy Secretary
0304#070

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division

Public Notification of Contamination
(LAC 33:I.101, 103, 105, 107, and 109)(OS042)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to adopt the Office of the Secretary regulations, LAC 33:I.101, 103, 105, 107, and 109 (Log #OS042).

This Rule will establish procedures for notifying persons who are likely to be adversely affected by a release. The proposed Rule applies to releases that exceed the applicable federal or state health and safety standard and that pose a risk of adverse human health effects. This action is required to comply with Executive Order No. MJF 2001-46, which required that all agencies affected by the Order adopt Rules to notify persons who may be exposed to environmental contamination. The basis and rationale for this Rule are to comply with the Governor's Executive Order.

This proposed Rule meets an exception listed in R.S. 30:2019.D.(2) and R.S. 49:953.G.(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

TITLE 33

ENVIRONMENTAL QUALITY

Part I. Office of the Secretary

Subpart 1. Departmental Administrative Procedures

Chapter 1. Public Notification of Contamination

§101. Purpose

A. The purpose of this Chapter is to establish procedures for notifying those members of the public whom the department determines are likely to be adversely affected by a release that poses a significant risk of adverse health effects. This Chapter is in addition to any other requirements to provide notice, and nothing in this Chapter shall be construed to relieve the department or any other person from any other requirement set forth in *Louisiana Administrative Code*, Title 33. Furthermore, nothing in this Chapter shall prevent the responsible party, or the department, from providing additional means for public information and participation consistent with the provisions of this Chapter or any other Chapter of the *Louisiana Administrative Code*, Title 33.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 29:

§103. Applicability

A. This Chapter applies to releases that exceed the applicable federal or state health and safety standard and pose a significant risk of adverse human health effects.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 29:

§105. Effective Date

A. These regulations shall become effective on [upon promulgation – date to be inserted]. These regulations are only applicable to releases that occur on or after [insert effective date of regulations].

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 29:

§107. Definitions

Administrative Authority C the secretary of the Department of Environmental Quality or his designee or the appropriate assistant secretary or his designee.

Applicable Federal or State Health and Safety Standard C those health and/or safety standards promulgated under federal or state health or safety laws or other universally accepted health or safety standards that the department, based on its knowledge and expertise, reasonably determines are applicable to a particular release and release site.

Corrective Action C activities conducted to protect human health and the environment.

Department C the Department of Environmental Quality.

Off-Site C areas beyond the property boundary of the release site.

Person C any individual, municipality, public or private corporation, partnership, firm, the State of Louisiana, political subdivisions of the State of Louisiana, the United States government, and any agent or subdivision thereof or any other juridical person, which shall include, but not be limited to, trusts, joint stock companies, associations, commissions, and interstate bodies.

Release C the accidental or intentional spilling, leaking, pumping, pouring, emitting, escaping, leaching, or dumping of hazardous substances or other pollutants into or on any land, air, water, or groundwater. A release shall not include a federal or state permitted release or other release authorized by the department.

Release Site C area within the property boundary of the site where the release has occurred.

Responsible Party C any person required by law or regulation to undertake corrective action at a site.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 29:

§109. Notification Requirements

A. The department shall provide notification to the public for sites within the department's regulatory jurisdiction, as reasonably determined by the department to be appropriate in accordance with the considerations identified in this Chapter.

B. The department shall issue notice of a release that poses a significant risk of adverse health effects to persons whom the department reasonably determines are likely to be adversely affected by the release.

C. The department may prioritize sites for provision of notice, as appropriate, according to the factors identified in this Section, although notice should in all events be given as soon as reasonably practicable.

D. The following chart provides the content and time frame for providing notification.

Public Notice Number	Triggering Event	When to Provide Public Notice	Contents of Public Notice
1	When the department becomes aware of information and determines that a release is likely to have off-site impacts that exceed the applicable federal or state health and safety standard and pose a significant risk of adverse health effects	When an emergency or exigent circumstance exists, notice shall be given as soon as practicable under the circumstances by using any reasonable means or, otherwise, within 30 days of the triggering event	1. Physical address of the release site. 2. Description of the contaminant. 3. Corrective action efforts. 4. Name, phone number, and address of contact person for both the responsible party and the department. 5. Other information the department determines is necessary to protect human health and the environment.
2	When the department confirms off-site impact that exceeds the applicable federal or state health and safety standard and the department determines that the off-site impact poses a significant risk of adverse health effects	When an emergency or exigent circumstance exists, notice shall be given as soon as practicable under the circumstances by using any reasonable means or, otherwise, within 30 days of the triggering event	1. Physical address of the release site. 2. Description of the contaminant. 3. Corrective action efforts. 4. Any potential adverse health effects. 5. Name, phone number, and address of contact person for both the responsible party and the department. 6. Other information the department determines is necessary to protect human health and the environment.

E. Procedure for Providing Notice to the Public

1. The public notice required by this Chapter must be:
 - a. communicated in plain language;
 - b. printed and formatted in a manner that promotes the purpose of the notice when the notice is printed or posted;
 - c. free of language that nullifies the purpose of the notice;
 - d. displayed in a conspicuous way when printed or posted; and
 - e. sized 3 inches x 5 inches, at a minimum, in newspapers, parish journals, etc., when published in such publications.

2. The public notice shall be provided by means reasonably calculated to reach those members of the public directly affected by the release, as determined by the department, and may include, but not be limited to:

- a. public notice in local newspapers;
- b. block advertisements;
- c. public service announcements;
- d. direct mailings;
- e. personal contacts;
- f. press releases;
- g. press conferences; and
- h. posting on the department's website.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 29:

A public hearing will be held on May 27, 2003, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Attendees should report directly to the hearing location for DEQ visitor registration, instead of to the security desk in the DEQ Headquarters building. Should individuals with a disability need an accommodation in order to participate, contact Lynn Wilbanks at the address given below or at (225) 765-0399.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by OS042. Such comments must be received no later than June 3, 2003, at 4:30 p.m., and should be sent to Lynn Wilbanks, Regulation Development Section, Box 4314, Baton Rouge, LA 70821-4314 or to fax (225) 765-0389 or by e-mail to lynnw@deq.state.la.us. Copies of this proposed regulation can be purchased by contacting the DEQ Records Management Section at (225) 765-0843. Check or money order is required in advance for each copy of OS042.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 104 Lococo Drive, Raceland, LA 70394 or on the Internet at <http://www.deq.state.la.us/planning/regs/index.htm>.

James H. Brent, Ph.D.
Assistant Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Public Notification of Contamination

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

The department currently performs this service under existing funding. The proposed Rule will formalize the process.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No effect on revenue is anticipated.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This Rule could affect underground storage tank owners, all types of industrial plants, sewer treatment facilities,

transportation companies, etc., in that the responsible party could see a slight increase in workload to respond to information requests from the public regarding the release/cleanup efforts.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This Rule should not impact competition or employment in the public or private sector.

James H. Brent, Ph.D.
Assistant Secretary
0304#069

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor

Board of Examiners of Certified Shorthand Reporters

Examinations
(LAC 46:XXI.301 and 309)

In accordance with R.S. 37:2554 and the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Louisiana Board of Examiners of Certified Shorthand Reporters, proposes to amend the Rules relative to the examination grading procedure.

The proposed Rule changes have no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXI. Certified Shorthand Reporters

Chapter 3. Examinations

§301. Applications for Examinations

A. Examinations shall be held at such times and places as the board may designate.

B. Applications must be received by the board at least 30 days prior to the examination date.

C. Applicant must furnish a diploma, official transcript or certificate from a licensed court reporting school that he has passed a qualifying test consisting of five minutes of two-voice Q&A at 225 wpm with 95 percent accuracy within one year prior to application to the board for examination; or a CSR certificate from another state issued with a minimum requirement of 225 wpm; or participate in a equivalent qualifying test administered by the board on a date designated by the board. An application fee of \$25 shall be paid to the board by the applicant participating in a qualifying test administered by the board, which fee shall be refundable to the applicant upon completion of the qualifying test. An applicant who fails to timely appear for the qualifying examination by the board shall be deemed to have abandoned the application and shall forfeit the application fee for said qualifying test. Proof of passing said qualifying test must accompany the application for examination.

1. After passing any segment, the applicant must sit without exception for each examination thereafter administered by the board until all three segments have been passed.

2. Should the applicant fail to take any segments, applicant must either:

a. take a qualifying examination given by the board;

or

b. appear before the board with an explanation for not taking the exam, the validity of which explanation will be determined by the board in its sole discretion.

3. If the applicant fails to appear for any examination administered by the board and does not thereafter either:

a. pass a qualifying test administered by the board;

or

b. present to the board a valid reason for failing to appear for the examination, then the passed segments of the skills test will expire before the date of the next examination following the examination for which the applicant failed to appear, and applicant will be required to pass all three segments.

4. If applicant does not pass all three segments of the skills examination within a three-year period, beginning the last day of the month in which any segment was first passed, applicant will be required to pass a qualifying examination administered by the board. If applicant fails the qualifying examination, the passed segments will expire.

D. Applicants who have been found to be qualified for the examination shall be notified in writing of the time and place of their assigned examination.

E. An applicant who fails to timely appear for examination after being notified of eligibility shall be deemed to have abandoned the application and shall forfeit the application fee. In order again to become eligible for an examination, such person shall file a new application and otherwise comply in all respects with the provisions of the Act and these regulations in the same manner as required of an original applicant.

F. An applicant who commences but does not finish the examination or who otherwise fails such examination shall not be eligible for any future examination except upon complying in all respects with the provisions of the Act and these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2554.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters, LR 9:678 (October 1983), amended by the Department of Economic Development, Board of Examiners of Certified Shorthand Reporters, LR 14:530 (August 1988), LR 16:393 (May 1990), LR 17:578 (June 1991), LR 19:1537 (December 1993), LR 27:183 (February 2001), amended by the Office of the Governor, Board of Examiners of Certified Shorthand Reporters LR 29:

§309. Grading of Examination

A. Each candidate's examination will be graded on the basis of his ability to accurately transcribe his notes, the time occupied in the transcription, his knowledge of court reporting procedure, and its related terminology, spelling, and punctuation, and the general style of the transcript.

B. Seventy-five percent accuracy is required on the written knowledge test with a maximum of 25 errors.

C. The maximum number of errors allowed to pass the dictated and transcribed portions of the skills test is 57 errors on the Q&A portion; 50 errors on the jury charge portion; and 45 errors on the literary portion.

D. If the examinee passes the written knowledge portion of the test but fails the dictated and transcribed portions; he will be exempt from taking the written knowledge portion of all subsequent tests.

E. If an examinee passes any segments of the skills test, the examinee is exempt from retaking those segments under the following conditions.

1. After passing any segment, the applicant must sit without exception for each examination thereafter administered by the board until all three segments have been passed.

2. Should the applicant fail to take any segments, applicant must either:

a. take a qualifying examination given by the board; or

b. appear before the board with an explanation for not taking the exam, the validity of which explanation will be determined by the board in its sole discretion.

3. If the applicant fails to appear for any examination administered by the board and does not thereafter either:

a. pass a qualifying test administered by the board; or

b. present to the board a valid reason for failing to appear for the examination, then the passed segments of the skills test will expire before the date of the next examination following the examination for which the applicant failed to appear, and applicant will be required to pass all three segments.

4. If applicant does not pass all three segments of the skills examination within a three-year period, beginning the last day of the month in which any segment was first passed, applicant will be required to pass a qualifying examination administered by the board. If applicant fails the qualifying examination, the passed segments will expire.

F. For the purpose of grading stenotype tests, errors will be assessed in accordance with the guidelines accepted by the National Court Reporters Association. For the purpose of grading stenomask tests, errors will be assessed in accordance with guidelines accepted by the National Verbatim Reporters Association.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2554.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters, LR 9:678 (October 1983), amended by the Department of Economic Development, Board of Examiners of Certified Shorthand Reporters, LR 14:530 (August 1988), LR 16:393 (May 1990), LR 19:1010 (August 1993), LR 19:1537 (December 1993), LR 27:184 (February 2001), amended by the Office of the Governor, Board of Examiners of Certified Shorthand Reporters LR 29:

Interested persons may submit written comments to Tonya Cupp, Louisiana Board of Examiners of Certified Shorthand Reports, PSR, P.O. Box 3257, Baton Rouge, LA 70821, through the close of business on May 9, 2003.

Merrell Long
Examination Committee Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Examinations

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

The proposed Rule will not result in any implementation costs (or savings) to the state or local governmental units other than those one-time costs directly associated with the publication of this Rule.

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

There is no estimated effect on revenue collections of local governmental units associated with this proposed Rule.

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

There are no costs to directly effected persons. However, the benefit to applicants would be two opportunities to take the test without retaking portions already passed and therefore increase their possible rate of employment.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The only estimated effect on employment is that a greater number of students may pass the test, therefore making more employees available.

Merrell Long
Chairman
0304#066

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Board of Dentistry

Requirements for Applicants for Licensure by Credentials; LaserC Requirements, Procedures, and Approval of Training (LAC 46:XXXIII.306, and 1301-1303)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the Dental Practice Act, R.S. 37:751, et seq., and particularly R.S. 37:760(8), notice is hereby given that the Department of Health and Hospitals, Board of Dentistry intends to amend LAC 46:XXXIII.306, 1301-1303. No preamble has been prepared.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXXIII. Dental Health Profession

Chapter 3. Dentists

§306. Requirements of Applicants for Licensure by Credentials

A. - E. ...

F. A teacher at the Louisiana State University School of Dentistry who has been teaching within the LSU system for a period of not less than 20 years, who has otherwise demonstrated his ability to practice within the specialty of

dentistry in which he or she has been teaching, may be awarded a license by credentials provided he/she has never had any disciplinary problems with any state dental board or dental university; has never been convicted of a felony, despite having never been licensed in another state; and his/her specialty is limited to pathology, public health, or dental radiology.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and R.S. 37:768.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:739 (July 1992), amended LR 21:571 (June 1995), LR 22:23 (January 1996), LR 23:1528 (November 1997), LR 24:1114 (June 1998), LR 25:513 (March 1999), LR 26:692 (April 2000), LR 26:1612 (August 2000) LR 27:1893 (November 2001), LR 28:1777 (August 2002), LR 29:

Chapter 13. Dental Laser and Air Abrasion Utilization **§1301. Requirements**

A. A laser capable of the removal of hard or soft tissue may be employed in the treatment of a dental patient only by a licensed dentist.

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 19:334 (March 1993), amended LR 29:

§1302. Procedures

A. American National Standards Institute standards for laser safety must be followed.

B. Use of the laser must be in accordance with scientifically accepted treatment.

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 19:334 (March 1993), amended LR 29:

§1303. Approval of Training

A. Prior to commencing use of the laser for dental purposes, a dentist must obtain appropriate training for the laser being utilized.

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 19:334 (March 1993), amended LR 29:

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

C. Barry Ogden
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Requirements for Applicants for Licensure by Credentials; LaserC Requirements, Procedures, and Approval of Training

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

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

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

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

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

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

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

C. Barry Ogden
Executive Director
0304#017

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Board of Examiners of Psychologists

Applicable Ethical Standard
(LAC 46:LXIII.1703)

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Board of Examiners of Psychologists intends to repeal §1703.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXIII. Psychologists

Chapter 17. Specialty Titles

§1703. Applicable Ethical Standard

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Psychologists, LR 6:602 (October 1980), repealed LR 29:

Inquiries concerning the proposed amendments may be directed in writing to Brenda C. Ward, Executive Director, Board of Examiners of Psychologists, 8280 YMCA Plaza Drive, Building 8-B, Baton Rouge, LA 70810.

Interested persons may submit data, views, arguments, information or comments on the proposed Rules, in writing, to the Board of Examiners of Psychologists. Written comments must be submitted to and received by the board within 20 days from the date of this Notice.

Brenda C. Ward
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Applicable Ethical Standard**

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

The only cost anticipated to state or local governmental units to implement this Rule is the \$27 cost of publishing it in the *Louisiana Register*. The LSBEP publishes a newsletter which is distributed to all Louisiana licensed psychologists. This new Rule will be published in the next edition of that newsletter. No adjustment is necessary in the workload or printing of this Rule in that publication.

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

This proposed Rule does not affect the collection of revenues of state or local governmental units in any way.

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

No persons or non-governmental groups will be affected in any way by this proposed Rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no competition related to this proposed Rule, nor does this proposed Rule create any impact on employment.

Brenda C. Ward
Executive Director
0304#021

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Wholesale Drug Distributors**

License Procedure
(LAC 46:XCI.103, 301, 303, 309, 311, 313, and 503)

The Louisiana Board of Wholesale Drug Distributors proposes to amend LAC 46:XCI.103, 301, 303, 309, 311, 313, and 503 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 37:3467 et seq. of the Louisiana Board of Wholesale Drug Distributors revised statutes. These proposed Rule amendments will help define the requirements for wholesale distribution and will further assist the board in its ability to license, inspect wholesale drug distribution facilities in the state of Louisiana, and regulate licensees in the promotion of the public welfare. The proposed Rule amendments have no known impact on family formation, stability, and autonomy as described in R.S. 49:972. The proposed amendments to the Rule are set forth below.

Title 46

PROFESSIONAL AND OCCUPATION STANDARDS

Part XCI. Wholesale Drug Distributors

Chapter 1. General Provisions

§103. Definitions

A. As used in this regulation, unless the context otherwise requires:

Legend Drug

a. ...

b. The product label of a legend drug is required to contain the statement "Rx Only" or "CAUTION: FEDERAL LAW PROHIBITS DISPENSING WITHOUT A PRESCRIPTION."

c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3461-3482.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Wholesale Drug Distributors, LR 18:381 (April 1992), amended LR 29:

Chapter 3. Wholesale Distributors

§301. Licensing Requirements

A. - B.3. ...

4. All licenses being reinstated must pay a reinstatement fee of \$200 plus the renewal fee of \$200.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3461-3482.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Wholesale Drug Distributors, LR 18:382 (April 1992), amended LR 29:

§303. Required Information

A. - C. ...

D. Licenses are not transferable for change of location of the facility licensed or change of ownership. A new license application and required license fee must be submitted for location changes or change of ownership of a currently licensed facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3461-3482.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Wholesale Drug Distributors, LR 18:382 (April 1992), amended LR 29:

§309. Storage and Handling Requirements

A. The following are required for the storage and handling of prescription drugs, and for the establishment and maintenance of prescription drug distribution records by wholesale drug distributors and their officers, agents, representatives, and employees.

1. - 2.a.iii. ...

b. All facilities, with the exception of those facilities distributing medical gases only, shall be equipped with a monitored alarm system to detect entry after hours.

c. Medical gas distributors shall store medical gases under lock and key if all medical gases are stored inside a board-approved storage facility that is not equipped with a monitored alarm system to detect entry after hours.

d. Medical gas distributors that store medical gases on an open dock shall be equipped with a monitored alarm system to detect entry after hours.

e. All facilities shall be equipped with a security system that will provide suitable protection against theft and diversion and provide protection against theft or diversion that is facilitated or hidden by tampering with computers and electronic records.

3. ...

a. If no storage requirements are established for a prescription drug, the drug may be held at room temperature, as defined in an official compendium, to help ensure that its identity, strength, quality, and purity are not adversely affected.

b. Appropriate manual, electromechanical, or electronic temperature recording equipment, devices, and logs shall be utilized to document proper storage of prescription drugs.

3.c. - 5.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3461-3482.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Wholesale Drug Distributors, LR 18:382 (April 1992), amended LR 29:

§311. Drug Distribution Recordkeeping

A. Wholesale drug distributors shall establish and maintain perpetual inventories and records of all transactions regarding the receipt and distribution or other disposition of prescription drugs. These records shall include the following information:

1. - 3. ...

B. Inventories and records shall be made available for inspection and photocopying by any official authorized by the Louisiana Board of Wholesale Drug Distributors for a period of three years following disposition of the drugs.

C. ...

D. Copies of licenses for customers who are authorized by law or regulation to procure or possess federal legend drugs shall be maintained for all customers that are shipped or sold federal legend drugs. If customer licenses are maintained off site, a list of customer names, addresses, license numbers, and license expiration dates shall be maintained for all customers that are shipped or sold federal legend drugs.

E. Medical gas distributors are not required to maintain a perpetual inventory on oxygen, but are required to maintain perpetual inventories on all other medical gases.

F. Wholesales domiciled in Louisiana must verify that their suppliers of legend drugs are licensed by the Louisiana Board of Wholesale Drug Distributors to ship or sell in or into Louisiana; and are responsible for notifying the board of any unlicensed wholesalers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3461-3482.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Wholesale Drug Distributors, LR 18:383 (April 1992), amended LR 29:

§313. Policy and Procedures

A. Wholesale drug distributors shall establish, maintain, and adhere to written policies and procedures, which shall be followed for the receipt, security, storage, inventory, and distribution of prescription drugs, including policies and procedures for identifying, recording, and reporting losses or thefts, and for correcting all errors and inaccuracies in inventories. Wholesale drug distributors shall include in their written policies and procedures the following.

1. - 3. ...

4. A procedure to ensure that any outdated prescription drugs shall be segregated from other drugs and either returned to the manufacturer or destroyed. This procedure shall provide for written documentation of the disposition of outdated prescription drugs. This documentation shall be maintained for three years after disposition of the outdated drugs.

5. A procedure to validate customer licenses, to review excessive or suspicious purchases, to inspect all incoming and outgoing shipments, and to monitor and record the temperature of product storage.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3461-3482.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Wholesale Drug Distributors, LR 18:384 (April 1992), amended LR 29:

Chapter 5. Powers and Functions of the Board §503. Board Domicile; Meetings

A. The board shall be domiciled in Baton Rouge, Louisiana. The regular meetings of the board shall be held at least two times a year in accordance with applicable law and at any other time the board deems necessary, at a time and place designed by the chairman. Special meetings may be called by the chairman upon giving at least 72 hours notice, sent by registered or certified mail to the post office address of each member of the board and to any persons who have previously indicated that they have business before the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3461-3482.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Wholesale Drug Distributors, LR 18:385 (April 1992); amended LR 29:

Interested parties may submit written comments to John Liggio, Executive Director, Louisiana Board of Wholesale Drug Distributors, 12046 Justice Avenue, Suite C, Baton Rouge, LA 70816. Comments will be accepted through the close of business on May 21, 2003. If it becomes necessary to convene a public hearing to receive comments in accordance with the Administrative Procedure Act, the hearing will be held on May 28, 2003, at 11 a.m. at the office of the Louisiana Board of Wholesale Drug Distributors, 12046 Justice Avenue, Suite C, Baton Rouge, LA.

John Liggio
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: License Procedure

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

There will be no costs or savings to state or local government units, except for those associated with publishing the Rule amendment (estimated at \$100 in FY 2003). Licensees will be informed of this Rule change in a board newsletter or other direct mailings, which result in minimal costs to the board.

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

There will be no effect on revenue collections of state or local governmental units as there will be no increase in fees resulting from the amendment.

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

There are no anticipated costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No impact on competition and employment is anticipated as a result of the proposed Rule change.

John Liggio
Executive Director
0304#030

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Office of the Secretary**

Capital Area Human Services District
(LAC 48:I.Chapter 27)

Under the authority of R.S. 46:2661 et seq. as enacted by Act 54 of the first Extraordinary Session of 1999, the Department of Health and Hospitals proposes to adopt the following Rule.

Title 48

PUBLIC HEALTH-GENERAL

Part I. General Administration

Subpart 1. General

Chapter 27. Capital Area Human Services District

§2701. Introduction

A. This agreement is entered into by and between Department of Health and Hospitals, hereinafter referred to as DHH, and Capital Area Human Services District, hereinafter referred to as CAHSD, in compliance with R.S. 46:2661 through 46:2666 as well as any subsequent legislation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

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

§2703. Purpose and General Agreement

A. The Department of Health and Hospitals is authorized by law to provide for the direction, operation, development and management of programs of community-based mental health, mental retardation/developmental disabilities, addictive disorders, public health and related activities for eligible consumers in Louisiana.

B. The legislation authorizes CAHSD to provide services of community-based mental health, developmental disabilities, addictive disorders, public health and related activities for eligible consumers in CAHSD, which includes East Baton Rouge, West Baton Rouge, Ascension, Iberville, East Feliciana, West Feliciana and Pointe Coupee parishes; and to assure that services meet all relevant federal and state regulations; and to provide the functions necessary for the administration of such services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

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

§2705. Designation of Liaisons

A. The primary liaison persons under this agreement are:

1. for DHHC deputy secretary;

2. for CAHSDC chairperson.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

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

§2709. Services to be Delivered

A. In order to provide a broad spectrum of coordinated public services to consumers of the Office of Mental Health, hereinafter referred to as OMH, the Office for Citizens with Developmental Disabilities, hereinafter referred to as OCDD, the Office for Addictive Disorders hereinafter referred to as OAD, the Office of Public Health, hereinafter referred to as OPH and for the District Administration, CAHSD will assume programmatic, administrative and fiscal responsibilities for including, but not limited to, the following:

1. OCDD community services;
2. mental health services consistent with the State Mental Health Plan, as required under the annual Mental Health Block Grant Plan;
3. outpatient treatment (non-intensive)COAD;
4. community-based servicesCOAD;
5. intensive outpatient treatment/day treatmentCOAD;
6. non-medical/social detoxificationCOAD;
7. primary preventionCOAD;
8. adult inpatient treatment servicesCOAD;
9. transition to recovery homes (when funds and placements are available);
10. residential board and care (when funds and placements are available)COAD.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

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

§2711. Responsibilities of Each Party

A. CAHSD accepts the following responsibilities:

1. to perform the functions which provide community-based services and continuity of care for the diagnosis, prevention, detection, treatment, rehabilitation and follow-up care of mental and emotional illness;
2. to be responsible for community-based programs and functions relating to the care, diagnosis, eligibility determination, training, treatment, and case management of developmentally disabled and autistic persons as defined by the MRDD law, and to follow the rules or policies governing admissions to OCDD Developmental Centers;
3. to be responsible for the delivery and supervision of OCDD transition services and case management, where appropriate, and provide supports to person waiting for Waiver Services when an individual transitions to the community;
4. to provide for the gradual assumption of community-based public health services which will be determined to be feasible through consultation with the Office of Public Health;
5. to provide services related to the care, diagnosis, training, treatment, and education of, and primary prevention of addiction. The criteria for admission and treatment must be parallel to OAD state operated programs;
6. to maintain services in community-based mental health, developmental disabilities, and substance abuse at least at the same level as the state maintains similar programs;

7. to ensure that the quality of services delivered is equal to or higher than the quality of services previously delivered by the state;
8. to perform human resources functions necessary for the operation of CAHSD;
9. to be responsible for the provision of any function/service, reporting or monitoring, mandated by the Block Grant Plan of each respective program office;
10. to provide systems management and services data/reports in a format, and content, and frequency content as that required of all regions by each DHH program office. Specific content of required information sets will be negotiated and issued annually through program office directives;
11. to utilize ARAMIS, MIS, Mental Health's SPOE, CMIS and any other required DHH/program office systems to meet state and federal reporting requirements. CAHSD will use the OCDD Individual Tracking System and/or other designated MIS system. OCDD will allow CAHSD to electronically upload and download information at prescribed intervals. No information will be uploaded by OCDD without prior notification of CAHSD;
12. to make available human resource staffing data for on-site review;
13. to maintain and support Single Point of Entry (SPOE) state standard;
14. to provide for successful delivery of services to persons discharged from state facilities into CAHSD service area by collaborative discharge planning;
15. to provide in-kind or hard match resources as required for acceptance of federal grant or entitlement funds utilized for services in CAHSD as appropriately and collaboratively applied for consistent with other regions in the state;
16. to make available a list of all social and professional services available to children and adults through contractual agreement with local providers. The list shall include names of contractors, dollar figures and brief description of services;
17. to work with OAD to assure that all requirements and set asides of the Substance Abuse Block Grant are adhered to in the delivery of services;
18. to develop and utilize a five-year strategic plan as required by Act 1465;
19. to monitor the quality of supports delivered to developmentally disabled individuals in state funded supported living arrangements;
20. to report to OMH on a monthly basis data consistent with that reported in DHH operated regions in order to assure statewide data integrity and comparability across all 64 parishes. The format for reporting this information must comply with OMH data transmission requirements as specified by the assistant secretary for OMH;
21. to continue to make available through all CAHSD sites, materials available from OPH, based on availability of current funding from state and federal resources. Availability of materials shall also be based on the incidence rate of HIV in Region II and throughout the state;
22. to comply with OAD movement toward research-proven best practices and adhere to the established standard of care.

B. DHH retains/accepts the following responsibilities:

1. operation and management of any inpatient facility under the jurisdiction of DHH except that CAHSD shall have the authority and responsibility for determination of eligibility for receipt of such inpatient services (OMH's SPOE function) which were determined at the regional level prior to the initiation of this agreement;
2. operation, management and performance of functions and services for environmental health;
3. operation, management and performance of functions related to the Louisiana Vital Records Registry and the collection of vital statistics;
4. operation, management and performance of functions and services related to laboratory analysis in the area of personal and environmental health;
5. operation, management and performance of functions and services related to education provided by or authorized by any state or local educational agency;
6. monitoring this service agreement, assuring corrective action through coordination with CAHSD and reporting failures to comply to the Governor's Office;
7. operation, management and performance of functions for pre-admission screening and resident review process for Nursing Home Reform;
8. sharing with CAHSD information regarding but not limited to program data, statistical data, and planning documents that pertain to the CAHSD. Statewide information provided on a regional basis to providers, consumers and advocates shall either include accurate data for CAHSD, as confirmed by CAHSD, or shall include a statement that information for Region II (CAHSD) is available on request. This is necessary to make community stakeholders aware that CAHSD is participating in the submission of the same data reports as are required of the other regions;
9. communicating to CAHSD Executive Director any planned amendments to current law establishing CAHSD, or new legislation that is primarily directed to impacting CAHSD funding or administration or programs, prior to submission to the Governor's Office or to a legislative author;
10. reporting of statewide performance or comparisons, which are circulated outside of the DHH Program Offices, which include data submitted directly by CAHSD, or which are generated from data transmission programs in which CAHSD participates will be provided to CAHSD;
11. providing fair and equal access to all DHH facilities and to all appropriately referred citizens residing in the parishes served by CAHSD;
12. inviting the CAHSD Community Services Regional Manager (CSRM) to OCDD meetings that include the CSRMs of the eight regions under OCDD administration, when discussions or presentations impact citizens and/or administration of duties within CAHSD;
13. meeting with CAHSD to discuss and plan for any necessary upgrades in hardware, software or other devices necessary for the electronic submission of data which is required of CAHSD;
14. including CAHSD's Executive Director in discussions that specifically relate to changes in CAHSD programming or financing, prior to final decision-making;

15. planning, managing and delivering services funded under this agreement as required in order to be consistent with the priorities, policies and strategic plans of DHH, its program offices, and related local initiatives. DHH shall include CAHSD as appropriate in the development of these plans and priorities and notify the executive director within at least the same time period as other regional managers;

16. determining if community-based mental health, developmental disabilities, addictive disorders, and public health services are delivered at least at the same level by CAHSD as the state provides for similar programs in other areas. Performance indicators shall be established and will be consistent with those collected in other regions. Such indicators will measure extensiveness of services, accessibility of services, availability of services and, most importantly, quality of services. CAHSD will not be required to meet performance indicators which are not mandated for state-operated programs in these service areas;

17. any requests by program offices for new and expanded regional funds requested statewide will include the appropriate proportionate amount of funding for CAHSD.

C. Joint Responsibilities

1. CAHSD shall work closely with OCDD in transitioning individuals from all Developmental Centers to the district and will be responsible for the case management oversight, when appropriate, of the service providers to ensure that their recipients receive appropriate services and outcomes as designated in the Comprehensive Plan of Care.

2. CAHSD will work with OAD to assure that the key performance indicators sent to the Division of Administration (DOA) are the same for CAHSD and OAD.

3. CAHSD will work with OAD to assure that there is a clear audit trail for linking alcohol and drug abuse funding and staffing to alcohol and drug abuse services.

4. CAHSD will collaborate with Region II OPH managers when appropriate to assist clients in accessing community-based services and ensure continuity of care for education, prevention, detection, treatment, rehabilitation and follow up care related to personal health.

5. CAHSD shall notify the DHH Bureau of Legal Services and relative program offices in a timely manner to assure proper representation in all judicial commitments and court events involving placement in DHH programs. CAHSD shall also provide program staff as representatives to assist DHH in all judicial commitments and court events involving placement in DHH programs. DHH will provide legal support and representation in judicial commitments to the department.

6. Budget requests for new and expanded programs or requests for additional funding for existing programs will be discussed between CAHSD Executive Director and appropriate program office personnel in a timely manner to avoid incongruous requests for new funding prior to submission to DOA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

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

§2713. Reallocation of Resources/Staff and Financial Agreements

A. For FY 02/03, DHH agrees to transfer financial resources in accordance with the Memorandum of Understanding (MOU) to the direction and management of

CAHSD. The financial resources will be adjusted based upon the final appropriation for CAHSD.

B. CAHSD will submit to DHH an annual budget request for funding of the cost for providing the services and programs for which CAHSD is responsible. The format for such request shall be consistent with that required by the DOA and DHH. The request shall conform with the time frame established by DHH. The CAHSD Executive Director will submit new and expanded program requests to the Office of the Secretary prior to submission to DOA.

C. CAHSD shall operate within its budget allocation and report budget expenditures to DHH.

D. Revisions of the budget may be made upon written consent between CAHSD and DHH and, as appropriate, through the Legislative Budget Committee's BA-7 process. In the event any additional funding is appropriated and received by DHH that affects any budget categories for the direction, operation, and management of the programs of mental health, mental retardation/developmental disabilities, addictive disorders services, and public health, and related activities for any other such DHH entities or regions, CAHSD will receive additional funds on the same basis as other program offices. In the event of a budget reduction, CAHSD will receive a proportionate reduction in its budget.

E. CAHSD shall bill DHH agencies for services they provide in a timely manner.

F. CAHSD shall not bill any DHH agency more than is shown in Attachment 1 of the MOU.

G. CAHSD shall assume all financial assets and/or liabilities associated with the programs transferred.

H. CAHSD shall be responsible for repayment of any funds received which are determined ineligible and subsequently disallowed.

I. DHH shall continue to provide to CAHSD certain support services from the Office of the Secretary and from the Office of Management and Finance which are available to the regional program offices of OCDD, OMH, OAD, and OPH. The services CAHSD will continue to receive, at the level provided to other regions are: Communications and Inquiry; Internal Audit; Fiscal Management; Information Services; Facility Management; Lease Management; and Research and Development.

J. Any increases from OAD must comply with the resource allocation law and CAHSD will participate in cost benefit analysis and outcome.

K. CAHSD will comply with the resource allocation formula and adjustments in the funding for CAHSD may be made according to this formula.

L. If the implementation of the area structure changes the means of financing in a way that would negatively impact total funds received by CAHSD for mental health services, OMH will structurally guarantee the ability to bill for/collect funds for the services provided, or fund the district in the amount the total CAHSD/OMH portion of its budget will not be decreased from what would be allocated or collected by the other regions.

M. Funding for all medications needed by OMH forensic clients, (except those originally residing within the CAHSD region) who are released from the hospital into forensic community-based beds within CAHSD, shall be provided to CAHSD through this MOU. Funds will be based on average cost for annual number of clients, and OMH Forensic and

CAHSD staff shall coordinate the verification of clients served and the cost of medications provided.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

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

§2715. Joint Training and Meetings

A. CAHSD, through its staff, will participate in DHH and other programmatic trainings, meetings and other activities as agreed upon by CAHSD and DHH. In a reciprocal manner, CAHSD will provide meetings, training sessions, and other activities that will be available for participation by DHH staff as mutually agreed upon by CAHSD and DHH. All program office meetings (trainings, information dissemination, policy development, etc.) discussing/presenting information with statewide implications shall include CAHSD staff.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

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

§2717. Special Provisions

A. CAHSD agrees to abide by all applicable Federal, State, and Parish laws regarding nondiscrimination in service delivery and/or employment of individuals because of race, color, religion, sex, age, national origin, handicap, political beliefs, disabled veteran, veteran status or any other non-merit factor.

B. CAHSD shall maintain a property control system of all movable property in the possession of CAHSD that was formally under the control of DHH, and of all additional property acquired.

C. For purposes of purchasing, travel reimbursement, and securing of social service/professional contracts, CAHSD shall utilize established written bid/RFP policies and procedures. Such policies and procedures shall be developed in adherence to applicable statutory and administrative requirements. CAHSD shall provide informational copies of such policies and procedures to DHH as requested.

D. CAHSD shall abide by all court rulings and orders that affect DHH and impact entities under CAHSD's control, and shall make reports to DHH's Bureau of Protective Services of all applicable cases of alleged abuse, neglect, exploitation or extortion of individuals in need of protection in a format prescribed by DHH.

E. In the event of a departmental budget reduction in state general funds, or federal funds equivalent, CAHSD shall share in that reduction consistent with other DHH agencies. If reductions occur through Executive Order, DOA, or legislative action in the appropriation schedule 09, and CAHSD is included in these reductions, then these same reductions shall not be reassessed to CAHSD by DHH agencies.

F. CAHSD shall have membership on the Region II Planning Group and the Statewide Planning Group for the HIV/AIDS Prevention Program. CAHSD shall be a voting member of the Region II Planning Group (RPG). CAHSD shall be a non-voting member of the Statewide Planning Group (SPG) unless the CAHSD member is also elected by the Region II RPG as its official delegate to the SPG. In such case, the CAHSD representative shall vote as the representative of the Region II RPG.

G. CAHSD can obtain a copy of all requests for funding, solicitation of offers, notices of funding availability and other such comparable documents sent out by OPH relative to community-based HIV Prevention and Treatment Services for Region II as well as any such notices received by OPH and not chosen for application by them.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

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

§2719. Renewal/Termination

A. This agreement will cover the period of time from July 1, 2002 to June 30, 2003.

B. This agreement will be revised on an annual basis, as required by law, and will be promulgated through the Administrative Procedure Act. The annual agreement shall be published in the state register each year in order for significant changes to be considered in the budget process for the ensuing fiscal year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature the impact of this proposed Rule on the family has been considered. This proposed Rule has no known impact on family functioning, family formation, stability or autonomy as described in R.S. 49:972.

Interested persons may submit written comments thru May 20, 2003 to John A. LaCour, DHH, Office of the Secretary, P.O. Box 629, Baton Rouge, LA 70821-0629. He is responsible for responding to inquiries regarding this proposed Rule.

David W. Hood
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Capital Area Human Services District**

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

Administrative cost associated with the Capital Area Human Services District (CAHSD) will be paid by the Department of Health and Hospitals (DHH) for FY 02-03 in accordance with the annual service agreement. Estimated cost of printing the Notice of Intent and the Rule is \$920.00.

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

There is no estimated effect on revenue collections of state or local governmental units.

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

There is no estimated costs and/or economic benefits to directly affected persons to non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

David W. Hood
Secretary
0304#067

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to amend LAC 50:XIX.4333 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

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

Act 13 of the 2002 Regular Session of the Louisiana Legislature allocated additional funds to the Department of Health and Hospitals for the enhancement of the reimbursement rates paid to hospitals for outpatient services. In compliance with Act 13, the bureau increased the reimbursement rates for outpatient hospital laboratory services (*Louisiana Register, Volume 28, Number 9*). The bureau now proposes to continue the provisions of the September 16, 2002 Emergency Rule.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. This proposed Rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:942.

Title 50

PUBLIC HEALTH MEDICAL ASSISTANCE

Part XIX. Other Services

Subpart 3. Laboratory and X-Ray

Chapter 43. Billing and Reimbursement

Subchapter B. Reimbursement

§4333. Outpatient Hospital Laboratory Services

Reimbursement

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

1. The reimbursement rates paid to outpatient hospitals for laboratory services subject to the Medicare Fee Schedule shall be increased by 10 percent of the rate on file as of September 15, 2002.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1026 (May 2002), amended LR 29:

Implementation of this proposed Rule shall be contingent upon the certification of matching funds by non-state public hospitals (except small rural hospitals as defined in R.S. 40:1300.143) or the completion of cooperative endeavor agreements to make public agency transfer to the department as set forth in the Appropriations Act of the 2002 Regular Session of the Louisiana Legislature and the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

Interested persons may submit written comments to Ben A. Bearden at Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to all inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, May 27, 2003 at 9:30 a.m. in the Wade O. Martin, Jr. Auditorium, State Archives Building, 3851 Essen Lane, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views, or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Outpatient Hospital Laboratory Services**

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

It is anticipated that the implementation of this proposed Rule will increase state program costs by approximately \$436,561 for SFY 2002-03, \$567,849 for SFY 2003-04 and \$584,884 for SFY 2004-05. It is anticipated that \$216 (\$108 SGF and \$108 FED) will be expended in SFY 2002-2003 for the state's administrative expense for promulgation of this proposed Rule and the final Rule.

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

It is anticipated that the implementation of this proposed Rule will increase federal revenue collections by approximately \$1,070,745 for SFY 2002-03, \$1,392,955 for SFY 2003-04 and \$1,434,744 for SFY 2004-2005.

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

It is anticipated that the implementation of this proposed Rule will not have estimable costs and/or economic benefits for Medicaid recipients. However, it will have an economic benefit for hospitals as it is estimated that implementation of this proposed Rule will increase payments (by approximately 10%) to hospitals providing outpatient laboratory services by \$1,507,090 for SFY 2002-03, \$1,960,803 for SFY 2003-04 and \$2,019,628 for SFY 2004-05.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This Rule has no known effect on competition and employment.

Ben A. Bearden
Director
0304#056

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

**Outpatient Hospital Rehabilitation Services
Reimbursement Increase**

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

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

Act 13 of the 2002 Regular Session of the Louisiana Legislature allocated funds to the Department of Health and Hospitals to increase the reimbursement paid for physical therapy, occupational therapy, and speech/language and hearing therapy services provided to children under 3 years of age. As the result of the allocation of additional funds, the Bureau increased the reimbursement rates for rehabilitation services provided to children age birth through 3 years old (*Louisiana Register, Volume 28, Number 7*).

Act 13 also allocated additional funds to the department for enhancement of the reimbursement rates paid to hospitals for outpatient services. In compliance with Act 13, the bureau increased the reimbursement rates for outpatient hospital rehabilitation services (*Louisiana Register, Volume 28, Number 9*). The bureau now proposes to continue the provisions of the September 16, 2002 Emergency Rule.

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

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the June 20, 1997 Rule and increases the reimbursement rates for outpatient hospital rehabilitation services rendered to Medicaid recipients age 3 and older. This rate increase is not applicable to rehabilitation services rendered to recipients up to the age of 3 as the reimbursement rate increase for those services were addressed in the July 6, 2002 Emergency Rule. The new reimbursement rates will be as follows.

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

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

Implementation of this proposed Rule shall be contingent upon the certification of matching funds by non-state public hospitals (except small rural hospitals as defined in R.S. 40:1300.143) or the completion of cooperative endeavor agreements to make public agency transfer to the department as set forth in the Appropriations Act of the 2002 Regular Session of the Louisiana Legislature and the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

Interested persons may submit written comments to Ben A. Bearden at the Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to all inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, May 27, 2003 at 9:30 am in the Wade O. Martin, Jr. Auditorium, State Archives Building, 3851 Essen Lane, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views, or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

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

RULE TITLE: Outpatient Hospital Rehabilitation Services Reimbursement Increase

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

It is anticipated that the implementation of this proposed Rule will increase state program costs by approximately \$195,005 for SFY 2002-03, \$253,537 for SFY 2003-04 and \$261,143 for SFY 2004-05. It is anticipated that \$270 (\$135 SGF and \$135 FED) will be expended in SFY 2002-2003 for the state's administrative expense for promulgation of this proposed Rule and the final Rule.

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

It is anticipated that the implementation of this proposed Rule will increase federal revenue collections by approximately \$478,160 for SFY 2002-03, \$621,935 for SFY 2003-04 and \$640,593 for SFY 2004-2005.

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

It is anticipated that the implementation of this proposed Rule will not have estimable costs and/or economic benefits for Medicaid recipients. However, it will have an economic benefit for hospitals as it is estimated that implementation of this proposed Rule will increase payments (by approximately 15 percent) to hospitals providing outpatient rehabilitation services by \$672,895 for SFY 2002-03, \$875,472 for SFY 2003-04 and \$901,736 for SFY 2004-05.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This Rule has no known effect on competition and employment.

Ben A. Bearden
Director
0304#057

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Outpatient Hospital Services Clinic Services

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted a Rule in January of 1996 which established a uniform reimbursement methodology for outpatient hospital services (*Louisiana Register, Volume 22, Number 1*). The January 1996 Rule was subsequently amended to revise the reimbursement methodology for specified outpatient surgical procedures and the interim reimbursement for all other outpatient hospital services (*Louisiana Register, Volume 26, Number 12*). The interim reimbursement rate for all outpatient hospital services, except for designated outpatient

surgical procedures, is a hospital specific cost to charge ratio calculation based on filed cost reports for the period ending in state fiscal year 1997.

Act 13 of the 2002 Regular Session of the Louisiana Legislature allocated additional funds to the Department of Health and Hospitals for enhancement of the reimbursement rates paid to hospitals for outpatient services. In compliance with Act 13, the bureau increased the reimbursement rates for outpatient hospital clinic services (*Louisiana Register, Volume 28, Number 10*). The bureau now proposes to continue the provisions contained in October 21, 2002 Emergency Rule.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana State Legislature, the impact of this proposed Rule on the family has been considered. This proposed Rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the December 20, 2000 Rule and increases the reimbursement rates for outpatient hospital clinic services. Hospitals must use the revenue codes and Physicians=Current Procedural Terminology (CPT)/Healthcare Common Procedure Coding System (HCPCS) specified by the Department when billing for services. The revenue codes and new reimbursement rates will be as follows.

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

Description	Payment Rate
Office/Outpatient visit, new	\$33.00
Office/Outpatient visit, new	\$33.00
Office/Outpatient visit, new	\$38.00
Office/Outpatient visit, new	\$57.00
Office/Outpatient visit, new	\$57.00
Office/Outpatient visit, established	\$33.00
Office/Outpatient visit, established	\$33.00
Office/Outpatient visit, established	\$38.00
Office/Outpatient visit, established	\$57.00
Office/Outpatient visit, established	\$57.00

Implementation of this proposed Rule shall be contingent upon the certification of matching funds by non-state public hospitals (except small rural hospitals as defined in R.S. 40:1300.143) or the completion of cooperative endeavor agreements to make public agency transfer to the department as set forth in the Appropriations Act of the 2002 Regular Session of the Louisiana Legislature and the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

Interested persons may submit written comments to Ben A. Bearden at the: Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to all inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, May 27, 2003 at 9:30 am in the Wade O. Martin, Jr. Auditorium, State Archives Building, 3851 Essen Lane, Baton Rouge, LA. At that time all interested persons will be

afforded an opportunity to submit data, views, or arguments either orally or in writing. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

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

**RULE TITLE: Outpatient Hospital Services
Clinic Services**

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

It is anticipated that the implementation of this proposed Rule will increase state program costs by approximately \$195,005 for SFY 2002-03, \$253,537 for SFY 2003-04 and \$261,143 for SFY 2004-05. It is anticipated that \$270 (\$135 SGF and \$135 FED) will be expended in SFY 2002-2003 for the state's administrative expense for promulgation of this proposed Rule and the final Rule.

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

It is anticipated that the implementation of this proposed Rule will increase federal revenue collections by approximately \$478,160 for SFY 2002-03, \$621,935 for SFY 2003-04 and \$640,593 for SFY 2004-2005.

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

It is anticipated that the implementation of this proposed Rule will not have estimable costs and/or economic benefits for Medicaid recipients. However, it will have an economic benefit for hospitals as it is estimated that implementation of this proposed Rule will increase payments (by approximately 15 percent) to hospitals providing outpatient rehabilitation services by \$672,895 for SFY 2002-03, \$875,472 for SFY 2003-04 and \$901,736 for SFY 2004-05.

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

This Rule has no known effect on competition and employment.

Ben A Bearden
Director
0304#054

H Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Personal Assistant Services Employment Support
(LAC 50:XV.Chapter 141)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt LAC 50:XV. Chapter 141 under the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106-170) became law on December 17,

1999. In Section 2(b) of P.L. 106-170, the Congress states that this legislation has the following four basic purposes:

1. to provide health care and employment preparation and placement services to individuals with disabilities that will enable those individuals to reduce their dependency on cash benefit programs;

2. to encourage states to adopt the option of allowing individuals with disabilities to purchase Medicaid coverage that is necessary to enable such individuals to maintain employment;

3. to provide individuals with disabilities the option of maintaining Medicare coverage while working; and

4. to establish a "Ticket to Work and Self-Sufficiency Program" that allows Social Security disability beneficiaries and blind or disabled Supplemental Security Income beneficiaries to seek the employment services, vocational rehabilitation services and other support services needed to obtain, regain or maintain employment and reduce their dependence on cash benefit programs (*Federal Register*, Volume 66, Number 249).

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services proposes to implement a Personal Assistant Services Program as an optional service under the Medicaid State Plan to provide personal assistant services to support the employment efforts of Medicaid recipients with disabilities who are age 18 through 64 years old. Disabled is defined as meeting the eligibility criteria established by the Social Security Administration for disability benefits.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that implementation of this proposed Rule will have a positive impact on family functioning, stability, and autonomy as described in R.S. 49:972 as it will provide access to personal assistant services to support the employment efforts of Medicaid recipients with disabilities who are trying to enhance their independence.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following provisions governing the coverage of Personal Assistant Services as an optional service under the Medicaid State Plan to support the employment efforts of recipients with disabilities who are age 18 through 64 years old. Disabled is defined as meeting the eligibility criteria established by the Social Security Administration for disability benefits.

Title 50

PUBLIC HEALTH MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 11. Personal Assistant Services

Chapter 141. Employment Support

§14101. General Provisions

A. The purpose of personal assistant services is to enable an individual to obtain, regain and/or maintain employment. The mission of Medicaid funded personal assistant services is to enhance the individual's independence and thereby reduce their dependency on cash assistance. The intent of this service program is to supplement the family and/or community supports that are available to assist the recipient in securing or maintaining employment in the community.

This service program is not intended to be a substitute for available family and/or community supports. Personal assistant services must be prescribed by a physician or psychiatrist and provided in accordance with an approved service plan and supporting documentation. In addition, personal assistant services must be coordinated with the other Medicaid services being provided to the recipient and will be considered in conjunction with those other services. Personal assistant services will be provided in a manner consistent with the basic principles of consumer direction as set forth in §14107.

B. The responsibility of employers to provide assistance to disabled employees under the Americans with Disabilities Act includes job-related functions, and are not primarily for the personal benefit of the individual with a disability. Personal assistant services provided under this Chapter will not supplant the employer's responsibilities.

C. An assessment shall be performed for every recipient who requests personal assistant services. This assessment shall be utilized to identify the recipient's needs and preferences as related to obtaining and maintaining employment, the availability of family and community supports and to develop the service plan. The Minimum Data Set-Home Care (MDS-HC) System will be used as the basic assessment tool. However, other assessment tools may be utilized as a supplement to the MDS-HC to address the needs of special groups within the target population.

D. Prior Authorization. Personal assistant services must be prior authorized. Requests for prior authorization must be submitted to the Bureau of Health Services Financing or its designee and include a copy of the assessment form and the service plan. Any other pertinent documents that substantiates the recipient's request for services may also be submitted. These documents will be reviewed to determine whether the recipient meets the criteria for personal assistant services and the necessity for the number of service hours requested.

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

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

§14103. Covered Services

A. Personal assistant services are defined as those services that provide assistance with the activities of daily living (ADL) and the instrumental activities of daily living (IADL) that are necessary for the purposes of obtaining and/or maintaining employment. Assistance may be either the actual performance of the personal assistant task for the individual or supervision and prompting so the individual performs the task by him/herself. ADLs are those personal, functional activities required by an individual for continued well-being, health and safety. ADLs include tasks such as:

1. eating;
2. bathing;
3. dressing;
4. grooming;
5. transferring (getting in/out of the tub, from a bed to a chair);
6. reminding the recipient to take medication;
7. ambulation; and
8. toileting.

B. IADLs are those activities that are considered essential for sustaining the individual's health and safety, but may not require performance on a daily basis. IADLs include tasks such as:

1. light housekeeping;
2. food preparation and storage;
3. grocery shopping;
4. laundry;
5. providing transportation when necessary:
 - a. to seek employment;
 - b. to go to and from the recipient's place of employment; or
 - c. to access other necessary activities; and
6. providing assistance in the completion of employment related or other necessary correspondence.

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

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

§14105. Recipient Qualifications

A. Personal assistant services to support employment shall be available to recipients with disabilities who are age 18 through 64 years old. Disabled is defined as meeting the eligibility criteria established by the Social Security Administration for disability benefits. The recipient must require assistance with at least two activities of daily living and be able to participate in his/her care and self direct the services provided by the personal assistant independently or through a responsible representative. Responsible representative is defined as the person designated by the recipient to act on his/her behalf in the process of accessing personal care assistant services.

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

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

§14107. Recipient Rights

A. Recipients who receive services under Employment Support Personal Assistant Services Program have the right to actively participate in the development of their service plan and the decision-making process regarding service delivery. Recipients also have the right to freedom of choice in the selection of a provider of personal assistant services and to participate in the following activities:

1. interviewing and selecting the personal assistant who will be providing services;
2. developing the work schedule for their personal assistant;
3. training the individual personal assistant in the specific skills necessary to maintain the recipient's independent functioning while safely maintaining him/her in various settings;
4. developing an emergency component in the service plan that includes a list of personal assistant staff who can serve as back-up when unforeseen circumstances prevent the regularly scheduled personal assistant from providing services;
5. signing off on payroll logs and other documentation to verify staff work hours and to authorize payment;
6. evaluating the personal assistant's job performance; and

7. transferring or discharging the personal assistant assigned to provide their services;

8. an informal resolution process to address their complaints and/or concerns regarding personal assistant services; and

9. a formal resolution process to address those situations where the informal resolution process fails to resolve their complaint.

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

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

§14109. Standards for Participation

A. In order to participate as a Personal Assistant Services provider in the Medicaid Program, an agency:

1. must comply with:

- a. state licensing regulations;
- b. Medicaid provider enrollment requirements;
- c. the standards of care set forth by the Louisiana Board of Nursing; and

d. the policy and procedures contained in the Personal Assistant Services provider manual;

2. must possess a current, valid license for the Client Services Providers, Personal Care Attendant Services Module issued by the Department of Social Services, Bureau of Licensing.

B. In addition, a Medicaid enrolled agency must:

1. either demonstrate experience in successfully providing direct care services to the target population or demonstrate the ability to successfully provide direct care services to the target population;

2. employ a sufficient number of personal assistant and supervisory staff to ensure adequate coverage in the event that a assistant's illness or an emergency prevents him/her from reporting for work;

3. ensure that a criminal background check and drug testing is conducted for all direct care staff prior to an offer of employment being made;

4. ensure that the direct care staff is qualified to provide personal assistant services. Assure that all new staff satisfactorily completes an orientation and training program in the first 30 days of employment;

NOTE: A legally responsible relative is prohibited from being the paid personal assistant for a family member. Legally responsible relative is defined as a recipient's spouse or a parent of a minor child.

5. ensure that an employee has a current, valid driver's license and automobile liability insurance if transportation is furnished. The provider agency must accept the liability for their employee transporting a recipient;

6. assure that all agency staff is employed in accordance with Internal Revenue Service (IRS) and Department of Labor regulations. The subcontracting of individual personal care staff and/or supervisors is prohibited;

7. implement and maintain an internal quality assurance plan to monitor recipient satisfaction with services on an ongoing basis;

8. document and maintain recipient records in accordance with federal and state regulations governing confidentiality and licensing requirements;

9. have written policies and procedures that recognize and reflect the recipient's right to participate in the activities set forth in §14107;

10. have a written policy for an informal resolution process to address recipient complaints and/or concerns regarding personal assistant services; and

11. have a written policy for a formal resolution process to address those situations where the informal resolution process fails to resolve the recipient's complaint.

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

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

§14111. (Reserved)

§14113. Place of Service

A. Personal assistant services may be provided in the recipient's home or in another location outside of the recipient's home if the provision of these services allows the recipient to participate in activities to obtain or maintain employment. The recipient's home is defined as the recipient's place of residence including his/her own house or apartment, a boarding house, or the house or apartment of a family member or unpaid primary care-giver. A hospital, an institution for mental disease, a nursing facility, or an intermediate care facility for the mentally retarded, are not considered to be the recipient's home.

B. The provision of services outside of the recipient's home does not include trips outside of the borders of the state. However, consideration will be given when the recipient lives in an area adjacent to the state's border and it is customary for residents of that area to seek medical and other services in the neighboring state or when the recipient is required to travel out of state for employment related business.

C. Personal assistant services shall not be provided in the personal assistant's home. However, consideration will be given if it can be satisfactorily assured that:

1. the selection of the place of service is consistent with the recipient's choice;

2. the recipient's health and safety can be maintained when services are provided in the personal assistant's home; and

3. the services do not substitute for otherwise available family and/or community supports.

D. Place(s) of service must be documented in the service plan and progress notes.

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

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

§14115. Service Limitations

A. Personal assistant services shall be limited to up to 56 hours per week. Authorization of service hours shall be considered on a case-by-case basis as substantiated by the recipient's service plan and supporting documentation. An extension of the weekly service limit may be requested and will be considered on the basis of medical necessity.

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

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

§14117. Reimbursement Methodology

A. Reimbursement for personal assistant services shall be a prospective flat rate for each approved unit of service that is provided to the recipient. One quarter hour is the standard unit of service for personal assistant services. Reimbursement shall not be paid for the provision of less than one quarter hour of service.

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

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

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

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, May 27, 2003 at 9:30 a.m. in the Wade O. Martin Auditorium, State Archives Building, 3851 Essen Lane, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Personal Assistant
Services Employment Support**

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

It is anticipated that the implementation of this proposed Rule will increase state fund expenditures \$2,619,441 for SFY 2003-04, \$2,698,024 for SFY 2004-05 and \$2,778,965 for SFY 2005-2006. It is anticipated that \$756 (\$378 SGF and \$378 FED) will be expended for the state's administrative expense for promulgation of this proposed Rule and the final Rule in SFY 2002-03.

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

It is anticipated that the implementation of this proposed Rule will increase federal revenue collections by \$6,584,497 for SFY 2003-04, \$6,782,032 for SFY 2004-05, and \$6,985,493 for SFY 2005-2006. \$378 is included in SFY 2002-03 for the federal administrative expenses for promulgation of this proposed Rule and the final Rule.

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

This proposed Rule will implement a Personal Assistant Services Program (State response to the federal "Ticket to Work Initiative") as an optional service under the Medicaid State Plan to provide personal care services to Medicaid recipients (approximately 800) with disabilities, between the ages of 18 and 64 years old. Implementation of this proposed Rule will increase expenditures by approximately \$9,203,938 for SFY 2003-04, \$9,480,056 for SFY 2004-05, and \$9,764,458 for SFY 2005-2006

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition. It is anticipated that this proposed Rule will provide Social Security disability beneficiaries and blind or disabled Supplemental Security Income beneficiaries with expanded access to employment services, vocational rehabilitation services or other support services.

Ben A Bearden
Director
0304#053

H Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Child Care Assistance Program
Proof of Social Security Numbers as an Eligibility
Requirement (LAC 67:III.5103)

The Department of Social Services, Office of Family Support, proposes to amend the Louisiana Administrative Code, Title 67, Part III, Subpart 12, Child Care Assistance Program.

Pursuant to clarification found in transmittal ACYF-PI-CC-00-04 from the U.S. Department of Health and Human Services, Administration on Children, Youth, and Families, regarding disclosure of Social Security numbers as part of the eligibility process for child care, the agency proposes to amend §5103, Conditions of Eligibility, by eliminating the requirement that low-income families provide proof of social security numbers for all household members as a condition of eligibility for child care assistance.

Title 67

SOCIAL SERVICES

Part III. Family Support

Subpart 12. Child Care Assistance

Chapter 51. Child Care Assistance

Subchapter B. Child Care Assistance Program

§5103. Conditions of Eligibility

A. - A.1. ...

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

1. - 6. ...

7. The family requests child care services, provides the information and verification necessary for determining eligibility and benefit amount, and meets appropriate application requirements established by the State. Required verification includes birth verification for all children in need of care, proof of all countable household income, and proof of the hours of all employment/education/training.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, P.L. 104-193, 42 U.S.C. 9859 et seq. and §205, 5 U.S.C. §552.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 24:356 (February 1998), amended LR 25:2444 (December 1999), LR 26:2827 (December 2000), LR 27:1932 (November 2001), LR 28:1490 (June 2002), LR 29:43 (January 2003), LR 29:

Family Impact Statement

1. What effect will this Rule have on the stability of the family? Implementation of this Rule should have a positive impact on family stability, as fewer cases may be denied benefits because of the inability to provide proof of Social Security numbers.

2. What effect will this have on the authority and rights of persons regarding the education and supervision of their children? The Rule will have no effect on the authority and rights of persons regarding the education and supervision of their children.

3. What effect will this have on the functioning of the family? This Rule should have no effect on the functioning of the family.

4. What effect will this have on family earnings and family budget? This Rule could positively impact the family's budget as those families previously denied child care assistance for failure to provide proof of Social Security numbers may now be eligible for assistance with child care costs.

5. What effect will this have on the behavior and personal responsibility of children? This Rule should have no effect on the behavior and personal responsibility of children.

6. Is the family or local government able to perform the function as contained in this proposed Rule? No, this program is strictly an agency function.

Interested persons may submit written comments by May 29, 2003, to Ann S. Williamson, Assistant Secretary, Office of Family Support, Post Office Box 94065, Baton Rouge, LA, 70804-9065. She is responsible for responding to inquiries regarding this proposed Rule.

A public hearing on the proposed Rule will be held on May 29, 2003, at the Department of Social Services, A.Z. Young Building, Second Floor Auditorium, 755 Third Street, Baton Rouge, LA, beginning at 9 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the Bureau of Appeals at least seven working days in advance of the hearing. For assistance, call 225-342-4120 (Voice and TDD).

Gwendolyn P. Hamilton
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Child Care Assistance Program Proof of Social Security Numbers as an Eligibility Requirement

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

The estimated costs of amending §5103 to remove the requirement of proof of Social Security numbers for all household members will have minimal to no impact on costs other than the cost of publishing rulemaking and printing policy and forms revisions which are estimated to be \$5,180.

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

There is no effect on revenue collections of state or local governmental units.

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

The proposed Rule results in no costs to any persons or non-governmental groups and no economic benefit to non-governmental groups. A minimal number of low-income families (less than one percent) may benefit from the removal of the eligibility criterion resulting in their eligibility for child care assistance.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed actions will have no impact on competition and employment.

Ann S. Williamson
Assistant Secretary
0304#063

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Social Services Office of Family Support

Support Enforcement/Recovery Action
(LAC 67:III.2516)

The Department of Social Services, Office of Family Support, Support Enforcement Services proposes to amend the Louisiana Administrative Code, Title 67, Part III, Subpart 4, Support Enforcement Services (SES), the Support Enforcement Program.

Pursuant to R.S. 46:233.1.C the agency intends to amend the procedure for recovery of erroneous child support payments. The proposed amendment will allow SES to automatically withhold up to 10 percent from an individual's future child support payments to correct an overpayment if the individual's consent is given during the initial application process. The agency currently withholds up to 10 percent of future child support payments to recover loss from erroneous payments; however, the withholding is initiated only after the individual is provided notification and allowed 30 days to arrange for repayment. The proposed procedure will expedite the recovery process for overpayments.

Title 67

SOCIAL SERVICES

Part III. Family Support

Subpart 4. Support Enforcement Services

Chapter 25. Support Enforcement

Subchapter D. Collection and Distribution of Support Payments

§2516. Recovery of Erroneous Child Support Payments

A. Upon notification that an erroneous payment has been made, SES will automatically withhold up to 10 percent from each future child support payment to recover this loss when the individual has given consent to the automatic recovery during the application process. If the individual disagrees with an automatic recovery during the application process, upon notification from SES the individual will be allowed 30 days to arrange for repayment prior to SES initiating action to recover the loss by withholding up to 10 percent of each future support payment.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 302.32, 302.51, and RS 46:233(1)(C).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 23:1327 (October 1997), amended LR 29:

Family Impact Statement

1. What effect will this Rule have on the stability of the family? The proposed Rule could minimally affect the stability of the family since the state will reduce child support payments by 10 percent to compensate for prior overpayments.

2. What effect will this have on the authority and rights of persons regarding the education and supervision of their children? The proposed Rule will not affect the authority and rights of persons regarding the education and supervision of their children.

3. What effect will this have on the functioning of the family? This Rule will not affect the functioning of the family.

4. What effect will this have on family earnings and family budget? The proposed Rule could impact the family's budget by reducing future support payments by 10 percent to compensate for prior overpayment.

5. What effect will this have on the behavior and personal responsibility of children? This Rule will not affect the behavior or personal responsibility of children.

6. Is the family or local government able to perform the function as contained in this proposed Rule? No, this program is strictly an agency function.

Interested persons may submit written comments by May 29, 2003, to Ann S. Williamson, Assistant Secretary, Office of Family Support, P.O. Box 94065, Baton Rouge, LA, 70804-9065. She is responsible for responding to inquiries regarding this proposed Rule.

A public hearing on the proposed Rule will be held on May 29, 2003, at the Department of Social Services, A.Z. Young Building, Second Floor Auditorium, 755 Third Street, Baton Rouge, LA beginning at 9 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the Bureau of Appeals at least seven working days in

advance of the hearing. For assistance, call 225-342-4120 (Voice and TDD).

Gwendolyn Hamilton
Secretary

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

RULE TITLE: Support Enforcement Recovery Action

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

The immediate cost of implementing this Rule is estimated to be \$1,360 for the cost of publishing the Rule and printing policy, forms and forms instructions.

There are no savings to state or local governmental units.

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

Support Enforcement Services' revenue collections are obtained through application fees, state share of Family Independence Temporary Assistance Program (FITAP) collections, and incentives from the federal government. This Rule will have no effect on revenue collections as the agency will reduce support by 10 percent to compensate for prior overpayments.

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

The custodial parent will be affected minimally since the state will temporarily reduce child support payments by 10 percent to compensate for prior overpayments. There are no anticipated costs to nongovernmental agencies and no economic benefits to any persons or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed Rule will have no impact on competition and employment.

Ann S. Williamson
Assistant Secretary
0304#062

H. Gordon Monk
Staff Director
Legislative Fiscal Office