Notices of Intent

NOTICE OF INTENT

Department of Agriculture and Forestry
Horticulture Commission

Examination Fees (LAC 7:XXIX.109)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, Horticulture Commission, hereby proposes to amend regulations governing fees for exams administered by the Horticulture Commission.

Louisiana is experiencing an unprecedented shortfall in state finances. The legislature has cut the department's budget; therefore, using other department funds to cover the deficit of the Horticulture Commission is not a continuing option. The fiscal year begins on the first of July. The department must use the emergency adoption provisions to insure that programs that begin in July will be adequately funded for the 2003-2004 fiscal year. Adoption of these Rules will take place in accordance with the Administrative Procedure Act. However, this process takes several months to complete and would cause additional deficits to continue and the possibility of work reductions.

These Rules are enabled by R.S. 3:3801, 3:3805 and 3:3806.

The text of this Notice of Intent can be viewed in its entirety in the Emergency Rule section of this issue of the *Louisiana Register*.

Family Impact Statement

The proposed amendments to LAC XXIX. Chapter 1 governing fees for exams administered by the Horticulture Commission should not have any known or foreseeable impact on any family as defined by R.S. 49:972.D or on family formation, stability and autonomy. Specifically there should be no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

All interested persons may submit written comments on the proposed Rules through August 25, 2003 to Craig Roussel, Department of Agriculture and Forestry, 5825 Florida Blvd., Baton Rouge, LA 70806. No preamble concerning the proposed Rules is available.

Bob Odom
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Examination Fees

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

No implementation costs or savings to state or local governmental units are anticipated. The Louisiana Department of Agriculture and Forestry is proposing to increase the fees assessed for examinations administered by the Louisiana Horticulture Commission. The amount proposed is an increase for Retail Florists of $50; Landscape Architects of $150 for first time applicants and those applying through reciprocity, and $50 for those retaking various sections of the exam; for Wholesale Florists, Horticulturists, Arborists, Utility Arborists, and Landscape Contractors the increase will be $15. In the past, the programs expenditures related to these services have exceeded collections; therefore, the fee increases are necessary to increase dedicated funds to offset a decrease in state general funds.

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

There is estimated to be a total increase in revenue collections of $23,625 to the Horticulture Commission Fund. This increase in collections was calculated using the number of various exams administered per year.

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

There will be an increase in costs to persons desiring to take the examination to be licensed in the various professions. For Retail Florists this increase will be $50; for Landscape Architects the increase will be $150 for first time applicants and those applying through reciprocity, and $50 for those retaking various sections of the exam; for Wholesale Florists, Horticulturists, Arborists, Utility Arborists, and Landscape Contractors the increase will be $15. There will be no additional paperwork as a result of these amendments. This Rule change should have no significant impact on receipts and/or income.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed amendments are not anticipated to have a net effect on competition and employment.

Skip Rhorer	Robert E. Hosse
Assistant Commissioner	General Government Section Director
0307#092	Legislative Fiscal Office

NOTICE OF INTENT

Department of Agriculture and Forestry
Horticulture Commission

Nursery Certificate Permit Fees (LAC 7:XV.126)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry hereby proposes to amend Regulations governing fees for nursery certificate permits and permit tags.

Louisiana is experiencing an unprecedented shortfall in state finances. The legislature has cut the department's budget; therefore, using other department funds is not a continuing option. The fiscal year begins on the first of July. Adoption of these Rules will take place in accordance with the Administrative Procedure Act.

These Rules are enabled by R.S. 3:1655 and 3:1652.

Title 7
AGRICULTURE AND ANIMALS
Part XV. Plant Protection and Quarantine
Chapter 1. Crop Pests and Diseases
Subchapter B. Nursery Stock Quarantines
§126. Nursery Certificate Permit Fees

A. There is hereby established and henceforth there shall be an annual fee paid by nursery permittees as follows.

1. Any nursery which consists of acreage greater than 2,500 square feet or greenhouse area greater that 200 square feet shall be $100 per location per year and all other nursery certificate permittees shall pay a fee of $25 per location per year.

2. There is hereby established and henceforth there shall be a fee of $0.10 per nursery certificate permit tag issued by the Louisiana Department of Agriculture and Forestry to the nursery certificate permittee.

B. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655 and R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 15:78 (February 1989), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Horticulture Commission, LR 29:

Family Impact Statement

The proposed amendments to LAC XXIX.126 governing fees for exams administered by the Horticulture Commission should not have any known or foreseeable impact on any family as defined by R.S. 49:972.D or on family formation, stability and autonomy. Specifically there should be no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

All interested persons may submit written comments on the proposed Rules through, August 25, 2003 to Craig Roussel, Department of Agriculture and Forestry, 5825 Florida Boulevard, Baton Rouge, LA 70806. No preamble concerning the proposed Rules is available.

Bob Odom
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Nursery Certificate Permit Fees

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

No implementation costs or savings to state or local governmental units are anticipated. The Louisiana Department of Agriculture and Forestry is proposing to increase the fees assessed for Nursery Certificate Permits. The amount proposed is an increase from $50 to $100 per nursery location for acreage greater than 2,500 square feet or greenhouses greater than 200 square feet. All other nursery certificate permits are increasing from $10 to $25. Additionally, the proposed increase for nursery certificate permit tags is from $0.05 to $0.10 per tag. This action is required due to budget shortfalls and cuts in the department's budget. The fee increase is necessary to balance the department's budget.

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

There is estimated to be a total increase in revenue collections of $39,100 to the nursery fund. This increase in collections was calculated using the number of nursery certificate permits and tags issued each year.

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

There will be an increase in costs to nursery growers. The amount of the increase on individuals will be $15 or $50, depending on the size of the nursery. The increase in the costs of nursery certificate permit tags will vary according to the number of tags needed for shipments out of state. There will be no additional paperwork as a result of these amendments. The impact on income of nursery growers should be non-significant due to this fee increase.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed amendments are not anticipated to have a net effect on competition and employment.

Skip Rhorer	Robert E. Hosse
Assistant Commissioner	General Government Section Director
0307#089	Legislative Fiscal Office

NOTICE OF INTENT

Department of Agriculture and Forestry
Horticulture Commission

Sweet Potato Quarantine (LAC 7:XV.143)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, hereby proposes to amend regulations regarding the sweet potato Weevil Quarantine regulations.

Louisiana is experiencing an unprecedented shortfall in state finances. The legislature has cut the department's budget; therefore, using other department funds to cover the deficit for the sweet potato weevil quarantine program is not

a continuing option. The fiscal year begins on the first of July. The department must use the emergency adoption provisions to insure that programs that begin in July will be adequately funded for the 2003-2004 fiscal year. Adoption of these Rules will take place in accordance with the Administrative Procedure Act. However, this process takes several months to complete and would cause additional deficits to continue and the possibility of work reductions.

These rules are enabled by R.S. 3:1652 and 3:1732.

Title 7
AGRICULTURE AND ANIMALS
Part XV. Plant Protection and Quarantine
Chapter 1. Crop Pests and Diseases
Subchapter C. Sweet Potato Weevil Quarantine
§143. Fees

A. fee of $0.06 per bushel shall be charged for each bushel of sweet potatoes moved or shipped within or out of Louisiana.

B. …

C. A fee of $0.10 per thousand shall be charged for vines, plants, slips or cuttings moved or shipped within or out of Louisiana.

D. - D.2. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655, R.S. 3:1732 and R.S. 3:1734.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:321 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 15:77 (February 1989), LR 18:705 (July 1992), LR 27:1178, amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Horticulture Commission, LR 29:

Family Impact Statement

The proposed amendments to rules LAC 7:XV.143 regarding the sweet potato weevil quarantine regulations should not have any known or foreseeable impact on any family as defined by R.S. 49:972.D or on family formation, stability and autonomy. Specifically there should be no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

All interested persons may submit written comments on the proposed Rules through, August 25, 2003, to Craig Roussel, Department of Agriculture and Forestry, 5825 Florida Boulevard, Baton Rouge, LA 70806. No preamble concerning the proposed Rules is available.

Bob Odom
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Sweet Potato Quarantine

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

No implementation costs or savings to state or local governmental units are anticipated. The Louisiana Department of Agriculture and Forestry is proposing to increase the fees assessed for the Sweet Potato Weevil Quarantine Program. The amount proposed is an increase from $0.04 to $0.06 per bushel and from $0.05 to $0.10 per thousand plants, vines, slips, or cuttings. In the past, the programs expenditures related to these services have exceeded collections; therefore, the fee increases are necessary to increase dedicated funds to offset a decrease in state general funds.

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

There is estimated to be a total increase in revenue collections of $95,500 to the Sweet Potato Weevil Quarantine Program Fund. The increase in collections was calculated using average sweet potato production figures per year.

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

There will be an increase in costs to sweet potato growers and processors. The amount of the increase on individuals will vary depending on their individual production. The increase will amount to $3.50 per acre for growers and $0.72 per ton for processors. There will be no additional paperwork as a result of these amendments. There may be some impact on income of sweet potato growers and processors due to this fee increase. The amount of impact will vary among individuals.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed amendments are not anticipated to have a net effect on competition and employment.

Skip Rhorer	Robert E. Hosse
Assistant Commissioner	General Government Section Director
0307#090	Legislative Fiscal Office

NOTICE OF INTENT

Department of Agriculture and Forestry
Seed Commission

Fees; Penalties; Adjudicatory Hearings
(LAC 7:XIII.113, 115, 143 and 153)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et. seq., the Department of Agriculture and Forestry, Office of the Louisiana Seed Commission, proposes to amend Regulations regarding seed license fees, laboratory fees, inspection fees on agricultural seed and penalties.

Louisiana is experiencing an unprecedented shortfall in state finances. The legislature has cut the department's budget; therefore, using other department funds to cover the deficit of the Seed Commission is not a continuing option. The fiscal year begins on the first of July. The department

must implement these regulations to insure that programs that begin in July will be adequately funded for the 2003-2004 fiscal year. Adoption of these Rules will take place in accordance with the Administrative Procedure Act.

These Rules are enabled by R.S. 3:1433.

Title 7
AGRICULTURE AND ANIMALS
Part XIII. Seeds
Chapter 1. Louisiana Seed Law
§113. License Fee; Laboratory Fees

A. The annual fee for a seed dealer's license shall be $75.

B. The following laboratory fees shall be applicable to all seed testing conducted by this department:

1. standard germination test only, purity test only or noxious weed examination only: $8 each (except grasses, mixtures and seed containing high inert: $16 each);
2. complete test (purity and germination): $14 each (except grasses, mixtures and seed containing higher inert: $24 each);
3. Accelerated Aging: $12 each;
4. Texas Cool Test: $16 each;
5. Tetrazolium: $20 each; and
6. Examination of 4-pound rice seed sample for presence of red rice: $10;
7. Varietal Purity $12;
8. Priority Sample $25.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 4:105 (April 1978), amended LR 7:164 (April 1981), amended by the Department of Agriculture and Forestry, Seed Commission, LR 12:825 (December 1986), LR 14:603 (September 1988), LR 29:

§115. Inspection Fees on Agricultural Seed

A. In addition to the requirements of the Act, any person who sells, distributes, or offers or handles for sale agricultural seed within this state for planting purposes shall pay an inspection fee thereon in accordance with the following.

1. All seed dealers shall pay an inspection fee of $0.20 for each 100 pounds of agricultural seed sold, offered for sale, exposed for sale, or otherwise distributed for sale for planting purposes within this state. The inspection fee shall be due on the total pounds of first point of sales distributions in Louisiana by the seller of the seed.

Exception: The payment of an inspection fee is not required for a person who offers for sale, sells, or distributes Louisiana certified tagged seed upon which inspection fees have already been paid.

2. Records must be kept by the seed dealer showing the total pounds of each lot identified as to the kind and variety (when applicable). In addition, for auditing purposes, records must be kept by the seed dealer showing the invoice number for each distribution of seed, identified with the name of the kind and variety (when applicable), the lot number, pounds of seed, and number of containers of seed, and the person, to whom the seed was distributed.

3. Each seed dealer shall file with the department a quarterly report (supplied by the department) covering the following periods: 1st quarter July, August, September; 2nd quarter October, November, December; 3rd quarter January, February, March; 4th quarter April, May, June. Reports and fees shall be filed with the department no later than 30 days following the end of each quarter. The department may assess a 10 percent additional charge for late reports. If a seed dealer has no sales during the quarterly reporting period the department must be notified accordingly.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Seed Commission, LR 14:603 (September 1988), amended LR 29:

§143. Fees

A. The application fee for certification shall be $23 for each crop, one variety per application, plus $0.90 per acre inspection fee for all crops except sweet potatoes and sugar cane which shall be $1.80 per acre and Turf and Pasture Grass which shall be $25 per acre. The application fee shall be due and payable upon filing of the application for certification.

B. The fee for certification on any application submitted after the deadline shown in §131 shall be $100.

C. A fee of $50 shall be charged for each re-inspection of a field.

D. Fees for issuance of certified seed tags shall be $0.16 for the following classes of seed:

1. breeder (white tag);
2. foundation (white tag);
3. registered (purple tag);
4. certified (blue tag);
5. selected tree seed (green tag); and
6. source identified tree seed (yellow tag).

E. Fees for Sweet Potatoes

1. The fee for greenhouse inspections of virus-tested sweet potato plants and mini-roots shall be $50 per crop year.
2. A fee of $0.05 per 1,000 plants will be collected for each 1,000 sweet potato plants inspected for certification purposes.

F. Fees for Bulk Seed Certification. The fee for issuance of a Bulk Certified Seed Sales Certificate shall be $0.16 per hundred-weight.

G. Fees for Phytosanitary Inspection. A fee of $0.50 per acre shall be charged for phytosanitary inspections. The application fee for phytosanitary inspection shall be due and payable upon filing of the application for certification.

H. Fees for Re-Sampling Certified Seed. A fee of $30 will be charged for each re-sample, which fee shall be due and payable when the request for re-sample is initially made.

I. Fees for Bulk Sampling. A fee of $30 shall be charged for each bulk sample by vacuum probe, which shall be due and payable when request for bulk sample is initially made.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 8:566 (November 1982), amended LR 10:495 (July, 1984), amended by the Department of Agriculture and Forestry, Seed Commission LR 12:825 (December 1986), amended LR 14:604 (September 1988), amended LR 16:847 (October 1990), LR 25:1617 (September 1999), LR 26:235 (February 2000), LR 29:

§153. Penalties; Adjudicatory Hearing Required

A. Whenever the chairman of the Seed Commission has reason to believe that there has been a violation of the Seed Law or any of these rules and regulations, he shall notify the person believed to have committed the violation, the notice

to be in accordance with the requirements of the Administrative Procedure Act.

B. No penalty shall be imposed on any individual, firm, corporation or other legal entity regulated under the Seed Law until such time as an adjudicatory hearing is conducted, such hearing to be conducted in accordance with the requirements of the Administrative Procedure Act.

C. Whenever the Seed Commission determines that a violation has occurred, the Seed Commission may impose any of the following penalties:

1. withdraw from the offender the right to have seed certified under these procedures;

2. destroy any seed which is not in compliance with the requirements of the Seed Law or the requirements of these regulations; or

3. impose a penalty not to exceed $500 for each offense.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1446 and R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 8:567 (November 1982), amended LR 9:197 (April 1983), 12:825 (December 1986), LR 29:

Family Impact Statement

The proposed amendments to LAC 7:XIII.113, 115, 143, 153 regarding seed license fees, laboratory fees, inspection fees on agricultural seed and penalties should not have any known or foreseeable impact on any family as defined by R.S. 49:972.D or on family formation, stability and autonomy. Specifically there should be no known or foreseeable effect on:

1. the stability of the family;

2. the authority and rights of parents regarding the education and supervision of their children;

3. the functioning of the family;

4. family earnings and family budget;

5. the behavior and personal responsibility of children;

6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

All interested persons may submit written comments on the proposed Rules through August 25, 2003, to Eric Gates, Department of Agriculture and Forestry, 5825 Florida Boulevard, Baton Rouge, LA 70806. All interested persons will be afforded an opportunity to submit data, views or arguments in writing at the address above. No preamble concerning the proposed Rules is available.

Bob Odom
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Fees; Penalties; Adjudicatory Hearings

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

No implementation costs or savings to state or local governmental units are anticipated. The Louisiana Seed Commission is proposing to increase the fees for analytical services provided by the Louisiana State Seed Testing Laboratory as well as fees and penalties for the Seed Certification Program. These fees are based on the costs associated with inspecting, obtaining, administering, conducting various lab analyses and processing reports from such actions. The commission is also proposing to increase the seed dealers license and seed inspection fees. In the past, the commission's expenditures related to these services have exceeded collections; therefore, the fee increases are necessary to increase dedicated funds to offset a decrease in state general funds.

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

There is estimated to be a total increase in revenue collections of $110,324 to the Seed Commission Fund. The increase is based on prior year collections from the total number of lab tests performed, seeds sold in Louisiana, and certified acres applied for.

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

There will be an increase in costs to persons desiring the following services: seed dealer license $25; seed inspection fee $0.10/hundred weight; lab analyses for standard germination and purity tests $4, for purity of grasses, red rice, Texas cool test and seed certification $8, for the accelerated aging test $2, and tetrazolium $12; and other certification program increases for sugarcane inspection $0.90/acre, for all other crops $0.30/acre; and feed for field re-inspection $25, seed re-sampling $15 and tag printing $0.08/tag.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed amendments are not anticipated to have a net effect on competition and employment.

Skip Rhorer	Robert E. Hosse
Assistant Commissioner	General Government Section Director
0307#088	Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 105 Louisiana Standards for Programs Serving Four-Year-Old Children (LAC 28:LXXVII.Chapters 1-7)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement the adoption of *Bulletin 105 Louisiana Standards for Programs Serving Four-Year-Old Children*. Bulletin 105 will be printed in codified format as Part LXXVII of the Louisiana Administrative Code. At the May 2003 meeting of the State Board of Elementary and Secondary Education, Bulletin 105 was approved. This bulletin contains both program and content standards needed for the effective operation of a quality early childhood program. This action was necessary in order to ensure quality across early childhood programs under the present jurisdiction of the Department of Education, provide quality standards available to other agencies that serve four-year-old students, and to provide for a consistent flow from pre-kindergarten to kindergarten, thus meeting the mandates of the federal "No Child Left Behind" (NCLB) legislation.

Title 28
EDUCATION
Part LXXVII. Bulletin 105—Louisiana Standards for Programs Serving Four-Year-Old Children
Chapter 1. General Provisions
§101. Introduction

A. *The Louisiana Standards for Programs Serving Four-Year-Old Children* document was developed by a committee of educators from across the state. The committee consisted of representatives of higher education institutions, technical colleges, childcare, Head Start, Department of Social Services, and the Department of Health and Hospitals, as well as representatives from local school system administrators and classroom teachers. The standards were designed to address the needs of all children in all settings. There are a number of principles that guided the development of the document. [These *Guiding Principles* were reprinted with permission from the Connecticut State Department of Education Preschool Curriculum Framework and Benchmarks for Children in Preschool Programs (May 1999).]

1. Early learning and development are multidimensional; developmental domains are highly interrelated. Development in one domain influences the development in other domains. For example, children's language skills impact their ability to engage in social interactions. Therefore, developmental domains cannot be considered in isolation of each other. The dynamic interaction of all areas of development must be considered.

2. Young children are capable and competent. All children are capable of positive developmental outcomes. Therefore, there should be high expectations for all young children.

3. There are individual differences in rates of development among children. Each child is unique in the rate of growth and the development of skills and competencies. Some children may have a developmental delay or disability that may require program staff to adapt expectations of individual children or adapt experiences so that they will be successful in attaining the performance standard. Additionally, each child is raised in a cultural context that may impact a child's acquisition of certain skills and competencies.

4. Children will exhibit a range of skills and competencies in any domain of development. Preschool age children will exhibit a range of skills and competencies in any area of development. All children within an age group should not be expected to master each skill to the same degree of proficiency at the same time.

5. Knowledge of child growth and development and consistent expectations are essential to maximize educational experiences for children and for program development and implementation. Early care and education program staff must agree on what it is they expect children to know and be able to do, within the context of child growth and development. With this knowledge, early childhood staff can make sound decisions about appropriate curriculum for the group and for individual children.

6. Families are the primary caregivers and educators of their young children. Families should be aware of programmatic goals and experiences that should be provided for children and expectations for children's performance by the end of the preschool years. Program staff and families should work collaboratively to ensure that children are provided optimal learning experiences. Programs must provide families with the information they may need to support children's learning and development.

7. Young children learn through active exploration of their environment through children-initiated and teacher-selected activities. The early childhood environment should provide opportunities for children to explore materials and engage in concrete activities, and to interact with peers and adults in order to construct their own understanding about the world around them. There should therefore be a range of approaches to maximize children's learning.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§103. Louisiana Content Standards Foundation Skills

A. The Louisiana Content Standards Task Force has developed the following foundation skills, which should apply to all students in all disciplines.

Citizenship the application of the understanding of the ideals, rights, and responsibilities of active participation in a democratic republic that includes working respectfully and productively together for the benefit of the individual and the community; being accountable for one's choices and actions and understanding their impact on oneself and others; knowing one's civil, constitutional, and statutory rights; and mentoring others to become productive citizens and lifelong learners.

Communication a process by which information is exchanged and a concept of "meaning" is created and shared between individuals through a common system of symbols, signs, or behavior. Students should be able to communicate clearly, fluently, strategically, technologically, critically, and creatively in society and in a variety of workplaces. This process can best be accomplished through use of the following skills: reading, speaking, listening, viewing, and visually representing.

Linking and Generating Knowledge the effective use of cognitive processes to generate and link knowledge across the disciplines and in a variety of contexts. In order to engage in the principles of continual improvement, students must be able to transfer and elaborate on these processes. "Transfer" refers to the ability to apply a strategy or in-content knowledge effectively in a setting or context other than that in which it was originally learned. "Elaboration" refers to monitoring, adjusting, and expanding strategies into other contexts.

Problem-Solving the identification of an obstacle or challenge and the subsequent application of knowledge and thinking processes, which include reasoning, decision-making, and inquiry in order to reach a solution using multiple pathways, even when no routine path is apparent.

Resource Access and Utilization the process of identifying, locating, selecting, and using resource tools to help in analyzing, synthesizing, and communicating information. The identification and employment of appropriate tools, techniques, and technologies are essential to all learning processes. These resource tools include pen, pencil, and paper; audio/video materials, word processors, computers, interactive devices, telecommunication, and other emerging technologies.

NOTE: These foundation skills were developed by the Louisiana Content Standards Task Force in 1997. This task force developed the State Standards for Curriculum Development for kindergarten through grade 12.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§105. Information Literacy Model for Lifelong Learning

A. Students must become competent and independent users of information to be productive citizens of the 21st century. They must be prepared to live in an information-rich and changing global society. Due to the rapid growth of technology, the amount of information available is accelerating so quickly that teachers are no longer able to impart a complete knowledge base in a subject area. In addition, students entering the workforce must know how to access information, solve problems, make decisions, and work as part of a team. Therefore, information literacy, the ability to recognize an information need and then locate, evaluate, and effectively use the needed information, is a basic skill essential to the 21st century workplace and home. Information literate students are self-directed learners, who, individually or collaboratively, use information responsibly to create quality products and to be productive citizens. Information literacy skills must not be taught in isolation; they must be integrated across all content areas, utilizing fully the resources of the classroom, the school library media center, and the community. The Information Literacy Model for Lifelong Learning is a framework that teachers at all levels can apply to help students become independent lifelong learners.

1. Defining/Focusing. The first task is to recognize that an information need exists. Students make preliminary decisions about the type of information needed based on prior knowledge.

2. Selecting Tools and Resources. After students decide what information is needed, they then develop search strategies for locating and accessing appropriate, relevant sources in the school library media center, community libraries and agencies, resource people, and others as appropriate.

3. Extracting and Recording. Students examine the resources for readability, currency, usefulness, and bias. This task involves skimming or listening for key words, "chunking" reading, finding main ideas, and taking notes.

4. Processing Information. After recording information, students must examine and evaluate the data in order to utilize the information by categorizing, analyzing, evaluating, and comparing for bias, inadequacies, omissions, errors, and value judgments. Based on their findings, they either move on to the next step or do additional research.

5. Organizing Information. Students effectively sort, manipulate, and organize the information that was retrieved. They make decisions on how to use and communicate their findings.

6. Presenting Findings. Students apply and communicate what they have learned (e.g., research report, project, illustration, dramatization, portfolio, book, book report, map, oral/audio/visual presentation, game, bibliography, hyper stack).

7. Evaluating Efforts. Throughout the information problem solving process, students evaluate their efforts. This assists students in determining the effectiveness of the research process. The final product may be evaluated by the teacher and other qualified or interested resource persons.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§107. Definitions

Accommodations changes in the curricular material and experiences to accommodate a child's particular needs. Adaptations are not intended to alter the difficulty of the skill or area of development addressed. Such adaptations may enable children with disabilities to have experiences similar to those of their peers.

Child-Initiated Activities children are able to select their own centers, activities, materials, and companions, and are able to manage their own play independently. There is adult interaction in response to the children's developmental needs, as well as to introduce and reinforce concepts. This is also called *free play.* (Note: When children are assigned to centers by staff or the staff selects the activities, materials, etc., for the children, this *is not* considered a child-initiated or free play activity.)

Concrete Hands-On Learning Experiences learning experiences that emphasize choice, free exploration, interaction, and authenticity within a relevant and meaningful context. Such experiences emphasize the development of children's thinking, reasoning, decision-making and problem-solving abilities. Curriculum areas and skills are integrated in the context of the learning activities and experiences as opposed to being taught in isolation.

Content Practice Standards describes the broad outcomes that children should achieve through a high-quality preschool experience. Each Content Practice Standard is aligned with the Louisiana K-4 Content Standards and other relevant state and national standards.

Developmental Profile specifies what most preschool children should be able to know and be able to do by the end of their preschool experiences.

Developmentally Appropriate Practice quality care and education of young children based on:

1. knowledge of how children develop and learn. This includes information about ages and stages of development as well as what materials, activities and interactions are important for each;

2. knowledge of the individual child, including disabilities; and

3. knowledge about the social, cultural and familial cultural context in which children are growing up.

Domain describe the aspect of development for each standard. content areas are specified for each domain.

Early Childhood Environment Rating Scale-Revised (ECERS-R) a reliable and valid research based program quality assessment instrument. This scale is designed for use in classrooms serving children 2 1/2 to 5 years of age. It is used to evaluate classroom environment as well as programmatic and interpersonal features that directly affect children and adults in the early childhood setting. The seven sub-scales of the ECERS-R include: *Space and Furnishings,*

Personal Care Routines, Language-Reasoning, Activities, Interactions, Program Structure, and Parents and Staff.

Emerging Skills skills or abilities, which are not shown as being mastered but are present in a modified or limited form. Attention to emerging skills allows teachers to assess the developmental process and progress of students. Additionally, a focus on emerging skills is important in the planning of the environment and activities to facilitate development of skills.

Examples tips on how to structure the curriculum and environment to assist a child's optimal performance.

Free Play see Child-Initiated Activity.

Grapheme the smallest part of *written* language that represents a phoneme in the spelling of a word.

Head Start Child Outcomes Framework this framework is intended to guide Head Start Programs in the ongoing assessment of the progress and accomplishments of children. The eight general Domains serve as building blocks that are important for school success. The domains include: Language Development, Literacy, Mathematics, Science, Creative Arts, Social and Emotional Development, Approaches to Learning and Physical and Health Development.

Head Start Performance Standards these standards used in Head Start Programs are based on sound child development principles about how children grow and learn. The varied experiences provided by the program support the continuum of children's growth and development in all domains.

Indicators define a Content Practice Standard more specifically so that it can be measured. Each indicator is coded by domain, content area and skill. For example, PK-CM-N1 means Pre-Kindergarten-Cognitive Math-Number 1.

Interest Center an area in the classroom used during free play/ child-initiated activities. In each area, the materials are organized by type and are stored so that they are accessible to the children, shelves have picture/word labels, and the area is appropriately furnished. Interest centers can also be established outdoors.

Louisiana Literacy Profile provides teachers of children in grades K-3 with the means of observing and recording progress in a continuum of growth that is based on literacy behaviors. It informs instruction and promotes development of literacy behaviors.

Manipulatives materials that allow children to explore, experiment, and interact by using their hands or by mechanical means. These learning materials promote dexterity and eye-hand coordination while promoting problem-solving and higher levels of critical thinking. Such items include, but are not limited to, beads and laces, puzzles, small blocks, playdoh, lacing cards, and items that can be snapped, zipped or hooked together to name a few.

Modifications limiting, restricting, or altering materials, the environment or experiences without fundamentally changing the outcome or use of such. Modifications may enable children who are experiencing difficulty with a particular skill or an area of development to successfully achieve competence in these areas. Examples of modifications include offering a variety of levels of puzzles such as interlocking and pegged puzzles.

Multisensory Experiences experiences that allow children to respond to physical stimuli relating to more than one of the five senses. Included in these types of experiences would be cooking activities where the senses of sight, smell, taste, touch and hearing would all be involved.

National Association for the Education of Young Children (NAEYC) links to the Louisiana Standards for Programs Serving Four-Year Olds are related to NAEYC's Guide to Accreditation (1998) which is a compilation of self-studies designed to guide programs through the accreditation process.

Non-Standard Units of Measurement methods of measurement that do not include traditional means such as rulers, scales, clocks, etc. Non-standard units of measurement allow children to explore and thus understand the concept of measurement without being tied to exact numerical data. Items such as pieces of string, rows of blocks or pencils may serve as non-standard units to measure length; balances may help promote understanding of varying weights, and picture-graphs of daily routines allow children to understand the concept of time and passage of time.

Non-Textual Information information expressed through the use of pictures, symbols or icons. Such information may be used by children to process information and to create mental images symbolic of real-world situations without the use of written text.

Onset this is a part of spoken language that is smaller than a syllable but larger than a phoneme. It is the initial consonant sound of a syllable (The onset of *bag* is *b-*; of *swim, sw-*).

Open-Ended Questioning questioning that promotes a child's development as opposed to mere information gathering. This method of questioning is used to motivate children to learn, inquire about and discover their world. Open-ended questioning prompts students to think about their responses and requires a more in-depth level of critical thinking in order to respond. These questions help the student to recognize a problem, analyze contributing factors and to consider a choice of optimal solutions. Open-ended questions are characterized by the words "What if?", "How?" , "What would happen if?", "Why do you think?", "Is there another way?" etc.

Phoneme the smallest part of *spoken* language that makes a difference in the meaning of words.

Phonemic Awareness the ability to hear, identify, and manipulate the individual sounds (phonemes) in spoken words. A child who possesses phonemic awareness can segment sounds in words and blend strings of isolate sounds together to form recognizable words.

Phonological Awareness a broad term that includes phonemic awareness. In addition to phonemes, phonological awareness activities can involve work with rhymes, words, syllables, and other onsets and rimes.

Play-Based Environment a teaching-learning interactive environment through which play is the medium that children learn and make sense of their world. It provides a forum for children to learn to deal with the world on a symbolic level – the foundation for all subsequent intellectual development. In a play-based environment, children have the opportunity to gain a variety of social, emotional and physical skills.

This type of environment is in contrast to the environment where learning is compartmentalized into the traditional content areas and children have little opportunity to actively explore, experiment and interact.

Print Concepts materials, activities, and props, etc. that prompt the ongoing process of becoming literate; that is, learning to read and write. Print concepts include exposure to textual information through books, stories, field trips, notes, labels, signs, chants, etc., and should be part of the emergent-literacy environment of all preschool classrooms.

Props materials used throughout the classroom to extend learning in any one of the interest areas or centers. Props added to an interest center are generally placed in the area in addition to standards items. Examples of props include: puppets that correlate with stories in the library center or phone books and recipe cards in the dramatic play center. Such props allow children to engage in activities in which they can interact with other children, share and take turns, role-play and exercise their imaginations. Additionally, props added to interest centers help children accept responsibility for clean-up, break barriers for sex/culture stereotyping, and deal with age/stage personal relations.

Rime the part of a syllable that contains the vowel and all that follows it (the rime of *bag* is *–ag;* of *swim, -im*).

Self-help Tasks or Skills these skills or tasks comprise a large portion of a young child's daily living tasks and are important in all areas of development. These skills include toileting, serving and eating meals and snacks, cleaning up their environment and grooming and dressing.

Skill Area defines each content area more specifically.

Spatial Sense or Spatial Awareness the sense of orienting to one's environment. A sense of awareness of directionality as well as the child's relationship to self, the environment and others in that environment.

Substantial Portion of the Day free play/child-initiated activities are available to the children at least one third or 35 percent of the instructional day. Example: During a 6 hour instructional day, these activities are available at least 2 hours of the instructional day.

Syllable a part of a word that contains a vowel or, in spoken language, a vowel sound.

Teacher-Directed Activity the activities and/or materials are chosen for the children by the teacher to engage in educational interaction with small groups and individual children as well as with the whole group. (Examples: read a story, cooking activity, or science activity.)

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Chapter 3. Pre-Kindergarten Program Standards

§301. Program Standards

A. Program Standards have been developed to provide recommendations to guide the ongoing development, evaluation, and improvement of early childhood center-based programs serving four-year-old children. The goals and standards are based on research in developmentally appropriate practice for preschool children. In developing the goals and standards, the *Accreditation Standards of the National Association for the Education of Young Children* (NAEYC) and the Head Start Performance Standards were reviewed. *The Early Childhood Environment, Revised Edition* (ECERS-R) was also reviewed and linked to the appropriate program standards.

B. The standards are intended to provide and maintain safe, welcoming, age-appropriate and culturally-sensitive learning environments for young children and their families. While not all items in the Program Standards are regulation or requirements for pre-kindergarten programs, it is recommended that programs strive to meet and/or exceed these standards in order to ensure the quality of the programs.

C. The Program Standards address the following areas:

1. physical environment;
2. transportation;
3. group size and ratio;
4. health and safety practices;
5. nutrition and food service;
6. family involvement and support;
7. staff qualifications and staff development;
8. interactions between staff and children, and among children;
9. curriculum;
10. assessment;
11. collaboration.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§303. Area: Physical Environment

A. Goal. Both indoor and outdoor space will be safe and accessible to all children, including those with disabilities. The indoor and outdoor physical environment will reflect children's interests and offer opportunities for varied play experiences and exploration that will foster children's learning, growth and development. The following checklist for physical environment is provided for your self-assessment.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

A. The outdoor play area is safely maintained and encourages play and learning.	
	1. The program maintains or has access to an outdoor play area, accessible to all young children including children with disabilities, with a minimum of 75 usable square feet per child for the number of children who are outside at any one time. Outdoor play for groups may be scheduled at alternating time periods to allow for space.
	2. There is play equipment of sufficient quantity and variety and appropriate to the needs and ages of the children.
	3. There is an appropriate safety surface material under all playground equipment as recommended by the consumer products safety commission.
	4. Equipment that encourages active physical play (trampolines are prohibited) and quiet play or activity is available.
	5. All play equipment and equipment necessary for the operation of pre-kindergarten programs is maintained in good repair.
	6. There is a play space that is accessible from the classroom building without the necessity of crossing a street.
	7. The outdoor play space is enclosed with a fence or other barrier to protect the children from traffic hazards, to prevent children from leaving the premises without proper supervision, and to prevent contact with animals or unauthorized persons.
	8. The area of the facility and yard that children may access is clean and free from hazards.
	9. Crawlspaces and mechanical, electrical and other hazardous equipment are inaccessible to children.
	10. Fencing is around areas where there are open cisterns, wells, ditches, fishponds, and swimming pools or other bodies of water.
	11. There is a shady area available for children's play.
	12. The program has addressed the requirements of ECERS-R, Items 7, 8, and 29, through self-assessment and on-site monitoring, and has obtained a minimum score of at least 5 for each item.
B. The indoor environment is safely maintained.	
	1. There is a minimum of 35 square feet per child of usable indoor classroom activity space, exclusive of hallways, lockers, bathrooms, kitchens, closets, offices, and areas regularly used for other purposes, such as sleeping or dining. (Recommended for LA 4 pre-kindergarten program funding.)
	2. The indoor environment is safe, clean and physically accessible to all young children, including those with disabilities.
	3. The area of the facility that children may access is clean, free from hazards, and in good repair.
	4. There is access to ample storage/file space, and there is convenient storage for personal belongings.
	5. There is satisfactory space for conferences and adult group gatherings.
	6. The program has addressed the requirements of ECERS-R, Item 1, through self-assessment and on-site monitoring, and has obtained a minimum score of at least 5 for each item.
C. The environment protects the health and safety of children.	
	1. The pre-kindergarten program site meets each of the annual fire prevention and safety requirements (the Office of State Fire Marshal and/or City Fire Department) for schools. For immediate reference, refer to the school/district policy.
	2. All areas of the site used by the children, including sleep areas, are properly heated, cooled, ventilated, and lighted to prevent extreme conditions.
	3. The pre-kindergarten bathrooms and handwashing areas are located within the classroom. If not, the bathrooms and handwashing areas are in close proximity and easily accessible to the classroom.
	4. Secure railing is provided for flights of more than three steps and for porches more than three feet from the ground.
	5. Gates are provided at the head or foot of each flight of stairs to which children have access.
	6. Accordion gates are prohibited unless there is documentation on file that the gate meets requirements as approved by the Office of Public Health, Sanitation Services.
	7. There is a working and readily available telephone at each site that is accessible to the teacher, teacher assistant, and/or administrative staff. (Coin operated phones are not allowed for this purpose.)
	8. Appropriate emergency numbers for the local fire department, police department, poison control, and local medical facility are prominently posted on or near the telephone.
	9. The exact geographical location and address of each pre-kindergarten classroom is posted with the emergency numbers.
	10. Prescription and over-the-counter medications, poisons, cleaning supplies, harmful chemicals, equipment, tools and any substance with a warning label stating it is harmful is locked in a room or in cabinets inaccessible to children.
	11. Refrigerated medication is in a secure container to prevent access by children and to avoid contamination of food.
	12. First aid supplies are available at the site.
	13. The LEA prohibits the use of alcohol and the use or possession of illegal substances or unauthorized potentially toxic substances, firearms, pellet, or BB guns (loaded or unloaded) in the classroom, on the playground, and on any pre-kindergarten class field trip.
	14. The LEA prohibits the use of tobacco in any form in indoor areas, on the playground, and on any sponsored field trips.
	15. The entire site is checked after the last child departs to ensure that no child is left unattended at the end of each day. Documentation includes date, time, and signature of staff conducting the visual check and is reviewed periodically and signed/initialed by the school principal (or the person of highest authority) to ensure that the procedure is consistently followed.
D . There are rest or sleep periods.	
	1. The daily schedule allows for adequate nutrition and rest, with alternating periods of active and quiet activity. The recommended rest period is one hour or not more than 20% of the day except to address the specific needs of individual children. (See Bulletin 741, Standard 2.090.03 for suggested minimum time requirements for preschool.)
	2. A space and quiet activities are provided for children who do not sleep.
	3. Each child is provided with a cot, mat, or crib (cribs may be necessary for children with specific disabilities) of appropriate size, height, and material, sufficient to ensure his/her health and safety.
	4. If mats are used, they are of adequate size and material to provide for the health and safety of the child.
	5. Either the school or the parent provides labeled sheets for children to lie on, unless the cots or mats are covered with vinyl or another washable surface.
	6. Either the school or the parent provides a labeled sheet or blanket for covering the child.
	7. Cots, mats, or cribs are spaced at least 18 inches apart when in use, with a head/toe arrangement so that no two children's heads are adjacent.
	8. The program has addressed the requirements of ECERS-R, Item 11, through self-assessment and on-site monitoring, and has obtained a minimum score of at least 5 for each item.
E. There is a defined classroom arrangement that offers appropriate play and storage areas.	
	1. Indoor play areas are defined clearly by spatial arrangement.
	2. There is sufficient child-sized furniture for routine care, play and learning.
	3. There are low, open shelves, bins or other open containers within easy reach of the children for the storage of play materials in each play area. Toy chests with attached lids are prohibited.
	4. Shelves and containers are clearly labeled for independent use by children.
	5. There is space set aside for children to play alone or with a friend, protected from intrusion from other children.
	6. There is an individual, labeled space for each child's personal belongings.

	7. There are child-related displays that show work done by the children and that relate to the current activities.
F. There is physical access for persons with disabilities.	
	1. The program ensures access for persons with disabilities by compliance with Title 2 of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973.
	2. The program makes reasonable accommodations for children with disabilities and provides access to the full range of activities provided by the program.
	3. A child who is identified as eligible for special education and/or related services under the Individuals with Disabilities Education Act (IDEA) through Louisiana Bulletin 1706 and Louisiana's IEP Handbook for Students with Disabilities – is NOT denied access to pre-kindergarten classes and/or before-and-after school care. The National Association for the Education of Young Children (NAEYC) and the Division for Early Childhood (DEC), Council for Exceptional Children have identified inclusive programs as the preferred service delivery option for most young children with disabilities. However, the most appropriate placement should be determined through the Individualized Education Program (IEP) process. (See Louisiana's IEP Handbook for Students with Disabilities, July 2000, pages 20 and 21 and Bulletin 1706, Subpart A, Regulations for Students with Disabilities Act, July 2000, page 41, 52.) The child having an IEP placement in a pre-kindergarten class with typically developing peers should not be removed from the class roster for any reason without the IEP team reconvening to determine the most appropriate placement.
	4. The program has addressed the requirements of ECERS-R, Item 37, through self-assessment and on-site monitoring, and has obtained a minimum score of at least 5 for each item.

§305. Area: Transportation

A. Goal. Transportation is provided in a safe and efficient manner. The following checklist for transportation is provided for your self-assessment.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

A. Transporting pre-kindergarten students, including those with disabilities.	
	1. Transportation is provided to pre-kindergarten students to ensure that each child is present for the educational/instructional portion of the day. (Requirement for receiving LA 4 pre-kindergarten program funding.)
	2. Transportation to and from the before-and-after school care site may be provided.
	3. The teachers and staff, in cooperation with parents, work to ensure the health and safety of children while being transported.
	4. Pre-kindergarten students who are provided bus transportation are dropped off to the parent or a designated individual.
	5. A communication device (i.e., cell phone, walkie talkie, etc.) is provided and in working order.
	6. For children with disabilities, transportation services meet the requirements of the child's Individual Education Plan.

§307. Area: Group Ratio and Size

A. Goal. The program will have the number of staff necessary to provide adequate group supervision and to provide individual attention to children in order to promote their development in all domains. The following checklist for group ratio and size is provided for your self-assessment.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

A. The program maintains at least minimum staff/child ratios.	
	1. Children are supervised at all times.
	2. Each classroom has no more than a maximum of 20 children enrolled.
	3. Each class has a child-to-adult staff member ratio of no more than 10 to 1, which is maintained at all times.
	4. The staffing in each class is adequate to meet the needs of all children, including children with disabilities.

§309. Area: Health and Safety Practices

A. Goal. The program will be operated in a way that fosters healthy development and safety of children. The following checklist for health and safety practices is provided for your self-assessment.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

A. Health Care and Safety Policy	
	1. The program has a written health care policy that ensures that the appropriate actions are taken to ensure that the health requirements of all children are met, including those with disabilities and specifically identified health needs.
	2. The written health care policy includes, but is not limited to, plans and procedures to address the following areas.
	• Appropriate emergency numbers for the local fire department, police department, poison control, and local medical facility are prominently posted on or near the telephone.
	• Using and maintaining first aid equipment.
	• Meeting individual children's specific health needs, including, but not limited to, identifying children's allergies and ensuring that children are not exposed to foods, chemicals or other materials to which they are allergic. (An individual plan should be developed with a medical professional.)
	3. The program has a written plan concerning the management of children who become ill while at school, including notification of parents.
	4. The program staff members are trained in CPR and Pediatric First Aid and refresher courses are provided once a year.
	5. The program has a plan for the prevention of injuries, including but not limited to, monitoring the program daily to remove or repair any facility, equipment, or materials that may cause injury.
	• All toxic substances, medications, sharp objects and other hazardous objects are stored in a secure/locked place out of reach of the children.
	• Labeling of all containers with contents in order to facilitate contacting the Poison Control Center.

	6. The program has addressed the requirements of ECERS-R, Item 43 through self-assessment and on-site monitoring, and has obtained a minimum score of at least 5 for each item.
B. Child Health Records	
	1. A written, confidential health record is maintained for each child as part of the child's individual record.
	2. Individual child health records include, but are not limited to, the following.
	• Record of immunizations or current religious or medical exemption
	3. Individual child health records include, but are not limited to, the following.
	• Record of immunizations or current religious or medical exemption
	• Pertinent health history (such as allergies or chronic conditions)
	• Log of medications administered and permission form for administration of medications
	• Log or copy of injury reports
	• Vision, hearing, developmental, and dental screening results and health-related referrals
C. Child Abuse and Neglect	
	1. The program has written procedures for protecting children against abuse and neglect, including, but not limited to, the following.
	• Each staff member is provided with a written statement clearly defining child abuse and neglect.
	• All staff receives training regarding policies, procedures, and legal and professional responsibilities about reporting suspected child abuse/neglect.
D. Medical Emergency/Evacuation Plan	
	1. The program has plans for medical emergencies and evacuation procedures.
	2. First aid supplies are adequate in variety and quantity and do not have outdated expiration dates. A plan exists for regularly checking for completeness and outdated expiration dates.
	• The first aid supply kit includes, but is not limited to: adhesive tape, Band-Aids, bandage compress, gauze pads, gauze roller bandage, disposable gloves, instant cold pack, syrup of ipecac, water, scissors, tweezers, and thermometer.
	3. The program has an evacuation plan which includes, but is not limited to, the following.
	• Specific procedures for any children who may need additional assistance during evacuation, including those children with disabilities.
	• Evacuation procedures are practiced with all teachers and staff, and all groups of children at least every other month, or more often if required by local guidelines.
E. Children's Clothing	
	1. Children are dressed appropriately for indoor and outdoor activities.
	2. An adequate supply of dry indoor and outdoor clothing in a variety of appropriate sizes is available at the pre-kindergarten site.
F. Cleaning	
	1. All cleaning supplies and disinfectants are stored in a secure place and out of reach of children.
	2. Trash is removed from all indoor spaces daily.
	3. Stuffed animals and other fabric toys are used only if machine washable and cleaned monthly.
	4. Toys and materials used by the children are cleaned and sanitized at least once a week or more frequently if needed.
G. Personal Hygiene of Staff/Children	
	1. All staff is trained in infection control procedures.
	2. Staff educates children about and promotes hand washing and universal precautions.
	3. Bodily fluids and accompanying tools are cleaned and disinfected immediately.
	4. Toileting is done in a sanitary and appropriate manner to meet the emotional and physical needs of each individual child, including those with disabilities.
	5. Children's personal items and clothing that are soiled are sealed in a plastic bag and sent home for laundering.
	6. The program has addressed the requirements of ECERS-R, Item 13 through self-assessment and on-site monitoring, and has obtained a minimum score of at least 5 for each item.
H. Pets	
	1. Before introducing a pet to the program, teachers and staff consider the effect on all children's health and safety, including but not limited to, allergies.

§311. Area: Nutrition and Food Service

A. Goal. Children will be provided with experiences that promote adequate nutrition and good eating habits. The following checklist for nutrition and food service is provided for your self-assessment.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

A. Food is served in positive, relaxed, social atmosphere.	
	1. Children are given sufficient time at mealtimes and snacks for each child to eat at a reasonable, leisurely rate.
	2. Food is not used as a reward or punishment.
	3. Children are not forced to finish all their food.
	4. No child is denied a meal for any reason other than written medical direction.
	5. Children are encouraged without coercing or negative consequences to eat a well-balanced diet.
	6. Foods that are representative of the children's cultural backgrounds are served periodically.
	7. The program has addressed the requirements of ECERS-R, Item 10 through self-assessment and on-site monitoring, and has obtained a minimum score of at least 5 for each item.

§313. Area: Family Involvement and Support

A. Goal: The staff will coordinate the provision of support services for all enrolled pre-kindergarten children and their families to support maximum early education and care benefits to children so that they are well prepared for formal schooling, and therefore, more likely to experience later academic success. The following checklist for family involvement and support is provided for your self-assessment.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

A. Written information is provided to parents.	
	1. Written information about the program is given to parent(s) or guardian(s) upon admission.
	2. Information is provided to parent(s) or guardian(s) in the form of a parent handbook or other appropriate mechanism.
	3. Parents/guardians and the LEA have signed a Home and School Compact. The Local Education Agency (LEA) has collaborated with parent representatives to develop this compact. Each party has received a copy of the signed document.
	4. The program has addressed the requirements of ECERS-R, Item 38, through self-assessment and on-site monitoring, and has obtained a minimum score of at least 5 for each item.
B. The program provides an orientation process.	
	1. The program has conducted a Program Orientation for Families for parents/guardians of children entering pre-kindergarten before (or not later than 20 working days after) the school system commences the pre-kindergarten program.
	2. The orientation process includes the opportunity to visit the classroom, meet the on-site-administrator, review written material, and observe and talk with teachers and staff prior to enrollment.
	3. Programs assist families whose primary language is other than English or who require use of alternative communication methods to understand the program.
	4. The program has addressed the requirements of ECERS-R, Item 38, through self-assessment and on-site monitoring, and has obtained a minimum score of at least 5 for each item.
C. The program has a system to gather family/child information.	
	1. There is a process that enables the program to learn about the child's and the family's interests and needs.
	2. There is a process for completing pre-testing for every child within two weeks of program commencement.
	3. There is a process for completing post-testing for every child within two weeks of end of the school year.
	4. The program has addressed the requirements of ECERS-R, Item 38, through self-assessment and on-site monitoring, and has obtained a minimum score of at least 5 for each item.
D. The program provides parenting support.	
	1. Parents' knowledge of child development and involvement with their children's educational experiences are enhanced through a variety of informational parenting seminars, volunteer opportunities at the school, parent/teacher conferences, etc.
	2. Seminars and conferences are flexibly scheduled to accommodate working parents/guardians.
	3. Parents/guardians suspected of experiencing emotional difficulties which impede their positive parenting abilities are provided with referrals for appropriate services, including crisis intervention services.
	4. Parents or guardians of children enrolled in pre-kindergarten are informed of all locally available adult education opportunities (such as Even Start, GED programs, vocational/technical schools) to increase literacy levels.
	5. Parents or guardians of children enrolled in pre-kindergarten are informed of all locally available employment counseling services related to available opportunities, training requirements for these positions, and counseling to support the employment interview process.
	6. Opportunities are provided for parents to enhance their knowledge of child development, positive parenting, educational, employment, and health resource information through workshops in collaboration with the pre-kindergarten teachers and school administrators.
	7. Regularly scheduled meetings are held with pre-kindergarten teachers to discuss relevant information concerning support for children and families.
	8. There is a process for assisting with transition activities, such as locating and obtaining all necessary documentation and health-related requirements for kindergarten entry the following year.
	9. The program has addressed the requirements of ECERS-R, Item 38, through self-assessment and on-site monitoring, and has obtained a minimum score of at least 5 for each item.
E. There are mechanisms in place for parent participation.	
	1. A variety of opportunities are provided for parents to participate in the pre-kindergarten program activities, facilitating their success as partners in promotion of the academic success of their children.
	2. The program permits and encourages unannounced visits by parents while their child is present; however, all school policies for visitors must be followed.
	3. The program has a process for allowing parents to provide input in the development of program policy.
	4. The program has addressed the requirements of ECERS-R, Item 38, through self-assessment and on-site monitoring, and has obtained a minimum score of at least 5 for each item.
F. There are mechanisms in place for parent/staff communication.	
	1. There is a verbal and/or written system of communication in the parent's preferred language, when reasonable, for sharing information between parent and staff.
	2. Staff uses arrival and departure as a time to share information with parents.
	3. Changes in a child's physical or emotional state, special problems or significant developments are brought to the parent's attention as soon as they arise.
	4. Parents are informed about the program through regular means such as newsletters, postings on bulletin boards, frequent notes, telephone calls, and other similar measures.
	5. The program has addressed the requirements of ECERS-R, Items 9 and 38, through self-assessment and on-site monitoring, and has obtained a minimum score of at least 5 for each item.
G. There are reports and conferences offered to parents.	
	1. A minimum of two individual conferences per year between the teacher and the parent/guardian are offered and documented in each child's file.
	2. Portfolios are kept up-to-date in the classroom and available for review by the child's parent/guardian.
	3. The program has addressed the requirements of ECERS-R, Item 38, through self-assessment and on-site monitoring, and has obtained a minimum score of at least 5 for each item.

§315. Area: Staff Qualifications and Staff Development

A. Goal. The program will be sufficiently staffed by well-qualified adults who understand child development and who recognize and provide for children's individual needs and differences. Staff will participate in ongoing staff development. The program will encourage staff to further their education and training. The following checklist for staff qualifications and staff development is provided for your self-assessment.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

A. There are common requirements for all staff.	
	1. The program ensures that high quality staff is hired for all positions, including support and custodial staff, teacher assistants, teachers, and administrative staff.
	2. The program keeps the appropriate registration, certification, or license in the personnel file for all staff.
	3. All personnel having contact with children enrolled in the program's pre-kindergarten programs have had a criminal background check and must comply with all other hiring procedures required by the school system. Documentation is on file with the school system.
B. The program is in compliance with requirements for a teacher.	
	1. All teachers possess one of the following credentials (required for all programs). a. A valid and current Louisiana teaching certificate in Nursery School Education, Kindergarten, or Early Intervention. b. A valid and current Louisiana teaching certificate in Elementary Education and an Out-of-Field Authorization to Teach (OFAT) in Kindergarten, Nursery School, or Early Intervention. c. An uncertified teacher with a baccalaureate degree and a Temporary Authority to Teach (TAT), Temporary Employment Permit (TEP), or an Out-of-State Provisional Certificate (OP).
	2. For teachers, employed from categories B and C above, employed for the second and any additional years, documentation that s/he is working toward obtaining a Louisiana teaching certificate in one of the areas of certification listed above has been provided. Documentation that the teacher has taken at least 6 hours from a college/university has been submitted to the Department of Education. (Required for all programs.)
C. The program is in compliance with the requirements for teacher assistant/teacher aide/paraprofessional.	
	1. The program abides by the requirements listed below.
	a. Possess at least a CDA (Child Development Associate) certificate or an Associate's Degree in a closely related field.
	b. Has extended experience in assuming responsibility and caring for a group of preschool age children (children younger than five years of age).
	c. Possess proficient oral and written communication skills.
	d. All other school system, state, and federal requirements for employment.
D. The program is in compliance with requirements for the resource coordinator (resource coordination is a requirement for LA 4 pre-kindergarten funding.).	
	1. The program has access to a person to coordinate the provision of support services for all enrolled pre-kindergarten children who would benefit from such assistance and their families. These services are intended to support maximum early education and care benefits to children so that they are well prepared for formal schooling, and therefore, more likely to experience later academic success.
	2. Persons providing resource coordination services shall meet the following requirements.
	a. Possesses a baccalaureate degree in Social Work, Psychology, Child Welfare, or other field closely related to providing social services to families of young children.
	b. Possesses proficient oral and written communication skills.
E. There are opportunities for staff development.	
	1. All pre-kindergarten teachers, teacher assistants, and caregivers providing services in participating school systems shall be required to attend curriculum training in order to effectively implement the pre-kindergarten curriculum model selected by the school system.
	2. Annual professional development for continuing education is required for all staff working directly with pre-kindergarten children. This continuing education includes no less than 18 clock hours annually.
	3. Continuing education opportunities include various early childhood education topics, including, but not limited to, the following: early language and literacy development, brain research, technology, health and safety, child growth and development, curriculum planning, guidance and discipline techniques, community collaboration, communication/relations with families, working with culturally and/or linguistically diverse children and families, detecting and reporting child abuse and neglect, advocacy for early childhood programs and the profession, and the profession's code of ethical conduct.
	4. Staff development programs include a variety of experiences, such as classroom observations, individual consultations, group workshops, visits to other programs, and attendance at conferences.
	5. Documentation of the required professional development for the teacher and assistant is kept on file at the pre-kindergarten program site.
	6. At least three hours of training time is dedicated to inclusion of children with disabilities.
	7. The program has addressed the requirements of ECERS-R, Item 43 through self-assessment and on-site monitoring, and has obtained a minimum score of at least 5 for each item.
F. The program has a process for staff orientation.	
	1. All pre-kindergarten teachers, teacher assistants, and caregivers providing services should have attended curriculum training prior to commencement of the program each school year, in order to effectively implement the pre-kindergarten curriculum model selected by the school system.
	2. The LEA has collaborated with other governmentally funded and interested private providers of early education and care to children in the school system's jurisdiction who may benefit from the curriculum training opportunity.

§317. Area: Interactions Between Staff and Children, and Among Children

A. Goal. Each child's unique identity, language and cultural background are respected through warm, personal interactions between staff and children. Staff is supportive and responsive to children and facilitates interactions among children. Staff promotes the development of social skills, language, intellectual and emotional growth. Discipline is designed to develop self-discipline and problem-solving strategies. The following checklist for interactions between staff and children, and among children is provided for your self-assessment.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

A. There are opportunities for positive peer interactions.	
	1. The classroom environment and activities are designed to promote peer interaction for a major part of the child's day.
	2. Staff models and encourages cooperation and responsible behaviors among children.
	3. Children are given opportunities to choose from a variety of activities in which they can play alone or with one or several peers.
	4. Children appear comfortable, relaxed, happy, and involved in play and other activities.
	5. Staff assists children in dealing with emotions such as anger, sadness, and frustration by comforting, identifying feelings, and helping children use words to solve their problems.
	6. Staff encourages pro-social behaviors among children, including cooperating, helping, sharing, and taking turns.
	7. The program has addressed the requirements of ECERS-R, Items 16 and 33 through self-assessment and on-site monitoring, and has obtained a minimum score of at least 5 for each item.
B. There are positive staff/child interactions.	
	1. Staff greets children and parents warmly.
	2. Staff has frequent meaningful conversations with children and is responsive to children's needs, temperaments, learning styles, and interests.
	3. Staff assists children and encourage them to be involved and to share experiences, ideas, and feelings.
	4. Staff is physically at the child's level when communicating with them most of the time.
	5. Staff talks to individual children rather than to the whole group most of the time.
	6. Staff frequently uses open-ended questions and statements when conversing with children.
	7. The program has addressed the requirements of ECERS-R, Items 9, 16, 18, 32 and 33 through self-assessment and on-site monitoring, and has obtained a minimum score of at least 5 for each item.
C. The staff relates fairly and equitably to all children and adults.	
	1. Staff treats all children and adults with equal respect and consideration regardless of race, age, language, religion, culture, and family composition.
	2. Staff provides all children with equal opportunities to participate in all activities, including those with disabilities and whose primary language is not English.
	3. The program has addressed the requirements of ECERS-R, Item 28 through self-assessment and on-site monitoring, and has obtained a minimum score of at least 5 for each item.
D. The staff fosters Independence in all children.	
	1. Staff provides guidance to assist children in solving problems and making decisions.
	2. Opportunities are provided to all children to develop self-help skills such as dressing, personal hygiene, tying shoes and using eating utensils appropriately. Accommodations are provided for children with disabilities, as needed.
	3. Materials and equipment are arranged in a manner that is visible and readily accessible to children, so that children may select, remove and replace the materials independently or with minimal assistance.
	4. The program has addressed the requirements of ECERS-R, Items 4 and 13 through self-assessment and on-site monitoring, and has obtained a minimum score of at least 5 for each item.
E. Children's Behavior is managed in a positive manner.	
	1. Discipline is based on an understanding of each child's individual needs and development.
	2. The program has written procedures for behavior management appropriate for four-year-olds, including positive techniques, such as modeling, redirection, positive reinforcement and encouragement. The procedures are provided to and discussed with parents at the time of enrollment.
	3. Staff and children develop clear, consistent and developmentally appropriate rules.
	4. Facility arrangement, daily scheduling and allowing children to solve their own conflicts with appropriate guidance, are used to facilitate the development of self-discipline in children.
	5. Punishment is not discipline or guidance. The following punishments are never used: abusive or neglectful treatments of children, including corporal punishment, isolation, verbal abuse, humiliation and denial of outdoor time, food or basic needs; punishment of soiling, wetting or not using the toilet, including forcing a child to remain in soiled clothing, to remain on the toilet, or any other unusual or excessive practices for toileting.
	6. If a child without an IEP continually causes physical harm to himself/herself or others or continually impedes the learning of himself/herself and others because of other challenging behavior, the following procedure is followed. a. The pre-kindergarten teacher has implemented appropriate interventions and consulted with the parent/guardian and other appropriate consultants, including the resource coordinator, if one is available. b. A referral to the School Building Level Committee has been made. If a decision is made to request emergency removal of the child from the classroom, then the child is also suspected of being in need of special education services and is due the same safeguards as a child receiving special education services. (These procedures are specified in Bulletin 1706, Subpart A, Regulations for Students with Disabilities Act, July 2000, page 78 and 83, part L and in Louisiana's IEP Handbook for Students with Disabilities, July 2000, pages 129-133.)
	7. The program has addressed the requirements of ECERS-R, Item 31 through self-assessment and on-site monitoring, and has obtained a minimum score of at least 5 for each item.

§319. Area: Curriculum (General Curriculum Standards)

NOTE: See also Pre-Kindergarten Content Practice Standards

A. Goal. Curriculum is defined as *everything the staff does with children.* The curriculum should be developmentally appropriate and designed for active involvement by children in the learning process. Young children learn through play, active manipulation of the environment, concrete experiences, and communicating with peers and adults. The curriculum should provide a well-balanced variety of activities and materials that encourage these behaviors and are appropriate to each child's age, background, and stage of development and individual considerations, including disabilities. This Section addresses general curriculum standards for preschool programs, including daily routines and broad curriculum goals. Programs are expected to meet the following general curriculum standards, and also to document the use of the *Pre-kindergarten Content Practice Standards*. The following checklist for curriculum is provided for your self-assessment.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

A. The program provides opportunities for curriculum planning.	
	1. The program has a complete educational program directed toward the development of cognitive, social, emotional, physical, and communication skills in a manner and at a pace consistent with the needs and capabilities of the individual child.
	2. There is documentation that the program utilizes the Pre-kindergarten Content Practice Standards, evidenced through written plans that demonstrate a wide range of activities designed to support a developmentally appropriate instructional program/curriculum.
	3. Written plans describe whole group activities (teacher-initiated activities), as well as interest area/activity center plans (child-initiated activities) for engaging children in the thematic exploration/study that provides for developmentally appropriate and integrated learning experiences to address development.
	4. The daily group time and activity center plans indicate appropriate adaptations/modifications that are necessary for children with disabilities to meet their IEP goals.
	5. At least weekly, classroom staff discusses the curriculum and plans for individual children's needs and growth.
	6. The program uses a pre-kindergarten curriculum that is research-based, supports interrelated development and addresses the Pre-kindergarten Content Practice Standards in the following domains. a. Cognitive (Math, Science, and Social Studies) b. Creative Arts c. Health and Physical d. Language and Literacy e. Social and Emotional
	7. The program has addressed the requirements of ECERS-R, Item 41 through self-assessment and on-site monitoring, and has obtained a minimum score of at least 5 for each item.
B. There are a variety of activity areas.	
	1. Areas are provided to accommodate and facilitate developmentally appropriate learning activities, including but not limited to, block building, dramatic play, art, music, science, technology, math, literacy, sand/water play, woodworking, and manipulatives.
	2. Activity areas are accessible and modified/adapted to accommodate the needs of children with disabilities.
	3. Time and space are available both indoors and outdoors for physical skill development and gross motor activities.
	4. The program has addressed the requirements of ECERS-R, Items 15, 19, 20, 21, 22, 23, 24, 25, 26, 27 through self-assessment and on-site monitoring, and has obtained a minimum score of at least 5 for each item.
C. Goals are adapted to meet individual needs.	
	1. Curriculum goals allow for a variety of learning styles and diverse abilities and are based on the individual needs and interests of children enrolled.
	2. Experiences are provided that support the lifestyle, cultural, and linguistic background of the children enrolled while increasing their knowledge of other backgrounds.
	3. Activities and routines are designed to accommodate Individualized Educational Program (IEP) services and therapies within the classroom as integrated services.
	4. Each child is viewed as having an individual pattern and timing of development and activities and materials increase in complexity and challenge as the children's understanding and skills develop.
	5. The program has addressed the requirements of ECERS-R, Items 28 and 37 through self-assessment and on-site monitoring, and has obtained a minimum score of at least 5 for each item.
D. There is a structure that provides opportunities for activities that meet the variety of learning needs of young children.	
	1. The daily schedule provides the following activities in accordance with LA State Bulletin 741:
	a) indoor/outdoor including both gross and fine motor activities;
	b) quiet/active;
	c) individual/small group/ large group;
	d) child-initiated/staff-directed.
	2. Most materials are visible and readily accessible so children can remove and replace materials independently or with minimal assistance.
	3. The amount of time spent in large-group, teacher-directed activity is limited.
	4. Children have opportunity to play alone or with several chosen peers, if preferred.
	5. A private area is available for children who need time alone.
	6. There is a regular daily routine/schedule posted.
	7. Children are prepared for transitions, which occur in a timely, predictable manner to meet individual needs.
	8. Children are not always expected to move as a group from one activity to another.
	9. The program has addressed the requirements of ECERS-R, Items 3, 34, 35, and 36 through self-assessment and on-site monitoring, and has obtained a minimum score of at least 5 for each item.

§321. Area: Assessment

A. Goal. Assessment of pre-kindergarten students should be used to plan for and modify program activities to address the specific needs of individual children. To help determine the needs of the individual students when planning for instruction, classroom teachers should maintain a portfolio on each student. Children of this age should not be given a pencil and paper test. The following checklist for assessment is provided for your self-assessment.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

A. Student assessment should be used to plan for and modify the instructional program.	
	1. Any assessment instruments used are valid, reliable, culturally sensitive and individually administered by trained personnel.
	2. Information from assessments is used to plan/modify program activities to address the specific needs of individual children.
	3. To help determine the needs of the individual students when planning for instruction, classroom teachers are required to maintain a portfolio on each student. The portfolio will contain, but not be limited to, the following:
	• work samples, including items such as photos or tapes of child created products (e.g., block creations, sculptures, dramatizations, child interviews), actual (or copies of) developmental writing samples, or other items to document child development;
	• anecdotal records, including informal notes on the child's problem solving and critical thinking behaviors related to classroom, social, and academic interactions;
	• checklist and inventories for recording observations of child behaviors and skills that are research-based, such as the Creative Curriculum Developmental Continuum, High/Scope Child Observation Record (COR), Work Sampling Systems (WSS);
	• parent conferences, including information on the child provided by the parent and conference notes;
	• health screening reports;
	• referral records for support services.
	4. Portfolios are kept up-to-date in the classroom and are available for review by the child's parent/guardian and appropriate LEA and state department personnel.

§323. Area: Collaboration

A. Goal. Collaboration implies that responsibility for the care and education of young children extends beyond the immediate family and beyond any one agency. The providers of early childhood programs and related family services differ in each local community. Successful collaborations support activities across public and private domains. Collaboration can serve to start and build a local network of programs that support the diverse needs of pre-kindergarten children and their families. The following checklist for collaboration is provided for your self-assessment.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

A . Collaboration is enhanced among the local school system and community programs and services that serve pre-kindergarten age children and their families.	
	1. The LEA holds meetings at least quarterly to collaborate with all other governmentally funded and privately funded providers of early childhood education (such as Head Start) and care serving children residing within jurisdiction of the LEA.
	2. The program has a plan to maximize existing services in the community to meet the specific needs of four-year-old children in the areas of education, health, and support services.
	3. The interagency meetings provide a forum to ensure interagency communication and coordination, (i.e., share ideas and concerns, problem solve to arrive at solutions to meet the early education and care needs of the community).
	4. The interagency meetings provide a forum for discussing age, individually, and culturally appropriate curriculum and assessment.
	5. The interagency meetings develop a plan to provide cross-programmatic professional development opportunities to acquire continuing education in areas related to early education and care.
	6. The group plans family involvement and appropriate educational opportunities.
	7. The interagency group plans to provide smooth transitions for children from one setting to another.
B. Collaborating partners share a mission and commitment.	
	1. Members representing a range of community interests and different provider agencies are included in the collaboration.
	2. Members have discussed their differences in orientation and philosophy and the missions of all partner agencies.
	3. The LEA and the collaboration have completed a needs assessment that includes demographics, an analysis of existing resources and a description of unmet needs of children and families within the jurisdiction of the LEA.
	4. The collaborating partners have developed a shared vision and mission to which all member agencies and groups are committed.
	5. The collaborating partners have written a mission statement.
	6. The members have identified long-term and short-term goals for their collaborative efforts.
	7. Member agencies and other groups have committed resources and time to facilitate the goals of collaboration.
C. Procedures have been developed to facilitate the goals of the collaboration.	
	1. Formal, written interagency agreements have been developed with all collaborating partners.
	2. Guidelines for resolving conflicts have been developed.
	3. There is a clearly defined decision-making process in the collaboration.
	4. Leadership roles are well defined and shared.
	5. Regular meetings are held on at least a quarterly basis.
	6. Scheduling and location of the meetings are accessible to all members.
	7. There is a process for raising issues and concerns to be included in the meeting agendas.
	8. New efforts are "piggybacked" on other ongoing activities as much as possible.
	9. Tasks are defined in concrete and doable terms.
	10. Working groups are established to address specific projects.
	11. A set of bylaws has been adopted to govern group membership and meetings.
D. Communication is enhanced within the collaboration and to the community.	
	12. An effort is made to document and monitor progress to report to the community.
	13. A formal process for internal communication, including documentation of decision-making has been established.
	14. Collaborating partners share contacts and resources to improve communication with the community.
	15. Conflicts are acknowledged and addressed, in order to keep communication open.
	16. Plans are developed to do regular outreach and share information with non-partner agencies in the community.
	17. A variety of means is used to communicate with families about available services.
	18. Attention is paid to issues of language and literacy in any publicity.

	19. Communication has been established with other nearby communities.
E. There is open communication between the collaboration and the State Department of Education.	
	20. The LEA and collaborating partners share information about progress or challenges with personnel at the Louisiana Department of Education.
	21. The LEA and collaborating partners receive technical assistance from the Louisiana Department of Education to enhance collaboration and improve quality of programs and services.

Chapter 5. Pre-Kindergarten Content Standards
Subchapter A. General
§501. Content Standards

A. This Section contains content standards, which are organized alphabetically into five domains of development.

1. Cognitive development:
   a. Mathematical development;
   b. Science development;
   c. Social Studies development;
2. Creative Arts development;
3. Health and Physical development;
4. Language and Literacy development;
5. Social and Emotional development.

B. The five developmental domains are designed to be interdependent and must be considered as a whole when considering the development of pre-kindergarten children. Each developmental domain includes the following.

1. *Content Practice Standards* describes the broad outcomes that children should achieve a high-quality preschool experience.

2. *Developmental Profile Indicators* specifies what most pre-kindergarten children should be able to do by the end of their pre-kindergarten experience.

3. *Links* Each content practice standard is aligned with the Louisiana K-4 Content Standards and other relevant state and national standards.

C. The content practice standards provide the pre-kindergarten personnel with a common understanding of what young children should know and do. It is designed to be a guide for designing and implementing a curriculum that will facilitate learning and skill acquisition in each pre-kindergarten child. Skills such as letter, numbers, shapes, colors, etc., should not be taught in isolation, but integrated throughout the curriculum.

D. The content practice standards and developmental profile indicators are based on research in developmentally appropriate practice for preschool children. In developing these standards, the *Accreditation Standards of the National Association for the Education of Young Children* (NAEYC) and the *Head Start Performance Standards* were reviewed. The *Early Childhood Environment Rating Scale, Revised Edition* (ECERS-R) was also reviewed and linked to the appropriate content practice standards.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§503. Developmentally Appropriate Practices

Developmentally Appropriate Practices Include:	Developmentally Appropriate Practices Do Not Include:
• Learning centers/Free choice centers	• Timed rotation/Teacher selected
• Concrete learning experiences with real items	• Workbooks or ditto sheets
• Balance of student-initiated and teacher-directed activities in instructional day	• Teacher-directed activities more than 35% of the instructional day
• Actively engaged learners	• Passive quiet learners
• Language and talking encouraged daily	• Classrooms quiet most of the day
• Cozy inviting environments	• Sterile cold environments
• Daily outdoor gross motor time/Adults interacting with the children to facilitate learning	• Recess/Adults are On Duty
• Individual creative art expressions	• Patterned art/Uniform Art projects (all look the same)
• Language/Literacy rich activities encourage phonological awareness	• Alphabet letters taught through rote drill or Letter of the week
• Hands-on math activities	• Rote drill of numbers, shapes, colors, etc.
• Use a variety of materials changed frequently to meet the needs and interests of the children	• Same materials and equipment used daily throughout the school year
• Adult-Child Interactions encourage learning through open-ended questions, extending conversations, reasoning, etc.	• Adult-Child Interactions minimal, unpleasant, non-responsive, inappropriate, or only to control behavior
• Use of TV, videos and computers related to classroom events, appropriate, limited to short periods of time and adult interaction occurs	• TV, videos, and computers not related to classroom events, used inappropriately, no alternative activities are used, and no adult interaction occurs
• Teacher uses a variety of strategies and meaningful activities to develop skills and concepts	• Teacher uses direct instruction to teach and isolates the skills and concepts
• Assessment ongoing/Portfolios used that include anecdotal records, work samples, photographs, etc.	• Isolated testing/Worksheets

NOTE: For more Developmentally Appropriate Practices refer to ECERS-R, NAEYC guidelines, and Bulletin 741.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Subchapter B. Mathematics

§505. Mathematical Development

A. Young children develop mathematical concepts through meaningful and concrete experiences that are broader in scope than numerals and counting. In an inclusive, developmentally appropriate play-based environment, pre-kindergarten children will have opportunities to acquire and understand mathematical skills and concepts using hands-on experiences. They will have access to a wide variety of tools and technologies that foster the understanding of mathematics in real-life situations.

B. Early childhood teachers must be flexible during daily routines and strive to capture teachable moments using open-ended questioning techniques to expand mathematical concepts. These teachers must also facilitate activities that address and extend young children's developmental levels.

C. Accommodations for children with special needs:

1. simplify a complicated task by breaking it into smaller parts or reducing the number of steps;
2. use shorter but more frequent activities and routines;
3. add new activities and specific activities as needed to meet individual needs.

NOTE: Partial participation is considered appropriate for children with special needs, according to their abilities.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§507. Stages of Math Development

A. 2-3 Year-Olds:

1. begin to understand the use of numbers as they hear others using them;
2. understand the use of numbers through exploring objects;
3. work large-piece puzzles;
4. understand direction and relational words;
5. recognize geometric shapes, like a circle;
6. sequence up to three items.

B. 3-4 Year-Olds:

1. recognize and express quantities like *some, more, a lot,* and *another*;
2. begin to have a sense of time;
3. recognize familiar geometric shapes in the environment;
4. sort objects by one characteristic;
5. rote count to 5;
6. notice and compare similarities and differences;
7. use words to describe quantity, length, and size.

C. 4-5 Year-Olds:

1. play number games with understanding;
2. count objects to 10 and sometimes to 20;
3. identify the larger of two numbers;
4. answer simple questions that require logic;
5. recognize more complex patterns;
6. position words;
7. sort forms by shape;
8. compare sizes of familiar objects not in sight;
9. work multi-piece puzzles.

D. 5-6 Year-Olds:

1. begin to understand concepts represented in symbolic form;
2. can combine simple sets;
3. begin to add small numbers in their heads;
4. rote count to 100 with little confusion;
5. count objects to 20 and more;
6. understand that the number is a symbol that stands for a certain number of objects;
7. classify objects by multiple attributes;
8. can decide which number comes before, or after, another number.

Source: The Portfolio and Its Use: A Road Map for Assessment by Southern Early Childhood Association

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§509. Cognitive Math Development

Cognitive Development		
Content Practice Standards	**Developmental Profile Indicators**	**Links**
Preschool programs will provide experiences for children to:	Educational experiences will assure that preschool children will:	Louisiana K-4 Content Standards, ECERS-R, NAEYC, Head Start, etc.
Mathematical Development		
Number Concepts:		
Understand numbers, ways of representing numbers and relationships between numbers and numerals	PK-CM-N1* Compare numbers of objects Examples: • Compare objects in groups such as: shoes which tie and do not tie • Compare number of boys to girls • Compare unifix towers to each other • Begin to use names of numbers in play such as: "I need two more blocks." PK-CM-N2 Perform one-to-one correspondence Examples: • Put pegs in each hole of pegboard • Set the table • Hand out snacks to each child PK-CM-N3 Count by rote Examples: • Sing counting songs • Count in rhymes, fingerplays, poems, stories, etc. PK-CM-N4* Begin to count objects Examples: • Count manipulatives • Count days on the calendar • Count children to line up for field trip • Count the number of children present each day PK-CM-N5 Begin to recognize numerals Examples: • Identify some numerals in their environment • Discriminate between letters and numerals by sorting • Play number games PK-CM-N6 Begin to demonstrate estimation skills Examples: • Estimate how many scoops of sand will fill a pail • Place a small number of items in a see-through container and ask children to estimate number and record the estimate • Estimate how many eggs fit in a strawberry basket	Louisiana K-4 Content Standards: N-1-E N-9-E NAEYC Criterion: B-8, B-5d, B-7c, B-7d ECERS-R Items: 26(5.1), 26(5.4), 26(7.1), 26(7.2) Head Start Performance Standards: 1304.21 (a) (4) (iv) 1304.21 (c) (1) (ii) Head Start Child Outcomes: Domain 3
*PK-CM-N –- Pre-Kindergarten – Cognitive Math – Number Concepts		

Cognitive Development		
Content Practice Standards	**Developmental Profile Indicators**	**Links**
Preschool programs will provide experiences for children to:	**Educational experiences will assure that preschool children will:**	**Louisiana K-4 Content Standards, ECERS-R, NAEYC, Head Start, etc.**
Mathematical Development		
Measurement:		
Uses non-standard units to measure and make comparisons	PK-CM-M1* Experience, compare, and use language relating to time Examples: • Use different types of timers • Participate in discussions about the daily schedule • Begin to use words to describe time intervals such as: yesterday, today, and tomorrow PK-CM-M2 Anticipate, remember, and describe sequences of events Examples: • Recall daily schedule • Count down days to an event • Retell sequential events in a story and/or activity PK-CM-M3 Use mathematical language to describe experiences involving measurement Examples: • Use comparison terms such as: heavy/light; long/short; more/less; big/little, etc. PK-CM-M4 Measure objects in the physical world using non-standard units of measurement Examples: • Use hands to measure objects Use string to measure child's height or circumference of an object such as: pumpkin, watermelon, orange, etc.	Louisiana K-4 Content Standards: M-1-E M-2-E M-3-E M-4-E M-5-E NAEYC Criterion: B-8, B-5d, B-7c, B-7d ECERS-R Items: 26(5.1), 26(7.1), 26(7.2) Head Start Performance Standards: None Applicable Head Start Child Outcomes: Domain 3
*PK–CM-M -- Pre-Kindergarten – Cognitive Math – Measurement		

Cognitive Development		
Content Practice Standards	**Developmental Profile Indicators**	**Links**
Preschool programs will provide experiences for children to:	**Educational experiences will assure that preschool children will:**	**Louisiana K-4 Content Standards, ECERS-R, NAEYC, Head Start, etc.**
Mathematical Development		
Geometry and Spatial Sense:		
Develop an understanding of geometrical and spatial concepts	PK-CM-G1* Recognize, name, describe, compare, and create basic shapes. Examples: • Combine unit blocks to make shapes • Go on shape scavenger hunt • Use shapes to make pictures PK-CM-G2 Identify shapes to describe physical world Examples: • Identify shapes of objects in the environment such as: the classroom door is a rectangle, etc. • Identify roof in photo of house as a triangle PK-CM-G3 Describe and interpret spatial sense: positions, directions, distances, and order Examples: • Describe the position of people or things in relation to self or other objects • Give and follow directions using positional words Describe the movement of objects such as: "The dog jumped over the fence."	Louisiana K-4 Content Standards: G-1-E G-2-E G-4-E NAEYC Criterion: B-8, B-5d, B-7c, B-7d ECERS-R Items: None applicable Head Start Performance Standards: 1304.21 (a) (1) (iv) Head Start Child Outcomes: Domain 3
PK–CM-G -- Pre-Kindergarten – Cognitive Math – Geometry and Spatial Sense		

Cognitive Development		
Content Practice Standards	**Developmental Profile Indicators**	**Links**
Preschool programs will provide experiences for children to:	Educational experiences will assure that preschool children will:	Louisiana K-4 Content Standards, ECERS-R, NAEYC, Head Start, etc.
Mathematical Development		
Data Collection, Organization, and Interpretation:		
Investigates, organizes, responds, and creates representations	PK-CM-D1* Sort and classify materials by one or more characteristics Examples: • Sort buttons by color • Group items with common characteristics • Return materials to shelf by matching objects to labels PK-CM-D2 Collect and organize data about themselves, their surroundings, and meaningful experiences Examples: • Create simple graphs (picture, bar, representational, venn diagrams) such as: leaves by type, favorite ice cream, etc. • Use webbing to collect information PK-CM-D3 Interpret simple representations in data Examples: • Participate in discussion about the calendar • Participate in discussion using information from child- created graphs • Participate in discussion about charts	Louisiana K-4 Content Standards: P-1-E P-2-E P-3-E D-1-E D-2-E D-3-E D-4-E NAEYC Criterion: B-5d, B-7c, B7-d, B-8 ECERS-R Items: None applicable Head Start Performance Standards: None Applicable Head Start Child Outcomes: Domain 3
PK–CM-D -- Pre-Kindergarten – Cognitive Math – Data Collection, Organization, and Interpretation		

Cognitive Development		
Content Practice Standards	**Developmental Profile Indicators**	**Links**
Preschool programs will provide experiences for children to:	Educational experiences will assure that preschool children will:	Louisiana K-4 Content Standards, ECERS-R, NAEYC, Head Start, etc.
Mathematical Development		
Patterns and Relationships:		
Identify and create patterns	PK-CM-P1* Recognize patterns in the physical world Examples: • Go on shape walks to identify patterns in environment • Recognize patterns in snack kabobs • Identify patterns on common objects such as: flag, clothes, environmental patterns, etc. PK-CM-P2* Describe, copy, extend, create patterns and make predictions about patterns Examples: • Line up boy, girl, boy, girl … • Clap out patterns • Make patterns with manipulatives such as: lacing beads, • unifix cubes, links, etc. • Tell what comes next in a pattern • Create musical patterns playing music on cans PK-CM-P3 Seriate objects Examples: • Place blocks in order from shortest to tallest • Place colored bears in order from smallest to largest	Louisiana K-4 Content Standards: P-1-E P-3-E NAEYC Criterion: B-8, B-5d, B-7c, B-7d ECERS-R Items: None applicable Head Start Performance Standards: 1304.21 (a) (1) (iv) Head Start Child Outcomes: Domain 3
PK–CM-P –- Pre-Kindergarten – Cognitive Math – Patterns and Relationships		

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Subchapter C. Science

§511. Scientific Development

A. Young children are natural scientists. They easily become mesmerized by everyday happenings. Through varied and repeated opportunities to predict, observe, manipulate, listen, experiment with, reflect, and respond to open-ended questions, pre-kindergarteners make inferences and become higher-level thinkers.

B. Quality early childhood science programs require a balance of content and process, using multi-sensory experiences. In addition to science inquiry skills, pre-kindergarteners can begin to acquire a foundation of science concepts and knowledge on which they can build a clear understanding of their world. Early childhood teachers should look for opportunities to explore scientific concepts in all content areas.

C. Accommodations for children with special needs:

1. simplify a complicated task by breaking it into smaller parts or reducing the number of steps;
2. use shorter but more frequent activities and routines;
3. add new activities and specific activities as needed to meet individual needs.

NOTE: Partial participation is considered appropriate for children with special needs, according to their abilities.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§513. Cognitive Science Development

Cognitive Development		
Content Practice Standards	**Developmental Profile Indicators**	**Links**
Preschool programs will provide experiences for children to:	Educational experiences will assure that preschool children will:	Louisiana K-4 Content Standards, ECERS-R, NAEYC, Head Start, etc.
Scientific Development		
Science As Inquiry:		
Begin to engage in partial and full inquiries.	PK-CS-I1* Use prior knowledge and experiences to hypothesize, predict, generate questions, and draw conclusions about organisms and events in the environment. Examples: • Generate questions about insects (KWL or Experience Charts) • Engage in spontaneous discussion (teachable moments) • Engage in discussion through questioning, after reading a nonfiction science book • Hypothesize or predict why certain phenomenon occurred PK-CS-I2 Conduct simple scientific investigations Examples: • Observe ice melting • Compare cars rolling down a ramp • Compare objects that sink and float PK-CS-I3 Make observations using senses Examples: • Taste test a variety of foods and describe tastes • Describe objects in feely box • Describe changes in weather PK-CS-I4 Employ equipment and tools to gather data and extend sensory observations Examples: • Sift soil with sieve to find organisms in soil • Observe objects using color paddles Balance objects in scale to determine which is heavier, lighter, etc. PK-CS-I5 Collect, interpret, communicate data and findings from observations and experiments in oral and written formats Examples: • Communicate scientific information in a variety of ways (graph, tally, web, draw pictures, oral report) • Create models of objects in the environment • Participate in discussions where points of view are openly shared PK-CS-I6 Use appropriate scientific vocabulary related to topics Examples: • Describe the common physical changes of melting, freezing, and evaporating. • Identify life cycle of butterfly using scientific terms (egg, chrysalis etc.)	Louisiana K-4 Content Standards: SI-E-A1, A2, A3, A4, A5, A6 SI-E-B1, B2, B3, B4, B5, B6 NAEYC Criterion: B-5d, B-7c, B-7d, B-8 ECERS-R Items 25 (3.3), 25 (5.2), 25 (5.3), 25 (5.4), 25 (7.1), 25 (7.2) Head Start Performance Standards: 1304.21(a)(1)(i) 1304.21(a)(1)(iv) 1304.21(a)(2)(ii) 1304.21(a)(3)(i)(B) 1304.21(a)(4)(i) Head Start Child Outcomes: Domain 4
*PK-CS-I – Pre-Kindergarten – Cognitive Science – Inquiry		

Cognitive Development		
Content Practice Standards	**Developmental Profile Indicators**	**Links**
Preschool programs will provide experiences for children to:	Educational experiences will assure that preschool children will:	Louisiana K-4 Content Standards, ECERS-R, NAEYC, Head Start, etc.
Scientific Development		
Physical Science:		
Begin to acquire scientific knowledge related to physical science	PK-CS-P1* Begin investigating states of matter: solids, liquids, and gases Examples: • Sort and classify objects by their state of matter • Participate in block play using a variety of types of blocks (wooden unit blocks, cardboard blocks, foam blocks) • Participate in a variety of sand and water activities • Observe what happens to objects when filled with gases • Explore three states of water: ice (solid), water (liquid), and steam (gas) PK-CS-P2 Describe objects by their physical properties Examples: • Describe objects according to size, shape, color, or state of matter • Describe characteristics of sand and water during sand and water play • Describe what happens when bottles filled with objects suspended in liquids are moved in various ways such as: dirt in water, confetti in Karo syrup, etc. PK-CS-P3 Explore the physical world using five senses Examples: • Take a walk exploring the environment using the senses of • sight, touch, smell, and/or sound -- describe findings • Match things during a tasting, touching, smelling party • Listen to and identify environmental, animal, or voice sounds PK-CS-P4 Explore simple machines, magnets, and sources of energy Examples: • Explore magnets, magnifying glasses, balance scales, gears, pulleys, mirrors, wind-up toys, etc. • Discuss what makes things run by answering open-ended questions (car-gas, waterwheel-water, lamp-electricity)	Louisiana K-4 Content Standards: SI-E-A1, A2, A3, A4 S1-E-B1, B2, B3, B4, B5 PS-E-A1, A2, A3, A4 PS-E-C6, C7 NAEYC Criterion: B-5d, B-7c, B-7d, B-8 ECERS-R Items: 25(5.3), 25(5.4), 25(7.1), 25(7.2) Head Start Performance Standards: Head Start Child Outcomes: Domain 4
*PK-CS-P – Pre-Kindergarten – Cognitive Science – Physical Science		

Cognitive Development		
Content Practice Standards	**Developmental Profile Indicators**	**Links**
Preschool programs will provide experiences for children to:	Educational experiences will assure that preschool children will:	Louisiana K-4 Content Standards, ECERS-R, NAEYC, Head Start, etc.
Scientific Development		
Life Science:		
Begin to acquire scientific knowledge related to life science	PK-CS-L1* Explore, observe, and describe a variety of living things Examples: • Catch insects and place in bug catchers • Use magnifying glass to observe insects • Keep a class pet and/or plants in the classroom Observe the effect of darkness and light on growing plants PK-CS-L2 Explore, observe, and describe a variety of non-living things Examples: • Compare live insects to plastic insects • Make collections of non-living things such as: rocks, sea shells, buttons, etc. • Sort examples of living and nonliving things PK-CS-L3 Explore, observe, describe, and participate in a variety of activities related to preserving their environment Examples: • Participate in constructing a compost heap • Participate in planting a tree • Participate in a campus cleanup day • Participate in collecting items to recycle PK-CS-L4 Begin to develop an awareness and understanding of plant and animal life cycles and how the life cycles vary for different reasons Examples: • Plant and maintain a butterfly garden • Read non-fiction age appropriate books about life cycles • Observe life cycles of larvae, tadpoles, or mealworms	Louisiana K-4 Content Standards: SI-E-A1, A2, A3, A4 SI-E-B1, B2, B3 PS-E-A1, A2, A3, A4 PS-E-C6, C7 LS-E-A1, A2, A6 LS-E-B1 NAEYC Criterion: B-5d, B-7c, B-7d, B-8 ECERS-R Items: 25(5.3), 25(5.4), 25(7.1), 25(7.2) Head Start Performance Standards: 1304.21(a)(1)(i) 1304.21(a)(1)(iv) 1304.21(a)(2)(ii) 1304.21(a)(3)(i)(B) 1304.21(a)(4)(i) Head Start Child Outcomes: Domain 4
PK-CS-L – Pre-Kindergarten – Cognitive Science – Life Science		

Cognitive Development		
Content Practice Standards	**Developmental Profile Indicators**	**Links**
Preschool programs will provide experiences for children to:	Educational experiences will assure that preschool children will:	Louisiana K-4 Content Standards, ECERS-R, NAEYC, Head Start, etc.
Scientific Development		
Earth and Space Science:		
Begin to acquire scientific knowledge related to earth science	PK-CS-ES1* Investigate, compare, and contrast seasonal changes in their immediate environment Examples: • Draw, write, and/or dictate a message in journal about what they see, feel, and do in certain kinds of weather or over a period of time • Dress-up in a variety of seasonal clothing in the dramatic play center • Play a lotto game about the seasons PK-CS-ES2 Discover through observation that weather can change from day to day Examples: • Graph each day's weather • Keep weather journal • Read a thermometer to determine temperature • Keep a record of the day's temperature either from the newspaper, home, or outside thermometer PK-CS-ES3 Use vocabulary to describe major features of the earth and sky Examples: • Listen to and retell stories about the earth, sky, land formations, and bodies of water such as: In the Night Sky, Happy Birthday Moon, Good Night Moon, In a Small, Small Pond, In the Tall, Tall Grass, Swimmy, Big Al, The Tiny Seed • Discuss things in the day and night time sky • Observe and discuss shadows at various times of the day	Louisiana K-4 Content Standards: SI-E-A1, A2, A3, A4 SI-E-B1, B2, B3, B4, B5 ESS-E-A1, A4 ESS-E-B1 NAEYC Criterion: B-5d, B-7c, B-7d, B-8 ECERS-R Items: 25(5.3), 25(5.4), 25(7.1), 25(7.2) Head Start Performance Standards: 1304.21(a)(1)(i) 1304.21(a)(1)(iv) 1304.21(a)(2)(ii) 1304.21(a)(3)(i)(B) 1304.21(a)(4)(i) Head Start Child Outcomes: Domain 4
*PK-CS-ES – Pre-Kindergarten – Cognitive Science – Earth and Space Science		

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§515. Social Studies Development

A. For young children the foundation for learning in social studies and history begins with the child's personal experiences and understanding of the relationship of self to home and family. Their understanding then gradually expands to include the people they meet in school, neighborhood, community, and the larger world. Teachers need to identify children's current knowledge and understanding. The pre-kindergarten curriculum needs to focus on concepts that are related to the child's immediate experience.

B. Accommodations:

1. provide adaptive equipment and materials where needed to accommodate children's special needs;

2. assure that the classroom and school environments are handicapped accessible and meet the needs of all children;

3. use appropriate verbal, visual, and physical cues in all the activities to meet the special needs of individual children.

NOTE: Partial participation is considered appropriate for children with special needs, according to their abilities.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Subchapter D. Social Studies
§517. Cognitive Social Studies Development

Cognitive Development		
Content Practice Standards	**Developmental Profile Indicators**	**Links**
Preschool programs will provide experiences for children to:	Educational experiences will assure that preschool children will:	Louisiana K-4 Content Standards, ECERS-R, NAEYC, Head Start, etc.
Social Studies Development		
Civics:		
Develop community and career awareness	PK-CSS-C1* Recognize community workers and increase awareness of their jobs Examples: • Identify different community workers by the uniform worn or the equipment used • Participate in field trips to observe community workers • Listen to guest speakers, such as: a firefighter, a police officer, etc. • Dress-up and role play different types of community workers PK-CSS-C2 Identify his/her role as a member of family/class Examples: • Participate in classroom duties • Describe experiences shared within the family • Participate in role playing	Louisiana K-4 Content Standards C-1D-E3, E4 NAEYC Criterion: A-4a, A-9, B-7a, B-7h ECERS-R Items: 33(7.2) Head Start Performance Standards: 1304.21(c)(1)(ii) Head Start Child Outcomes: Domain 6
*PK-CSS-C – Pre-Kindergarten – Cognitive Social Studies - Civics		

Cognitive Development		
Content Practice Standards	**Developmental Profile Indicators**	**Links**
Preschool programs will provide experiences for children to:	Educational experiences will assure that preschool children will:	Louisiana K-4 Content Standards, ECERS-R, NAEYC, Head Start, etc.
Social Studies Development		
Economics:		
Develop an understanding of how basic economic concepts relate to their everyday lives	PK-CSS-E1* Demonstrate an awareness of money being used to purchase things Examples: • Use pretend money to purchase things in a dramatic play grocery store, bank, post office, etc.	Louisiana K-4 Content Standards E-1A-E3 NAEYC Criterion: None Applicable ECERS-R Items: None Applicable Head Start Performance Standards: None Applicable Head Start Child Outcomes: None Applicable
*PK-CSS-E – Pre-Kindergarten – Cognitive Social Studies -Economics		

Cognitive Development		
Content Practice Standards	**Developmental Profile Indicators**	**Links**
Preschool programs will provide experiences for children to:	Educational experiences will assure that preschool children will:	Louisiana K-4 Content Standards, ECERS-R, NAEYC, Head Start, etc.
Social Studies Development		
Geography:		
Develop an understanding of location, place, relationships within places, movement, and region	PK-CSS-G1* Include representations of roads, bodies of water, and buildings in their play Examples: • Use blue paper for a lake in the block area • Drive toy cars on roads made from blocks PK-CSS-G2 Use words to indicate directionality, position, and size Examples: • Correctly use and respond to words such as: left, right, first, last, big, little, top, bottom, etc. • Verbalize location of objects that are hidden during a Hide and Seek game PK-CSS-G3 Develop awareness of the world around them Examples: • Recognize some common symbols of state and country, such as the shape of Louisiana or United States, the Louisiana or American flag, etc. • Observe the path a letter travels when teacher shows route on the map • Answer questions about where they went on a trip or other places they have lived	Louisiana K-4 Content Standards G-1B-E1 NAEYC Criterion: B-7h ECERS-R Items: 22(7.1) Head Start Performance Standards: 1304.21(c)(1)(ii) Head Start Child Outcomes: Domain 6
*PK-CSS-G – Pre-Kindergarten – Cognitive Social Studies - Geography		

Cognitive Development		
Content Practice Standards	**Developmental Profile Indicators**	**Links**
Preschool programs will provide experiences for children to:	Educational experiences will assure that preschool children will:	Louisiana K-4 Content Standards, ECERS-R, NAEYC, Head Start, etc.
Social Studies Development		
History:		
Develop an understanding of the concept of time	PK-CSS-H1* Use words to describe time (yesterday, today, tomorrow) Examples: • Use statements like, "I'm getting a bike today!" or "My birthday is tomorrow!" • Use statement like, "The field trip was yesterday."	Louisiana K-4 Content Standards: H-1A-E1 NAEYC Criterion: None applicable ECERS-R Items: None applicable Head Start Performance Standards: 1304.21(c)(1)(ii) Head Start Child Outcomes: None Applicable
*PK-CSS-H – Pre-Kindergarten – Cognitive Social Studies - History		

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Subchapter E. Creative Arts

§519. Creative Arts Development

A. Creative development opens an avenue for the application of individual ideas, feelings, and expressions. In the pre-kindergarten classroom, creative development will be integrated into all curriculum areas to develop an appreciation for the arts and as a way to conduct classroom activities to meet the expectations in all content areas.

B. In a developmentally appropriate classroom, creative development fosters creative and individual expression, self-esteem, imagination, and appreciation of cultural diversities. With the introduction of the various components, music/movement, dramatic expression, and visual arts, the pre-kindergarten child is encouraged to explore and express him/herself creatively.

C. On a daily basis, young children are given opportunities for creative endeavors, emphasizing the experience rather than the outcome. These endeavors should be concrete, hands-on learning activities, offered in a risk-free environment where all children are encouraged to express themselves freely.

D. Accommodations for Children with Special Needs

1. Provide materials that can be easily adapted for independent participation.

2. Materials should be easily accessible to encourage participation.

3. Adapt the environment to promote participation, engagement, and learning.

4. Provide opportunities for interaction with typically developing peers.

NOTE: Partial participation is considered appropriate for children with special needs, according to their abilities.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§521. Stages of Art Development

A. Scribbling Stage (3 to 4 years of age). Child use crayons, markers and paint in zigzag fashion and circular motions. Later, the scribbles become more controlled. Their work is exploratory. Color is unrealistic. The child begins to draw symbols like circles, crosses and lines.

B. Preschematic Stage (4 to 7 years of age)

1. Age 4 the child begins to show definite forms in representing a person, making a circle for the head and two vertical lines for legs. Sometimes there is a mouth, arms, hands, feet or shoes. Objects are drawn at random and they are not in sequence or proportion. At this stage, form is more important than color. As children progress through this stage, size becomes more proportional, and they gain more brush control as their paintings begin to look more like illustrations.

2. Age 7 child has established a mental picture of an object that is repeated with each painted repetition of the object. For example, each time the child paints a house, it will look very much like all the other houses he/she painted.

C. Schematic Stage (6 to 9 years of age). At this stage, sky lines (usually blue) and base lines (usually green) appear on the top and bottom of drawings. Items drawn between these lines usually are proportional, and they are on the base line as appropriate.

Source: The Portfolio and Its Use: A Road Map for Assessment by Southern Early Childhood Association

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§523. Creative Arts Development

Creative Arts Development		
Content Practice Standards	**Developmental Profile Indicators**	**Links**
Preschool programs will provide experiences for children to:	Educational experiences will assure that preschool children will:	Louisiana K-4 Content Standards, ECERS-R, NAEYC, Head Start, etc.
Music and Movement		
Music Appreciation:		
Develop an appreciation for music	PK-MM-MA1* Listen to a variety of musical genre – jazz, classical, country, lullaby, patriotic, instrumental, vocal, etc. Examples: • Hear a variety of diverse music throughout the day (arrival time, circle time, transitions, lunch, nap, snacks) • Participate in musical listening games to hear differences in sounds (vocal, instrumental, sounds of instruments, and other genre types) • Attend and view live performances • Become aware of the lives and art forms of various musical artists PK-MM-MA2 Respond to variations in music – pitch, volume, tempo, beat, rhythm, and pattern Examples: • Observe a musician demonstrating different musical variations • Reproduce a musical variation heard with rhythm instruments, computer program, or vocally	Louisiana K-4 Content Standards: CE-1M-E1, E3, E4, E5 AP-2M-E1, E3, E4 HP-3M-E1, E3, E4 CA-4M-E1, E2, E3, E5 NAEYC Criterion: A-8a, B-4, B-5d, B-7g, B-9, G-4 ECERS-R Items: 21(5.1), 21(5.2), 21(7.1), 21(7.2), 21(7.3) Head Start Performance Standards: 1304.21(a)(4)(ii) 1304.53 Head Start Child Outcomes: Domain 5
*PK-MM-MA – Pre-Kindergarten – Music and Movement – Music Appreciation		

Creative Arts Development		
Content Practice Standards	**Developmental Profile Indicators**	**Links**
Preschool programs will provide experiences for children to:	Educational experiences will assure that preschool children will:	Louisiana K-4 Content Standards, ECERS-R, NAEYC, Head Start, etc.
Music and Movement		
Music Expression:		
Become involved in musical expression	PK-MM-ME1* Use music as an avenue to express thoughts, feelings, and energy Examples: • Use props (scarves, streamers, instruments) to respond with expression to music • Record original songs that become part of a listening center • Draw a picture in response to how they feel as they listen to a variety of music PK-MM-ME2 Participate in group singing, fingerplays, rhymes, poetry, and rhythm Examples: • Participate in daily musical activities, games, instruments, singing, and books • Use musical instruments and props outdoors as an additional experience	Louisiana K-4 Content Standards: CE-1M-E1, E3, E4, E5 HP-3M-E1, E3, E4 CA-4M-E1, E2, E3, E5 NAEYC Criterion: A-8, A-6a, A-11, B-4, B-5d, B-7g, B-9, G-4 ECERS-R Items: 21(5.1), 21(5.2), 21(7.1), 21(7.2), 21(7.3) Head Start Performance Standards: 1304.21(a)(3)(i)(D) 1304.21(a)(3)(ii) 1304.21(a)(4)(ii) 1304.53 Head Start Child Outcomes: Domain 5
*PK-MM-ME – Pre-Kindergarten – Music and Movement – Music Expression		

Creative Arts Development		
Content Practice Standards	**Developmental Profile Indicators**	**Links**
Preschool programs will provide experiences for children to:	Educational experiences will assure that preschool children will:	Louisiana K-4 Content Standards, ECERS-R, NAEYC, Head Start, etc.
Music and Movement		
Creative Movement:		
Develop an appreciation for creative movement through observation, communication, and participation	PK-MM-CM1* Observe various forms of movement Examples: • View people, animals, and various objects that move in the world around them PK-MM-CM2 Communicate words or concepts through movement Examples: • Develop movements that express concepts (feelings and directions), words, and ideas • Play charades with prompts from teacher (stop, go, walk, come, angry, sad, hurry, surprise) PK-MM-CM3 Show creativity using their bodies (dance, march, hop, jump, sway, clap, snap, stomp, twist, turn) Examples: • Respond freely to music • Imitate various environmental movements such as animals, trees, water, etc. • Exhibit a variety of ways to move (forward, backward, sideways, etc.)	Louisiana K-4 Content Standards: CE-1M-E1, E3, E4, E5 CE-1D-E1, E3 HP-3D-E2 AP-2D-E1 NAEYC Criterion: A-6a, A-9, A-11, B-4, B-5d, B-7, B-7e, B-7g, B-8, G-4 ECERS-R Items: 16(7.1), 16(7.2) 21(5.1), 21(5.2), 21(7.1), 21(7.2), 21(7.3) Head Start Performance Standards: 1304.21(a)(4)(ii) 1304.53 Head Start Child Outcomes: Domain 5
*PK-MM-CM – Pre-Kindergarten – Music and Movement – Creative Movement		

Creative Arts Development		
Content Practice Standards	**Developmental Profile Indicators**	**Links**
Preschool programs will provide experiences for children to:	Educational experiences will assure that preschool children will:	Louisiana K-4 Content Standards, ECERS-R, NAEYC, Head Start, etc.
Visual Arts		
Visual Arts Appreciation:		
Develop an appreciation for visual arts	PK-VA-VA1* Observe various forms of art expression (paintings, drawings, sculpture, prints, collages, and other art forms) Examples: • View exhibits, books, Internet activities, and photographs of various art forms • Observe various artists who demonstrate different techniques and art media PK-VA-VA2 Share various forms of art (sculpture, pencils, watercolors, clay, collage, pen and ink, etc.) found in their environment Examples: • Point out various forms of media found in books, photographs/prints, on school site and on field trips • Experience various media in the classroom • Tell about an observation of an artist/crafter (quilter, taxidermist, illustrator, wood carver, ice sculptor, sculptor, designer) displaying/demonstrating his/her work	Louisiana K-4 Content Standards: CE-1VA-E1, E2, E4, E5 AP-2VA-E2, E3 HP-3VA-E3 NAEYC Criterion: A-8a, A-8b, A-9, B-4, B-5a, B-7, B-7e, B-7g, G-4 ECERS-R Items: 15(5.1), 20(5.1), 20(5.2), 20(7.1), 27(5.3), 27(7.1), 28(5.1) Head Start Performance Standards: 1304.21(a)(4)(ii) 1304.21(b)(3)(ii) 1304.53 Head Start Child Outcomes: Domain 5
*PK-VA-VA – Pre-Kindergarten – Visual Arts – Visual Arts Appreciation		

Creative Arts Development		
Content Practice Standards	**Developmental Profile Indicators**	**Links**
Preschool programs will provide experiences for children to:	Educational experiences will assure that preschool children will:	Louisiana K-4 Content Standards, ECERS-R, NAEYC, Head Start, etc.
Visual Arts		
Creative Expression:		
Develop confidence in their own creative expression through process-oriented experiences	PK-VA-CE1* Participate in individual and group art activities Examples: • Participate daily in creative art opportunities using water colors, collage materials, paints, paper, scissors, glue, crayons, stamp pads, templates, stencils, markers, and clay • Use a computer program and create a piece of art	Louisiana K-4 Content Standards: CE-1VA-E1, E2, E4, E5 AP-2VA-E2, E3 HP-3VA-E3 NAEYC Criterion: A-8a, A-8b, A-9, B-4, B-7, B-7e, B-7g, B-8, G-4 ECERS-R Items: 20(5.1), 20(5.2), 20(7.1), 20(7.2), 20(7.3) Head Start Performance Standards: 1304.21(a)(4)(ii) 1304.21(b)(3)(ii) 1304.53 Head Start Child Outcomes: Domain 5
*PK-VA-CE – Pre-Kindergarten – Visual Arts – Creative Expression		

Creative Arts Development		
Content Practice Standards	**Developmental Profile Indicators**	**Links**
Preschool programs will provide experiences for children to:	Educational experiences will assure that preschool children will:	Louisiana K-4 Content Standards, ECERS-R, NAEYC, Head Start, etc.
Dramatic Arts		
Dramatic Appreciation:		
Develop an appreciation for the dramatic arts	PK-DA-DA1* Attend a variety of dramatic performances Examples: • View various forms of dramatic expression (puppetry, story-telling, dance, plays, pantomime, theater) PK-DA-DA2 Participate in discussions of dramatic performances Examples: • Engage in discussion during language experience story after attending a dramatic performance	Louisiana K-4 Content Standards: CE-1TH-E1, E2, E3 AP-2TH-E1, E2, E3 HP-3TH-E1 NAEYC Criterion: A-8a, A-8b, A-9, B-4, B-5a, B-7, G-4 ECERS-R Items: 24(5.1), 24(5.3), 24(7.1), 24(7.2), 24(7.3) Head Start Performance Standards: 1304.21 1304.53 Head Start Child Outcomes: Domain 5
*PK-DA-DA – Pre-Kindergarten – Dramatic Arts – Dramatic Arts Appreciation		

Creative Arts Development		
Content Practice Standards	**Developmental Profile Indicators**	**Links**
Preschool programs will provide experiences for children to:	Educational experiences will assure that preschool children will:	Louisiana K-4 Content Standards, ECERS-R, NAEYC, Head Start, etc.
Dramatic Arts		
Dramatic Expression:		
Explore roles and experiences through dramatic play	PK-DA-DE1* Role play or use puppets to express feelings, dramatize stories, try out social behaviors observed in adults, re-enact real-life roles and experiences Examples: • Play in various interest centers with a variety of props, such as: home-living, fire station, police station, beauty parlor, grocery/department store, circus, fast food restaurant, doctor's office/hospital, bakery, gas station, florist, etc. • Role play problem solving in classroom situations, such as: taking turns, sharing, playing cooperatively, expressing feelings, appropriate behaviors and manners, etc. • Participate in various forms of dramatic expression from different cultures PK-DA-DE2* Participate in activities using symbolic materials and gestures to represent real objects and situations Examples: • Exhibit free expression and imagination in songs, stories, poems, and fingerplays, such as: scarves to represent birds; hands as thunder, raindrops, footsteps; sticks for wands, pointer, a horse, or a walking cane, etc.	Louisiana K-4 Content Standards CE-1TH-E1, E2, E3 AP-2TH-E1, E2, E3 HP-3TH-E1 NAEYC Criterion: A-6a, A-8a, A-8b, A-9, B-4, B-5a, B-7, B-8, G-4 ECERS-R Items: 15(5.2), 15(5.4) 24(5.1), 24(5.3), 24(7.1), 24(7.2), 24(7.3), 24(7.4) 28(5.1), 28(5.2), 28(7.2) Head Start Performance Standards: 1304.21(a)(1)(iii) 1304.53 Head Start Child Outcomes: Domain 5
*PK-DA-DE – Pre-Kindergarten – Dramatic Arts – Dramatic Expression		

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Subchapter F. Health and Physical Development

§525. Health and Physical Development

A. Physical development and health and safety activities should be integrated into all curriculum areas. Activities should be structured to encourage pre-kindergarten children to explore their world, promote agility and strength, enhance neural processing, and develop general body competence and overall autonomy. Young children should be introduced to concepts that promote a healthy lifestyle, and they should be provided adequate age-appropriate indoor and outdoor space and facilities that allow them to experience a variety of developmentally appropriate physical activities.

B. The development of gross motor and fine motor skills is an integral part of the development of the pre-kindergarten child. These skills serve as the foundation for the development of the future academic skills such as writing and reading.

C. Accommodations for children with special needs:

1. Provide adaptive equipment and materials where needed.

2. Assure that the classroom and school environments are easily accessible.

3. Use appropriate verbal, visual, and physical cues in all the activities.

4. Provide opportunities for interaction with typically developing peers.

NOTE: Partial participation is considered appropriate for children with special needs, according to their abilities.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§527. Health and Physical Development

Health and Physical Development		
Content Practice Standards	**Developmental Profile Indicators**	**Links**
Preschool programs will provide experiences for children to:	Educational experiences will assure that preschool children will:	Louisiana K-4 Content Standards, ECERS-R, NAEYC, Head Start, etc.
Health Development		
Health and Hygiene:		
Develop appropriate health and hygiene skills	PK-HP-HH1* Show awareness of healthy lifestyle practices Examples: • Understand that germs affect our daily lives • Understand that healthy bodies require rest, exercise, and good nutrition • Use napkin, tissue and other objects of hygiene • Wash hands before meals and snacks, and after toileting PK-HP-HH2 Show awareness of good hygiene and personal care habits Examples: • Use proper hand washing techniques • Use appropriate dental hygiene practices • Practice proper use of tissue • Use appropriate toileting skills • Demonstrate autonomy in personal care such as: self-dressing, taking care of personal belongings, cleaning up after activities	Louisiana K-4 Content Standards: 1-E-1, E-2 3-E-1, E-2 NAEYC Criterion: B-7f, B-11, H-17c ECERS-R Items: 10 (3.3) 13 (3.1), 13(7.1) Head Start Performance Standards: 1304.21(a)(1)(V) 1304.23(b)(3) Head Start Child Outcomes: Domain 8
*PK-HP-HH – Pre-Kindergarten – Health and Physical Development – Health and Hygiene		

Health and Physical Development		
Content Practice Standards	**Developmental Profile Indicators**	**Links**
Preschool programs will provide experiences for children to:	Educational experiences will assure that preschool children will:	Louisiana K-4 Content Standards, ECERS-R, NAEYC, Head Start, etc.
Health Development		
Nutrition:		
Become aware of good nutritional practices	PK-HP-N1* Exhibit knowledge that some foods are better for your body than others Examples: • Engage in discussions about healthy and unhealthy foods • Make selections of foods that are healthy and recognize that some foods are not healthy • Participate in nutritious cooking activities	Louisiana K-4 Content Standards 1-E-2, E-5 3-E-1 6-E-3 NAEYC Criterion: I-3 ECERS-R Items: 10(7.1), 10(7.3) Head Start Performance Standards: 1304.21(c)(1)(iii) 1304.23(c)(1) Head Start Child Outcomes: Domain 8
*PK-HP-N – Pre-Kindergarten – Health and Physical Development – Nutrition		

Health and Physical Development		
Content Practice Standards	**Developmental Profile Indicators**	**Links**
Preschool programs will provide experiences for children to:	Educational experiences will assure that preschool children will:	Louisiana K-4 Content Standards, ECERS-R, NAEYC, Head Start, etc.
Health Development		
Safety:		
Demonstrate safe behaviors in all situations	PK-HP-S1* Identify potentially harmful objects, substances, or behaviors Examples: • Know the difference between a medicine and harmful drugs • Know that objects such as weapons, syringes, matches, etc. can be dangerous and should not be touched PK-HP-S2 Be aware of and follow universal safety rules Examples: • Follow classroom and school rules • Practice appropriate emergency drills (fire, tornado, bomb, 911, bus) • Follow basic safety rules: bus, bicycle, playground, crossing street, stranger awareness	Louisiana K-4 Content Standards: 1-E-2 3-E-2, E-3, E-4 5-E-4 6-E-3 NAEYC Criterion: B-7f ECERS-R Items: 14(5.1), 14(7.1), 14(7.2) Head Start Performance Standards: 1304.21(a)(6) Head Start Child Outcomes: Domain 8
*PK-HP-S – Pre-Kindergarten – Health and Physical Development Safety		

Health and Physical Development		
Content Practice Standards	**Developmental Profile Indicators**	**Links**
Preschool programs will provide experiences for children to:	Educational experiences will assure that preschool children will:	Louisiana K-4 Content Standards, ECERS-R, NAEYC, Head Start, etc.
Physical Development		
Gross Motor:		
Develop coordination, balance, spatial awareness and strength through gross motor activities	PK-HP-GM1* Exhibit body coordination and strength Examples: • Engage in large motor activities such as: climbing stairs (alternating feet), marching, hopping, running, jumping, dancing, riding tricycles, pulling wagons, pushing wheelbarrows, and riding scooters • Use outdoor gross motor equipment (climbing apparatus, swings, tunnels, slide, etc.) safely and appropriately • Use open-ended materials (planks, wooden boxes, hollow blocks, etc.) to move about, build and construct PK-HP-GM2 Exhibit balance and spatial awareness Examples: • Engage in large motor activities that promote basic non-locomotion skills, spatial awareness and balance • Engage in manipulative activities that develop skills with a ball: bouncing, kicking, throwing, catching, rolling, etc. • Play simple group games	Louisiana K-4 Content Standards 1-P-1, P-2, P-3 3-P-1 5-P-3 NAEYC Criterion: B-4c, B-5d, B-7e ECERS-R Items: 7(7.1), 8(5.2), 8(7.2) Head Start Performance Standards: 1304.21(a)(5)(i) 1304.21(b)(3)(i) 1304.21(c)(1)(vii) Head Start Child Outcomes: Domain 8
*PK-HP-GM – Pre-Kindergarten – Health and Physical Development – Gross Motor		

Health and Physical Development		
Content Practice Standards	**Developmental Profile Indicators**	**Links**
Preschool programs will provide experiences for children to:	Educational experiences will assure that preschool children will:	Louisiana K-4 Content Standards, ECERS-R, NAEYC, Head Start, etc.
Physical Development		
Fine Motor:		
Develop coordination, spatial awareness, and strength through fine motor activities	PK-HP-FM1* Strengthen and control small muscles in hands Examples: • Work with play dough and clay • Squeeze wet sponges or use tongs to pick up objects • Tear paper PK-HP-FM2 Exhibit manual coordination Examples: • Use hands and fingers to act out fingerplays and songs • Use scissors and art materials • Snap, button, zip, etc. PK-HP-FM3 Participate in eye-hand coordination activities Examples: • Use beads, laces, and pegs • Cut paper with scissors • Complete simple puzzles • Use computer mouse • Scoop dry sand and pour into a bottle • Use a variety of items/textures	Louisiana K-4 Content Standards: 1-P-3 NAEYC Criterion: B-4c, B-5d, B-7e ECERS-R Items: 19(5.1), 19(5.3), 19(7.1) Head Start Performance Standards: 1304.21(a)(5)(ii) 1304.21(b)(3)(iii) Head Start Child Outcomes: Domain 8
*PK-HP-FM – Pre-Kindergarten – Health and Physical Development – Fine Motor		

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Subchapter G. Language and Literacy

§529. Language and Literacy Development

A. Language and literacy are composed of listening, speaking, writing, thinking, and reading. The foundations of language and literacy are critical to all other curriculum areas as well as to the individual's social and emotional development. Children develop the basis for communication in the early childhood years, beginning with nonverbal and social exchanges, then developing spoken language, moving to an understanding of how oral language is translated into written symbols, and finally learning to decode and create written symbols to develop literacy. A solid foundation in language development in the years before a child enters school will promote success in reading and writing in the future. Young children who have rich language and literacy experiences are less likely to have difficulties learning to read.

B. Accommodations for Children with Special Needs

1. Provide good models of communication.
2. Use special or adaptive devices to increase level of communication and/or participation.
3. Use a favorite toy, activity or person to encourage communication and/or participation.
4. Provide opportunities for interaction with typically developing peers.

NOTE: Partial participation is considered appropriate for children with special needs, according to their abilities.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§531. Beginning Reading Skills

A. Scientifically based reading research shows that it is important for preschool age children to experience the following language, cognitive, and early reading skills for continued school success.

1. Phonological Awareness includes:
   a. identifying and making oral rhymes;
   b. identifying and working with syllables in spoken words through segmenting and blending;
   c. identifying and working with "onsets" (all sounds of a word that come before the first vowel) and "rimes" (the first vowel in a word and all the sounds that follow) in spoken syllables;
   d. identifying and working with individual sounds in spoken words (phonemic awareness).
2. Oral Language: development of expressive and receptive language, including vocabulary, the contextual use of speech and syntax, and oral comprehension abilities.
3. Print Awareness: knowledge of the purposes and conventions of print.
4. Alphabet Knowledge: recognize letters of the alphabet (not rote memory).

Source: Early Reading First Guidelines

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§533. Stages of Written Language Development

A. Children learn to write through a natural developmental progression. Each child should be allowed to progress at their own pace. There are at least six different stages of writing.

Stage 1CRandom Scribbling: (2 and 3 years old)
Children make marks on paper with little muscular control.
Stage 2CControlled Scribbling: (3 years old)
Children "write" across the paper in linear fashion, repeating patterns over again, showing increased muscular control.

Stage 3CLetter-like Forms: (3 and 4 year olds)
Children make mock letters. These are written lines of letters that have letter characteristics, but they are misshapen and written randomly, even covering the page. They pretend they are writing; in their work they separate writing from drawing. They have purpose to their letter-like forms.
Stage 4CLetter and Symbol Relationship: (4 year olds)
Children write letters to represent words and syllables. They can write their names. They know the word that represents their names. They can copy words. Reversals are frequent.
Stage 5CInvented Spelling: (4 and 5 year olds)
Children make the transition from letter forms to invented spelling. This requires organization of letters and words on the page. They use a group of letters to form a word. Many of the letters will be consonants. They understand that letters relate to sounds. Some punctuation appears. They can copy words from their environment.

Stage 6CStandard Spelling: (5, 6, and 7 year olds)
Most of the words the children use are written correctly; some add punctuation. They organize their words in lines with spaces between the words; they move from left to right, and from the top of the to the bottom.

Source: The Portfolio and Its Use: A Road Map for Assessment by Southern Early Childhood Association

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§535. Language and Literacy Development

Language and Literacy Development		
Content Practice Standards	**Developmental Profile Indicators**	**Links**
Preschool programs will provide experiences for children to:	Educational experiences will assure that preschool children will:	LA K-4 Content Standards, LA Literacy Profile, ECERS-R, NAEYC, Head Start, etc.
Listening:		
Develop and expand listening skills	PK-LL-L1* Listen with understanding to directions and conversations Examples: • Respond to stories read to the whole class • Understand changes in the morning activity schedule being described by the teacher • Carry on a conversation with another person that develops a thought or idea expressed by the group earlier • Listen to tapes or CD's and show understanding through body language or by interacting with such PK-LL-L2 Follow directions that involve two- or three-step sequence of actions Examples: • Repeat an instruction to a friend • Follow these instructions, "Wash your hands, then sit at the table." • Follow these instructions, "Get your coat, put it on, then sit next to your friend." • Follow directions given to the class, such as: "Take this note about our class trip home, have a family member sign it, and bring it back to me." PK-LL-L3 Hear and discriminate the sounds of language in the environment to develop beginning phonological awareness Examples: • Listen to and participate in many nursery rhymes, chants poems, fingerplays, and songs • Make up silly rhymes, such as: funny bunny or silly willy • Clap hands for each syllable in a word, such as: clap hands three times when saying Su-zan-na • Sing songs that segment words or accent beginning sounds, and with teacher, clap to the syllables • Play with sounds to create new words, such as: "Pass the bapkin napkin." (rimes) • Notice words that begin the same way, such as: "My name begins the same as popcorn and pig." (onsets) PK-LL-L4 Demonstrate understanding of new vocabulary introduced in conversations, activities, stories or books Examples: • Listen to a variety of literature genre, including narratives, nursery rhymes, other poems, and informational books • Listen to read-aloud books that are characterized by less common vocabulary, more complex sentences, and concepts PK-LL-L5 Engage in activities that offer the opportunity to develop skills associated with technology by viewing, comprehending, and using non-textual information. Examples: Listen to a story on a tape or a CD Listen to recordings of age-appropriate stories while looking at a book Use age-appropriate and interactive software programs when available	Louisiana K-4 Content Standards: ELA-1-E1 ELA-4-E2, E3, E5, E6, E7 Louisiana Literacy Profile: 1-10 NAEYC Criterion: A-1, A-2, A3a, A-3b B-7d ECERS-R Items: 18 (7.1) (7.2) Head Start Performance Standards: 1304.21 (a)(4)(iii) 1304.21 (a)(4)(iv) Head Start Child Outcomes: Domains 1 and 2
*PK-LL-L – Pre-Kindergarten – Language and Literacy Development -- Listening		

Language and Literacy Development		
Content Practice Standards	**Developmental Profile Indicators**	**Links**
Preschool programs will provide experiences for children to:	Educational experiences will assure that preschool children will:	LA K-4 Content Standards, LA Literacy Profile, ECERS-R, NAEYC, Head Start, etc.
Speaking:		
Communicate experiences, ideas, and feelings through speaking	PK-LL-S1* Develop and expand expressive language skills Examples: • Use different voices for characters in stories read aloud or told: such as The Three Bears and The Three Billy Goats Gruff • Role play activities where different levels of volume would be used, such as: when a baby is sleeping or when calling to someone standing far away • Participate as an equal partner in conversations by responding to others, making relevant comments, or providing more information when message is not understood • Talk through or explain reasoning when problem-solving (classroom materials, behaviors, etc.) PK-LL-S2* Use new vocabulary in spontaneous speech Examples: • Incorporate words and phrases from books, stories, and activities into play • Incorporate story elements into play • Participate in class discussions of books, stories, and activities • Use new vocabulary introduced in a thematic study during play PK-LL-S3 Ask and answer relevant questions and share experiences individually and in groups Examples: • Dictate stories during small group time about experiences they have had • Ask simple questions, such as: "What's for lunch?" or "Can we play outside today?" • Ask questions to further their understanding, such as: "Where does the snow go when it melts?" or "Why does that man wear a uniform?" • Answer questions with a complete thought, such as: "I took a bus to school." or "I want purple and blue paint."	Louisiana K-4 Content Standards ELA-2-E1, E2 ELA-4-E1, E2, E5, E6, E7 Louisiana Literacy Profile: 11-23, 44-45, 48 NAEYC Criterion: B-7d ECERS-R Items: 15(7.1), 15(7.2), 17(5.1), 17(5.2), 17 (7.1), 17 (7.2) Head Start Performance Standards: 1304.21(a)(4)(iii) 1304.21(a)(4)(iv) Head Start Child Outcomes: Domains 1 and 2
PK-LL-S – Pre-Kindergarten – Language and Literacy Development – Speaking		

Language and Literacy Development		
Content Practice Standards	**Developmental Profile Indicators**	**Links**
Preschool programs will provide experiences for children to:	Educational experiences will assure that preschool children will:	LA K-4 Content Standards, LA Literacy Profile, ECERS-R, NAEYC, Head Start, etc.
Reading:		
Engage in activities that promote the acquisition of emergent reading skills	PK-LL-R1* Actively engage in reading experiences Examples: • Listen with interest to a story read or told by an adult or another child • Track along and verbalize as teacher points to individual words in shared reading (big books, songs, poems, recipes, etc.) • Retell familiar stories • Complete phrases about familiar stories • Ask questions about the illustrations in a book or about details in a story just heard • Choose and look at books independently • Act out familiar stories with props PK-LL-R2 Retell information from a story Examples: • Use words or pictures to begin to retell some story events in sequence • Dramatize familiar stories, such as: Caps for Sale; Brown Bear, Brown Bear; etc. • Relate the main thought of a story read several days before • Stage a puppet show based on a story read or told to the group PK-LL-R3 Demonstrate an understanding of print concepts and beginning alphabetic knowledge Examples: • Recognize and begin writing their own name, demonstrating that letters are grouped to form words • Pretend to read by pointing with a finger while reciting text • Look at books appropriately, turning one page at a time, left to right over text, going from top to bottom, front to back of book • Recognize familiar logos, such as McDonald's, Wal-Mart, etc. • Recognize book by cover PK-LL-R4 Use emerging reading skills to make meaning from print Examples: • Use illustrations to predict printed text, such as saying, "And the wolf blew down the pig's house." • Make predictions about print content by using prior knowledge, pictures, text heard, and story structure skills	Louisiana K-4 Content Standards ELA-2-E1, E2 ELA-4-E1, E2, E5, E6, E7 Louisiana Literacy Profile: 11-23, 44-45, 48 NAEYC Criterion: B-7d ECERS-R Items: 15 (5.1), 15(7.1), 15(7.2) Head Start Performance Standards: 1304.21 (a)(4)(iii) 1304.21(a)(4)(iv) Head Start Child Outcomes: Domains 1 and 2
*PK-LL-R – Pre-Kindergarten – Language and Literacy Development – Reading		

Language and Literacy Development		
Content Practice Standards	**Developmental Profile Indicators**	**Links**
Preschool programs will provide experiences for children to:	Educational experiences will assure that preschool children will:	LA K-4 Content Standards, LA Literacy Profile, ECERS-R, NAEYC, Head Start, etc.
Writing:		
Engage in activities that promote the acquisition of emergent writing skills	PK-LL-W1* Experiment with a variety of writing tools, materials, and surfaces Examples: • Draw or write using pencils, crayons, chalk, markers, rubber stamps, and computers • Draw or write using materials such as, brushes and water, feathers, roll-on bottles, shaving cream, and zip-lock bags filled with hair gel or paint • Draw or write on paper, cardboard, chalkboard, dry erase boards, wood, and concrete PK-LL-W2 Use forms of shapes and letter-like symbols to convey ideas Examples: • Use scribble writing and letter-like forms, especially those letters in their own name • Begin to represent ideas and experiences through drawing and early stages of writing, such as: "I ms u." • Attempt to connect the sounds in words with their written letter forms PK-LL-W3 Participate in a variety of writing activities focused on meaningful words and print in the environment Examples: • Use a variety of writing utensils and props to encourage writing in different centers such as: • Journals, sign-in sheets, name cards, cards with words and pictures in the writing center • Counter checks, grocery store advertisements with paper to make grocery list in the dramatic play center • Materials to make books, cards, or write messages in the art center • Paper, tape, dowels, and play dough to make signs or enhance structures in the block center • Paper or blank books to record observations of animals or results of experiments in the science center PK-LL-W4 Demonstrate an interest in using writing for a purpose Examples: • Pretend to write a prescription while playing clinic • Scribble writes next to picture • Tell teacher, "Write it down so everyone can read it." • Ask teacher, "How do I write Happy Birthday?" • Write own name on a drawing for a friend • Make deliberate letter choices during writing attempts • Draw a representation of a school bus getting a flat and explains picture. Make a book from the paper and write the school bus story using scribbles, letter-like symbols or letters to retell the school bus incident. • Create a recipe for a favorite snack • Compose notes/invitations to family/friends	Louisiana K-4 Content Standards: ELA-1-E5 ELA-2-E1, E2, E6 ELA-3-E1 Louisiana Literacy Profile: 51-55 NAEYC Criterion: B-7d ECERS-R Items: 16 (7.2) 19 (5.1) Head Start Performance Standards: 1304.21 (a)(4)(iv) Head Start Child Outcomes: Domain 2
*PK-LL-W – Pre-Kindergarten – Language and Literacy Development Writing		

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Subchapter H. Social and Emotional

§537. Social and Emotional Development

A. One of the primary goals of a quality early childhood program is to foster social and emotional development in young children. Pre-kindergarten children need proper guidance to develop the ability to negotiate issues that occur, to take turns, to lead and follow, and to be a friend. They also need to learn how to deal with their feelings in a socially acceptable manner.

B. The social and emotional development of young children is strengthened when they feel good about themselves and have secure relationships with their parents, teachers, and peers. Other influences on this development are the relationships young children have with their families, their communities, their culture and their world. Since social and emotional development is such an important aspect of a pre-kindergarten child's development, it has been included as a separate section.

C. Accommodations for children with special needs:

1. Plan for and support appropriate social behaviors.
2. Provide opportunities for social interactions with typically developing peers.
3. Utilize peers as models and helpers, or to provide praise and encouragement.

NOTE: Partial participation is considered appropriate for children with special needs, according to their abilities.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§539. Social and Emotional Development

Social and Emotional Development		
Content Practice Standards	**Developmental Profile Indicators**	**Links**
Preschool programs will provide experiences for children to:	Educational experiences will assure that preschool children will:	Louisiana K-4 Content Standards, ECERS-R, NAEYC, Head Start, etc.
Self-Esteem:		
Develop a sense of one's own self-worth	PK-SE-SE1* Respond to own name Examples: • Look up, and/or make eye contact when called • Respond verbally when name is called PK-SE-SE2 Stand up for own rights in an appropriate manner Examples: • Say, "Stop! I had that first!" if toy is taken away • Say, "I didn't get one," or "I need one," if he/she needs or wants something • Say, "I want a turn," or "I didn't get a turn." PK-SE-SE3 Recognize and express own feelings and respond appropriately (all emotions, happiness, surprise, anger, etc.) Examples: • Be able to calm self down when angry and use words to express why – "I'm mad. You took my toy." PK-SE-SE4 Demonstrate appropriate behaviors when completing a task or solving a problem Examples: • Smile, express self verbally, or make eye contact with teachers or another child upon completion of task	Louisiana K-4 Content Standards: None applicable NAEYC Criterion: A-2, A-8b, A-9, A-11, B-7a, B-7b ECERS-R Items: None applicable Head Start Performance Standards: 1304.21(b)(2)(i) 1304.21(c)(1)(iv) 1304.21(c)(1)(v) Head Start Child Outcomes: Domain 6
*PK-SE-SE – Pre-Kindergarten – Social and Emotional Development – Self-Esteem		

Social and Emotional Development		
Content Practice Standards	**Developmental Profile Indicators**	**Links**
Preschool programs will provide experiences for children to:	Educational experiences will assure that preschool children will:	Louisiana K-4 Content Standards, ECERS-R, NAEYC, Head Start, etc.
Attitude:		
Develop a positive attitude toward life	PK-SE-A1* Separate easily from parent Examples: • Show pleasure in seeing teacher and other children upon arrival • Say goodbye to parent without undue stress • Engage in classroom activities when parent is gone PK-SE-A2 Play well with other children Examples: • Offer to help child carry something that is heavy • Participate with a group when deciding what roles to play in dramatic play • Share a book with a friend PK-SE-A3 Respond sympathetically to peers who are in need Examples: • Give a pat, friendly word or toy to a distressed child • Help someone find something he/she has lost • Invite another child to play when other children have rejected him/her PK-SE-A4 Recognize the feelings of others and respond appropriately Examples: • Laugh or smile when others are happy • Tell someone a child is sad because her mom left • Bring a truck book to someone who loves trucks	Louisiana K-4 Content Standards: None applicable NAEYC Criterion: A-6a, A-9, A-11, B-7a, B-7b ECERS-R Items: 31(7.2) 32(5.1), 32(5.3), 32(7.2) 33(5.1), 33(5.2), 33(7.1), 33(7.2) Head Start Performance Standards: 1304.21(a)(3)(i)(b) 1304.21(a)(3)(i)(d) 1304.21(c)(1)(iv) 1304.21(c)(1)(v) Head Start Child Outcomes: Domain 6
* PK-SE-A – Pre-Kindergarten – Social and Emotional Development - Attitude		

Social and Emotional Development		
Content Practice Standards	**Developmental Profile Indicators**	**Links**
Preschool programs will provide experiences for children to:	Educational experiences will assure that preschool children will:	Louisiana K-4 Content Standards, ECERS-R, NAEYC, Head Start, etc.
Cooperation:		
Develop skills which will teach them to cooperate	PK-SE-C1* Develop increasing abilities to give and take in interactions Examples: • Take turns in games or when using materials • Listen to others while they are speaking • Work with others to complete a task • Play cooperatively alongside other children PK-SE-C2 Work or play cooperatively with other children with minimal direction Examples: • Become involved with classroom materials without teacher prompting • Participate in group activities such as singing • Try new activities such as a new nursery rhyme or a fingerplay PK-SE-C3 Respond appropriately during teacher-guided and child-initiated activities Examples: • Respect others' feelings within the context of group play • Use acceptable ways of joining in an on-going activity or group • Wait his/her turn in playing games or using materials PK-SE-C4 Use conflict resolution strategies Examples: • Trade one toy for another • Ask teacher for help when dealing with others who are less able to resolve a conflict PK-SE-C5 Develop appropriate listening skills Examples: • Wait turn to speak • Demonstrate emerging ability to show sensitivity to peers and teacher as they speak in large or small settings	Louisiana K-4 Content Standards: Not applicable NAEYC Criterion: A-3b, A-10, A-11, B-7a, B-8 ECERS-R Items: 29(7.3), 31(7.1), 33(5.1), 33(7.1), 33(7.2) Head Start Performance Standards: 1304.21(a)(3)(i)(b) 1304.21(a)(3)(i)(c) 1304.21(c)(1)(iv) Head Start Child Outcomes: Domain 1 and 6
*PK- SE- C – Pre-Kindergarten – Social and Emotional Development - Cooperation		

Social and Emotional Development		
Content Practice Standards	**Developmental Profile Indicators**	**Links**
Preschool programs will provide experiences for children to:	Educational experiences will assure that preschool children will:	Louisiana K-4 Content Standards, ECERS-R, NAEYC, Head Start, etc.
Pro-Social Behavior:		
Develop self-control and understand that actions have consequences	PK-SE-PB1* Show progress in expressing feelings, needs and opinions in difficult situations and conflicts without harming self, others, or property Examples: • Begin to use socially acceptable means to resolve conflict • Move from physical to verbal responses in their interactions with other children Express frustrations and anger effectively PK-SE-PB2 Develop a growing understanding of how their actions affect others and begin to accept consequences of their actions Examples: • Begin to demonstrate remorse • Leave a learning center or choose another learning center without protest when asked, due to inappropriate behavior PK-SE-PB3 Demonstrate increasing capacity to follow rules and routines and use materials purposefully, safely and respectfully Examples: • Respect and care for classroom environment and materials • Participate in snack time, nap or other routine activities without much delay or protest • Begin to verbalize and understand the reason for class rules • Return materials to appropriate place when task is complete	Louisiana K-4 Content Standards: C-1A-E1 NAEYC Criterion: A-6a, A-8b, A-9, ECERS-R Items: 19(7.2) 22(7.2) 24(5.4) 31(7.1) Head Start Performance Standards: 1304.21(c)(1)(iv) 1304.21(a)(3)(i)(c) Head Start Child Outcomes: Domain 6
PK-SE-PB – Pre-Kindergarten – Social and Emotional Development – Pro-Social Behavior		

Social and Emotional Development		
Content Practice Standards	**Developmental Profile Indicators**	**Links**
Preschool programs will provide experiences for children to:	Educational experiences will assure that preschool children will:	Louisiana K-4 Content Standards, ECERS-R, NAEYC, Head Start, etc.
Family:		
Develop a knowledge and understanding of self and family	PK-SE-F1* Demonstrate knowledge of personal information Examples: • Demonstrate or verbalize their age in a variety of ways • Say name when asked or sing name during name song • Share their gender verbally or demonstrate it in a variety of ways PK-SE-F2 Identify family composition and describes roles of family members Examples: • Discuss family members who live in and out of the home such as: "I live with my grandma, but I stay with my dad on the weekends." • Act out family roles in dramatic play center PK-SE-F3 Discuss family traditions, practices and cultural roots of family members Examples: • Share information about family celebrations • Tell stories, draw pictures, and/or verbally express family practices such as: "My family eats rice with every meal."	Louisiana K-4 Content Standards None Applicable NAEYC Criterion: B-7a, 7h ECERS-R Items: 32(7.2) Head Start Performance Standards: 1304.21(a)(3)(i)(e) Head Start Child Outcomes: Domain 6
PK-SE-F– Pre-Kindergarten – Social and Emotional Development - Family		

Social and Emotional Development		
Content Practice Standards	**Developmental Profile Indicators**	**Links**
Preschool programs will provide experiences for children to:	Educational experiences will assure that preschool children will:	Louisiana K-4 Content Standards, ECERS-R, NAEYC, Head Start, etc.
Diversity:		
Develop a respect for differences in people	PK-SE-D1* Recognize themselves as unique individuals and become aware of the uniqueness of others Examples: • State, "I have blue eyes. Jennifer has brown eyes." • Graph hair color or style, eye color, transportation to school, etc. PK-SE-D2 Demonstrate emerging awareness and respect for culture and ethnicity Examples: • Show interest in how people in different cultures live • Show pride in own culture and accept peers of different ethnicity • Participate in various cultural activities (stories, cooking. etc.) PK-SE-D3 Demonstrate emerging awareness and respect for abilities and disabilities Examples: • Show interest in how people with differing abilities live • Accept peers with different abilities • Participate in discussions and story telling experiences which deal with people with differing abilities PK-SE-D4 Begin to demonstrate an understanding of social justice and social action issues Examples: • Understand and join in discussion about charities and/or charitable events the class can become involved in • Contribute to the penny drive for the homeless or bring cans for the food bank	Louisiana K-4 Content Standards: None applicable NAEYC Criterion: B-7h ECERS-R Items: 24(7.2) 28(5.1), 28(5.2), 28(7.1), 28(7.2) Head Start Performance Standards: 1304.21(a)(1)(iii) 1304.21(a)(3)(i)(d) 1304.21(a)(3)(i)(e) Head Start Child Outcomes: Domain 6
PK-SE-D – Pre-Kindergarten – Social and Emotional Development - Diversity		

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Chapter 7. Pre-K Standards at-a-Glance

§701. Cognitive Development

Cognitive Development – Mathematical	
Number Concepts	
PK-CM-N1	Compare numbers of objects
PK-CM-N2	Perform one-to-one correspondence
PK-CM-N3	Count by rote
PK-CM-N4	Begin to count objects
PK-CM-N5	Begin to recognize numerals
PK-CM-N6	Begin to demonstrate estimation skills
Measurement	
PK-CM-M1	Experience, compare, and use language relating to time
PK-CM-M2	Anticipate, remember, and describe sequences of events
PK-CM-M3	Use mathematical language to describe experiences involving measurement
PK-CM-M4	Measure objects in the physical world using non-standard units of measurement
Geometry and Spatial Sense	
PK-CM-G1	Recognize, name, describe, compare, and create basic shapes
PK-CM-G2	Identify shapes to describe physical world
PK-CM-G3	Describe and interpret spatial sense: positions, directions, distances, and order
Data Collection, Organization, and Interpretation	
PK-CM-D1	Sort and classify materials by one or more characteristics
PK-CM-D2	Collect and organize data about themselves, their surroundings, and meaningful experiences
PK-CM-D3	Interpret simple representations in data
Patterns and Relationships	
PK-CM-P1	Recognize patterns in the physical world
PK-CM-P2	Describe, copy, extend, create patterns and make predictions about patterns
PK-CM-P3	Seriate objects
Cognitive Development – Science	
Science as Inquiry	
PK-CS-I1	Use prior knowledge and experiences to hypothesize, predict, generate questions, and draw conclusions about organisms and events in the environment
PK-CS-I2	Conduct simple scientific experiments
PK-CS-I3	Make observations using senses
PK-CS-I4	Employ equipment and tools to gather data and extend sensory observations
PK-CS-I5	Collect, interpret, communicate data and findings from observation and experiments in oral and written format
PK-CS-I6	Use appropriate scientific vocabulary related to topics
Physical Science	
PK-CS-P1	Begin investigating states of matter: solids, liquids, and gases
PK-CS-P2	Describe objects by their physical properties
PK-CS-P3	Explore the physical world using five senses
PK-CS-P4	Explore simple machines, magnets, and sources of energy
Life Science	
PK-CS-L1	Explore, observe, and describe a variety of living things
PK-CS-L2	Explore, observe, describe, and participate in a variety of non-living things
PK-CS-L3	Explore, observe, describe, and participate in a variety of activities related to preserving their environment
PK-CS-L4	Begin to develop an awareness and understanding of plant and animal life cycles and how the life cycles vary for different reasons
Earth and Space Science	
PK-CS-ES1	Investigate, compare, and contrast seasonal changes in their immediate environment
PK-CS-ES2	Discover through observation that weather can change from day to day
PK-CS-ES3	Use vocabulary to describe major features of the earth and sky
Cognitive Development – Social Studies	
Civics	
PK-CSS-C1	Recognize community workers and increase awareness of their jobs
PK-CSS-C2	Identify his/her role as a member of family/class
Economics	
PK-CSS-E1	Demonstrate an awareness of money being used to purchase items
Geography	
PK-CSS-G1	Include representations of roads, bodies of water, and buildings in their play
PK-CSS-G2	Use words to indicate directionality, position, and size
PK-CSS-G3	Develop awareness of the world around them
History	
PK-CSS-H1	Use words to describe time (yesterday, today, tomorrow)

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§703. Creative Arts Development

Creative Arts Development – Music and Movement	
Music Appreciation	
PK-MM-MA1	Listen to a variety of musical genre – jazz, classical, country, lullaby, patriotic, instrumental, vocal, etc.
PK-MM-MA2	Respond to variations in music – pitch, volume, tempo, beat, rhythm, and pattern
Music Expression	
PK-MM-ME1	Use music as an avenue to express thoughts, feelings, and energy
PK-MM-ME2	Participate in group singing, fingerplays, rhymes, poetry, and rhythm
Creative Movement	
PK-MM-CM1	Observe various forms of movement
PK-MM-CM2	Communicate words or concepts through movement
PK-MM-CM3	Show creativity using their bodies (dance, march, hop, jump, sway, clap, snap, stomp, twist, turn)
Creative Arts Development – Visual Arts	
Visual Arts Appreciation	
PK-VA-VA1	Observe various forms of art expression (paintings, drawings, sculpture, prints, collages, and other art forms)
PK-VA-VA2	Share various forms of art (sculpture, pencils, watercolors, clay, collage, pen and ink, etc.) found in their environment
Creative Expression	
PK-VA-CE1	Participate in individual and group art activities

Creative Arts Development – Dramatic Arts	
Dramatic Appreciation	
PK-DA-DA1	Attend a variety of dramatic performances
PK-DA-DA2	Participate in discussions of dramatic performances
Dramatic Expression	
PK-DA-DE1	Role play or use puppets to express feelings, dramatize stories, try out social behaviors observed in adults, re-enact real-life roles and experiences
PK-DA-DE2	Participate in activities using symbolic materials and gestures to represent real objects and situations

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§705. Health and Physical Development

Health and Physical Development - Health	
Health and Hygiene	
PK-HP-HH1	Show awareness of healthy lifestyle practices
PK-HP-HH2	Show awareness of good hygiene and personal care
Nutrition	
PK-HP-N1	Exhibit knowledge that some foods are better for your body than others
Safety	
PK-HP-S1	Identify harmful objects, substances, or behaviors
PK-HP-S2	Be aware of and follow universal safety rules
Health and Physical DevelopmentCPhysical	
Gross Motor	
PK-HP-GM1	Exhibit body coordination and strength
PK-HP-GM2	Exhibit balance and spatial awareness
Fine Motor	
PK-HP-FM1	Strengthen and control small muscles in hands
PK-HP-FM2	Exhibit manual coordination
PK-HP-FM3	Participate in eye-hand coordination activities

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§707. Language and Literacy Development

Language and Literacy Development	
Listening	
PK-LL-L1	Listen with understanding to directions and conversations
PK-LL-L2	Follow directions that involve two- or three-step sequence of actions
PK-LL-L3	Hear and discriminate the sounds of language in the environment to develop beginning phonological awareness
PK-LL-L4	Demonstrate understanding of new vocabulary introduced in conversations, activities, stories or books
PK-LL-L5	Engage in activities that offer the opportunity to develop skills associated with technology by viewing, comprehending, and using non-textual information
Speaking	
PK-LL-S1	Develop and expand expressive language skills
PK-LL-S2	Use new vocabulary in spontaneous speech
PK-LL-S3	Ask and answer relevant questions and share experiences individually and in groups
Reading	
PK-LL-R1	Actively engage in reading experiences
PK-LL-R2	Retell information from a story
PK-LL-R3	Demonstrate an understanding of print concepts and beginning alphabetic knowledge
PK-LL-R4	Use emerging reading skills to make meaning from print
Writing	
PK-LL-W1	Experiment with a variety of writing tools, materials, and surfaces
PK-LL-W2	Use forms of shapes and letter-like symbols to convey ideas
PK-LL-W3	Participate in a variety of writing activities focused on meaningful words and print in the environment
PK-LL-W4	Demonstrate an interest in using writing for a purpose

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§709. Social and Emotional Development

Social and Emotional Development	
Self-Esteem	
PK-SE-SE1	Respond to own name
PK-SE-SE2	Stand up for own rights in an appropriate manner
PK-SE-SE3	Recognize and express own feelings and respond appropriately (all emotions - happiness, surprise, anger, etc.)
PK-SE-SE4	Demonstrate appropriate behaviors when completing a task or solving a problem
Attitude	
PK-SE-A1	Separate easily from parent
PK-SE-A2	Play well with other children
PK-SE-A3	Respond sympathetically to peers who are in need
PK-SE-A4	Recognize the feelings of others and respond appropriately
Cooperation	
PK-SE-C1	Develop increasing abilities to give and take in interactions
PK-SE-C2	Work or play cooperatively with others with minimal direction
PK-SE-C3	Respond appropriately during teacher-guided and child-initiated activities
PK-SE-C4	Use conflict resolution strategies
PK-SE-C5	Develop appropriate listening skills
Pro-Social Behavior	
PK-SE-PB1	Show progress in expressing feelings, needs and opinions in difficult situations and conflicts without harming self, others, or property
PK-SE-PB2	Develop a growing understanding of how their actions affect others and begin to accept consequences of their actions
PK-SE-PB3	Demonstrate increasing capacity to follow rules and routines and use materials purposefully, safely and respectfully
Family	
PK-SE-F1	Demonstrate knowledge of personal information

PK-SE-F2	Identify family composition and describe roles of family members
PK-SE-F3	Discuss family traditions, practices and cultural roots of family members
Diversity	
PK-SE-D1	Recognize themselves as unique individuals and become aware of the uniqueness of others
PK-SE-D2	Demonstrate emerging awareness and respect for culture and ethnicity
PK-SE-D3	Demonstrate emerging awareness and respect for abilities and disabilities
PK-SE-D4	Begin to demonstrate an understanding of social justice and social action issues

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Interested persons may submit written comments until 4:30 p.m., September 8, 2003, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 105—Louisiana Standards for Programs Serving Four-Year-Old Children

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

The Board of Elementary and Secondary Education adopted Bulletin 105, which contains both program and content standards needed for the effective operation of a quality early childhood program. It is estimated that approximately $20,000 will be required to print and mail copies of the bulletin to each school within the state as well as other interested groups.

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

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

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

The adoption of these standards will provide for better accountability and quality early childhood programs.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There should be no effect on competition and employment.

Marlyn J. Langley
Deputy Superintendent
Management and Finance

H. Gordon Monk
Staff Director
Legislative Fiscal Office

0307#100

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741 Louisiana Handbook for School Administrators Foreign Language Immersion Program (LAC 28:I.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to *Bulletin 741 Louisiana Handbook for School Administrators*, referenced in LAC 28:I.901.A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). The State Board of Elementary and Secondary Education (SBESE) at its May 2003 meeting approved as Notice of Intent, the adding of a procedural block to *Bulletin 741 The Louisiana Handbook for School Administrators*, Standard 2.090.07, referencing foreign language immersion program guidelines developed by the Louisiana Consortium of Immersion Schools for students enrolled in foreign language immersion programs in grades kindergarten through 8 which are found in *A Guide for Administrators of Elementary Level Second Language and Immersion Programs in Louisiana Schools* (Formerly *Bulletin 1536*) (Revised 2003). The changes will assist districts in implementing foreign language immersion programs as proposed by the Louisiana Consortium of Immersion Schools.

Title 28
EDUCATION
Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations, and State Plans
Subchapter A. Bulletins and Regulations
§901. School Approval Standards and Regulations

A. Bulletin 741

* * *

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended LR 28:269 (February 2002), LR 28:272 (February 2002), LR 28:991 (May 2002), LR 28:1187 (June 2002), LR 29:

Foreign Language Immersion Program

2.090.07 An articulated elementary foreign language program for 30 minutes daily in grades 4 through 6 shall be required for academically able students and shall be optional for all others.

> An academically able student is defined as one who is Functioning at grade level as determined by the local school System. For special education students identified in accordance with *The Pupil Appraisal Handbook* (formerly *Bulletin 1508*), the IEP Committee shall determine the student's eligibility to receive foreign language instruction.

> Guidelines developed by the Louisiana Consortium of Immersion Schools for students enrolled in foreign language immersion programs in grades kindergarten through 8 are found in *A Guide for Administrators of Elementary Level Second Language and Immersion Programs in Louisiana Schools* (Formerly *Bulletin 1536*) (revised 2003).

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? No.

Interested persons may submit written comments until 4:30 p.m., September 8, 2003, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 741CLouisiana Handbook for School AdministratorsCForeign Language Immersion Program

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

The proposed revision to Bulletin 741 will have no savings to state or local governmental units. The revision adds a procedural block referencing foreign language immersion guidelines which assist local school districts that elect to offer foreign language immersion programs. Local school districts do currently offer second language as well as foreign language immersion programs to meet the SBESE foreign language mandate requiring that all academically able students in grades 4-8 be offered the opportunity to learn a foreign language 30 minutes daily in grades 4 through 6 and 150 minutes per week in grades 7 and 8. This action will cost the Department of Education approximately $34.00 for advertising in the *Louisiana Register*.

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

There are no effects on costs or economic benefits to directly affected persons or non-governmental groups.

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

There are no effects on costs or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no effects on competition and employment.

Marlyn J. Langley
Deputy Superintendent
Management and Finance

H. Gordon Monk
Staff Director
Legislative Fiscal Office

0307#037

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741 Louisiana Handbook for School Administrators High School Diploma and Endorsements (LAC 28:I.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to *Bulletin 741 Louisiana Handbook for School Administrators*, referenced in LAC 28:I.901.A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). The State Board of Elementary and Secondary Education (SBESE) at its May 2003 meeting approved revisions to *Bulletin 741 The Louisiana Handbook for School Administrators*, Standard 2.099.02, to add to the graduation requirements a computer related course and an area of concentration as required by Career Options Law, and to add an optional Academic Endorsement and Career/Technical Endorsement to the standard diploma. The purpose of the diploma endorsements is to offer incentives to students to maximize their junior and senior years of high school and to encourage schools to offer more advanced courses as well as school-to-work opportunities to students. Also included in the revised policy are changes in the requirements for a standard diploma that are part of the Career Options Law. These changes require students to take a one-unit computer-related course and complete an area of concentration. These changes will be effective for freshmen in 2003-04 and beyond.

Title 28
EDUCATION
Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations, and State Plans
Subchapter A. Bulletins and Regulations
§901. School Approval Standards and Regulations

A. Bulletin 741

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended LR 28:269-271 (February 2002), LR 28:272-273 (February 2002), LR 28:991-993 (May 2002), LR 28:1187 (June 2002), LR 29:

High School Diploma and Endorsements

2.099.02 Standard Diploma

Incoming freshmen 2003-2004 and thereafter meeting the Minimum Requirements for High School Graduation listed below and the requirements listed in 2.099.00 and 2.099.01, and completing four Carnegie units in an area of

concentration, including one course that incorporates computer applications, shall be eligible for a standard diploma. An area of concentration shall be courses selected to prepare students for postsecondary education and/or a career.

The 23 units required for graduation shall include 16 required units and 7 elective units; the elective units can be earned at technical colleges as provided in Standard 2.103.35.

Academic Endorsement

Students meeting the requirements for a standard diploma, and satisfying the following performance indicators shall be eligible for an academic endorsement to a standard diploma.

1. Students shall meet the current course requirements for the Tuition Opportunity Program for Students (TOPS) Opportunity Award.
2. Students shall complete one additional Carnegie unit in mathematics, science, or social studies.
3. Students shall pass all four components of the GEE 21 with a score of Basic or above, or one of the following combinations of scores with the English Language Arts score at Basic or above:
   - One Approaching Basic, 1 Mastery or Advanced, Basic or above in the remaining two
   - Two Approaching Basic, 2 Mastery or above.
4. Students shall complete one of the following requirements:
   - Senior Project
   - One Carnegie unit in an AP course with a score of 3 or higher on the AP exam
   - One Carnegie unit in an IB course with a score of 4 or higher on the IB exam
   - Three college hours of non-remedial, articulated credit in mathematics, social studies, science, foreign language, or English Language Arts.
5. Students shall meet the current minimum grade-point average requirement for the TOPS Opportunity Award.
6. Students shall achieve an ACT Composite Score of 23.

Career/Technical Endorsement

Students meeting the requirements for a standard diploma, and satisfying the following performance indicators shall be eligible for a career/technical endorsement to a standard diploma.

1. Students shall meet the current course requirements for the Tuition Opportunity Program for Students (TOPS) Opportunity Award or the TOPS Tech Award.
2. Students shall pass the English Language Arts, mathematics, science, and social studies components of the GEE 21 at the Approaching Basic level or above.
3. Students shall complete a minimum of ninety work hours of work-based learning experience (as defined in the SDE Diploma Endorsement Guidebook) and complete one of the following requirements:
   - Industry-based certification from the list of industry-based certifications approved by BESE
   - Three Carnegie credits in a Career/Technical area that articulate to a postsecondary institution, either by actually obtaining the credits and/or being waved from having to take such hours.

Industry-based certification is a portable, recognized credential (tangible evidence) that an individual has successfully demonstrated skill competencies on a core set of content and performance standards in a specific set of work-related tasks, single occupational area, or a cluster of related occupational areas.

Articulated credit/dual enrollment is a program of study allowing high school students to earn credits toward a high school diploma and a postsecondary degree or certification simultaneously. Written agreements formalize programs of study, the transfer of academic and vocational credits among institutions, and the role of secondary and postsecondary instructors.

4. Students shall meet the current minimum grade-point average requirement for the TOPS Opportunity Award or the TOPS Tech Award.
5. Students shall achieve the current minimum ACT Composite Score (or SAT Equivalent) for the TOPS Opportunity Award or the TOPS Tech Award.

Minimum Requirements for High School Graduation

(Effective for Incoming Freshmen 2003-2004 and thereafter)

ENGLISH 4 units

Shall be English I, II, and III, in consecutive order; and English IV or Business English.

MATHEMATICS 3 units

Shall be selected from the following courses and may include a maximum of 2 entry level courses (designated by E): Introductory Algebra/Geometry (E), Algebra I-Part 1 (E), Algebra I-Part 2, Integrated Mathematics I (E), Integrated Mathematics II, Integrated Mathematics III, Applied Mathematics I (E), Applied Mathematics II, Applied Mathematics III, Algebra I (E), Geometry, Algebra II, Financial Mathematics, Advanced Mathematics I, Advanced Mathematics II, Pre-Calculus,

SCIENCE 3 units

Shall be 1 unit of Biology I;

1 unit of Physical Science or Integrated Science (but not both), or Chemistry I, Physics I, or Physics of Technology I;

1 unit from Aerospace Science, Biology II, Chemistry II, Earth Science, Environmental Science, Physics II, Physics of Technology II, Agriscience I, Agriscience II, or any other course not already taken from the Physical Science cluster, or a locally designed elective.

- If a student takes Physical Science or Integrated Science, s/he may then take Chemistry I, Physics I, or Physics of Technology I as the required science course. If a student takes Chemistry I, Physics I, or Physics of Technology I to fulfill the Physical Science requirement, s/he may not then take Physical Science or Integrated Science as the third required science course but may take such courses as one of the eight allowed elective graduation requirements.
- Both Agriscience I and II must be completed for one unit of science credit.

All Advanced Placement Science Courses will be accepted for credit.

SOCIAL STUDIES 3 units

Shall be American History, one-half unit of Civics, one-half unit of Free Enterprise; and one of the following: World History, World Geography, or Western Civilization.

HEALTH EDUCATION 1/2 unit

PHYSICAL EDUCATION 1 1/2 units

Shall be Physical Education I and Physical Education II, or Adaptive Physical Education for eligible special education students.

NOTE: The substitution of JROTC is permissible. A maximum of four units may be used toward graduation.

COMPUTER TECHNOLOGY 1 unit

Shall be taken from the following:

Computer/Technology Literacy (1/2 credit)
Computer Applications or Business Computer Applications (1 credit)
Computer Architecture (1 credit)
Computer Science I, II (1 credit each)
Computer Systems and Networking I, II (1 credit each)
Desktop Publishing (1/2 credit)
Digital Graphics & Animation (1/2 credit)
Multimedia Presentations (1 credit)
Web Mastering or Web Design (1/2 credit)
Independent Study in Technology Applications (1 credit)
Word Processing (1 credit)
Telecommunications (1/2 credit)
Introduction to Business Computer Applications (1 credit)
Technology Education Computer Applications (1 credit)
Advanced Technical Drafting (1 credit)

ELECTIVES 8 units

TOTAL 23 units

Refer to Standards 2.037.02 and 2.058.02 relative to appropriate student scheduling and counseling.

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

I. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Interested persons may submit written comments until 4:30 p.m., September 8, 2003, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 741CLouisiana Handbook for School AdministratorsCHigh School Diploma and Endorsements

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

Bulletin 741, the Louisiana Handbook for School Administrators, would be revised to add to the graduation requirements a computer related course and an area of concentration as required by Career options law, and to add an optional Academic Endorsement and Career/Technical Endorsement to the standard diploma. The proposed revision to Bulletin 741 will cost the Louisiana Department of Education approximately $20,000 to provide professional development to district personnel regarding Diploma Endorsements and $5,000 for the production of materials. There should be no impact on local governmental units because of this proposed action. Some parts of the proposed policy, such as training Advanced Placement teachers or acquiring industry-based certification may require funds, but they are optional and the cost cannot be estimated.

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

There are no effects on revenue collections.

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

There are no effects on costs or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no effects on competition and employment.

Marlyn J. Langley
Deputy Superintendent
Management and Finance

H. Gordon Monk
Staff Director
Legislative Fiscal Office

0307#038

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741 Louisiana Handbook for School Administrators Nonpublic Schools
(LAC 28:LXXIX.Chapters 1-37)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revision of Nonpublic Bulletin 741, *Louisiana Handbook for Nonpublic School Administrators*. The revised Nonpublic Bulletin 741 will be printed in codified format as Part LXXIX of the *Louisiana Administrative Code*. The State Board of Elementary and Secondary Education at its April 2003 meeting approved the revision of this bulletin which contains policies regulating the administration of nonpublic pre-K through 12 schools. Nonpublic Bulletin 741 was revised to change or delete outdated information, to clarify language, and to bring policies in line with what is

currently required for public schools. The document had not been revised since 1997. Some policy changes are as follows.

The revised document allows for the flexible use of instructional time as is allowed for public schools. This policy allows secondary schools to use block scheduling. The policies regarding GEE 21 for schools awarding a state diploma are updated. The requirements for the BESE Honors Curriculum are revised to reflect the course requirements for nonpublic school students. The High School Program of Studies is updated to include recent changes.

Title 28
EDUCATION
Part LXXIX. Louisiana Handbook for Nonpublic School Administrators

Chapter 1. Operation and Administration

§101. General Authority

A. The nonpublic school board or governing body shall pass a resolution establishing the nonpublic school and setting forth its goals and objectives.

B. Nonpublic schools are designed to meet the needs of a specific group of students. Each nonpublic school will evaluate itself on the basis of its stated goals and objectives.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§103. School Administration

A. The educational program shall be designed to implement the stated goals and objectives and shall be directly related to the unique educational requirements of its student body.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§105. Philosophy and Purposes of School

A. Each nonpublic school shall develop and maintain a written statement of its philosophy and/or mission statement and the major purposes to be served by its program. The statement shall reflect the individual character of the school and the characteristics and needs of the students it serves.

B. The statement of philosophy and/or mission statement shall be reviewed annually and shall be revised as necessary.

C. Written evidence that these requirements are being met shall be on file.

D. Copies of the philosophy and/or mission statement shall be furnished to all staff members and made available to interested persons on request.

E. Each school shall maintain on the file the following:

1. written statement of philosophy and/or mission statement;

2. goals and objectives for the current year; and

3. plan for implementation of these goals and objectives.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§107. School Approval

A. In order to benefit from state and federal funds, each school shall have a state approval classification and shall be in compliance with Brumfield vs. Dodd.

B. Each state-approved nonpublic school receiving state and/or federal funds shall permit all colleges, universities and branches of the military to have equal access to the schools for the purpose of college recruitment.

C. When applying to the State Department of Education for a classification category, all nonpublic schools seeking state approval shall include all grades/programs taught at the school.

1. Classification Categories. Schools shall be classified according to the following categories.

a. Approved (A) school meets all standards specified in Standards for Approval of Nonpublic Schools.

b. Provisionally Approved (PA) school has some deficiencies in standards, such as: class size and number(s) of the faculty teaching in an area of which qualifications specified are not met, etc.

c. Probationally Approved (P) school has one or more of the following deviations from standards:

i. principal does not hold a master's degree or principalship certification;

ii. non-degreed teacher with fewer than five years teaching experience is employed;

iii. school has been on provisional approval for the previous two years for the same deficiency.

d. Unapproved (U) school maintains any of the above-mentioned deviations from standards which placed it in the probationally approved category the preceding year. A school may not maintain a probationally approved category for two consecutive years. A school which loses annual school approval shall become ineligible for state and federal funding.

D. The Department of Education shall submit to the SBESE a yearly report recommending the classification status of the nonpublic schools in accordance with the nonpublic school standards.

E. After the Annual School Reports are submitted by the State Department of Education to the State Board of Elementary and Secondary Education (SBESE) for approval, all nonpublic schools seeking to change their classification category must submit their request to the SBESE.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§109. Initial Classification

A. Schools seeking initial approval must be qualified to be classified as either approved or provisionally approved.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§111. Re-Applying for State Approval

A. An unapproved school reapplying for state approval must qualify as either approved or provisionally approved.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§113. Pre-Kindergarten/Kindergarten

A. The local educational governing authority shall have the option of establishing a pre-kindergarten and/or kindergarten program on a half-day or full-day schedule.

B. The pre-kindergarten program shall be listed on the annual school report when operated as a developmental program within the total school program.

C. Any other program which operates in a school as a childcare program shall follow the day care standards as prescribed by the appropriate state agency and is not to be listed on the annual school report.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§115. Minimum Session/Instructional Day

A. Each school shall adopt a calendar for a minimum session of 180 days, of which at least 175 days consisting of 330 minutes of instructional time, or the equivalent, shall be scheduled.

1. If a daily schedule must be abbreviated, the class schedule must be abbreviated in such a manner to ensure that all classes are taught during partial days, except in self-contained classrooms.

2. Each school may include in its calendar a provision for dismissal of senior students prior to the end of the school year. This provision is not to exceed 10 days of instructional time.

B. If a local school does not meet at least 175 school days, the State Board of Elementary and Secondary Education (SBESE) shall require the school to adjust its calendar to meet the minimum days of required instructional time by such means as Saturday classes, reduced holidays, expanded calendar length, etc.

1. A school system and/or independent school shall notify the State Board of Elementary and Secondary Education (SBESE) immediately when the minimum number of days of required instructional time cannot be met in crises such as fire, natural disasters, and so forth.

2. An alternate proposal to the original school calendar which meets the minimum number of 175 days or annual instructional minutes shall also be provided by the school.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§117. Written Policies

A. Each school system and/or independent school shall have written policies and/or regulations governing the general operation of the school.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§119. Emergency Planning and Procedures

A. Each school system and/or independent school shall have written plans and procedures that address the immediate response to emergency situations that may develop in the school.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§121. Personnel

A. No person who has been convicted of or has plead nolo contendere to a crime listed in R.S. 15:587.1(c) shall be hired by a nonpublic school for a position of supervisory or disciplinary authority over school children unless approved in writing by a district judge of the parish and by the district attorney.

B. Any employee hired after September 30, 1987, must request in writing, a criminal history review through the Department of Public Safety on the form prepared by the Bureau of Criminal Identification.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Chapter 3. Certification of Personnel

§301. Principal

A. A nonpublic school principal, assistant principal, or headmaster must hold a master's degree in any area from an accredited institution or have principalship on his Louisiana teaching certificate. The principal is to be a full-time, on-site employee. (The principal may be a teacher as well as the educational administrator of the school.)

B. Assistant principals who do not meet minimum qualifications may be retained in a school provided they were employed in that school during the 1992-93 school year as an assistant principal.

C. A list of these assistant principals is to be maintained on file in the State Department of Education. Upon their retirement or replacement, these assistant principals must be replaced with properly qualified personnel under the nonpublic school standards. These individuals may not be transferred or employed by another school unless they meet the requirements stated in the above standard.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§303. Instructional Staff

A.1. All members of the instructional staff teaching secular subjects, pre-kindergarten through 12, shall have received a bachelor's degree from a regionally accredited institution.

2. They shall also have completed a minimum of 12 semester hours of professional education courses. A beginning teacher shall have a two-year period in which to meet this 12-semester hour standard. The teacher shall be required to have a certificate or college major in the field of work for which the teacher is responsible during one half or more of the school day or shall have earned credits in the required specific specialized academic courses as described in Bulletin 746, *Louisiana Standards for State Certification of School Personnel*. A teacher may work in areas other than the major field for a period of time that is less than one-half

of the school day provided that he has earned at least 12 semester hours in each such area. (Exception may be made for teachers in Trade and Industrial Education classes.)

a. Teachers of the pre-kindergarten class shall be qualified in either elementary, kindergarten, or nursery school or have earned 12 hours in child growth and development. The 12 hours in child growth and development may be earned through the College of Education or the Department/School of Family and Consumer Sciences.

b. Teachers of the kindergarten class shall be qualified in either elementary or kindergarten or have earned 12 hours in child growth and development. The 12 hours in child growth and development may be earned through the College of Education or the Department/School of Family and Consumer Sciences.

c. Staff members teaching religion at the high school level (9-12) for Carnegie units must have a minimum of a bachelor's degree. Staff members teaching religion that do not meet minimum qualifications may be retained in a school provided they were employed during the 1995-96 school year as teachers of religion.

B. Professional and/or technical personnel e.g., C.P.A.s, doctors, college or university professors, lab technicians, lawyers, and so forth, may teach less than one-half of a school day in their area of expertise.

C. Non-degreed teachers having taught for a period of at least five years prior to September 1, 1977, may be rehired in a school provided their teaching performance was satisfactory; however, these teachers are eligible to teach only in the subject areas as listed prior to September 1, 1977. Upon retirement or replacement, these teachers must be replaced with degreed teachers eligible under the nonpublic school standards.

D. Credentials for graduates of foreign universities or colleges may be accepted by the local administrator, as qualified to teach in nonpublic schools subject to the review by the Nonpublic School Commission.

1. Applicants with foreign credentials seeking state certification should follow procedures as outlined by the State Department.

E. Teachers in nonpublic schools seeking state certification shall follow the approved procedure.

1. Secondary and elementary personnel may teach grades pre K-12 in their qualified areas.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§305. Professional Staff Development

A. Regular and planned faculty meetings on professional issues shall be held.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Chapter 5. Records and Reports

Subchapter A. Maintenance and Use of School Records and Reports

§501. General

A. The school shall maintain accurate and current information on students, personnel, instructional programs, facilities, and finances.

B. There shall be procedures in place to ensure confidentiality and parental access to records, in accordance with applicable law.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§503. School Records

A. Each school shall maintain necessary records for the effective operation of the school.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§505. Student Records

A. Each school shall keep records which shall provide for the registration and attendance of students and shall maintain an up-to-date permanent record of individual students showing personal data and progress through school.

B. Schools shall not reveal a student's confidential records, except by his or her parents/guardian consent, or for the purpose of the state's conduct of other activities, e.g., Department of Health and Human Resources surveying and monitoring of personnel, or use by other educational institutions and law enforcement officials, or by the order of a court, or pursuant to the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, et seq., and 34 CFR, et seq.

C. If a school discontinues its operation, it must provide the parent or receiving school with an up-to-date copy of the permanent student record, if requested.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§507. Use of School Records

A. Student records shall be reviewed regularly, and results shall be used for instructional planning, student guidance, and placement.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§509. Transfer of Student Records from Approved Schools

A. A student transferred from a state-approved school, in- or out-of-state, will be allowed credit for work completed in the former school. When a student transfers from one

school to another, a properly certified transcript, showing the students record of attendance, achievement, and the units of credit earned are required.

B. Every nonpublic school, approved or nonapproved, shall provide written notification directly to the public school in which the student was previously enrolled. This notification shall take place within 10 days of enrollment.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§511. Transfer of Student Records from Schools That Are Not State Approved

A. Local school principals from any state-approved school receiving a student from an unapproved school, in- or out-of-state, will determine the placement and/or credits for the student. The principal and/or superintendent may require the student to take an entrance examination on any subject matter for which credit is claimed. The school issuing the high school diploma shall account for all the credit required for graduation, and its records will show when and where the credit was earned.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§513. Students Transferring from Home Study

A. The school shall adhere to the policies and procedures established by the school system/school for students entering the system from an approved home study program.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§515. Students Transferring from Foreign Schools

A. The school shall determine placement of students transferring from foreign schools. This determination shall be accepted by the State Department of Education (SDE).

B. Credits earned by students in American schools in foreign countries shall be accepted at face value.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§517. Textbook Records

A. A record of all state-purchased textbooks shall be kept. This shall include textbooks on hand at the beginning of the session, those added, and those lost or worn-out.

B. State funds allocated for buying textbooks shall be used to buy books on the state-adopted textbook lists and academically related ancillary materials according to the state guidelines.

1. Local schools may use state textbook dollars for the purchase of non-adopted instructional materials, when they are purchasing instructional materials for grades K-3 that are manipulative concrete materials, or gross motor materials; or when they do not exceed 10 percent of the total state textbook allocation.

2. Schools may petition in writing the State Department of Education for permission to spend in excess of the 10 percent allowance.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§519. Health Records

A. A health record shall be maintained on each student from pre-kindergarten through grade 12.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Subchapter B. School Reports

§525. General

A. Reports required by the State Department of Education and BESE shall be made on appropriate forms, shall contain accurate information, and shall be returned by the specified date.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§527. Annual School Report

A. Each nonpublic school shall submit an annual school report to the appropriate division within the State Department of Education, according to the established time line.

B. By October 15, the principal shall forward a report through the nonpublic superintendent's or administrator's office, to the State Department of Education, on forms provided for that purpose. This report shall be signed by the administrative head of the school. One copy shall be filed with the nonpublic school superintendent's or administrator's office and another copy shall be filed in the principal's office.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§529. Annual Financial and Statistical Report

A. Information required for the completion of the annual financial and statistical report shall be recorded on forms furnished by the State Department of Education.

B. A copy of this report shall be filed in the principal's office and a copy forwarded to the appropriate office in the State Department of Education.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§531. Reports of High School Credits

A. Before a student may graduate from a nonpublic high school, a certificate of high school credits (transcript) shall be submitted to and approved by the State Department of Education.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§533. Other Reports

A. Any other records and reports applicable to nonpublic schools that may be required by the State Board of Elementary and Secondary Education (SBESE) or the State Department of Education shall be submitted.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Chapter 7. Scheduling

§701. General

A. The purpose of scheduling within available time frames and staff resources shall be to meet educational needs of students.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§703. Secondary Scheduling

A. The minimum length of periods for any high school class in which a Carnegie unit is earned shall be no less than 55 minutes of instructional time in a six-period day and no less than 50 minutes of time in a seven-period day.

B. The minimum length of any high school class in which one-half Carnegie unit of credit is earned shall be no less than one-half of the total minutes required for one full Carnegie unit of credit.

C. Any high school class scheduled for a 90 minute per period block of instructional time must meet for a minimum of one full semester, or the equivalent, in order to earn a Carnegie unit.

D. The schedule of subjects offered in the program of studies may be arranged by school principals in order to reduce or increase the number of class periods per week provided that the yearly aggregate time requirements are met.

E. Significant accommodations and/or modifications may be made for special education students in accordance with the Individualized Education Program (IEP), provided that the integrity of the Carnegie unit is not diminished.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§705. Length of the School Day

A. The minimum instructional day for a full-day kindergarten program shall be 330 minutes and for a one-half day kindergarten program, the minimum instructional day shall be 165 minutes.

B. For grades 1-12, the minimum school day shall include 330 minutes of instructional time exclusive of recess, lunch, and planning periods.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§707. Class Size and Ratio

A. The maximum enrollment allowed in any class or section shall not exceed 35 students except in certain activity classes such as physical education, music, art, etc.

B. The class size for pre-kindergarten developmental programs shall not exceed 20 children for one teacher. Schools that choose to use the assistance of a full-time aide may have a maximum of 30 children per class.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Chapter 9. Reporting Student Progress

§901. Reporting Student Progress to Parents

A. Reports covering the students' achievement and progress shall be made to parents or guardians periodically. These reports shall contain an evaluation of the pupil's scholastic achievement and conduct.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Chapter 11. Review and Evaluation

§1101. School Self-Evaluation

A. School self-evaluation shall be used to effect improvement in the purposes of the school and in the understanding of pupils, instructional methods, and educational outcomes.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Chapter 13. Student Services

§1301. Attendance

A. Students who have attained the age of seven years shall attend a public or private day school or participate in an approved home study program until they reach the age of 17 years; however, a student between the ages of 16 and 17 years of age may withdraw from school with the written consent of his parent, tutor, or legal guardian.

B.1. A student is considered to be in attendance when he or she:

a. is physically present at a school site or is participating in an authorized school activity; and

b. is under the supervision of authorized personnel.

2. This definition for attendance would extend to students who are homebound, assigned to and participating in drug rehabilitation programs that contain a state-approved education component, or participating in school-authorized field trips.

a. Half-Day Attendance. A student is considered to be in attendance for one-half day when he or she:

i. is physically present at a school site or is participating in an authorized school activity; and

ii. is under the supervision of authorized personnel for more than 25 percent but not more than half (26 percent-50 percent) of the student's instructional day.

b. Whole-Day Attendance. A student is considered to be in attendance for a whole day when he or she:

i. is physically present at a school site or is participating in an authorized school activity; and

ii. is under the supervision of authorized personnel for more than 50 percent (51 percent-100 percent) of the student's instructional day.

C. In order to be eligible to receive grades, high school students shall be in attendance a minimum of 80 days per course each semester or 160 days per course during a school year for schools not operating on a semester basis. Elementary students shall be in attendance a minimum of 160 days a school year.

1. Students attending high school classes operating in 90 minute blocks of instructional time shall be in attendance 80 days, or its equivalent, in order to be eligible to receive grades.

D. Each school shall develop and implement a system whereby a student's parent, tutor, or legal guardian is given notice when that student has been excessively absent from school and at intervals thereafter. This notification shall be provided each semester for those high schools operating on a semester basis.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§1303. Extenuating Circumstances

A. Exception to the attendance policy can be made only in the event of extended personal illness, verified by a physician, or at the discretion of the principal.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§1305. Entrance Requirements

A. All students, upon entering Louisiana schools for the first time, shall present:

1. an official birth certificate;
2. a record of immunization; and
3. an official Social Security Card.

B. If no official Social Security Card is available, the student shall be assigned an identification number by the school. Other official records may be used for verification upon the discretion of appropriate school officials.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§1307. Age Requirements

A. The minimum age for kindergarten shall be one year younger than the age requirement for that child to enter first grade.

B. Each school system and/or independent school may adopt by rule and enforce ages for entrance into first grade in school. It is recommended that a child entering first grade be six years of age on or before September 30 of that school year.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Chapter 15. Health

§1501. Immunization

A. The school principal of each school shall be responsible for checking student records to ensure that immunization requirements are enforced. Refer to R.S. 17:170.

B. After parental notification that a student's immunization schedule is not up-to-date, the student shall be excluded from school until evidence has been presented that the required immunization program is in progress or unless Section E of R.S. 17:170 is invoked. Refer to R.S. 17:170

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Chapter 17. Preventive Programs

§1701. Substance Abuse

A. Each school is encouraged to include in the curriculum a program of substance abuse prevention.

B. Each school shall develop a method by which to mark drug free zones, including the use of signs or other markings suitable to the situation. Signs or other markings shall be located in a visible manner on or near each school and on and in each school bus indicating that such area is a drug free zone, that such zone extends to one thousand feet of school property, and that a felony violation of the Uniform Controlled Dangerous Substances Law will subject the offender to severe penalties under law. Refer to R.S. 17:405.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§1703. Abuse

A. Any school employee having reasonable cause to believe that a student has been mentally, physically, or sexually abused shall report these facts to the appropriate authorities.

B. Any person making a report in good faith regarding child abuse shall have immunity from civil liability that may be otherwise incurred. Refer to R.S. 14:403.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§1705. Weapons

A. Carrying a firearm or dangerous weapon, as defined in R.S. 14:2(3), by a student or non-student on school property, at a school function, or in a firearm-free zone is unlawful and shall be defined as possession of any firearm or dangerous weapon, on one's person, at any time while on a school campus, on school transportation, or at any school-sponsored function in a specific designated area including, but not limited to, athletic competitions, dances, parties, or any extracurricular activities, or within one thousand feet of any school campus. Refer to R.S.14:95.2.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§1707. Search and Seizure

A. It is recommended that each school shall adopt a policy to provide for reasonable search and seizure by school teachers, by principals, and by other school administrators, of students' desks, lockers, or other school areas for illegal drugs, weapons, alcohol, stolen goods, or other material or objects.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Chapter 19. Building Operation and Maintenance

§1901. Building and Maintenance

A. The school site and building shall include appropriate physical facilities and custodial services to meet the needs of the education program and to safeguard the health and safety of the pupils in each school.

B. Each school system/independent school must be in compliance with any state or local regulations regarding health and safety.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Chapter 21. Instructional Support

§2101. School Libraries/Media Centers

A. It is recommended that all school libraries and media centers provide students access to information through monitored electronic formats.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2103. Elementary Libraries/Media Centers

A. It is recommended that elementary schools with a centralized library/media center have a trained librarian/media specialist for at least 20 hours per week. This person does not have to be a certified librarian, but should have at least a bachelor's degree from an accredited institution.

B. It is recommended that elementary schools have library books at the ratio of 10 volumes per pupil. Three subscriptions per 100 students are recommended for elementary schools.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2105. Secondary Libraries/Media Centers

A. Secondary schools with more than 350 students are required to have a full-time librarian with at least 18 hours of library science or certification in library science. Secondary schools with fewer than 350 students are required to have a part-time librarian with at least 12 hours of library science or certification in library science.

B. Secondary schools are recommended to have library books at the ratio of 10 volumes per pupil. Three subscriptions per 100 students are recommended for secondary schools.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Chapter 23. Support Services

§2301. Transportation

A. If transportation is not provided by the public school board, parents of students attending nonpublic schools shall be reimbursed for transportation, provided funds are appropriated. Refer to R.S. 17: 158.C, D, H.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2303. School Food Service

A. Any recognized school of high school grade or under shall be eligible to participate in the school food service programs administered by the State Department of Education, provided that requirements set forth in the agreements with the local educational governing authority are met.

B. Reimbursement payments shall be made only to schools operating under an agreement between the school's governing body, called "school food authority" in the agreement and the State Department of Education (SDE). Agreements shall be signed by the designated representative of each school's governing body. Agreements shall be renewed by a signed statement annually unless an amendment is necessary. These agreements may be terminated by either party or may be canceled at any time by the State Department of Education upon evidence that terms of agreements have not been fully met.

C. Participating schools shall adhere to conditions of agreement as stipulated in Louisiana Food and Nutrition Programs, Policies of Operation, Bulletin 1196, and all other applicable State and Federal laws regulations, policies, and requirements established for the school food service program.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Chapter 25. Curriculum and Instruction

Subchapter A. General

§2501. Curriculum

A. The school shall plan and implement a continuous program of skills, concepts, and instruction in a learning environment designed to promote excellence in order that every individual may be afforded an equal opportunity to develop to his/her potential.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Subchapter B. Elementary Program of Studies

§2503. Minimum Time Requirements

A. Pre-Kindergarten/Kindergarten

1. The pre-kindergarten and/or kindergarten should be planned to meet the developmental needs of young children

and should be informal in nature, with teacher-directed and student-initiated activities.

2.a. Suggested time requirements for pre-kindergarten are as follows.

Teacher-directed activities (whole or small group)	35 percent
Student-initiated activities (learning center)	35 percent
Snack and restroom time	10 percent
Lunch, rest period and/or quiet activities	20 percent

b. The above suggested time requirements shall be flexibly scheduled to meet the developmental needs of young students.

3.a. Suggested Time Requirements for Kindergarten are as follows.

Teacher-directed activities (whole or small group)	40 percent
Student-initiated activities (learning center)	35 percent
Snack and restroom time	10 percent
Lunch, rest period and/or quiet activities	15 percent

b. The above minimum suggested time requirements shall be flexibly scheduled to meet the developmental needs of young students.

B. Elementary Schools

1. Nonpublic elementary schools shall devote no less than 50 percent of the school day to the skill subjects: reading, language arts, and mathematics. The remainder of the school day may be devoted to such subjects as social studies, arts, religion, science, physical education, or other electives.

2. The following elementary program of studies will be followed for nonpublic elementary schools.

Program of Studies for Nonpublic Elementary Schools Self-Contained Classrooms	
Subject	Percent of School Day
Reading	50% (minimum)
Language Arts	
Mathematics	
Social Studies	
Fine Arts	
Science	50% (maximum)
Physical Education/Health	
Religion and/or Electives	

3. An articulated elementary foreign language program is recommended for academically able students and optional for all others.

4. The above minimum time requirements shall apply to all students performing at or above grade levels in language arts and mathematics. Subject to review and approval of the principal, teachers may vary the daily schedule for the various subject time requirements as long as the weekly aggregate of time for each subjects is in accordance with the above.

5. For students performing below grade level in language arts or mathematics, teachers may increase the daily/weekly time in language arts or mathematics by reducing instructional time in other subjects.

Departmental Classes 6-Period Day Option		
	Periods per Week	Minimum
Language Arts	5	55
Mathematics and Introduction to Algebra	5	55
Social Studies (LA Studies & Am. History)	5	55
Science	5	55
Health and Physical Education, Religion and/or Electives	10	10
	330 minutes per day	

Departmental Classes 6-Period Day Option		
	Periods per Week	Minimum
Language Arts	5	50
Mathematics and Introduction to Algebra	5	50
Social Studies (LA Studies & Am. History)	5	50
Science	5	50
Health and Physical Education, Religion and/or Electives	5	50
	330 minutes per day	

6. Grades 7 and 8 (including grade 6 when grouped with grades 7 and 8) may offer electives from the following:

a. Reading;
b. Mathematics;
c. Writing;
d. Social Studies;
e. Exploratory Agriscience;
f. Exploratory Technology Education Science:
  i. Construction;
  ii. Manufacturing;
  iii. Communication;
  iv. Transportation;
  v. Production;
g. Exploratory Family and Consumer Sciences;
h. Art;
i. Foreign Languages;
j. Instrumental or Vocal Music;
k. Keyboarding/Typing;
l. Speech;
m. Computer Literacy/Computer Science.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2505. Adding Electives to the Program of Studies for Middle Schools

A. A school choosing to add an elective course to its program of studies shall apply to the director of the Division of Student Standards and Assessments, State Department of Education (SDE), at least 30 days prior to the anticipated date of implementation.

B. The application for an elective course shall be signed by the school principal and superintendent, if applicable, and shall contain the following information:

1. detailed outline of course content;
2. time requirements (minutes per day; days per year or semester);
3. detailed course objectives and how they shall be measured;
4. qualifications of the instructor;
5. when the course is to begin;
6. approximate number of students;
7. criteria for enrollment.

C. If the course is to be offered for the succeeding school year, an end-of-the-year evaluation shall be sent, along with the second and third year applications, to the Division of Student Standards and Assessments, for determining its continuation.

D. After an elective course has been in effect for three successive school years and the school wants the course to be a permanent part of its curriculum, the school principal and/or superintendent, if applicable, shall apply by letter to the Director of the Division of Student Standards and Assessments, Department of Education for permission to include it.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Subchapter C. Secondary Schools

§2507. Unit of Credit

A. The basic unit of high school credit shall be the Carnegie unit. One unit of credit shall be equivalent to one Carnegie unit.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2509. High School Graduation Requirements

A. A student shall complete a minimum of 23 Carnegie units of credit in an individual program which shall be cooperatively planned by the student, the student's parents, and the school to meet high school graduation requirements.

B. The 23 units required for graduation shall include 15 required units and 8 elective units.

C. Minimum Requirements (Effective for Incoming Freshmen 1999-2000 and Thereafter).

1. English 4 units, shall be English I, II, and III, in consecutive order; and English IV or Business English.

2. Mathematics 3 units, shall be selected from the following courses and may include a maximum of 2 entry level courses (designated by E):

a. Introductory Algebra/Geometry (E), Algebra I-Part 1 (E);

b. Algebra 1-Part 2, Integrated Mathematics I (E), Integrated;

c. Mathematics II, Integrated Mathematics III, Applied;

d. Mathematics 1 (E), Applied Mathematics II, Applied;

e. Mathematics III, Algebra I (E), Geometry, Algebra II, Financial;

f. Mathematics, Advanced Mathematics I, Advanced Mathematics II;

g. Pre-Calculus, Calculus, Probability and Statistics, and Discrete Mathematics.

3. Science 3 units, shall be 1 unit of Biology I; 1 unit of Physical Science or Integrated Science (but not both), Chemistry I, Physics I, or Physics of Technology I; 1 unit from Aerospace Science, Biology II, Chemistry II, Earth Science, Environmental Science, Physics II, Physics of Technology II, Agriscience I, Agriscience II, or any other course not already taken from the Physical Science cluster, or a locally designed elective.

a. If a student takes Physical Science or Integrated Science, s/he may then take Chemistry I, Physics I, or Physics of Technology I as the required science course.

b. If a student takes Chemistry I, Physics I, or Physics of Technology I to fulfill the Physical Science requirement, he may not then take Physical Science or Integrated Science as the third required science course but may take such courses as one of the eight allowed elective graduation requirements.

c. Both Agriscience I and II must be completed for one unit of science credit.

4. Social Studies 3 units, shall be American History; one-half unit of Civics, one-half unit of Free Enterprise or one full unit of Civics; and one of the following: World History, World Geography, or Western Civilization.

5. Health and Physical Education 2 units, shall be Health and Physical Education I and Health and Physical Education II, or Adapted Physical Education for eligible special education students.

Note: The substitution of JROTC is permissible. A maximum of four units may be used toward graduation.

6. Electives (Including a maximum of four credits in religion) 8 units.

7. Total 23 units.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2511. Graduation Exit Examination

A. Any approved nonpublic school may award a school diploma to any student who meets the state minimum high school graduation requirements.

B.1. Any approved nonpublic school that participates in the state Graduation Exit Examination (GEE 21) shall award a state and/or school diploma to a student who successfully completes the state's minimum graduation requirements and successfully pass English/Language Arts and Mathematics and either Science or Social Studies components of the examination.

2. A student who attends a school that opts to administer the test but who does not successfully complete the state's minimum graduation requirements and required components of the examination shall not be eligible for either a state or a school diploma.

C.1. Any state-approved nonpublic school that wishes to award the state diploma to its students shall contact the state department for time lines and other administrative guidelines for administering the State Exit Testing Program.

2. Any nonpublic school that opts to give the graduation exit examination shall follow rules and regulations set by the State Board of Elementary and Secondary Education.

D. Any approved nonpublic school that does not choose to administer the state graduation exit examination to its students may grant a school diploma, which shall carry the same privileges as one issued by a state-approved public school.

E. The awarding of high school diplomas shall in no way effect the school approval classifications of any school (see Addendum for The State Test Security Policy).

F. Honors Curriculum (Effective for incoming freshmen 1997-98 and thereafter)

1. English 4 Units
   a. English I, II, III, IV (No substitutions)
2. Mathematics 4 Units
   a. Algebra I or Applied Mathematics I and II;
   b. Algebra II;
   c. Geometry or Applied Geometry; and
   d. one additional unit to be selected from Pre-Calculus, Calculus, Advanced Mathematics I or II.
3. Natural Science 3 Units
   a. Biology;
   b. Chemistry; and
   c. Environmental Science;
   d. Physics or Physics of Technology.
4. Social Studies 3 Units
   a. United States History;
   b. World History; and
   c. World Geography or Western Civilization.
5. Free Enterprise (1/2 unit) and Civics (1/2 unit), or Civics (1 unit) 1 Unit
6. Fine Arts Survey 1 Unit, any two units of credit in band, orchestra, choir, dance, art or drama may be substituted for one unit of Fine Arts Survey.
7. Foreign Language (in same language) 2 Units.
8. Health and Physical Education 2 Units.
9. Electives 4 Units.
10. Total 24 Units.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2513. State Diplomas

A. A nonpublic high school choosing to issue a state diploma shall meet state requirements.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2515. Special Requirements

A. Each school shall follow established procedures for special requirements for high school graduation that will allow each school to address individual differences of all students.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2517. High School Credit for Elementary Students

A.1. An elementary student shall be eligible to receive high school credit in a course listed in the program of studies provided that:

a. the time requirement for the awarding of a Carnegie unit is met;

b. the teacher is qualified at the secondary level in the course taught; and

c. the student has mastered the set standards of the course taken; or

d. the student has passed the credit examination in the subject taken, mastering the set standards for the course.

2. Credit

a. The school system may grant credit on either a letter grade or a pass or fail (P/F) basis, provided there is consistency system wide. The course title, year taken, P/F (pass or fail) or the letter grade and unit of credit shall be entered on the Certificate of High school Credits (transcript). High School Credit (H.S.C.) must be indicated in the remarks column.

b. Credit shall be granted on a pass or fail (P/F) basis only. The course title, year taken, P/F (pass or fail), and unit of credit earned shall be entered on the certificate of high school credits (transcript). Credit examination (C.E.) must be indicated in the remarks column.

c. If a credit examination has not been developed in a subject area, the school may submit an examination developed locally. The testing instrument and the passing score must be approved by the Division of Student Standards and Assessments, State Department of Education. Credit or credit examinations may be given in the following subjects:

i. Computer Literacy;
ii. Computer Science I-II;
iii. English I-IV;
iv. Advanced Mathematics I-II;
v. Algebra I-II;
vi. Calculus;
vii. Geometry; and
viii. Keyboarding.

d. Additionally, credit may be given in all courses listed in the Program of Studies in Foreign Languages, Science, and Social Studies. The Bureau of Secondary Education Division of Student Standards and Assessments, State Department of Education may make exceptions, upon request of the school principal.

B. A request for the state examination shall be made by the school principal, prior to the close of the school term to the Department of Education. The test shall be administered within one week after it has been received from the Department of Education.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2519. Proficiency Examination for High School Students

A. High school credit shall be granted to a student following the students passing of a proficiency examination for the eligible course. Refer to §513 for students transferring from an approved Home Study Program.

1. A proficiency examination shall be made available to a student when a school official believes that a student has mastered eligible subject matter and has reached the same or a higher degree of proficiency as that of a student who successfully completed an equivalent course at the regular high school or college level.

2. The testing instrument and the passing score shall be submitted for approval to the State Department of Education. The course title, year taken, P/F (pass or fail) and unit of credit earned shall be entered on the certificate of high school credits (transcript). Minimum proficiency standards (M.P.S.) must be indicated in the remarks column.

B. Students shall not be allowed to take proficiency examinations in courses previously completed in high school or at a level below that which they have completed.

1. Proficiency examinations may be given in the following subjects: Computer Literacy, Computer Science I-II, English I-IV, Advanced Mathematics I-II, Algebra I-II, Calculus, Geometry, and Keyboarding/Keyboarding Applications.

2. Additionally, credit may be given in all courses listed in the Program of Studies in foreign languages, science and social studies. Exceptions may be made by the Division of Student Standards and Assessment, State Department of Education, upon request of the local superintendent.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2521. Advanced Placement Program

A. High school credit shall be granted to a student successfully completing an advanced placement course or a course designated as advanced placement regardless of his test score on the examination provided by the college board.

B. Courses Listed in the Program of Studies

1. Procedures established by the college board must be followed.

2. Courses listed in the Program of Studies may be designated as advanced placement courses, without permission from the State Department of Education, by inserting the words advanced placement in parentheses following the title on the certificate of high school credits.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2523. Service Credit

A. Two units of elective credit toward high school graduation shall be awarded to any member of the United State Armed Forces, their reserve components, the National Guard, or to any honorably discharged veteran who has completed his/her basic training, upon presentation of a military record attesting to such completion.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Chapter 27. High School Program of Studies

§2701. General

A. The high school shall provide a comprehensive college preparatory and/or vocational curriculum.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2703. General and Academic Course Offerings

A. One-half unit of credit may be awarded by the local school authority for all one-unit courses listed in the academic and vocational course offerings.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2705. Art

A. Art course offerings shall be as follows.

Course Title	Unit(s)
Art I, II, III, IV	1 each

B. Fine Arts Survey (Art). Fine arts survey shall be taught by a certified art teacher and the other semester by a certified music teacher. If one or both of these teachers is not available, the principal is authorized to select the most qualified teacher, preferably one with a strong liberal arts or humanities background.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2707. Computer Education

A. Computer education/technology course offerings shall be as follows.

Course Title	Unit(s)
Computer Applications	1
Computer Architecture Occupations	1
Computer Science I	1
Computer Science II	1
Computer Systems and Networking	1
Computer Systems and Networking I	1
Computer/Technology Literacy	1/2
Desktop Publishing	1/2
Digital Graphics and Animation	1/2
Multimedia Productions	1
Web Mastering	1/2
Independent Study in Technology Application	1

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2709. Driver Education

A. Driver Education course offerings shall be as follows.

Course Title	Unit(s)
Driver Education and Traffic Safety	1/2

B. English. Four units of English shall be required for graduation. They shall be English I, II, and III in consecutive order; and English IV or Business English. The English course offerings shall be as follows.

Course Title	Unit(s)
English I, II, III, IV	1 each
Business English	1
Reading I, II	1 each
English as Second Language (ESL) I, II, III	1 each

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2711. English as a Second Language (ESL)

A. Only students who have limited English proficiency are permitted to enroll in English as a Second Language (ESL) courses.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2713. Foreign Languages

A. The foreign language course offerings shall be as follows.

Course Title	Unit(s)
Chinese I, II, III, IV	1 each
French I, II, III, IV, V	1 each
German I, II, III, IV, V	1 each
Greek I, II, III, IV	1 each
Hebrew I, II, III, IV	1 each
Italian I, II, III, IV, V	1 each
Latin I, II, III, IV, V	1 each
Russian I, II, III, IV, V	1 each
Spanish I, II, III, IV, V	1 each

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2715. Health and Physical Education

A. Two units of Health and Physical Education shall be required for graduation. They shall be Health and Physical Education I and Health and Physical Education II, or Adapted Physical Education for eligible special education students. The Health and Physical Education course offerings shall be as follows.

Course Title	Unit(s)
Adapted Physical	1 each
Health and Physical Education I-IV	1 each

1. It is recommended that Physical Education I and II be taught in the ninth and tenth grades.
2. A minimum of 30 hours of Health Instruction shall be taught in each of the two required Health and Physical Education units.
3. Cardiopulmonary Resuscitation (CPR) is required.

B. No more than four units of Health and Physical Education shall be allowed for meeting high school graduation requirements.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2717. Substitute Credit for Health and Physical Education

A. In schools having approved Junior Reserve Officer Training Corps (R.O.T.C.) training, credits may, at the option of the local school board, be substituted for the required credits in Health and Physical Education, including required hours in health instruction.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2719. Non-Credit Activities

A. Extra- or co-curricular experiences such as intramural, athletics, band, majorettes, drill team, dance team, cheerleaders, or any other kind of extra activities cannot be counted for credit toward the required Health and Physical Education units.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2721. Exemptions from Health and Physical Education

A. Students shall be exempted from the requirements in Health and Physical Education for medical reasons only; however, the minimum number of credits required for graduation shall remain 23.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2723. Journalism

A. Journalism course offerings shall be as follows.

Course Title	Unit(s)
Journalism I, II	1 each
Publications I, II (Yearbook)	1 each
Publications I, II (Newspaper)	1 each

1. Teachers must be qualified in journalism to teach journalism.
2. Teachers qualified in the areas of journalism, English, and/or business education are qualified to teach Publications I and II (Yearbook).
3. Teachers qualified in the areas of journalism, and/or English are qualified to teach Publications I and II (Newspaper).
4. Publications I is a prerequisite to Publications II.
5. A maximum of two Carnegie units within the 23 required for graduation may be earned from the six courses listed under journalism.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2725. Mathematics

A. Effective for 1998-99 incoming freshmen and thereafter, three units of Mathematics shall be required for graduation. They shall be selected from the following courses and may include a maximum of 2 entry level courses (designated by E): Introductory Algebra/Geometry (E), Algebra I-Part 1 (E); Algebra I-Part 2; Integrated Mathematics 1 (E), Integrated Mathematics II, Integrated Mathematics III, Applied Mathematics I (E), Applied Mathematics II, Applied Mathematics III, Algebra I (E), Geometry, Algebra II, Financial Mathematics, Advanced

Mathematics I, Advanced Mathematics II, Pre-Calculus, Calculus, Probability and Statistics, and Discrete Mathematics.

Course Title	Unit(s)
Advanced Mathematics I	1
Advanced Mathematics II	1
Algebra I	1
Algebra I-Part I	1
Algebra 1-Part II	1
Algebra II	1
Applied Mathematics I	1
Applied Mathematics II	1
Applied Mathematics III	1
Calculus	1
Discrete Mathematics	1
Financial Mathematics	1
Geometry	1
Introductory Algebra/Geometry	1
Integrated Mathematics I	1
Integrated Mathematics II	1
Integrated Mathematics III	1
Pre-Calculus	1
Probability and Statistics	1

B. For incoming freshmen prior to 1998-99, three units of Mathematics shall be required for graduation.

1. They shall be Algebra I and one of the following options:

a. Algebra II and either Geometry or Applied Geometry (effective 1996-97 school year); or

b. Algebra II and either Geometry or Applied Geometry (effective 1996-97 school year) and one of the following:

i. Advanced Mathematics;

ii. Calculus;

iii. Consumer Mathematics;

iv. Business Mathematics; or

v. Integrated Algebra/Geometry.

2. The Mathematics course offerings shall be as follows.

Course Title	Unit(s)
Advanced Mathematics	1
Algebra I	1
Applied Algebra IA	
Applied Algebra IB	1
Business Mathematics	1
Calculus	1
Consumer Mathematics	1
Geometry	1
Applied Geometry	1
(1996-97 school year)	
Integrated Algebra/Geometry	1
Trigonometry	1/2

3. Business/Financial Mathematics may be taught by the Business Education Department.

4. Students may not earn a unit in both Business Mathematics and Consumer Mathematics.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2727. Music

A. Music course offerings shall be as follows.

Course Title	Unit(s)
Beginning Band	1
Beginning Choir	1
Beginning Orchestra	1
Composition	1
Conducting	1
General Music	1
Guitar Class	1
Intermediate Band	1
Intermediate Choir	1
Intermediate Orchestra	1
Instrument Technique Class	1
Jazz Ensemble	1
Jazz Improvisation	1
Music Appreciation	1
Music History	1
Music Theory I, II	1 each
Piano class	1
Sectional Rehearsal	1
Studio Piano, I, II, III	1 each
Advanced Band	1
Advanced Choir	1
Advanced Orchestra	1
Applied Music	1
Small Vocal Ensemble	1
Wind Ensemble	1

B. Advanced Choir, Advanced Band, Advanced Orchestra, Small Vocal Ensemble, Wind Ensemble, Applied Music, Jazz Ensemble, and Studio Piano III are performance classes with new literature each year; they may be repeated more than once.

C. Refer to §2741 for credit for private piano and studio strings instruction.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2729. Reserve Officer Training

A. Reserve Officer Training course offerings shall be as follows.

Course Title	Unit(s)
JROTC I, II, III, IV	1 each

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2731. Science

A. Effective for incoming freshmen 2002-03 and thereafter, graduation requirements shall be as follows.

1. Three units of Science. They shall be the following:

a. 1 unit of Biology I;

b. 1 unit of Physical Science or Integrated Science (but not both), Chemistry I, Physics, I, or Physics of Technology I; and

c. 1 unit of Aerospace Science, Biology II, Chemistry I (may be taken after Physical Science or Integrated Science), Chemistry II, Earth Science, Environmental Science, Physics I (may be taken after Physical Science or Integrated Science), Physics II, Physics of Technology I, Physics of Technology II, or both Agriscience I and II to meet one required unit of science.

Course Title	Unit(s)
Aerospace Science	1.0
Agriscience I and II (Both courses are required for one unit in science; however, two units can be counted as vocational electives when not counted together as a science course.)	1.0
Biology I, II	1.0 each
Chemistry I, II	1.0 each
Earth Science	1.0
Environmental Science	1.0
General Science (Allowed only for incoming freshmen 1998-99 or earlier.)	1.0
Integrated Science	1.0
Physical Science	1.0
Physics I, II	1.0 each
Physics of Technology I, II	1.0 each

2. Effective for incoming freshmen, 1997-98 and prior, three units of science shall be required for graduation. They shall be Biology and two of the following: General Science or Physical Science, but not both; Earth Science, Chemistry, Chemistry II, Physics, Physics II, Aerospace Science, Environmental Science, Physics for Technology, Biology II, or both Vocational Agriculture I and II for one requirement of science. Science course offerings shall be as follows.

Course Title	Unit(s)
Aerospace Science	1
Biology	1
Biology II	1
Chemistry	1
Chemistry II	1
Earth Science	1
Ecology	1
Environmental Science	1
General Science	1
Physical Science	1
Physics	1
Physics II	1
Physics for Technology	1

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2733. Social Studies

A. Three units of Social Studies shall be required for graduation. They shall be American History; Civics or 1/2 unit of Civics and 1/2 unit of Free Enterprise; and one of the following: World History, World Geography, or Western Civilization. Social Studies course offerings shall be as follows.

Course Title	Unit(s)
American Government	1
American History	1
Civics	1 (or 1/2)
Economics	1
Free Enterprise System	1/2
Law Studies	1
Psychology	1
Sociology	1
Western Civilization	1
World Geography	1
World History	1

B. Economics may be taught by a teacher certified in Business Education.

C. Free Enterprise shall be taught by teachers qualified in Social Studies, Business Education, or Distributive Education.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2735. Speech

A. Speech course offerings shall be as follows.

Course Title	Unit(s)
Speech I (Fundamentals)	1
Speech II	1
Speech III	1
Speech IV	1

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2737. Course Credit for Religion

A. A maximum of four units in religion shall be granted to students transferring from state-approved private and sectarian high schools who have completed such course work. Those credits shall be accepted in meeting the requirements for high school graduation.

Course Title	Units
Religion I	1 Unit
Religion 2	1 Unit
Religion 3	1 Unit
Religion 4	1 Unit

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2741. Course Credit for Private Piano and Studio Strings Lessons

A. Approval by the State Department of Education shall be granted before private piano and studio strings instruction can be given for credit.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Chapter 29. Vocational Education Course Offerings

§2901. Vocational Agriculture/Agribusiness

A. Vocational Agriscience course offerings shall be as follows.

Course Title	Level	Unit(s)
Exploratory Agriscience	7-8	1
Agriscience/Agribusiness I	9-12	1
Agriscience/Agribusiness II	10-12	1
Agriscience/Agribusiness III	11-12	1
Agriscience/Agribusiness IV	12	1
Agricultural Entrepreneurship	11-12	1/2
Agricultural Construction	11-12	1/2
Agriculture and Environmental		
Applications	11-12	1/2
Animal Production	11-12	1/2
Crop Production	11-12	1/2
Equine Science	11-12	1/2
Food and Fiber Systems	11-12	1/2
Horticulture	11-12	1/2
Introduction to Aquiculture	11-12	1/2
Introduction to Agribusiness	11-12	1/2
Personal Development	11-12	1/2
Small Engines	11-12	1/2
Welding	11-12	1/2
Ag. Lab III	11-12	1
Ag. Lab IV	12	1
Cooperative Agriscience		
Education (CAE)	11-12	2

B. Ag. Lab III and Ag. Lab IV are offered only to students who are also enrolled in Agriscience/Agribusiness III or IV for two consecutive semester courses during the year.

C. Semester courses are designed to be offered in the place of or in addition to Agriscience/Agribusiness III and/or IV. Required prerequisites are to be determined by local board policy for course sequencing.

1. Three units of credit in Cooperative Agriscience/Agribusiness Education (CAE) are granted to students who successfully complete both the classroom phase of instruction and the on-the-job training phase. These courses are available only to students who have completed Agriscience/Agribusiness I and Agriscience/ Agribusiness II.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2903. Business Education

A. Business Education course offerings shall be as follows.

Course Title	Recommended Grade Level	Unit(s)
Accounting I	10-12	1
Computerized Accounting	11-12	1
Administrative	11-12	1
Support Occupations		
Business Mathematics	9-12	1
Business English	11-12	1
Business Law	11-12	1/2
Cooperative Education (COE)	12	3
Business Computer Applications I	10-12	1/2
Business Computer Applications II	10-12	1/2
Economics	11-12	1
Exploratory Business	7-8	
Introduction to Business	9-12	1
Keyboarding	9-12	1/2
Keyboarding Applications	9-12	1/2
Keyboarding Productions	10-12	1/2
Keyboarding Productions II	10-12	1/2
Office Machines	10-12	1/2
Record keeping	9-12	1
Shorthand/Speedwriting	10-12	1 or 1/2
Word processing	11-12	1 or 1/2

1. Keyboarding and Keyboarding Applications shall be a prerequisite to administrative support occupations and word processing. Keyboarding shall be a prerequisite to Shorthand/Speedwriting.

2. Level I courses shall be prerequisite to Level II courses.

3. Cooperative Office Education shall be limited to seniors. The students shall have successfully completed Keyboarding and have maintained an overall "C" average. The students' attendance records should also be considered. Other prerequisites may be required by the individual school system.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2905. General Cooperative Education

A. General Cooperative Education course offerings shall be as follows.

Course Title	Grade Level	Unit(s)
General Cooperative Education I	11-12	3
General Cooperative Education II	12	3

1. General Cooperative education courses shall be limited to students who meet the specific prerequisites and requirements of one of the specialized cooperative education programs.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2907. Health Occupations

A. Health Occupations course offerings shall be as follows.

Course Title	Grade Level	Unit(s)
Allied Health	9-12	1/2 or 3
Dental Assistant I	10-12	1, 2, or 3
Dental Assistant II	11-12	2 or 3
Nursing Assistant and Geriatric Aide	9 -12	1, 2, or 3
Pre-Nursing (Introd. to Nursing)	9 -12	1, 2, or 3
Medical Office Assistant (Physician's Office)	9 -12	1, 2, or 3
Home Health Aide	9 -12	1, 2, or 3
Hospital Ward Clerk	9 -12	1 or 2
Medical Terminology for the Health Professional	9 -12	1 or 2
Health Occupations	12	2 or 3
Health Services I	10 –12	1, 2, or 3

Health Services II	11-12	1, 2, or 3
Introduction to Health Occupations I	9 -12	1, 2, or 3
Introduction to Health Occupations II	9 -12	1, 2, or 3
Introduction to Health Science I	9 -12	1, 2, or 3
Introduction to Health Science II	10-12	1, 2, or 3
Introduction to Health Science III (Respiratory Therapy Assistant, Occupational Therapy Assistant, Physical Therapy Assistant)	12	1/2 or 3
Introduction to Emergency Medical Technician (CPR)	9 -12	1/2, 1
Introduction to Health Insurance as a Career	10-12	1/2, 1, or 2
Psychiatric Aide	9 –12	1/2, 1, or 2
Medical Specialties	9-12	1/2 or 3

1. Dental Assistant I shall be prerequisite to Dental Assistant II. Level I courses shall be prerequisite to Level II courses.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2909. Family and Consumer Sciences Education

A. Family and Consumer Sciences Education course offerings shall be as follows.

Course Title	Recommended Grade Level	Unit(s)	Bulletin
Family and Consumer	9-12	1	1810
Sciences I			
Family and Consumer	10-12	1	
Sciences II			
Food Science	9-12	1	1911
Adult Responsibilities	10-12	1/2	1710
Child Development	10-12	1/2	1664
Clothing and Textiles	10-12	1/2	1700
Family Economics	10-12	1/2	1949
Family Life Education	10-12	1/2	1821 1949
Housing	10-12	1/2	1680
Nutrition and Food	10-12	1/2	1595
Parenthood Education	10-12	1/2	1695
Advanced Child Development*	10-12	1/2	1775
Advanced Clothing and Textiles	10-12	1/2	1700
Advanced Nutrition and Food*	10-12	1/2	1595

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2911. Family and Consumer Sciences-Related Occupations (HERO)

A. Course offerings for Family and Consumer Sciences-related occupations shall be as follows.

Course Title	Recommended Grade Level	Unit(s)	Bulletin
Child Care I-II	11-12	1-3	1775
Clothing and Textile Services I-II	11-12	1-3	1897
Food Service I-II	11-12	1-3	1897
Housing and Design Services	11-12	1-3	1897
Home/Institutional	11-12		1897
Support Services	12	3	1897

1. The units of credit for cooperative courses shall be determined by the number of class periods for which the students are scheduled per day for instruction in the service area.

2.a. Family and consumer sciences cooperative education shall be limited to seniors who meet one or more of the following prerequisites:

i. one unit in a service course;

ii. two specialized semester courses in the same area; or

iii. one specialized semester course and the teacher-coordinator's consent.

b. Job placement shall be in the same area of training as the prerequisite.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2913. Technology Education

A. Technology education course (formerly industrial arts) offerings shall be as follows.

Course Title	Recommended Grade Level	Unit(s)	Bulletin
General Technology Education	9-12	1	
Basic Wood Technology	9-12	1	1684 1752
Advanced Wood Technology	10-12	1	1752
Communication Technology I**	9-12	1/2	1777
Communication Technology II**	9-12	1/2	1777
Construction Technology	10-12	1	1856
Basic Electricity/Electronics Technology	9-12	1	1724
Advanced Electricity/Electronics Technology	10-12	1	1778 1808
Basic Metal Technology	9-12	1	1685
Advanced Metal Technology	10-12	1	1750
Welding Technology	10-12	1	1859
Power and Energy*	9-12	1/2	1723
Transportation*	9-12	1/2	1723
Power Mechanics	9-12	1	1813
Manufacturing Technology	9-12	1	
Basic Technical Drafting I	9-12	1/2	1686
Basic Technical Drafting II	9-12	1/2	1686
Advanced Technical Drafting	10-12	1	1751
Architectural Drafting	10-12	1	1779
Principles of Technology I	11-12	1	1812
Principles of Technology II	11-12	1	1878
Materials and Processes	10-12	1	

1. The power and energy course and the transportation course may be combined into one course, Power, Energy, and Transportation, for one unit of credit

Note: Technology education courses must follow the sequences as outlined in the technology education curricular guides.

2. All courses shall be taught in sequence. Safety must be taught in all courses. Refer to *Bulletin 1647* for safety information.

3. The communication courses may be combined into one course for one unit of credit.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2915. Marketing Education

A. Marketing Education course offerings shall be as follows.

Course Title	Recommended Grade Level	Unit(s)	Bulletin
Introduction to Marketing	9-10	1	1669
General Marketing	11-12	1/2, 1 or 3	
Retailing and Merchandising	11-12	1/2, 1 or 3	1740
Advertising and Sales	11-12	1/2, 1 or 3	
Promotion			
Entrepreneurship	11-12	1/2, 1 or 3	1815
Marketing Management	11-12	1/2, 1 or 3	
Marketing Research	11-12	1/2, 1 or 3	
Insurance Marketing	11-12		1 or 3
Tourism and Lodging	11-12	1/2, 1 or 3	
Speciality Marketing Education	11-12	1/2, 1 or 3	

1. Three units of credit are granted only to cooperative marketing education students who successfully complete both classroom and on-the-job training. One unit of credit is granted to students enrolled in Marketing Education for the classroom phase only.

2. Students may receive a maximum of six cooperative Marketing Education credits and three, one-unit course credits.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2917. Trade and Industrial Education

A. Trade and Industrial Education course offerings shall be as follows.

Course Title	Recommended Grade Level	Unit(s)	Bulletin
Air Conditioning/ Refrigeration I-II	11-12	2 or 3	1916*
Auto Body Repair I-II	11-12	2 or 3	
Automotive Technician I-II	11-12	2 or 3	
Masonry I-II	11-12	2 or 3	
Cabinetmaking I-II	11-12	2 or 3	
Carpentry I-II	11-12	2 or 3	
Culinary Occupations I-II	11-12	2 or 3	
Custom Sewing I-II	11-12	2 or 3	
Computer Electronics I-II	11-12	2 or 3	
Commercial Art I-II	11-12	2 or 3	
Trade and Industrial Cooperative Education (TICE) I-II	11-12	2 or 3	
Cosmetology I-II	11-12	2 or 3	
Diesel Mechanics I-II	11-12	2 or 3	
Drafting and Technology I-II	11-12	2 or 3	
Basic Electricity I-II	11-12	2 or 3	
Electronics I-II	11-12	2 or 3	
Industrial Electronics I-II	11-12	2 or 3	
Electrician I-II	11-12	2 or 3	
Graphic Arts I-II	11-12	2 or 3	
Horticulture I-II	11-12	2 or 3	
Industrial Engines I-II	11-12	2 or 3	
Laboratory Technology I-II	11-12	2 or 3	
Industrial Machine Shop I-II	11-12	2 or 3	
Marine Operations I-II	11-12	2 or 3	
Photography	11-12	2 or 3	
Plumbing I-II	11-12	2 or 3	
Printing I-II	11-12	2 or 3	
Sheet Metal I-II	11-12	2 or 3	
Outdoor Power Equipment Technician I-II	11-12	2 or 3	
Television Production I-II	11-12	2 or 3	
Upholstery I-II	11-12	2 or 3	
Welding I-II	11-12	2 or 3	

1. *Bulletin 1916* contains curricular guides for all trade and industrial courses.

2. All courses shall be taught in sequence.

3. Trade and Industrial Education Programs may be offered in two consecutive class periods, five days per week, for 36 weeks each year for two units of credit, or may be offered with three consecutive class periods for three units of credit in the selected Trade and Industrial Education Program.

4. School systems that operate a vocational career center or comprehensive high school may award1 1/2 units of credit to students enrolled in a two-hour block for 36 weeks, or 2 1/2 units of credit to students enrolled in a three-hour block for 36 weeks in approved Trade and Industrial Education Programs. This scheduling allows students to be excused from class for one hour each day for one semester to take the required course in Free Enterprise at either the tenth, eleventh, or twelfth grade level.

5. With annual, in-advance, written permission from the Division of Student Standards and Assessment, a school system may offer a one-hour Trade and Industrial Education Program for one unit of credit at the ninth or tenth grade level as a prerequisite to enrollment in a related Trade and Industrial Education Program at the tenth, eleventh, or twelfth grade level. The course shall be in the programmatic area in which the trade and industrial education instructor is certified to teach.

6. Any local education governing authority offering a new Trade and Industrial Education Program shall first have the individual program approved by the Division of Student Standards and Assessment. Teachers in Trade and Industrial Education Programs shall use curricular outlines approved by the Division of Student Standards and Assessment.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2919. Credit for Vocational Education Courses

A. Credits for partial completion of two- or three-hour blocks of vocational education courses shall be granted for unusual or extenuating circumstances only.

B. Request for partial credit because of unusual or extenuating circumstances shall be made as follows.

1. Written requests from the local school principal and approved by the local superintendent (if applicable) shall be made to the State Department of Education.

2. A copy of the written responses shall accompany the student's transcript when it is sent to the Department of Education prior to his/her graduation if the request for partial credit has been granted.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2921. Secondary Students Attending Postsecondary Technical College

A. Secondary students attending a postsecondary technical college may receive credit for instruction in any program area offered in the technical college, if time requirements for Carnegie units are met and if an equivalent course is not offered by the local school system.

1. If the course content is equivalent to the content of a vocational education course offering listed under §§2901-2917, the unit(s) of credit shall be reported on the student's transcript by that title.

2. If the course content is not equivalent to a course listed under §§2901-2917, the unit(s) of credit shall be reported by the postsecondary title.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2923. Adding Electives Course to the Program of Studies

A. A school choosing to add an elective course to its program of studies shall apply to the Director of the Division of Student Standards and Assessment, State Department of Education (SDE) through the local superintendent, (if applicable) at least 30 days prior to the anticipated date of implementation.

B. The application for an elective course shall be signed by the school principal and superintendent (if applicable) and shall contain the following:

1. detailed outline of course content;
2. units of credit to be granted;
3. detailed course objectives and how they shall be measured;
4. qualifications of the instructor;
5. when the course is to begin;
6. approximate number of students;
7. criteria for enrollment.

C. If the course is to be offered for the succeeding school year, an end-of-the-year evaluation shall be sent with the second and third year application to the Division of Student Standards and Assessments for determining its continuation.

D. After an elective course has been in effect for three successive school years and if the school/system wants the course to be a permanent part of its curriculum, the school principal through the local superintendent (if applicable) shall apply by letter to the Director of the Division of Student Standards and Assessment for permission to include it.

E. Approved elective courses shall not be used as required courses for meeting graduation requirements.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2925. Approval of Experimental Programs

A. Experimental programs are programs which deviate from established standards. Such programs shall be approved by the State Department of Education and carried out under controlled conditions.

B. Approval of experimental programs shall be granted on a yearly basis not to exceed three years, after which time permanent approval shall be considered using the following procedures.

1. A letter of intent containing the following information shall be submitted to the Division of Student Standards and Assessments, State Department of Education, at least 90 days prior to the anticipated date of implementation:

a. proposed title of program;
b. name and address of school;
c. name and address of local school system;
d. name and signature of principal/superintendent;
e. name, title, address, and telephone number of the person submitting proposal;
f. units of credit to be granted;
g. source of funding.

2. A brief narrative report stating the intent of the program and how the program will be conducted and evaluated, and the following:

a. a statement documenting support for the intended program;
b. a statement outlining the exact guideline deviations necessary to implement the program;
c. a statement outlining specific time lines for the planning implementing phases of the program, including intended procedures;
d. a statement of the evaluation procedures to be used in determining the program's effectiveness (these procedures should spell out specific objectives to be accomplished);
e. a statement indicating approximate number of students to be involved in the project;
f. a statement of qualifications or certification of instructional personnel; and
g. a statement stipulating that applicable local, state, and federal regulations will be followed.

C. An evaluation by the local governing authority shall be submitted annually at the close of the school year to the Division of Student Standards and Assessments until permanent status is granted.

D. Southern Association of Colleges and Schools member schools should comply with appropriate Southern Association Standards.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2927. Correspondence Study Courses

A. Credit toward high school graduation should be earned through correspondence work from the General Extension Division of Louisiana State University.

B. An application to the General Extension Division for correspondence study courses shall be approved by the local superintendent, (if applicable) and the high school principal.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2929. High School Credit for College Credit Courses (Applies to Student Attending College Part Time)

A. The principal of the school shall approve the advanced offering to be taken by the student in college.

B. The student shall meet the entrance requirements established by the college.

C. The student shall earn at least two or three college hours of credit per semester. A course consisting of at least two college hours shall be counted as no more than one unit of credit toward high school graduation.

D. The high school administrator shall establish a procedure with the college to receive reports of the student's class attendance and performance at six or nine-week intervals.

E. College courses shall be counted as high school subjects for students to meet eligibility requirements to participate in extracurricular activities governed by voluntary state organizations.

F. Students may participate in college courses and special programs during regular or summer sessions. High school credit for summer courses is subject to §2929.A-E.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2931. High School Credit for College Courses for Evaluated Gifted Students

A. Secondary students shall be in attendance in at least one high school class while enrolled in college classes.

B. An elementary or secondary student shall have at least a 3.0 cumulative average on a 4.0 scale for all subjects taken during the previous two years.

C. Entry into a college course of credit shall be stated in the student's Individualized Education Program (IEP).

D. The student shall earn at least two or three college hours of credit per semester. A course, consisting of at least two hours, shall be counted as no more than one unit of credit toward high school graduation.

E. The school administrator shall establish a procedure with the college to receive reports of the student's class attendance and performance at six- or nine-week intervals.

F. College courses shall be counted as high school subjects for students to meet eligibility requirements to participate in extracurricular activities governed by voluntary state organizations.

G. After 12 Carnegie units have been earned, students shall follow §2929.A-E.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2933. High School Credit for College Courses in Vocational Education (Applies to Students Attending College Part Time)

A. The student shall meet the entrance requirements established by the college.

1. The principal of the school shall approve the advanced offering to be taken by the student in college.

2. The high school administrator shall establish a procedure with the college to receive reports of the student's class attendance and performance at six or nine-week intervals.

3. The awarding of the Carnegie units of credit will be in accordance with individual program requirements as stated in Bulletin 741.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§2935. Early College Admissions Policy (Applies Only to High School Students Attending College Full Time)

A. High school students of high ability may be admitted to a college on a full-time basis.

B. A student shall have maintained a "B" or better average on all work pursued during the preceding three years (six semesters) of high school.

C. The student shall have earned a minimum composite score of 25 on the ACT or a SAT score of 1050; this score must be submitted to the college.

D. A student shall be recommended by his high school principal.

E. Upon earning a minimum of 24 semester hours at the college level, the student shall be eligible to receive a high school diploma.

F. The high school principal shall submit to the State Department of Education the following:

1. forms provided by the State Department of Education and completed by the college registrar, certifying that the student has earned 24 semester hours of college credit; and

2. a certificate of high school credits in duplicate.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Chapter 31. Summer Schools

Subchapter A. Elementary Summer Schools

§3101. General

A. An elementary summer school shall be organized and operated under the administrative and supervisory control of the chief administrative officer of the school system.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§3103. Administration

A. A summer school with seven or more teachers shall have a principal with at least a master's degree.

B. The principal of the school shall apply to the State Department of Education for approval of each summer school program.

C. An application for approval of the offerings of each summer school shall be filed no later than the end of the first week after the summer session begins.

D. The application forms, provided by the State Department of Education, shall be submitted to the appropriate office.

E. The application shall carry the approval of the chief administrative officer of the school system and the principal of the summer school, if applicable.

F. In order for summer schools to be approved, an on-site visit shall be made by personnel from the SDE to verify information submitted on the report.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§3105. Faculty

A. The eligibility of the faculty shall be equal to that required during the regular session.

B. The teaching load shall not exceed 20 students per class.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§3107. Instruction

A. A teacher will be allowed to teach only one subject for removal of deficiencies during a single period.

B. A student attending summer school for promotional purposes shall not enroll for more than two subjects.

C. The library or library books as well as all regular teaching aids and equipment shall be available for summer school use.

D. Textbooks, supplementary materials, and supplies adequate for effective instruction shall be provided.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§3109. Attendance

A. The minimum attendance for all elementary students to receive credit or pass a subject shall be 60 hours for one subject.

1. The school may impose a more strict minimum attendance policy.

B. Students attending summer school for promotional purposes must have written consent by the principal of the last school they attended.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§3111. Time Requirements

A. Elementary summer schools shall offer a minimum of 70 hours of instruction per subject for removal of deficiencies.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§3113. Classification Categories

A. Summer schools shall be given one of the following classification categories:

1. approved meets all summer school standards;

2. unapproved deviates from one or more of the summer school standards.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§3115. Sanctions

A. Any unapproved summer school cannot operate a summer school the following year.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Subchapter B. Secondary Summer Schools

§3119. General

A. Schools which offer summer school may do so to enable students to schedule courses which tend to enrich their experiences, to take new subjects, and to enable students who have failed in subjects to remove deficiencies. Local school systems which offer summer school shall adhere to the following standards.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§3121. Administration

A. A summer school must be organized and operated under the administrative and supervisory control of the chief administrative office of the school system.

B. A summer school with seven or more teachers shall have a principal with at least a master's degree.

C. The summer school administrator shall have written permission from the principal of the student's home school for the student to attend summer school if credit is to be awarded.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§3123. Application

A. All summer schools must apply to the State Department of Education for approval.

B. An application for approval of summer school offerings must be filed no later than the end of the first week after school is in session.

C. The application forms provided by the State Department of Education, shall be submitted to the appropriate office.

D. The application must carry the approval of the chief administrative officer of the school system, principal of the school for the regular session, and the principal of the summer school, if applicable.

E. An on-site visit shall be made by personnel from the State Department of Education to verify information submitted on the report.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§3125. Faculty

A. The eligibility of the faculty shall be equal to that required during the regular session.

B. Teaching load and class size shall not exceed that of the regular session.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§3127. Instruction

A. No teacher shall be allowed to teach more than two subjects during one period.

B. Library, laboratory, and audiovisual aids shall be available in the facilities used for summer school.

C. Textbooks, supplementary materials, and supplies adequate for effective instruction shall be provided.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§3129. Attendance

A. In order to be eligible to receive grades, summer school students shall be in attendance a minimum of 70 hours for 1/2 unit of new credit, or 47 hours for 1/2 unit of repeat credit.

B. The school system or independent school may impose a stricter minimum attendance policy.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§3131. Time Requirements

A. Summer schools shall offer 90 hours of instruction for 1/2 unit of new credit and 60 hours of instruction for 1/2 unit of repeat credit in all subjects.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§3133. Classification Categories

A. Summer school shall be given one of the following classification categories:

1. approved meets all summer school standards;
2. unapproved deviates from one or more of the summer school standards.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§3135. Sanctions

A. Any unapproved summer school cannot operate a summer school the following year.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§3137. Instruction by Private Teachers

A. Credit may be allowed for high school work completed under private instructors, subject to the following conditions.

1. The instruction must be under the direction of a private tutor only when the tutor is eligible for regular employment in an approved nonpublic high school.
2. The time requirements for credits in a regular high school will apply.
3. The necessary facilities peculiar to a particular subject must be available for instructional purposes.
4. Prior to enrolling a privately tutored course, a student must obtain written approval from the principal of the high school in which he/she is enrolled.

B. Southern Association of Colleges and Schools members school should comply with Principle D, Standard 6. (Member schools shall not give credit for private tutoring.)

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Chapter 35. Standards for Approval of Alternative Schools/Programs

Subchapter A. Operation and Administration

§3501. Philosophy and Need for Alternative Schools/Programs

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

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

C. Each alternative school/program shall develop and maintain a written statement of its philosophy and the major purposes to be served by the school/program. The statement shall reflect the individual character of the school/program and the characteristics and needs of the students it serves.

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

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§3503. Approval of Alternative Schools/Programs

A. Alternative schools/programs shall comply with prescribed policies and standards for regular schools, except

for those deviations granted by the State Board of Elementary and Secondary Education.

B. Approval shall be obtained from the State Department of Education prior to the establishment of the alternative school/program.

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

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

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

E. Refer to the Alternative Education Handbook.

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

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§3505. Final Approval to Operate

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

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

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§3507. Special Education

A. Special Education programs within an alternative school shall comply with all applicable State and Federal requirements.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§3509. The Earning of Carnegie Units for Use in Meeting Graduation Requirements

A. Students enrolled in an alternative school/program shall be allowed to earn Carnegie units when possible.

B. The integrity of the Carnegie unit shall not be diminished by any alternative school/program.

C. The Carnegie units shall be granted by regular or special education teachers certified in the subject matter areas in which they are teaching.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§3511. Program Evaluation

A. The education program of the alternative school shall be evaluated on the basis of its stated goals and objectives.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§3513. Operation and Administration

A. Each nonpublic school that desires State Board of Elementary and Secondary Education (SBESE) approval and has students receiving special education services shall comply with all applicable federal and state law and regulations.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Chapter 37. Addendum

§3701. Test Security Policy

A. The Board of Elementary and Secondary Education holds the test security policy to be of utmost importance and deems any violation of test security to be serious.

B. Test Security

1. Tests administered by or through the State Board of Elementary and Secondary Education shall include, but not be limited to:
   a. all criterion-referenced tests (CRTs) and norm-referenced tests (NRTs);
   b. all alternate assessments.
2. For purposes of this policy, school districts shall include local education agencies; special school districts; approved special schools such as the Louisiana School for the Visually Impaired and Louisiana School for the Deaf, laboratory schools, charter schools, Louisiana School for Math, Science and the Arts; and participating nonpublic/other schools that utilize tests administered through the State Board of Elementary and Secondary Education or the Louisiana Department of Education.

3. It shall be a violation of test security for any person to do any of the following:

a. administer tests in a manner that is inconsistent with the administrative instructions provided by the Louisiana Department of Education (LDE) that would give examinees an unfair advantage or disadvantage;

b. give examinees access to test questions prior to testing;

c. examine any test item at any time (except for students during the test or test administrators while providing the accommodations "Tests Read Aloud" or "Communication Assistance" for students determined to be eligible for those accommodations);

d. copy, reproduce, discuss or use at any time in a manner inconsistent with test regulations all or part of any secure test booklet, answer document, or supplementary secure materials (e.g., writing prompts, science tasks);

e. coach examinees in any manner during testing or alter or interfere with examinees' responses in any manner;

f. provide answers to students in any manner during the test, including provision of cues, clues, hints, and/or actual answers in any form, written, printed, verbal, or nonverbal;

g. administer published parallel, previously administered, or current forms of any statewide assessment (e.g., Louisiana Educational Assessment Program for the 21st Century (LEAP 21), Graduation Exit Examination for the 21st Century (GEE 21), Graduation Exit Examination ("old" GEE), LEAP Alternate Assessment (LAA), or Forms K, L, M, and all new forms of The Iowa Tests) as a practice test or study guide;

h. fail to follow security regulations for distribution and return of secure test booklets, answer documents, supplementary secure materials (e.g., writing prompts, science tasks), as well as overages as directed; or fail to account for and secure test materials before, during, or after testing;

i. conduct testing in environments that differ from the usual classroom environment without prior written permission from the Louisiana Department of Education, Division of Student Standards and Assessments;

j. fail to report any testing irregularities to the district test coordinator (a "testing irregularity" is any incident in test handling or administration that leads to a question regarding the security of the test or the accuracy of the test data), who must report such incidents to the Division of Student Standards and Assessments;

k. participate in, direct, aid, counsel, assist in, encourage, or fail to report any of the acts prohibited in the section.

4. Each school district as described in this policy shall develop and adopt a district test security policy that is in compliance with the state's test security policy. A "Statement of Assurance" regarding the LEA's test security policy must be submitted annually to the Louisiana Department of Education, Division of Student Standards and Assessments. This statement must include the name of the individual designated by the district superintendent or institution to procure test material. The policy shall provide:

a. for the security of the test materials during testing, including test booklets, answer documents, supplementary secure materials (e.g., writing prompts, science tasks), video tapes, and completed observation sheets;

b. for the storage of all tests materials, except district and school test coordinator manuals and test administration manuals, in a predetermined, secure, locked area before, during, and after testing; all secure materials, including any parallel forms of a test, must be kept in locked storage at both the district and school levels; secure materials must never be left in open areas or unattended;

c. a description and record of professional development on test security, test administration, and security procedures for individual student test data provided for all individuals with access to test materials or individual student test data ("access" to test materials by school personnel means any contact with or handling the materials but does not include reviewing tests or analyzing test items, which are prohibited);

d. a list of personnel authorized to have access to the locked, secure storage area;

e. procedures for investigating any testing irregularities, including violations in test security, such as plagiarism and excessive wrong-to-right erasures identified through erasure analysis;

f. procedures for the investigation of employees accused of irregularities or improprieties in the administration of standardized tests, as required by the amended R.S. 17:81.6;

g. procedures for the investigation of any missing test booklets, answer documents, or supplementary secure material (e.g., writing projects, science tasks);

h. procedures for ensuring the security of individual student test data in electronic and paper formats.

5. Procedures for investigating missing secure materials, any testing irregularity (including cheating), and any employees accused of improprieties must, at a minimum, include the following.

a. The district test coordinator shall initiate the investigation upon the district's determination of an irregularity or breach of security or upon notification by the State Department of Education. The investigation shall be conducted by the district test coordinator and other central office staff as designated by the district superintendent.

b. The location of the predetermined, locked, secure area for storage of materials shall be examined, and the individuals with access to secure materials shall be identified.

c. Interviews regarding testing administration and security procedures shall be conducted with the principal, school test coordinator(s), test administrator(s), and proctor(s) at the identified schools. All individuals who had access to the test materials at any time must be interviewed.

d. Interviews shall be conducted with students in the identified classes regarding testing procedures, layout of the classroom, access to test materials before the test, and access to unauthorized materials during testing.

e. After completion of the investigation, the district shall provide a report of the investigation and a written plan of action to the state superintendent within 30 calendar days of the initiation of the investigation. At a minimum, the report shall include the nature of the situation, the time and place of occurrence, and the names of the persons involved in or witness to the occurrence. Officials from the Louisiana

Department of Education are authorized to conduct additional investigations.

6. Test materials, including all test booklets, answer documents, and supplementary secure materials (e.g., writing prompts, science tasks) containing secure test questions, shall be kept secure and accounted for in accordance with the procedures specified in the test administration manuals and other communications provided by the Louisiana Department of Education. Secure test materials include test booklets, answer documents, and any supplementary secure materials (e.g., writing prompts, science tasks). Procedures described in the test manuals shall include, but are not limited to, the following.

a. All test booklets, answer documents, and supplementary secure materials (e.g., writing prompts, science tasks) must be kept in a predetermined, secure, locked storage area prior to and after administration of any test; test administrators are to be given access to the tests and any supplementary secure materials only on the day the test is to be administered, and these are to be retrieved immediately after testing is completed for the day and stored in a locked, secure location each day of testing.

b. All test booklets, answer documents, and supplementary secure materials (e.g., writing prompts, science tasks) must be accounted for and written documentation kept by test administrators and proctors for each point at which test materials are distributed and returned.

c. Any discrepancies noted in the serial numbers of test booklets, answer documents, and any supplementary secure materials (e.g., writing prompts, science tasks), or the quantity received from contractors must be reported to the Division of Student Standards and Assessments (LDE) by the designated institutional or school district personnel prior to the administration of the test.

d. In the event that test booklets, answer documents, or supplementary secure materials (e.g., writing prompts, science tasks) are determined to be missing while in the possession of the institution or school district or in the event of any other testing irregularities or breaches of security, the designated institutional or school district personnel must immediately notify by telephone the Division of Student Standards and Assessments (LDE) and follow the detailed procedures for investigating and reporting specified in this policy.

7. Only personnel trained in test security and administration shall be allowed to have access to or administer any standardized tests.

8. Each district superintendent or institution must annually designate one individual in the district or institution as district test coordinator who is authorized to procure test materials that are utilized in testing programs administered by or through the State Board of Elementary and Secondary Education of the Louisiana Department of Education. The name of the individual designated must be provided in writing to the Division of Student Standards and Assessments (LDE) and included on the statement of assurance.

9. Testing shall be conducted in class-sized groups. *Bulletin 741* (2.038.01–.02) states that K-3 classroom enrollment should be no more that 26 students, and in grades 4-12, no more than 33, except in certain activity types of classes in which the teaching approach and the material and equipment are appropriate for large groups. For grades K-8, the maximum class size for Health and Physical Education classes may be no more than 40. Class size for exceptional students is generally smaller (*Bulletin 741*, 2.038.05). Permission for testing in environments that differ from the usual classroom environment must be obtained in writing from the Louisiana Department of Education, Division of Standards and Assessments, at least 30 days prior to testing. If testing outside the usual classroom environment is approved by the Division of Student Standards and Assessments, the LEA must provide at least one proctor for every 30 students.

10. The State Superintendent of Education may disallow test results that may been achieved in a manner that is in violation of test security.

11. The Louisiana Department of Education shall establish procedures to identify:

a. improbable achievement of test score gains in consecutive years;

b. situations in which collaboration between or among individuals may occur during the testing process;

c. a verification of the number of all test distributed and the number of tests returned;

d. excessive wrong-to-right erasures for multiple-choice tests;

e. any violation to written composition or open-ended responses that involves plagiarism;

f. any other situation that may result in invalidation of test results.

12. In cases in which test results are not accepted because of a breach of test security or action by the Louisiana Department of Education, any programmatic, evaluative, or graduation criteria dependent upon the data shall be deemed not to have been met, but individuals will be allowed to retake the test at the next test administration.

13. Individuals shall adhere to all procedures specified in all manuals that govern mandated testing programs.

14. Any individual knowingly engages in any activity during testing that results in invalidation of scores derived from the Louisiana Educational Assessment Program for the 21st Century (LEAP 21), graduation exit examination for the 21st Century (GEE 21), or graduation exit examination ("old" GEE) shall forfeit the test results but will be allowed to retake the test at the next test administration.

15. Anyone known to be involved in the presentation of forged, counterfeit, or altered identification for the purposes of obtaining admission to a test administration site for any test administered by or through the State Board of Elementary and Secondary Education or the Louisiana Department of Education shall have breached test security. Any individual who knowingly causes or allows the presentation of forged, counterfeited, or altered identification for the purpose of obtaining admission to any test administration site must forfeit all test scores but will be allowed to retake the test at the nest test administration.

16. School districts must ensure that individual student test data are protected from unauthorized access and

disclosure. District test coordinators, principals, school test coordinators and other authorized users of the LEAP*web* reporting system and LEAP*data* system must ensure the security of passwords, any disks or CDs with downloaded individual student test data, and student-level test data open on a computer screen. All users must sign a statement guaranteeing they will not share the password with unauthorized individuals and maintain the confidentiality of student data. A copy of the signed statement should be sent to the district test coordinator to be kept on file. Users who have access to these systems and leave their positions at a district or school site must not use or share the password. district test coordinators are responsible for providing training regarding the security and confidentiality of individual student test data (in paper and electronic format) and of aggregated data of fewer than ten students.

17. Louisiana Department of Education staff will conduct site visits during testing to observe test administration procedures and to ensure that appropriate test security procedures are being followed. Schools with prior violations of test security or other testing irregularities will be identified for visits. Other schools will be randomly selected.

18. Any teachers or other school personnel who breach test security or allow breaches in test security shall be disciplined in accordance with the provisions of R.S. 17:416 et seq., R.S. 17:441 et seq., R.S. 17:81.6 et seq., policy and regulations adopted by the Board of Elementary and Secondary Education, and any and all laws that may be enacted by the Louisiana Legislature.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Interested persons may submit comments until 4:30 p.m., September 8, 2003, to Nina Ford, State 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 741—Louisiana Handbook for School Administrators—Nonpublic Schools

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

The implementation of changes requires no cost or savings to state or local governmental units. Nonpublic Bulletin 741 was revised to change or delete outdated information, to clarify language, and to bring policies in line with what is currently required for public schools.

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)

There are no effects on costs or economic benefits to directly affected persons or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no effects on competition and employment.

Marlyn J. Langley
Deputy Superintendent
Management and Finance

H. Gordon Monk
Staff Director
Legislative Fiscal Office

0307#039

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746 Louisiana Standards for State Certification of School Personnel Policy for One-Year Authorization on a Certificate (LAC 48:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to *Bulletin 746 Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. This Rule abolishes the Bulletin 746 policy allowing a one-year authorization on a certificate. This Rule works to align Bulletin 746 policy for temporary certification under the state's new licensure structure.

Title 28
EDUCATION
Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations, and State Plans
Subchapter A. Bulletins and Regulations
§903. Teacher Certification Standards and Regulations

A. Bulletin 746

* * *

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975), amended LR 28:763-765 (April 2002), LR 28:765 (April 2002), LR 28:990-991 (May 2002), LR 29:

* * *

Repeal the "One Year Authorization on a Certificate" policy from Bulletin 746, *Louisiana Standards for State Certification of School Personnel*, as follows:

One-Year Authorization on a Certificate

Authorization to teach one or two subjects in addition to the major subject on the secondary level may be added to a valid certificate if the applicant lacks not more than six semester hours to meet the minimal requirements in the teaching field or fields, provided that this authorization is good for one year only. The applicant is given one year in which to meet the requirements in full.

* * *

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be

kept on file in the State Board Office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No

2. Will the proposed Rule affect the authority and rights or parents regarding the education and supervision of their children? No

3. Will the proposed Rule affect the functioning of the family? No

4. Will the proposed Rule affect family earnings and family budget? No

5. Will the proposed Rule affect the behavior and personal responsibility of children? No

6. Is the family or a local government able to perform the function as contained in the proposed Rule? No

Interested persons may submit written comments until 4:30 p.m., September 8, 2003, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 746CLouisiana Standards for State Certification of School PersonnelCPolicy for One-Year Authorization on a Certificate

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

This Rule abolishes the Bulletin 746 policy allowing a one-year authorization on a certificate. The adoption of this policy will cost the Department of Education approximately $700 (printing and postage) to disseminate the policy.

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

This policy will have no effect on revenue collections.

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

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

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This policy will have no effect on competition and employment.

Marlyn J. Langley
Deputy Superintendent
Management and Finance

H. Gordon Monk
Staff Director
Legislative Fiscal Office

0307#040

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746 Louisiana Standards for State Certification of School Personnel Certificate Renewal Requirements and Validity Terms for Those Called to Active Military Duty (LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to *Bulletin 746 Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. This policy specifies certificate renewal guidelines and validity term adjustments for those who are employed on renewable certificates and who are called to active military duty. Temporary certificates have strict annual renewal guidelines specifying successful completion of coursework and/or Praxis exams. Renewable regular certificates require completion of Continuing Learning Units (CLUs) of professional development for renewal. This policy suspends certificate renewal guidelines and does not count elapsed time for certificate holders during periods of active military duty.

Title 28
EDUCATION
Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations, and State Plans
Subchapter A. Bulletins and Regulations
§903. Teacher Certification Standards and Regulations

A. Bulletin 746

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975), amended LR 28:763 (April 2002), LR 28:765 (April 2002), LR 28:990 (May 2002), LR 29:

Certificate Renewal Requirements and Validity Terms for Those Called to Active Military Duty

A teacher employed on a temporary or a regular certificate, and who is called to active military duty, will not be penalized for the time spent in active service. He or she must present copies of official documents indicating beginning and ending dates of active military duty when applying for renewal or extension of the certificate.

For the period of military service:

1. renewal guidelines specifying required coursework and/or Praxis exams for temporary certificates will be waived;

2. renewal guidelines specifying Continuing Learning Units (CLUs) for Level 2 and Level 3 certificates will be waived; and

3. additional time commensurate with the amount of time spent in active duty will be allowed on the temporary or regular certificate, in terms of the school year(s) or portion thereof spent in active military service.

Once the time spent has been restored to an individual who was called to active duty, the renewal guidelines for temporary and/or regular certificates will be effective.

Family Impact Statement

1. Will the proposed Rule affect the stability of the family? No
2. Will the proposed Rule affect the authority and rights or parents regarding the education and supervision of their children? No
3. Will the proposed Rule affect the functioning of the family? No
4. Will the proposed Rule affect family earnings and family budget? No
5. Will the proposed Rule affect the behavior and personal responsibility of children? No
6. Is the family or a local government able to perform the function as contained in the proposed Rule? No

Interested persons may submit written comments until 4:30 p.m., September 8, 2003, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Certificate Renewal Requirements and Validity Terms for Those Called to Active Military Duty

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

This policy specifies certificate renewal guidelines and validity term adjustments for those who are employed on renewable certificates and who are called to active military duty. The adoption of this policy will cost the Department of Education approximately $700 (printing and postage) to disseminate the policy.

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

This policy will have no effect on revenue collections.

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

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

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This policy will have no effect on competition and employment.

Marlyn J. Langley
Deputy Superintendent
Management and Finance

H. Gordon Monk
Staff Director
Legislative Fiscal Office

0307#041

NOTICE OF INTENT

Board of Elementary and Secondary Education

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

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to *Bulletin 746 Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. This policy adds the Practitioner License 4 category to the current Practitioner License policy, allowing individuals other than those in the new alternate teacher certification programs to pursue full teacher credentialing under a licensure type that does not penalize schools and districts for Annual School Report and accountability reporting purposes. This policy outlines regulations for those who are not in the new alternate teacher education programs to qualify for a Practitioner License (category 4).

Title 28
EDUCATION
Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations, and State Plans
Subchapter A. Bulletins and Regulations
§903. Teacher Certification Standards and Regulations

A. Bulletin 746

* * *

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975), amended LR 28:763 (April 2002), LR 28:765 (April 2002); LR 28:990 (May 2002), LR 29:

Practitioner Teacher Licensure Policy
Adopted by SBESE October 2002

Individuals with PL1, PL2, PL3, or PL4 credentialing who are actively enrolled in the Practitioner Teacher Program, the Master's Degree Program, or the Non-Master's/Certification-Only Program, or are otherwise in the process of completing all requirements for full certification will be granted special employment status so that districts will not have these individuals count for or against the district on the Annual School Report or for District accountability purposes.

Practitioner License 1, Practitioner License 2, Practitioner License 3

A Practitioner Teacher license (PL), renewable yearly for a maximum of three years, will be granted to those candidates who meet all entrance requirements and who are accepted into and enrolled in a State-approved Practitioner Teacher Program (PL1), Master's Degree Program (PL3), or Non-Master's/Certification-Only Program (PL2). Issuance of Practitioner Teacher licenses will require verification from the program provider and the employing system/school. Minimum admission requirements for the Practitioner

Teacher Program and the Non-Master's/Certification-Only Program stipulate that the candidate hold an undergraduate degree from a regionally accredited university, possess a minimum of a 2.2 grade point average (GPA), and pass the Pre-Professional Skills Test and Content Specialty Exam of the PRAXIS. The same admission standards apply to the Master's Degree Program, with one exception, that the undergraduate GPA requirement is 2.50 for admission. Additionally, Practitioner Teacher Program participants must have a teaching assignment in a State-approved Louisiana school in the area of certification being studied.

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

Practitioner Teacher Program (PL1), Master's Degree Program (PL3), and Non-Master/Certification-Only Program (PL2). Practitioner teachers are issued a one-year Practitioner Teacher license, renewable yearly for a maximum of three years. If a candidate withdraws or is dropped from the new alternate program, the Practitioner Teacher license is no longer valid. A practitioner teacher must remain enrolled in the alternate program and fulfill all coursework, teaching assignments (if applicable), and prescribed activities as identified by the program provider. All program requirements must be completed within the three-year period of the license. A practitioner teacher may complete all requirements of the alternate program in fewer than three years.

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

Practitioner License 4

A Practitioner License (PL4) may be issued to a teacher who is not in one of the three new alternate certification programs, has an undergraduate grade point average of at least 2.50, has passed the Praxis Pre-professional Skills Tests (PPSTs), has passed the specialty area content exam or has completed 31 semester hours in the specific content area of certification, and still lacks full requirements for certification.

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No
2. Will the proposed Rule affect the authority and rights or parents regarding the education and supervision of their children? No
3. Will the proposed Rule affect the functioning of the family? No
4. Will the proposed Rule affect family earnings and family budget? No
5. Will the proposed Rule affect the behavior and personal responsibility of children? No
6. Is the family or a local government able to perform the function as contained in the proposed Rule? No

Interested persons may submit written comments until 4:30 p.m., September 8, 2003, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 746CLouisiana Standards for State Certification of School Personnel Practitioner Teacher Licensure Policy

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

This policy adds the Practitioner License 4 category to the current Practitioner License policy, allowing individuals other than those in the new alternate teacher certification programs to pursue full teacher credentialing under a licensure type that does not penalize schools and districts for Annual School Report and accountability reporting purposes. The adoption of this policy will cost the Department of Education approximately $700 (printing and postage) to disseminate the policy.

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

This policy will have no effect on revenue collections.

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

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

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This policy should result in increased employment opportunities for individuals pursuing alternate certification, making those in situations other than the new alternate teacher certification programs eligible for a license that is attractive to school districts in that it will not be a detriment to the districts for Annual School Report or accountability purposes.

Marlyn J. Langley
Deputy Superintendent
Management and Finance

H. Gordon Monk
Staff Director
Legislative Fiscal Office

0307#042

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1536 A Guide for Administrators of Elementary Level Second Language Programs in Louisiana Schools
(LAC 28:I.Chapter 9)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education approved for advertisement the following revision to Title 28, Education. The revision will change the status of *Bulletin 1536 A Guide for Administrators of Elementary Level Second Language Programs in Louisiana Schools*, from a regulatory bulletin to non-regulatory program guidelines.

Title 28
EDUCATION
Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations, and State Plans
Subchapter A. Bulletins and Regulations

List of Bulletins to be Removed from the Louisiana Administrative Code.

Bulletin Number	Bulletin Name
1536	A Guide for Administrators of Elementary Level Second Language Programs in Louisiana Schools

Family Impact Statement

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? No.

Interested persons may submit comments until 4:30 p.m., September 8, 2003, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 1536CA Guide for Administrators of Elementary Level Second Language Programs in Louisiana Schools

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

Bulletin 1536 is a non-regulatory document, intended to assist local school districts with the implementation of elementary level foreign language programs. Repealing Bulletin 1536 will have no savings cost to state or local governmental units. This action will cost the Department of Education approximately $34.00 for advertising in the *Louisiana Register*.

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

There are no effects on costs or economic benefits to directly affected persons or non-governmental groups.

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

There are no effects on costs or economic benefits to directly affected persons or non-governmental groups

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no effects on competition and employment.

Marlyn J. Langley
Deputy Superintendent
Management and Finance

H. Gordon Monk
Staff Director
Legislative Fiscal Office

0307#036

NOTICE OF INTENT

Department of Economic Development
Office of Business Development
Business Resources Services

Louisiana Business Development Program
(LAC 13:III.Chapter 13)

The Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, pursuant to the authority of R.S. 51:2312 and R.S. 51:2341(B) and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby gives notice of its intent to adopt the following Rules for the Louisiana Business Development Program (Supplemental EDAP Rules). The purpose of the Rules is to provide assistance to and attraction for retention, expansion and recruitment of industrial and business projects through funding, lending, or enhancing the credit of industrial and development projects that are not presently eligible for funding under the Economic Development Award Program and Opportunity Fund Rules. These Rules are being adopted in response to the needs of public entities to provide infrastructure to support business activity that cannot be otherwise supported under the Economic Development Award Program rules.

Title 13
ECONOMIC DEVELOPMENT
Part III. Financial Assistance Programs
Chapter 13. Louisiana Business Development Program (Supplemental EDAP Rules)

§1301. Purpose

A. The purpose of this program is to provide assistance to and attraction for retention, expansion and recruitment of industrial and business projects through funding, lending, or enhancing the credit of industrial and development projects that are not presently eligible for funding under the Economic Development Awards Program and Opportunity Fund Rules, in order to promote and enhance Louisiana Department of Economic Development's cluster development, the goals of Vision 20/20, Louisiana's long-term plan for economic development, and related public policy for the introduction, growth and retention of Louisiana businesses by providing funding for defined

business projects that fulfill these goals. In doing so, these rules will more fully implement the provisions of R.S. 51:2341 providing for the Economic Development Awards Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312 and R.S. 51:2341(B).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Business Resources Services, LR 29:

§1303. Definitions

Applicant the public entity requesting funds under this program. The public entity may be joined in the application by any other entity.

Award the funding of money, the lending of money or the enhancement of credit under this program for eligible applicants.

Award Agreement the agreement of contract hereinafter referred to between the public entity, LED and LEDC, and where applicable, any other entity through which the parties by cooperative endeavor or otherwise, set forth the terms, conditions and performance objectives of the award provided pursuant to these rules.

DED the Louisiana Department of Economic Development.

LEDC Board the board of directors of the Louisiana Economic Development Corporation and when referred to herein in terms of approval of an award, shall mean that the award has been approved in accordance with the by-laws and procedures of the board of directors whether such approval requires or does not require board approval under those by-laws and procedures.

Project a proposal by a public entity for which an award is sought under this program. The program seeks to fund awards for projects that may not be defined as "basic infrastructure" or "infrastructure" under the present EDAP Rules or which are defined as "basic infrastructure" or "infrastructure" under the EDAP Rules, but for which, because of the nature of the business, eligibility for funding under those rules is not available. Projects subject to these rules may be eligible for funding when it can be established to the satisfaction of the LEDC Board that the project for which an award is sought promotes and enhances LED's cluster development, and the goals of Vison 20/20, the state's Master Plan for Economic Development.

Public Entity the applying public or quasi-public entity that will be responsible for receiving and administering the performance and oversight of the project and for supervising compliance with the terms, conditions and performance objectives of the award agreement.

Secretary the secretary of the Department of Economic Development, who is also the president of LEDC.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312 and R.S. 51:2341(B).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Business Resources Services, LR 29:

§1305. General Principles

A. The following general principles will direct the administration of the Louisiana Business Development Program.

1. Awards are not to be construed as an entitlement for companies locating or located in Louisiana and are subject to the discretion of the LED, the secretary of the LED and the LEDC.

2. An award must reasonably be expected to be a significant factor in improving or enhancing economic development, including cluster development, whether in a particular circumstance, or overall.

3. Awards must reasonably be demonstrated to result in the enhanced economic well-being of the state and local communities.

4. Awards that promote retention and strengthening of cluster development of existing businesses will be evaluated using the same procedures and with the same priority as the recruitment of new businesses to the state.

5. The anticipated economic benefits to the state will be considered in making the award.

6. Whether or not an award will be made is entirely at the discretion of the LED, its cluster directors, the secretary and the LEDC board and shall depend upon the facts and circumstances of each case, funds available, funds already allocated, and other such factors as the board may, in its discretion deem to be pertinent. The grant or rejection of an application for an award shall not establish any precedent and shall not bind the LED, its cluster directors, the secretary, or the LEDC board to any future course of action with respect to any application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312 and R.S. 51:2341(B).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Business Resources Services, LR 29:

§1307. Eligibility

A. In order to be eligible for an award pursuant to this program, the applicant must demonstrate to the satisfaction of the board that the award sought must be consistent with the principles set forth above, and the applicant must demonstrate a need for the project funding consistent with the requirements set forth below. Where it is represented that certain contingent actions will be taken in order to comply with these conditions, then the LEDC may, upon recommendation of the LED and its contract monitor, withhold funding until there is substantial performance of the contingencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312 and R.S. 51:2341(B).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Business Resources Services, LR 29:

§1309. Application For Louisiana Business Development Program

A. In order to be eligible for this program, an applicant must submit the following to the LED for consideration by its staff and the applicable cluster director:

1.a. a detailed description of the project to be undertaken, particularly:

i. the nature of the assistance for which the funding is sought and the economic scope of the investment involved in the project;

ii. the goals, objectives and performance measures of the project providing detailed support for the use of the funding provided;

iii. the nature of the treatment of the funding in the plan for the project;

b. where a loan or credit enhancement is being sought, a cash flow analysis must be submitted together with a payment schedule for the loan that is consistent with the projected revenues generated by the project.

2. A description as to how the project furthers and promotes the development of cluster industries and businesses and will enhance the economic viability of the state and region of the state in which the project is located.

3. Where the application seeks direct funding for the project then a description must be provided that sets forth the benefit to the state and shall contain such other provisions and conditions, as may, in the opinion of the LED and the LEDC board protect and preserve the interest of the state in the investment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312 and R.S. 51:2341(B).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Business Resources Services, LR 29:

§1311. Award Funding

A. All funding applications must be considered by the board after review by the assigned staff and upon recommendation of the relevant cluster director and the secretary. Thereafter, the LEDC board upon such review as may be necessary to make the determination as to the application in accordance with these Rules shall either approve or disapprove the application. Upon approval by the LEDC board:

1. the award shall be funded pursuant to the award agreement;

2. any line of credit provided shall be drawn down in accordance with the schedule provided as approved by the cluster director, secretary and LEDC and incorporated into the loan agreement;

3. the award agreement shall include appropriate enforceable provisions for the monitoring of the contract;

4. the award agreement shall include such conventional provisions as may be appropriate to protect and secure the funding provided by the LEDC board pursuant to these Rules;

5. the secretary of the LED shall designate the contract monitor for the loan agreement, and the contract monitor shall, on a semi-annual basis, report to the LEDC on the status of the contract.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312 and R.S. 51:2341(B).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Business Resources Services, LR 29:

Family Impact Statement

The proposed adoption of Rules for 13:III. Chapter 13 regarding the Louisiana Business Development Program (Supplemental EDAP Rules), should not have any known or foreseeable impact on any family as defined by R.S. 49:972.D or on family formation, stability and autonomy. Specifically there should be no known or foreseeable effect on:

1. the stability of the family;

2. the authority and rights of parents regarding the education and supervision of their children;

3. the functioning of the family;

4. family earnings and family budget;

5. the behavior and personal responsibility of the children;

6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Interested persons should submit written comments on the proposed Rules to Daryl Manning through the close of business on August 20, 2003, at P.O. Box 94185, Baton Rouge, LA 70804-9185; 1051 North Third Street, Baton Rouge, LA 70802; FAX (225) 342-9448; or email to manning@lded.state.la.us.

Don J. Hutchinson
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Louisiana Business Development Program

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

There will be no incremental cost or savings due the implementation of this program. The staff that processes all LEDC programs will be sufficient to process and monitor this program. Since LEDC is funded through a statutory dedicated fund, there will be no increase or savings. The funding for the program will come from the regular authorized appropriation LEDC receives.

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

There is no expected incremental revenue for the state or local government.

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

There are no anticipated additional costs to persons or non-governmental groups. The benefit of this investment will be to public entities since the program requires the funds be spent on publicly owned infrastructure.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Since this program is an amendment to the regular Economic Development Awards program, it is expected that it will promote and cause an increase in private sector employment.

Michael Williams	Robert E. Hosse
Director	General Government Section Director
0307#096	Legislative Fiscal Office

NOTICE OF INTENT

Department of Economic Development
Office of Business Development
Business Resources Division

Louisiana Project Equity Fund
(LAC 13:III.Chapter 15)

The Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, pursuant to the authority of R.S. 51:2312 and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby gives notice of its intent to adopt the following Rules for the Louisiana Project Equity Fund. The

purpose of the Rules is to provide loan funding to companies on a project basis for the purchase of capital equipment, and accompanying necessary inventory and/or technology that introduce innovative development or production of products in Louisiana and that serve to enhance industry cluster. These Rules are being adopted in response to a market failure for businesses that have opportunities to perform on contracts with Louisiana companies but cannot receive favorable terms from the private sector financial institutions.

Title 13

ECONOMIC DEVELOPMENT

Part III. Financial Assistance Programs

Chapter 15. Louisiana Project Equity Fund

§1501. Purpose

A. The purpose of this program is to promote and enhance Louisiana Department of Economic Development's cluster development, the goals of Vision 20/20, Louisiana's long-term plan for economic development, and related public policy for the introduction, growth and retention of Louisiana businesses by providing loan funding for defined business projects. The Louisiana Economic Development Corporation ("LEDC") in accordance with R.S. 51:2301 et seq. and R.S. 51:2341 and these Rules may provide loan funding to companies on a project basis for the purchase of capital equipment, and accompanying necessary inventory and/or technology that introduce innovative development or production of products in Louisiana and that serve to enhance industry clusters.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312(B) and (D)(1) and R.S. 51:2341(B).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:

§1503. Definitions

Applicant the public entity requesting the loan funding from the Louisiana Project Equity Fund for equipment and other materials to be owned by the public entity during the pendency of the loan and to be utilized by the company for the project.

Award the funding of the loan from the LEDC under this program to eligible applicants.

Company a legal entity that is duly authorized to do and doing business in Louisiana in need of loan funding for a project pursuant to these Rules.

LED the Louisiana Department of Economic Development charged by statute with administering the Project Equity Fund and the LED cluster directors and assigned staff shall administer the fund provided for by these Rules.

LEDC Board the board of directors of the Louisiana Economic Development Corporation and when referred to herein in terms of approval of an award, shall mean that the award has been approved in accordance with the by-laws and procedures of the board of directors whether such approval requires or does not require board approval under those by-laws and procedures.

Loan Agreement the loan agreement of contract hereinafter referred to between DED, LEDC, company and applicant through which the parties by cooperative endeavor or otherwise, including attached or referenced promissory notes, securitization, lease or other appropriate documentation necessary to conventionally protect the interest of the LEDC in the funding of the loan, set forth the terms, conditions and performance objectives of the award provided pursuant to these Rules.

Project the undertaking of the applicant and company for which a loan pursuant to these Project Equity Fund Rules are sought and includes introduction of innovative development or production of products to the state of Louisiana that furthers and promotes the development of cluster industries and businesses through the loan funding of capital equipment, accompanying necessary inventory and/or technology that causes and/or enhances the operation of such equipment and results in increased economy and efficiency in Louisiana products.

Secretary the secretary of the LED, who is also the president of LEDC.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312(B) and (D)(1) and R.S. 51:2341(B).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:

§1505. General Principles

A. The following general principles will direct the administration of the Louisiana Project Equity Fund.

1. Awards are not to be construed as an entitlement for companies locating or located in Louisiana and are subject to the discretion of the LED, the secretary of the LED and the LEDC.

2. An award must reasonably be expected to be a significant factor in improving or enhancing economic development, including cluster development, whether in a particular circumstance, or overall.

3. Awards must reasonably be demonstrated to result in the enhanced economic well-being of the state and local communities.

4. Awards that promote retention and strengthening of cluster development of existing businesses will be evaluated using the same procedures and with the same priority as the recruitment of new businesses to the state.

5. The anticipated economic benefits to the state will be considered in making the award.

6. Whether or not an award will be made is entirely at the discretion of the LED, its cluster directors, the secretary and the LEDC board and shall depend upon the facts and circumstances of each case, funds available, funds already allocated, and other such factors as the board may, in its discretion deem to be pertinent. The grant or rejection of an application for an award shall not establish any precedent and shall not bind the LED, its cluster directors, the secretary, or the LEDC board to any future course of action with respect to any application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312(B) and (D)(1) and R.S. 51:2341(B).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:

§1507. Eligibility

A. In order to be eligible for a Project Equity Funding Award pursuant to this program, the applicant and company must demonstrate to the satisfaction of the board that the award sought must be consistent with the principles set forth above, and the applicant and company must demonstrate a need for the project funding consistent with the requirements set forth below. Where it is represented that certain contingent actions will be taken in order to comply with

these conditions, then the LEDC may, upon recommendation of the LED and its contract monitor, withhold funding until there is substantial performance of the contingencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312(B) and (D)(1) and R.S. 51:2341(B).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:

§1509. Application For Project Funding

A. The applicant and the company must jointly submit an application to the LED through its assigned staff and cluster director(s) responsible for the business area that will be subject to the project for which the lending is being sought, in proposal form which shall contain the following information:

1. a business plan providing:

a. a detailed description of the project to be undertaken, particularly:

i. the project manufacturing materials and equipment; and/or

ii. technology for which the funding is sought; and

ii. the economic scope of the investment involved in the project;

b. cash flow analysis of the project providing detailed support for the use of the funding provided;

c. the nature of the treatment of the funding in the business plan and cash flow analysis for the project, including a payment schedule for the loan that is consistent with the revenues generated by the innovative manufacturing or technology that is funded for the project.

2. A description of the project:

a. the capital equipment, accompanying necessary inventory and/or technology that causes and/or enhances the operation of the equipment;

b. the product being produced in the state of Louisiana as a result of the Project;

c. the innovative, efficient and/or economical nature (to Louisiana) of the process of production that will result from the project;

d. a description as to how the project furthers and promotes the development of cluster industries and businesses and will enhance the economic viability of the state and region of the state in which the project is located.

3. A description of the applicant local government entity and the company and the nature of the ownership by the applicant and agreed to by the company, including a schedule for the transfer of ownership from the applicant to the company upon fulfillment of the repayment obligations of the company to the LEDC.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312(B) and (D)(1) and R.S. 51:2341(B).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:

§1511. Loan Funding

A. All funding applications must be considered by the board after review by the assigned staff and upon recommendation of the relevant cluster director and the secretary. Thereafter, the LEDC board upon such review as may be necessary to make the determination as to the application in accordance with these rules shall either approve or disapprove the application. Upon approval by the LEDC Board.

1. The loan shall be funded pursuant to the loan agreement.

2. The credit provided shall be drawn down in accordance with the schedule provided as approved by the cluster director, secretary and LEDC and incorporated into the loan agreement.

3. The loan agreement shall include appropriate enforceable provisions for the monitoring of the contract.

4. The loan agreement shall include such conventional provisions as may be appropriate to protect and secure the loan funding provided by the LEDC board pursuant to these Rules.

5. The cluster director making the recommendation for the loan funding shall be designated by the LEDC as the contract monitor for the loan agreement, and the contract monitor shall, on a semi-annual basis, report to the LEDC board on the status and progress of the project.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312(B) and (D)(1) and R.S. 51:2341(B).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:

Family Impact Statement

The proposed adoption of Rules for 13:III.Chapter 15 regarding the Louisiana Project Equity Fund Program should not have any known or foreseeable impact on any family as defined by R.S. 49:972.D or on family formation, stability and autonomy. Specifically there should be no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of the children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Interested persons should submit written comments on the proposed Rules to Daryl Manning through the close of business on August 20, 2003, at P.O. Box 94185, Baton Rouge, LA 70804-9185; 1051 North Third Street, Baton Rouge, LA 70802; FAX (225) 342-9448; or email to manning@lded.state.la.us.

Don J. Hutchinson
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Louisiana Project Equity Fund

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

There will be no incremental cost or savings due the implementation of this program. The staff that processes all LEDC programs will be sufficient to process and monitor this program. Since LEDC is funded through a statutory dedicated fund, there will be no increase or savings. The funding for the program will come from the regular authorized appropriation LEDC receives.

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

This is a new program with no history to determine if there will be any positive increase in revenue to state or local government. Since businesses are expected to expand with the use of this program it could be expected that sales taxes and payroll taxes may be increased.

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

There are no anticipated additional costs to persons or non-governmental groups except for the repayment of the loan with interest over time.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This program is open to all Louisiana businesses and therefore does not impact competition.

Michael Williams	Robert E. Hosse
Director	General Government Section Director
0307#095	Legislative Fiscal Office

NOTICE OF INTENT

Department of Economic Development
Office of Business Development
Business Resources Division

University Foundation Investment Program
(LAC 19:VII.Chapter 27)

The Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, pursuant to the authority of R.S. 51:2312 and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby gives notice of its intent to adopt the following Rules for the University Foundation Investment Program. The purpose of the Rules is to fulfill a need in the university systems of Louisiana to transfer technologies developed in the universities in order to build Louisiana businesses and commercialize these technologies. Universities that form foundations and/or other vehicles to form seed investment funds need commitments of funding or funding to start-up these seed funds. The intent of this program is to provide up front funding for university-formed seed funds that are well thought out, with sound business plans, and privately managed with experienced investors that bring funds in keeping with traditional venture capital fund structures, as well as other private funds from institutional relationships.

Title 19
CORPORATIONS AND BUSINESS
Part VII. Economic Development Corporation
Subpart 2. Louisiana Venture Capital Program
Chapter 27. University Foundation Investment Program

§2701. Purpose

A. The purpose of this program is to promote and enhance Louisiana Department of Economic Development's cluster development, the goals of Vision 20/20, Louisiana's long-term plan for economic development, and related public policy for the university systems of Louisiana to transfer technologies developed in the research universities in order to build Louisiana businesses and commercialize these technologies. Universities that form technology transfer foundations and/or other vehicles to form seed investment funds need commitments of funding or funding to start-up these seed funds. The intent of this program is to provide initial funding for university-formed seed fund investments that include sound business plans and private, independent management that is attractive to experienced institutional and private investors in keeping with traditional venture capital fund structures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development Services, Louisiana Economic Development Corporation, LR 29:

§2703. Definitions

Agreement—the funding agreement of contract hereinafter referred to between DED, LEDC, and applicant through which the parties by cooperative endeavor or otherwise, include appropriate documentation necessary to conventionally protect the interest of the LEDC in the funding of the award, and set forth the terms, conditions and performance objectives of the award provided pursuant to these Rules.

Applicant—the University Research and Technology Foundation and its subsidiary entity requesting the funding from the Louisiana University Foundation Investment Program for seed funds that provide early stage funding for the statewide development of University research based companies that seek to commercialize the results of their work through technology transfer in accordance with sound business strategies. In order to be eligible for this program, the applicant must provide a program for engagement of all research universities in the state. The program must indicate that it is seeking inclusion and coordination of effort on a statewide basis and is proceeding in accordance with a sound business plan in a manner consistent with the Rules hereinafter provided.

Award—the funding of the project by the LEDC under this program to eligible applicants.

LED—the Louisiana Department of Economic Development charged by statute with administering the Louisiana University Foundation Investment Program and the relevant LED Cluster and Service Directors and assigned staff shall administer the program provided for by these Rules.

LEDC Board—the Board of Directors of the Louisiana Economic Development Corporation and when referred to herein in terms of approval of an award, shall mean that the award has been approved in accordance with the by-laws and procedures of the Board of Directors whether such approval requires or does not require board approval under those by-laws and procedures.

Secretary—the Secretary of the LED, who is also the President of LEDC.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development Services, Louisiana Economic Development Corporation, LR 29:

§2705. General Principles

A. The following general principles will direct the administration of the Louisiana Project Equity Fund.

1. Awards are not to be construed as an entitlement for Louisiana University Foundations or their subsidiary entities

locating and are subject to the discretion of the LED, the Secretary of the LED and the LEDC.

2. An award must reasonably be expected to be a significant factor in improving or enhancing economic development, including cluster development, whether in a particular circumstance, or overall.

3. Awards must reasonably be demonstrated to result in the enhanced economic well-being of the state and local communities.

4.. The anticipated economic benefits to the state will be considered in making the award.

5. Whether or not an award will be made is entirely at the discretion of the LED, its Cluster and Service Directors, the secretary and the LEDC board and shall depend upon the facts and circumstances of each case, funds available, funds already allocated, and other such factors as the board may, in its discretion deem to be pertinent. The grant or rejection of an application for an award shall not establish any precedent and shall not bind the LED, its Cluster Directors, the secretary, or the LEDC board to any future course of action with respect to any application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development Services, Louisiana Economic Development Corporation, LR 29:

§2707. Eligibility

A. In order to be eligible for an award pursuant to this program, the applicant and company must demonstrate to the satisfaction of the board that the award sought must be consistent with the provisions set forth above, and the applicant and company must demonstrate a need for the award consistent with the requirements set forth below. Where it is represented that certain contingent actions will be taken in order to comply with these conditions, then the LEDC may, upon recommendation of the LED and its contract monitor, withhold funding until there is substantial performance of the contingencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development Services, Louisiana Economic Development Corporation, LR 29:

§2709. Qualification for an Award

A. Applications for awards may be made in phases that are representative of the applicant's overall business plan and design. The application shall state whether or not funds are sought for a phase of operation, or whether it represents the total amount sought by the applicant from the fund.

B. Each application must set forth the following:

1. the establishment or plan for establishment of the subsidiary investment entity;

2. the hiring or plan for hiring, including qualifications, of the chief executive officer of the subsidiary entity;

3. the establishment or plan for establishment of an Investment Advisory Board, including qualifications of its members and scope of its authority;

4. the hiring or plan for hiring, including qualifications of an investment fund manager;

5. a preliminary business plan for the subsidiary entity, including therein a plan for statewide inclusion and coordination of the economic development of technology transfer initiatives;

6. the amount of funding being sought by the applicant, and if phased, the total amount of funding that the applicant anticipates will be sought;

7. the goals and objectives of the funding, and the performance measures to be met by the applicant in order to obtain the funding.

C. Depending upon the nature of the funding being sought, applications for funding shall include goals, objectives and performance measures that to the satisfaction of the department and the LEDC, provide for the following:

1. the amount of funding being sought by the applicant;

2. the business plan of the applicant and the relationship between the funding sought and the plan;

3. the minimum and maximum total amount of capital to be raised including the commitment by the state as evidenced by the funding for which the application is being made and a timetable for raising funds and including goals and objectives for funding and milestones for completion of raising capital;

4. the plan for cluster development, proposed markets for the use of the funds sought, the industry and business development sought by the fund and any new areas for development of the funding; specific involvement of the appropriate department cluster directors in the formation of the plan is recommended;

5. the plan for technology commercialization and transfer and/or the commercialization and transfer of other University-based research that will be implemented through use of the funds;

6. the proposed market of the applicant including the types of businesses that the fund will finance, the extent to which the fund intends to specialize in certain industries, or if special circumstances will be addressed;

7. a survey of the possible avenues of rural development; actual and potential uses of the fund in enhancing the quality of life in the areas of the state most affected by poverty;

8. financing instruments that are intended to be utilized for investments, e.g., debentures, notes, preferred stock, royalties, etc., and a plan reflecting flexibility and adjustment to economic opportunity that may arise from the use of the funds;

9. whether applicant anticipates taking in all of the committed capital investment at closing, or whether applicant plans a phase in. If a phase-in is planned, specify the proposed schedule. It is permissible to have different scenarios based on the actual amount of capital raised;

10. applicant's plans for the fund to provide management and/or technical assistance to companies for which the fund provides financing;

11. plans and procedures for monitoring its financing, and enforcing provisions of loan or investment agreements and the handling of problem loans and investments;

12. plans for the management of any idle funds, long-term plans and strategies for providing a tangible return to the investors, and relevant tax and accounting issues for the fund.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development Services, Louisiana Economic Development Corporation, LR 29:

§2711. LEDC Investment Criteria

A. In considering applicant's application for funding, LEDC may require, but not be limited to the following considerations:

1. that the secretary or his designee sits upon the Foundation's Board of Directors; and that another representative of the department, designated by the LEDC, sit upon the Board of Investment Advisors;

2. that LEDC's funding be accompanied by other investment; and that future funding be conditioned upon the ability of the applicant to attract other investment and that applicant provide a specific business plan and time table for raising those funds;

3. that LEDC's funds shall be considered equity in the fund with any funds that were used for initial expenses to be counted as equity for carry and distribution purposes;

4. that LEDC shall participate in the distributions in its pro-rate share;

5. that If there are any other investors that receive state tax credits, then LEDC's return on investment shall be calculated on an equal basis;

6. that the professional fund manager or the chief executive officer of the applicant provide the LEDC board with semi-annual reports detailing the investments made, return on investment, and the applicant's meeting of the goals and objectives and performance measures under which the application was approved;

7. that LEDC may condition the applicant's use of investment capital as up-front operating funding upon submission of a quarterly accounting for the use of funds and a quarterly budget. Additionally, applicant may be required to submit quarterly and annual financial and narrative reports on the use of monies and all investments made by the fund during the reporting period. The narrative report shall include the number of applications received in addition to other activities. The narrative report shall include a listing of all investors in each business and all subsequent financings. Additionally, the reports shall contain information on the number of jobs created by the portfolio business, the payroll figures, the amount of any state tax incentive or other incentives utilized, and state taxes paid by the businesses;

8. that LEDC may condition applicant's funding as may be appropriate and may require such securitization or other documentation as may be appropriate to the investment goals and objectives and performance measures;

9. that LEDC may condition investment upon performance of such additional requirements as may be negotiated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development Services, Louisiana Economic Development Corporation, LR 29:

§2713. Contract between LEDC and Applicant

A. LEDC and applicant shall enter into such terms of agreement as may be customary in the industry for the creation and maintenance of Venture Capital Funding, provided that the agreement shall fully reflect the representations made by applicant as provided in Qualification for Award and Investment Criteria as set forth above.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development Services, Louisiana Economic Development Corporation, LR 29:

Family Impact Statement

The proposed adoption of Rules for 19:VII.Chapter 27 regarding the University Foundation Investment Program should not have any known or foreseeable impact on any family as defined by R.S. 49:972.D or on family formation, stability and autonomy. Specifically there should be no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of the children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Interested persons should submit written comments on the proposed Rules to Daryl Manning through the close of business on August 20, 2003, at P.O. Box 94185, Baton Rouge, LA 70804-9185; 1051 North Third Street, Baton Rouge, LA 70802; FAX (225) 342-9448; or email to manning@lded.state.la.us.

Don J. Hutchinson
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: University Foundation Investment Program

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

There will be no incremental cost or savings due the implementation of this program. The staff that processes all LEDC programs will be sufficient to process and monitor this program. Since LEDC is funded through a statutory dedicated fund, there will be no increase or savings. The funding for the program will come from the regular authorized appropriated LEDC receives.

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

There is no expected impact on revenue of state or local governmental units within the first five years. There will an expectation of returns on the investments as liquidity events take place within the portfolio of the fund.

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

There are no anticipated additional costs to persons or non-governmental groups. The benefit of this investment will be to universities and the businesses that they are trying to grow utilizing the technologies developed in the universities.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are other investment funds in Louisiana but none are investing in the earliest stage of business development that this fund is targeted to fund. The early investments by these funds will make attractive later business stage investments for the

other Louisiana venture capital funds and thereby increase their value.

Michael Williams	Robert E. Hosse
Director	General Government Section Director
0307#097	Legislative Fiscal Office

NOTICE OF INTENT

Department of Economic Development
Office of the Secretary

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

The Department of Economic Development, Office of the Secretary, pursuant to the authority of R.S. 51:1929 and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby gives notice of its intent to adopt the following Rule for the Capital Companies Tax Credit Program. The Rule is being adopted to provide additional guidance to certified Louisiana capital companies on the application of R.S. 22:1068.(E)(1)(b). This Rule provides for certain issues regarding premium tax reductions when certified Louisiana capital companies issue notes receivable to insurance companies that invest certified capital. It provides that the minimum period until maturity of the note shall be five years, and provides for minimum required repayment terms.

Title 10
FINANCIAL INSTITUIONS, CONSUMER CREDIT, INVESTMENT SECURITIES, AND UCC
Part XV. Other Regulated Entities
Chapter 3. Capital Companies Tax Credit Program
§325. Notes Receivable

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

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

2. either:

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

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

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

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

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

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

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

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

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

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

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

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

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

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 29:

Family Impact Statement

The proposed adoption of Rules for LAC 10:XV:325, Capital Companies Tax Credit Program should not have any known or foreseeable impact on any family as defined by R.S. 49:972.D or on family formation, stability and autonomy. Specifically there should be no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of the children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Interested persons should submit written comments on the proposed Rule amendments to Richard House through the close of business on August 20, 2003, at P.O. Box 94185,

Baton Rouge, LA 70804-9185; 1051 North Third Street, Baton Rouge, LA 70802; FAX 225-342-9448; or email house@led.state.la.us.

Don J. Hutchinson
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Capital Companies Tax Credit ProgramCNotes Receivable

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

There is no anticipated costs or savings to implement proposed Rules to state or local governmental units. This Rule will be implemented by existing staff administering this program.

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

It is estimated this Rule will have no effect on revenue collections of the state. This Rule merely clarifies existing law and rules. This Rule does not effect local government.

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

No significant costs or economic benefits to directly affected persons or non-governmental groups are anticipated. This rule merely clarifies existing law and rules. Louisiana Certified Capital Companies will realize an intangible non-economic benefit in that they will be able to structure their investment transactions with more certainty as to the effect of the specific structure.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is estimated there will be no effect on competition and employment. This Rule merely clarifies existing law and Rules.

Daryl K. Manning	Robert E. Hosse
General Counsel	General Government Section Director
0307#098	Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality
Office of Environmental Assessment
Environmental Planning Division

Definition of Building Enclosure
(LAC 33:III.2156)(AQ232)

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 Air regulations, LAC 33:III.2156 (Log #AQ232).

LAC 33:III.Chapter 21, Subchapter N, provides capture efficiency test procedures for temporary or permanent enclosures. The definition of building enclosure (BE), as used in these regulations, is being amended to correct the federal reference cited in the definition. The basis and rationale for this Rule are to clarify the federal citation in the definition of building enclosure (BE), as used in the regulation.

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 III. Air
Chapter 21. Control of Emission of Organic Compounds
Subchapter N. Method 43CCapture Efficiency Test Procedures
§2156. Definitions

A. For purposes of this regulation, the following definitions and abbreviations apply.

BE a building or room enclosure that contains a process that emits VOC. If a BE is to serve as a PTE or TTE, the appropriate requirements given in 40 CFR, Part 51, Appendix M, Method 204 must be met.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:653 (July 1991), amended LR 22:1212 (December 1996), LR 23:1679 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:1223 (August 2001), LR 29:

A public hearing will be held on August 26, 2003, at 1:30 p.m. in the Galvez Building, Room C111, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. 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 AQ232. Such comments must be received no later than September 2, 2003, at 4:30 p.m., and should be sent to Lynn Wilbanks, Regulation Development Section, Box 4314, Baton Rouge, LA 70821-4314 or by e-mail to lynnw@ldeq.org.. 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 AQ232.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 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: Definition of Building Enclosure

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

There will be no costs or savings to state or local governmental units for this proposed Rule.

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 a result of this Rule.

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

There will be no costs and/or economic benefits to persons or non-governmental groups as a result of this Rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed Rule will have no effect on competition or employment.

James H. Brent, Ph.D.	Robert E. Hosse
Assistant Secretary	General Government Section Director
0307#029	Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality
Office of Environmental Assessment
Environmental Planning Division

Penalty Determination Methodology
(LAC 33:I.705)(OS051)

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 Office of the Secretary regulations, LAC 33:I.705 (Log #OS051).

The proposed Rule will clarify the portion of the regulations on penalty calculations that requires the department to take into account any monetary benefits the violator may have realized through noncompliance. The Rule change was suggested by EPA as a result of a Water Program audit. The basis and rationale for this rule are to incorporate the language suggested by EPA to clarify the regulations.

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 7. Penalties
§705. Penalty Determination Methodology

A. - F. …

G. The department shall consider the monetary benefits realized through noncompliance. Any monetary benefits calculated may be added to the penalty subtotal. However, the amount calculated may not cause the penalty subtotal to exceed the maximum penalty amount allowed by law. A cash penalty should be collected unless it has been demonstrated and documented that the violator cannot pay the cash penalty.

H. - J. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2050.3.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 25:658 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2400 (December 1999), LR 29:

A public hearing will be held on August 26, 2003, at 1:30 p.m. in the Galvez Building, Room C111, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. 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 OS051. Such comments must be received no later than September 2, 2003, at 4:30 p.m., and should be sent to Lynn Wilbanks, Regulation Development Section, Box 4314, Baton Rouge, LA 70821-4314 or by e-mail to lynnw@ldeq.org. 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 OS051.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 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: Penalty Determination Methodology

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

This rule revision will result in no implementation costs or savings to state or local governmental units.

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

This rule revision will have no effect on revenue collections.

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

This rule revision will have no costs and/or economic benefits to directly affected persons or non-governmental groups. This rule change has no impact on the methodology for calculating a penalty.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition or employment associated with this rule revision.

James H. Brent, Ph.D.	Robert E. Hosse
Assistant Secretary	General Government Section Director
0307#035	Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality
Office of Environmental Assessment
Environmental Planning Division

Removal of Interim Fee Amounts for FY02-03
(LAC 33:I.1409, 4707; III.223; V.5111, 5119, 5120, 5123, 5125, 5135, 5137, 5139, 5141, 5143, 5145; VII.525, 527, 529; IX.1309, 1507; XI.307, 1305; and XV.579 and Chapter 25)(OS049)

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 Environmental Quality fee regulations, LAC 33:I.1409, 4707; III.223; V.5111, 5119, 5120, 5123, 5125, 5135, 5137, 5139, 5141, 5143, 5145; VII.525, 527, 529; IX.1309, 1507; XI.307, 1305; and XV.579 and Chapter 25, Appendix A (Log #OS049).

No fee changes are being made in this proposed Rule. It is merely a housekeeping measure to remove obsolete language. The proposed Rule will remove from the regulations the fee amounts that were effective for July 1, 2002 - June 30, 2003. The remaining fee amounts are the fees that are effective beginning July 1, 2003. Act 134 of the 2002 Extraordinary Session of the Louisiana Legislature provided for a 20 percent increase in fees effective for FY02-03 and a 10 percent increase in fees above that, to be effective beginning in FY03-04. Fee increases for both fiscal years were promulgated in rule OS041 in the May 20, 2003, issue of the *Louisiana Register.* This Rule removes from the regulations the text that set forth the fee amounts that were effective only during FY02-03, and leaves the text that sets forth the fee amounts that are effective July 1, 2003. The basis and rationale for this proposed Rule are to clarify the fee regulations by removing the fee amounts that are no longer in effect.

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 14. Groundwater Fees
§1409. Groundwater Protection Fees

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

Hazardous Waste Facilities	$10,395
Solid Waste Facilities	$6,930
Nonregulated Facilities	$3,465

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

Hazardous Waste Facilities	$13,860
Solid Waste Facilities	$10,395
Nonregulated Facilities	$3,465

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

Hazardous Waste Facilities	$1,386
Solid Waste Facilities	$346

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

Each well	$660

E. Groundwater Monitoring Systems Surveillance Fee (Annual). The fee listed below covers the cost of inspecting monitoring systems to ensure that they are functioning properly and continue to maintain their integrity. The cost also includes other activities, such as the analysis of boring logs and site geology (cross sections, isopachs, etc.). The maximum fee that can be charged for this category is $6,600.

Each well	$330

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

Hazardous Waste Facilities	$1,320
With sampling	$9,900
Solid Waste Facilities	$660
With sampling	$1,980

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

Casing pulled	$132 each well
Casing reamed out	$264 each well
Casing left in place	$660 each well

H. Maximum Total Fee Per Facility. The maximum fee that can be assessed a facility under these regulations is $41,580.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, Ground Water Protection Division, LR 18:729 (July 1992), amended LR 21:797 (August 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:671 (May 2003), LR 29:

Subpart 3. Laboratory Accreditation

Chapter 47. Program Requirements

§4707. Fees

A. - C. …

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

Accreditation application fee payable every three years	$660
Per major test category payable every year	$330
Minor conventional category payable every year	$264
Annual surveillance and evaluation applicable to minor conventional facilities and facilities applying for only one category of accreditation	$330
Proficiency samples biannually	to be purchased by the laboratory
Bioassay/biomonitoring annually	to be purchased by the laboratory
Third-party audit	to be billed directly to the laboratory

E. - F. …

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:920 (May 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1436 (July 2000), LR 29:672 (May 2003), LR 29:

Part III. Air

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

§223. Fee Schedule Listing

Table 1
Fee Schedule Listing

Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application Fee	Modified Permit Fees	
					Major	Minor
0010	Reserved					
0015 *Note 20*	Iron Ore Processing per Million Dollars in Capital Cost	1011	52.80	264.00	158.00	52.00
0020	Bituminous Coal and Lignite Mining	1211	756.00	3,780.00	2,270.00	756.00
0030	Coal Preparation	1211	1,892.00	9,455.00	5,673.00	1,892.00
0040	Crude Oil and Natural Gas Production (Less than 100 T/Yr Source)	1311	90.00	449.00	269.00	90.00
0041	Crude Oil and Natural Gas Production (equal to or greater than 100 T/Yr and less than 250 T/Yr Source)	1311	150.00	756.00	454.00	151.00
0042	Crude Oil and Natural Gas Production 250 T/Yr to 500 T/Yr Source	1311	467.00	2,335.00	1,400.00	467.00
0043	Crude Oil and Natural Gas Production Greater than 500 T/Yr Source	1311	777.00	3,113.00	2,335.00	777.00
0050	Natural Gas Liquids Per Unit	1321	379.00	1,892.00	1,134.00	379.00
0060	Construction Sand and Gravel	1442	150.00	756.00	454.00	151.00
0070	Industrial Sand	1446	150.00	756.00	454.00	151.00
0080	Salt Mining	1476	1,892.00	9,455.00	5,673.00	1,892.00
0090	Sulfur Mining	1477	1,892.00	9,455.00	5,673.00	1,892.00
0100	Commercial Rice Milling	2044	756.00	3,780.00	2,270.00	756.00
0110	Animal Feed Preparation	2048	756.00	3,780.00	2,270.00	756.00
0120	Cane Sugar, Except Refining Only	2061	1,892.00	9,455.00	5,673.00	1,892.00
0130	Cane Sugar Refining per 1,000 Lb/Hr Rated Capacity	2062 MIN.	15.11 1,866.00	75.65 9,340.00	45.38 5,603.00	15.11 1,866.00
0140	Cottonseed Oil Mill	2074	379.00	1,892.00	1,134.00	379.00
0150	Soybean Oil Mill	2075	265.00	1,324.00	795.00	265.00
0160	Animal and Marine Fats and Oil (Rendering) 10,000 or More Ton/Yr	2077	906.00	4,538.00	2,722.00	906.00
0170	Animal and Marine Fats and Oil (Rendering) Less than 10,000 Ton/Yr	2077	454.00	2,270.00	1,362.00	454.00
0180	Shortening, Table Oils, Margarine, and Other Edible Fats and Oils	2079	187.00	946.00	566.00	187.00
0190	Malt Beverages	2082	187.00	946.00	566.00	187.00
0200	Coffee Roasting Per 1,000,000 Lb/Yr Rated Capacity	2095 MIN. MAX.	150.48 359.00 9,495.00	756.36 1,795.00 47,480.00	452.76 1,077.00 28,488.00	150.48 359.00 9,495.00

Table 1 Fee Schedule Listing						
Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application Fee	Modified Permit Fees	
					Major	Minor
0210 *Note 9*	Sawmill and/or Planing Less than 25,000 Bd Ft/Shift	2421	379.00	1,892.00	1,134.00	379.00
0220 *Note 9*	Sawmill and/or Planing More than 25,000 Bd Ft/Shift	2421	1,134.00	5,673.00	3,404.00	1,134.00
0230 *Note 9*	Hardwood Mill	2426	680.00	3,404.00	2,042.00	680.00
0240 *Note 9*	Special Product Sawmill N.E.C.	2429	680.00	3,404.00	2,042.00	680.00
0250	Millwork with 10 Employees or More	2431	680.00	3,404.00	2,042.00	680.00
0260	Hardwood Veneer and Plywood	2435	1,513.00	7,564.00	4,538.00	1,513.00
0270	Softwood Veneer and Plywood	2436	1,513.00	7,564.00	4,538.00	1,513.00
0280	Wood Preserving	2491	379.00	1,892.00	1,134.00	379.00
0290	Particleboard/Waferboard Manufacture (O.S.B.)	2492	1,513.00	7,564.00	4,538.00	1,513.00
0300	Hardboard Manufacture	2499	1,134.00	5,673.00	3,404.00	1,134.00
0310	Furniture and Fixtures: A) 100 or More Employees	2511	478.00	2,394.00	1,436.00	478.00
0320	Furniture and Fixtures: B) More than 10 and Less than 100 Employees	2511	227.00	1,134.00	680.00	227.00
0330	Pulp Mills Per Ton Daily Rated Capacity	2611 MIN.	5.65 3,892.00	28.35 19,459.00	17.03 11,675.00	5.65 3,891.00
0340 *Note 1*	Paper Mill Per Ton Daily Rated Capacity	2621 MIN.	5.65 3,892.00	28.35 19,459.00	17.03 11,675.00	5.65 3,891.00
0350	Paperboard Mills Per Ton Daily Rated Capacity	2631 MIN.	5.65 3,892.00	28.35 19,459.00	17.03 11,675.00	5.65 3,891.00
0360	Paper Coating	2641	227.00	1,134.00	680.00	227.00
0365	Paper Bag Manufacture	2643	288.00	1,436.00	862.00	288.00
0370	Insulation Manufacture	2649	379.00	1,892.00	1,134.00	379.00
0375	Folding Paper Board Boxes Per Packaging Press Line	2651 MIN.	379.00 1,866.00	1,892.00 9,340.00	1,134.00 5,603.00	379.00 1,866.00
0380	Corrugated Boxes: Converters (with Boilers)	2653	566.00	2,835.00	1,703.00	566.00
0381	Corrugated Boxes: Sheet Plant	2653	239.00	1,197.00	718.00	239.00
0390	Building Board and Tile	2661	1,892.00	9,455.00	5,673.00	1,892.00
0400	Commercial Printing: Black and White Per Press	2752 MIN.	226.00 1,089.00	1,134.00 5,448.00	680.00 3,268.00	226.00 1,089.00
0410	Commercial Printing: Color Per Press	2752 MIN.	378.00 1,866.00	1,890.00 9,340.00	1,135.00 5,603.00	378.00 1,866.00
0420 *Note 2*	Caustic/Chlorine Per 1,000,000 Lb/Yr Rated Cap Posed on Chlorine	2812 MIN.	3.79 1,866.00	18.92 9,340.00	11.34 5,603.00	3.79 1,866.00
0440	Industrial Gases	2813	756.00	3,780.00	2,270.00	756.00
0450	Inorganic Pigments	2816	756.00	3,780.00	2,270.00	756.00
0460	Aluminum Sulfate Production Per 100 Ton/Yr Rated Capacity	2819 MIN.	1.87 1,556.00	9.46 7,783.00	5.65 4,670.00	1.87 1,556.00
0470	Alumina Per 1,000,000 Lb/Yr Rated Capacity	2819 MIN.	7.54 1,556.00	37.80 7,783.00	22.68 4,670.00	7.54 1,556.00
0480	Catalyst Mfg. and Cat. Regeneration Per Line	2819	1,892.00	9,455.00	5,673.00	1,892.00
0490	Fluosilicates	2819	1,134.00	5,673.00	3,404.00	1,134.00
0500	Industrial Inorganic Chemicals Mfg. N.E.C. Per 1,000,000 Lb/Yr	2819 MIN.	1.87 1,089.00	9.46 5,448.00	5.65 3,268.00	1.87 1,089.00
0510	Industrial Inorganic Acids N.E.C. Per 1,000,000 Lb/Yr Rated Capacity	2819 MIN.	18.92 1,866.00	94.55 9,340.00	56.73 5,603.00	18.92 1,866.00
0520	Nitric Acid Manufacture Per 1,000 Ton/Yr Rated Capacity	2819 MIN.	7.54 1,866.00	37.80 9,340.00	22.68 5,603.00	7.54 1,866.00
0530	Phosphoric Acid Mfg. Per Ton Daily Rated Capacity	2819 MIN.	1.87 1,556.00	9.46 7,783.00	5.65 4,670.00	1.87 1,556.00
0540	Sulphuric Acid Manufacture Per Ton Daily Rated Capacity	2819 MIN.	1.87 1,556.00	9.46 7,783.00	5.65 4,670.00	1.87 1,556.00
0550	Polyethylene/Polypropolene Manufacture Per 1,000,000 Lb/Yr Rated Capacity	2821 MIN.	15.11 1,866.00	75.65 9,340.00	45.38 5,603.00	15.11 1,866.00
0560	PVC Manufacture Per 1,000,000 Lb/Yr Rated Capacity	2821 MIN.	18.92 1,866.00	94.55 9,340.00	56.73 5,603.00	18.92 1,866.00
0570	Synthetic Resins Manufacture N.E.C. Per 1,000,000 Lb/Yr Rated Capacity	2821 MIN.	18.92 1,866.00	94.55 9,340.00	56.73 5,603.00	18.92 1,866.00
0580	Rubber Mfg. Per 1,000,000 Lb/Yr Rated Capacity	2822 MIN.	18.92 1,866.00	94.55 9,340.00	56.73 5,603.00	18.92 1,866.00
0585	Paint Manufacturing and Blending	2851	704.00	3,518.00	2,111.00	704.00
0590	Charcoal Per Oven	2861	379.00	1,892.00	1,134.00	379.00
0600	Gum and Wood Chemicals Per Unit	2861	1,134.00	5,673.00	3,404.00	1,134.00

Table 1 Fee Schedule Listing						
Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application Fee	Modified Permit Fees	
					Major	Minor
0610	Styrene Monomer Per 1,000,000 Lb/Yr Rated Capacity	2865	7.54	37.80	22.68	7.54
		MIN.	1,866.00	9,340.00	5,603.00	1,866.00
0620	Halogenated Hydrocarbons Per 1,000,000 Lb/Yr Rated Capacity	2869	11.34	56.73	34.04	11.34
		MIN.	1,866.00	9,340.00	5,603.00	1,866.00
0630	Organic Oxides, Alcohols, Glycols Per 1,000,000 Lb/Yr Rated Capacity	2869	7.54	37.80	22.68	7.54
		MIN.	1,866.00	9,340.00	5,603.00	1,866.00
0635	Olefins and Aromatics N.E.C. Per 1,000,000 Lb/Yr Rated Capacity	2869	7.54	37.80	22.68	7.54
		MIN.	1,866.00	9,340.00	5,603.00	1,866.00
0640	Ammonia Manufacture Per Ton Daily Rated Capacity	2873	3.78	18.92	11.34	3.78
		MIN.	1,866.00	9,340.00	5,603.00	1,866.00
0650	Fertilizer Manufacture Per 1,000 Ton/Yr Rated Capacity	2873	1.87	9.46	5.65	1.87
		MIN.	1,089.00	5,448.00	3,268.00	1,089.00
0660	Urea and Ureaform Per 1,000 Ton/Yr Rated Capacity	2873	3.78	18.92	11.34	3.78
		MIN.	1,089.00	5,448.00	3,268.00	1,089.00
0670	Pesticides Mfg. Per Train	2879	1,513.00	7,564.00	4,538.00	1,513.00
0680	Carbon Black Manufacture Per 1,000,000 Lb/Yr Rated Capacity	2895	22.68	113.44	68.09	22.68
		MIN.	1,866.00	9,340.00	5,603.00	1,866.00
0690	Chemical and Chemical Prep. N.E.C. Per 1,000,000 Lb/Yr	2899	18.92	94.55	56.73	18.92
		MIN.	1,556.00	7,783.00	4,670.00	1,556.00
0695	Chemical and Chemical Prep. N.E.C. with Output Less than 1,000,000 Lb/Yr	2899	1,077.00	5,388.00	3,233.00	1,077.00
0700	Drilling Mud-Storage and Distribution	2899	379.00	1,892.00	1,134.00	379.00
0710	Drilling Mud-Grinding	2899	1,513.00	7,564.00	4,538.00	1,513.00
0715	Salt Processing and Packaging Per 1,000,000 Lb/Yr	2899	0.30	1.54	0.92	0.30
		MIN.	467.00	2,335.00	1,400.00	467.00
0720	Petroleum Refining Per 1,000 BBL/Day Rated Capacity Crude Thruput	2911	94.55	472.77	284.00	95.55
Note 3		MIN.	1,866.00	9,340.00	5,603.00	1,866.00
0730	Asphaltic Concrete Paving Plants Per Ton/Hr Rated Capacity	2951	2.85	14.22	8.53	2.85
Note 4		MIN.	777.00	3,891.00	2,335.00	777.00
0740	Asphalt Blowing Plant (Not to be Charged Separately if in Refinery)	2951	1,134.00	5,673.00	3,404.00	1,134.00
0760	Blending, Compounding, or Refining of Lubricants Per Unit	2992	1,134.00	5,673.00	3,404.00	1,134.00
Note 5						
0770	Petroleum Coke Calcining Per 1,000 Ton/Yr Rated Capacity	2999	15.11	75.65	45.38	15.11
		MIN.	1,866.00	9,340.00	5,603.00	1,866.00
0773	Fiberglass Swimming Pools	N/A	265.00	1,324.00	795.00	265.00
0775	Plastics Injection Moulding and Extrusion Per Line	3079	379.00	1,892.00	1,134.00	379.00
0780	Glass and Glass Container Mfg. Natural Gas Fuel Per Line	3229	566.00	2,835.00	1,703.00	566.00
0790	Cement Manufacture Per 1,000 Ton/Yr Rated Capacity	3241	11.34	56.73	34.04	11.34
		MIN.	1,556.00	7,783.00	4,670.00	1,556.00
0800	Glass and Glass Container Mfg. Fuel Oil Per Line	3241	1,134.00	5,673.00	3,404.00	1,134.00
0810	Brick Manufacture Per 1,000 Ton/Yr Rated Capacity	3251	5.65	28.35	17.03	5.65
		MIN.	777.00	3,891.00	2,335.00	777.00
0815	Concrete Products	3272	383.00	1,915.00	1,148.00	383.00
0820	Ready-Mix Concrete	3273	946.00	2,874.00	1,892.00	946.00
Note 12						
0830	Lime Manufacture Per 1,000 Ton/Yr Rated Capacity	3274	11.34	56.73	34.04	11.34
		MIN.	1,089.00	5,448.00	3,268.00	1,089.00
0840	Gypsum Manufacture Per 1,000 Ton/Yr Rated Capacity	3275	11.34	56.73	34.04	11.34
		MIN.	1,089.00	5,448.00	3,268.00	1,089.00
0850	Asbestos Products Per Site or Per Production Unit	3292	2,270.00	11,347.00	6,809.00	2,270.00
0860	Clay Kiln	3295	454.00	2,271.00	1,362.00	454.00
0870	Rock Crusher	3295	416.00	2,080.00	1,249.00	416.00
0880	Gray Iron and Steel Foundries: A) 3,500 or More Ton/Yr Production	3321	606.00	3,024.00	1,815.00	606.00
0890	Gray Iron and Steel Foundries: B) Less than 3,500 Ton/Yr Production	3321	301.00	1,513.00	906.00	301.00
0900	Malleable Iron Foundries: A) 3,500 or More Ton/Yr Production	3322	606.00	3,024.00	1,815.00	606.00
0910	Malleable Iron Foundries: B) Less than 3,500 Ton/Yr Production	3322	301.00	1,513.00	906.00	301.00
0920	Steel Investment Foundries: A) 3,500 or More Ton/Yr Production	3324	606.00	3,024.00	1,815.00	606.00
0930	Steel Investment Foundries: B) Less than 3,500 Ton/Yr Production	3324	301.00	1,513.00	906.00	301.00

Table 1 Fee Schedule Listing						
Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application Fee	Modified Permit Fees	
					Major	Minor
0940	Steel Foundries N.E.C.: A) 3,500 or More Ton/Yr Production	3325	606.00	3,024.00	1,815.00	606.00
0950	Steel Foundries N.E.C.: B) Less than 3,500 Ton/Yr Production	3325	301.00	1,513.00	906.00	301.00
0960	Primary Smelting and Refining of Copper Per 100,000 Lb/Yr Rated Capacity	3331 MIN.	7.54 1,866.00	37.80 9,340.00	22.68 5,603.00	7.54 1,866.00
0970	Aluminum Production Per Pot	3334 MIN.	37.80 1,866.00	189.12 9,340.00	113.00 5,603.00	37.80 1,866.00
0980	Refining of Non-Ferrous Metals N.E.C. Per 1,000 Lb/Yr Rated Capacity	3339 MIN.	0.04 1,866.00	0.36 9,340.00	0.21 5,603.00	0.04 1,866.00
0990	Secondary Smelting of Non-Ferrous Metals Per Furnace	3341 MIN.	1,134.00 2,335.00	5,673.00 11,675.00	3,404.00 7,005.00	1,134.00 2,335.00
1000	Wire Manufacture	3357	756.00	3,780.00	2,270.00	756.00
1010	Aluminum Foundries (Castings) Per Unit	3361	301.00	1,513.00	906.00	301.00
1020	Brass/Bronze/Copper-Based Alloy Foundry Per Furnace	3362	379.00	1,892.00	1,134.00	379.00
1030	Metal Heat Treating Including Shotpeening	3398	227.00	1,134.00	680.00	227.00
1040	Metal Can Manufacture	3411	757.00	3,780.00	2,270.00	756.00
1050	Drum Manufacturing and/or Reconditioning	3412	1,134.00	5,673.00	3,404.00	1,134.00
1059	Fabricated Structural Steel with 5 or More Welders	3441	756.00	3,780.00	2,270.00	756.00
1060	Fabricated Plate Work with 5 or More Welders	3443	957.00	4,789.00	2,874.00	957.00
1070	Electroplating, Polishing and Anodizing with 5 or More Employees	3471	227.00	1,134.00	680.00	227.00
1080	Sandblasting or Chemical Cleaning of Metal: A) 10 or More Employees	3471	1,134.00	5,673.00	3,404.00	1,134.00
1090	Sandblasting or Chemical Cleaning of Metal: B) Less than 10 Employees	3471	566.00	2,835.00	1,703.00	566.00
1100	Coating, Engraving, and Allied Services: A) 10 or More Employees	3479	416.00	2,080.00	1,249.00	416.00
1110	Coating, Engraving, and Allied Services: B) Less than 10 Employees	3479	227.00	1,134.00	680.00	227.00
1120	Galvanizing and Pipe Coating Excluding All Other Activities	3479	454.00	2,270.00	1,362.00	454.00
1130	Painting Topcoat Per Line	3479	379.00	1,892.00	1,134.00	379.00
1140	Potting Per Line	3479	227.00	1,134.00	680.00	227.00
1150	Soldering Per Line	3479	227.00	1,134.00	680.00	227.00
1160	Wire Coating Per Line	3479	756.00	3,780.00	2,270.00	756.00
1170	Oil Field Machinery and Equipment	3533	379.00	1,892.00	1,134.00	379.00
1180	Power Chain Saw Manufacture Per Line	3546	566.00	2,835.00	1,703.00	566.00
1190	Commercial Grain Dryer	3559	454.00	2,270.00	1,362.00	454.00
1193	Commercial Laundry, Dry Cleaning, and Pressing Machines	3582	566.00	2,835.00	1,703.00	566.00
1195	Electric Transformers Per 1,000 Units/Year	3612 MIN.	175.92 478.00	879.56 2,394.00	527.74 1,436.00	175.92 478.00
1200	Electrode Manufacture Per Line	3624	529.00	2,645.00	1,588.00	529.00
1210	Telephone Manufacture Per Line	3661	1,324.00	6,618.00	3,971.00	1,324.00
1220	Electrical Connector Manufacture Per Line	3678	680.00	3,404.00	2,042.00	680.00
1230	Battery Manufacture Per Line	3691	756.00	3,780.00	2,270.00	756.00
1240	Electrical Equipment Per Line	3694	454.00	2,270.00	1,362.00	454.00
1245	Automobile, Truck, and Van Assembly Per 1,000 Vehicles Per Year Capacity	3711 MIN. MAX.	189.12 1,197.00 37,829.00	945.50 5,998.00 189,145.00	567.30 3,592.00 113,487.00	189.12 1,197.00 37,829.00
1250	Ship and Boat Building: A) 5001 or More Employees	3732	5,673.00	28,365.00	17,020.00	5,673.00
1260	Ship and Boat Building: B) 2501 to 5000 Employees	3732	3,780.00	18,912.00	11,347.00	3,780.00
1270	Ship and Boat Building: C) 1001 to 2500 Employees	3732	1,892.00	9,455.00	5,673.00	1,892.00
1280	Ship and Boat Building: D) 201 to 1000 Employees	3732	1,134.00	5,673.00	3,404.00	1,134.00
1290	Ship and Boat Building: E) 200 or Less Employees	3732	379.00	1,892.00	1,134.00	379.00
1300	Playground Equipment Manufacture Per Line	3949	566.00	2,835.00	1,703.00	566.00
1310	Grain Elevators: A) 20,000 or More Ton/Yr	4221	1,208.00	6,050.00	3,630.00	1,208.00
1320	Grain Elevators: B) Less than 20,000 Ton/Yr	4221	606.00	3,025.00	1,815.00	606.00
1330 *Note 6*	A) Petroleum, Chemical Bulk Storage and Terminal (over 3,000,000 BBL Capacity)	4226	11,347.00	56,732.00	34,040.00	11,347.00

Table 1 Fee Schedule Listing						
Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application Fee	Modified Permit Fees	
					Major	Minor
1340 *Note 6*	B) Petroleum, Chemical Bulk Storage and Terminal (1,000,000- 3,000,000 BBL Capacity)	4226	7,564.00	37,821.00	22,692.00	7,564.00
1350 *Note 6*	C) Petroleum, Chemical Bulk Storage and Terminal (500,001- 1,000,000 BBL Capacity)	4226	3,780.00	18,912.00	11,347.00	3,780.00
1360 *Note 6*	D) Petroleum, Chemical Bulk Storage and Terminal (500,000 BBL Capacity or Less)	4226	1,892.00	9,455.00	5,673.00	1,892.00
1361 *Note 8*	Wholesale Distribution of Coke and Other Bulk Goods Per 1,000 Ton/Yr Capacity	4463 MIN.	0.77 1,866.00	3.79 9,340.00	2.24 5,603.00	0.77 1,866.00
1362	Crude Oil Pipeline: Facility with Less than 100,000 BBLS Storage Capacity	4612	838.00	4,191.00	2,515.00	838.00
1363	Crude Oil Pipeline: Facility with 100,000 to 500,000 BBLS Storage Capacity	4612	1,197.00	5,988.00	3,592.00	1,197.00
1364	Crude Oil Pipeline: Facility with Over 500,000 BBLS Storage Capacity	4612	1,676.00	8,382.00	5,029.00	1,676.00
1366	Refined Oil Pipeline: Facility with Less than 100,000 BBLS Storage Capacity	4613	718.00	3,592.00	2,154.00	718.00
1367	Refined Oil Pipeline: Facility with 100,000 to 500,000 BBLS Storage Capacity	4613	957.00	4,789.00	2,874.00	957.00
1368	Refined Oil Pipeline: Facility with Over 500,000 BBLS Storage Capacity	4613	1,436.00	7,185.00	4,310.00	1,436.00
1370	Railcar/Barge/Tank Truck Cleaning Heavy Fuels Only	4742	379.00	1,892.00	1,134.00	379.00
1380	Railcar and Barge Cleaning Other Than Heavy Fuels	4742	1,892.00	9,455.00	5,673.00	1,892.00
1390	Tank Truck Cleaning Other Than Heavy Fuels	4742	1,134.00	5,673.00	3,404.00	1,134.00
1400	A) Electric Power Gen. Per MW (Over 0.7 Percent S in Fuel)	4911 MIN.	17.57 3,580.00	87.94 17,902.00	52.76 10,741.00	17.57 3,580.00
1410 *Note 7*	B) Electric Power Gen. Per MW (0.7 Percent S or Less in Fuel)	4911 MIN.	10.53 1,712.00	52.76 8,562.00	31.65 5,137.00	10.53 1,712.00
1420	C) Electric Power Gen. Per MW (Natural Gas Fired)	4911 MIN.	5.29 1,245.00	26.39 6,226.00	15.83 3,736.00	5.29 1,245.00
1430 *Note 11*	Natural Gas Comp Per 100 H.P. (Turbines)	4922	7.54	37.80	22.68	7.54
1440 *Note 11*	Recip. Nat Gas Comp Per 100 H.P.: A) 50,000 H.P.	4922	34.06	170.21	102.12	34.06
1450 *Note 11*	Recip. Nat Gas Comp Per 100 H.P.: B) 20,000 to 50,000 H.P.	4922	37.80	189.12	113.44	37.80
1460 *Note 11*	Recip. Nat Gas Comp Per 100 H.P.: C) 5,000 to 20,000 H.P.	4922	45.38	226.92	136.12	45.38
1470 *Note 11*	Recip. Nat Gas Comp Per 100 H.P.: D) 2,500 to 5,000 H.P.	4922	52.96	264.71	158.84	52.96
1480 *Note 11*	Recip. Nat Gas Comp Per 100 H.P.: E) 1,000 to 2,500 H.P.	4922	56.73	283.65	170.21	56.73
1490 *Note 11*	Recip. Nat Gas Comp: F) Less than 1,000 H.P.	4922	756.00	1,892.00	756.00	756.00
1500 *Note 10*	Coal Gassification Per $100,000 Capital Cost	4925 MIN. MAX.	7.54 1,197.00 60,558.00	37.80 5,988.00 302,788.00	22.68 3,592.00 181,672.00	7.54 1,197.00 60,558.00
1510 *Note 10*	Co-Generation Per $100,000 Capital Cost	4939 MIN. MAX.	7.54 1,197.000 37,829.00	37.80 5,988.00 189,145.00	22.68 3,592.00 113,487.00	7.54 1,197.00 37,829.00
1520	Incinerators: A) 1,000 Lb/Hr and Greater Capacity	4953	478.00	2,394.00	1,436.00	478.00
1521	Incinerators: B) Less than 1,000 Lb/Hr Capacity	4953	154.00	777.00	467.00	154.00
1525	Sanitary Landfill Per Million Mg of Planned Capacity	4953 MIN.	132.00 264.00	660.00 1,320.00	396.00 792.00	132.00 264.00
1530	Municipal Incinerators	4953	3,780.00	18,912.00	11,347.00	3,780.00
1532	Commercial Hazardous Waste Incinerator Per 1,000,000 BTU Per Hour Thermal Capacity	4953 MIN.	217.95 4,789.00	1,089.73 23,950.00	653.84 14,370.00	217.95 4,789.00
1533	Noncommercial Hazardous Waste Incinerator (Per 1,000,000 BTU/Hr Thermal Capacity)	4953 MIN.	108.97 3,113.00	545.61 15,567.00	326.91 9,340.00	108.97 3,113.00
1534	Commercial Hazardous Waste Disp. Facility N.E.C.	4953	31,135.00	155,676.00	93,405.00	31,135.00
1535	Commercial Hazardous Waste Underground Injection (Surface Facilities) Per Location	4953	6,226.00	31,135.00	18,681.00	6,226.00
1536	Recoverable/Re-usable Materials Proc. Facility (Per 1,000,000 BTU/Hr Thermal Capacity)	4953 MIN. MAX.	108.97 3,113.00 15,567.00	544.86 15,567.00 77,838.00	326.91 9,340.00 46,702.00	108.97 3,113.00 15,567.00

Table 1 Fee Schedule Listing						
Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application Fee	Modified Permit Fees	
					Major	Minor
1540	Steam Gen. Units Per 1000 Lb/Hr Steam Cap: Natural Gas or Comb Non-Fossil Fuels	4961 MIN.	1.87 310.00	9.46 1,556.00	5.65 933.00	1.87 310.00
1550	Steam Gen. Units Per 1000 Lb/Hr Steam Cap: Fuels with 0.7 Percent S or Less	4961 MIN.	3.79 777.00	18.92 3,891.00	11.34 2,335.00	3.79 777.00
1560	Steam Gen. Units Per 1000 Lb/Hr Steam Cap: Fuels with More than 0.7 Percent S	4961 MIN.	5.65 1,089.00	28.35 5,448.00	17.03 3,268.00	5.65 1,089.00
1570	Cement (Bulk Distribution)	5052	1,513.00	7,564.00	4,538.00	1,513.00
1580	Wholesale Distribution of Coal Per 1,000 Ton/Yr Throughput	5052 MIN.	0.36 1,089.00	1.87 5,448.00	1.11 3,268.00	0.36 1,089.00
1590	Automobile Recycling Scrap Per 1000 Ton/Yr	5093 MIN. MAX.	15.56 777.00 37,829.00	77.83 3,891.00 189,145.00	46.70 2,335.00 113,487.00	15.56 777.00 37,829.00
1600	Bulk Loader: Over 100,000 Ton/Yr Throughput	5153	3,780.00	18,912.00	11,347.00	3,780.00
1610 *Note 14a*	Bulk Loader: Less Than or Equal to 100,000 and More Than 25,000 Ton/Yr Throughput	5153	1,892.00	9,455.00	5,673.00	1,829.00
1611 *Note 14a*	Bulk Loader: 25,000 Ton/Yr or Less Throughput	5153	1,077.00	5,388.00	3,233.00	1,077.00
1612 *Note 14a*	Bulk Loader: No Grain or Dusty Materials Transfer	5153	718.00	3,592.00	2,154.00	718.00
1620	Grain Elevators-Terminal Per 10,000 BU/Yr Throughput	5153 MIN.	0.36 1,712.00	1.87 8,562.00	1.11 5,137.00	0.36 1,712.00
1630	Wholesale Distribution of Chemicals and Allied Products Per Facility	5161	946.00	3,780.00	2,835.00	946.00
1640	Petroleum Bulk Plants	5171	77.00	379.00	227.00	77.00
1650	Petroleum Bulk Terminal	5171	756.00	3,780.00	2,270.00	756.00
1660	Petroleum Bulk Station	5171	77.00	379.00	227.00	77.00
1670	Storage Tank	5171	0.00	756.00	379.00	379.00
1680	Crude Oil Distribution	5172	1,134.00	5,673.00	3,404.00	1,134.00
1690	Tire Recapping Plant	7534	154.00	777.00	467.00	154.00
1700	Chemical Waste Disposal Facility for Nonhazardous Waste	9998	3,518.00	17,592.00	10,555.00	3,518.00
1710	Negotiated Fee	9999	0.00	0.00	0.00	0.00
1711	Research Fee for Alternate Disposal of Hazardous Waste	9999	0.00	0.00	0.00	0.00
1720 *Note 15*	Small Business Sources	N/A	143.00	713.00	428.00	143.00
1722	Small Source Permit	N/A	143.00	713.00	428.00	143.00

Table 2 Additional Fees		
Fee Number	Fee Description	Amount
2000	Company Ownership/Operator Change or Name Change Transfer of an Existing Permit	150.00
2010	The Issuance or Denial of Relocation, Administrative Amendments, Variances, Authorization to Construct, Change of Tank Service, Research & Development, and Exemptions	300.00
2015 *Note 15*	The Issuance or Denial of Relocation, Administrative Amendments, Variances, Authorization to Construct, Change of Tank Service, Research & Development, and Exemptions for Small Business Sources	143.00
2020	The Issuance of an Asbestos Demolition Verification Form (ADVF) - (at least 10 working days notification given)	66.00
2030	The Issuance of an Asbestos Demolition Verification Form (ADVF) - (less than 10 working days notification given)	99.00
2040	Agent Accreditation for Asbestos: Includes Contractor/Supervisor, Inspector, Management Planner, or Project Designer-Normal Processing (greater than 3 working days after receipt of required documentation and fees)	264.00
2050	Agent Accreditation for Asbestos: Includes Contractor/Supervisor, Inspector, Management Planner, or Project Designer-Emergency Processing (less than or equal to 3 working days after receipt of required documentation and fees)	396.00
2060	Worker Accreditation for Asbestos-Normal Processing (greater than 3 working days after receipt of required documentation and fees)	66.00
2070	Worker Accreditation for Asbestos-Emergency Processing (less than or equal to 3 working days after receipt of required documentation and fees)	99.00
2080	Duplicate Certificate	33.00
2090	Training Organization Recognition Plus Trainer Recognition Per Trainer-Normal Processing (greater than 3 working days after receipt of required documentation and fees)	396.00 66.00
2100	Training Organization Recognition Plus Trainer Recognition Per Trainer-Emergency Processing (less than or equal to 3 working days after receipt of required documentation and fees)	594.00 99.00

2200 *Note 13*	Air Toxics Annual Fee Per Ton Emitted on an Annual Basis: Class I Pollutants Class II Pollutants Class III Pollutants	 142.56 71.28 35.64
2300 *Note 14*	Criteria Pollutant Annual Fee Per Ton Emitted on an Annual Basis: Nitrogen oxides (NOx) Sulfur dioxide (SO2) Non-toxic organic (VOC) Particulate (PM10)	12.83/ton
2400	An application approval fee for Stage II Vapor Recovery An annual facility inspection fee for Stage II Vapor Recovery	132.00 198.00
2600 *Note 16*	Accident Prevention Program Annual Maintenance Fee: Program 1	264.00
2620 *Note 16*	Accident Prevention Program Annual Maintenance Fee: Program 2	528.00
2630 *Note 16*	Accident Prevention Program Annual Maintenance Fee: Program 3	3,300.00
2800	An application fee for mobile sources emissions banking (auto scrappage)	66.00
2810	An application fee for point source emissions banking (not applicable when filing application with a new permit or permit modification)	66.00
2900 *Note 19*	Lead Contractor License Evaluation Fee	500.00
2901 *Note 19*	Lead Project Supervisor Accreditation Fee	250.00
2902 *Note 19*	Lead Project Designer Accreditation Fee	500.00
2903 *Note 19*	Risk Assessor Accreditation Fee	250.00
2904 *Note 19*	Lead Inspector Accreditation Fee	150.00
2905 *Note 19*	Lead Worker Accreditation Fee	50.00
2906 *Note 19*	Accreditation Fee for Louisiana Lead Training Organizations, Application Processing Fee	500.00
2907 *Note 19*	Accreditation Fee for Louisiana Lead Training Organizations, Processing Fee Per Instructor	50.00
2908 *Note 19*	Accreditation Fee for Out of State Training Organizations, Application Processing Fee	750.00
2909 *Note 19*	Accreditation Fee for Out of State Training Organizations, Processing Fee Per Instructor	100.00
2910 *Note 19*	Lead Abatement Project Notification Fee, 2000 Square Feet and Under	200.00
2911 *Note 19*	Lead Abatement Project Notification Fee for Each Additional Increment of 2000 Square Feet or Portion Thereof	100.00
2912 *Note 19*	Revisions to Lead Abatement Project Notification Fee	50.00
2913 *Note 19*	Soil Lead Abatement Project Notification Fee, Half Acre or Less	200.00
2914 *Note 19*	Soil Lead Abatement Project Notification Fee, Each Additional Half Acre or Portion Thereof	100.00

Explanatory Notes for Fee Schedule

Notes 1. – 10. …

Note 11. The maximum annual maintenance fee for categories 1430 - 1490 is not to exceed $37,829 total for any one gas transmission company.

Note 12. The maximum annual maintenance fee for one location with two or more plants shall be $1,711.

Note 13. Fees will be determined by aggregating actual annual emissions of each class of toxic air pollutants (as delineated in LAC 33:III.Chapter 51.Table 51.1) for a facility and applying the appropriate fee schedule for that class. Fees shall not be assessed for emissions of a single toxic air pollutant over and above 4,000 tons per year from a facility. The minimum fee for this category shall be $132.

Note 14. Fees will not be assessed for emissions of a single criteria pollutant over and above 4,000 tons per year from a facility. Criteria fees will be assessed on actual annual emissions that occurred during the previous calendar year. The minimum fee for this category shall be $132.

Notes 14a. – 20. …

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:613 (September 1988), LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1205 (December 1991), repromulgated LR 18:31 (January 1992), amended LR 18:706 (July 1992), LR 18:1256 (November 1992), LR 19:1373 (October 1993), LR 19:1420 (November 1993), LR 19:1564 (December 1993), LR 20:421 (April 1994), LR 20:1263 (November 1994), LR 21:22 (January 1995), LR 21:782 (August 1995), LR 21:942 (September 1995), repromulgated LR 21:1080 (October 1995), amended LR 21:1236 (November 1995), LR 23:1496 (November 1997), LR 23:1499 (November 1997), LR 23:1662 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:267 (February 2000), LR 26:485 (March 2000), LR 26:1606 (August 2000), repromulgated LR 27:192 (February 2001), amended LR 29:672 (May 2003), LR 29:

Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental QualityCHazardous Waste
Chapter 51. Fee Schedules
§5111. Calculation of Application Fees

A. …

B. Application Fee Schedule

Item	Fee
Site analysis—per acre site size	$ 330[1]
Process and plan analysis	$ 1,320
Facility analysis—per facility2	$ 660
Management/financial analysis	$ 1,320

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

[1] Up to 100 acres, no additional fee thereafter.

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

C. - E. …

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:318 (May 1986), LR 12:676 (October 1986), LR 13:433 (August 1987), LR 18:724 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:287 (March 2001), LR 29:685 (May 2003), LR 29:

§5119. Calculation of Annual Maintenance Fees

A. Fee per Site

Off-Site Disposer (Commercial)	$105,336
Reclaimer (compensated for waste removed)	$ 46,200
Reclaimer (uncompensated for waste removed or pays for waste removed)	$ 33,000
Off-Site Disposer (Noncommercial)	$ 26,400
On-Site Disposer	$ 13,200

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

B. Fee per Hazardous Waste Facility Type

Unit Type	Fee
Storage:	
Container/Tank/Waste Pile/etc.	$ 4,320
Treatment:	
Incinerator/Boiler/Industrial Furnace/Filtration Unit/etc.	$ 6,956
Disposal:	
Landfill/Miscellaneous Unit/etc.	$10,916

C. Fee Based on Volume

Less than 1,000 tons	$ 2,577
Less than 10,000 tons	$ 6,473
Less than 100,000 tons	$10,370
Less than 1,000,000 tons	$14,267
More than 1,000,000 tons	$18,163

D. - E. …

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

On-Site	$1,320
Off-Site Noncommercial	$2,640
Reclaimer	$3,300
Off-Site Commercial	$6,600

G. - K. …

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:318 (May 1986), LR 12:676 (October 1986), LR 13:433 (August 1987), LR 15:378 (May 1989), LR 16:684 (August 1990), LR 16:1057 (December 1990), LR 18:723 (July 1992), LR 18:1375 (December 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:685 (May 2003), LR 29:

§5120. Land Disposal Prohibition Petition Fees

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

Variance	$13,200
Exemption	$59,400
Extension	$6,600
No-Alternatives Determinations:	
Original Petition	$13,200
Renewal Petition/Request	$13,200
Request for determination for addition of a hazardous waste(s) not covered by existing determination	$1,320

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 17:658 (July 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1803 (October 1999), LR 29:686 (May 2003), LR 29:

§5123. Registration Fees, HW-1

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

Initial Fee	$12.50

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:319 (May 1986), LR 12:676 (October 1986), LR 13:433 (August 1987), LR 14:622 (September 1988), LR 18:725 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:686 (May 2003), LR 29:

§5125. Annual Monitoring and Maintenance Fee

A. Fee will annually be $375, plus the prohibited waste fee.

B. Annual prohibited waste fee is $132 for each generator who generates for land disposal as provided in LAC 33:V.Chapter 22. The generator will be subject to this fee if any waste generated is prohibited from disposal at any time during the year for which the fee is assessed.

C. …

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:321 (May 1986), LR 12:676 (October 1986), LR 13:433 (August 1987), LR 15:378 (May 1989), LR 17:658 (July 1991), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:18 (January 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:686 (May 2003), LR 29:

§5135. Transporter Fee

A. All transporters of hazardous waste with a facility in Louisiana shall pay a fee of $264 per year to the department. There will be only one fee regardless of the number of vehicles in the service of the transporter.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 14:622 (September 1988), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:686 (May 2003), LR 29:

§5137. Conditionally Exempt Small Quantity Generator Fee

A. Conditionally exempt small quantity generators (see LAC 33:V.108) shall pay a fee of $66 per year to the department.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 14:622 (September 1988), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:716 (May 2001), LR 29:687 (May 2003), LR 29:

§5139. Groundwater Protection Permit Review Fee

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

Hazardous Waste Facilities (1 time)	$6,600 each
Permit Modifications:	
Class 1 and 2	$264 each
Class 3	$990 each
Solid Waste Facilities (1 time)	$6,600 each
Permit Modifications:	
Major	$660 each
Minor	$264 each

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

Casing pulled	$132 each
Casing reamed out	$264 each
Casing left in place	$660 each

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

Each Well	$660

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

Each Well	$330

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Groundwater Division, LR 14:621 (September 1988), amended LR 16:685 (August 1990), amended by the Hazardous Waste Division, LR 18:725 (July 1992), LR 18:1256 (November 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:687 (May 2003), LR 29:

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

A. …

1. This fee will be $660 for each day of the test burn or trial burn.

2. …

B. Annual Monitoring and Maintenance Fee for Incinerators, Boilers, Industrial Furnaces, and Commercial Recycling Furnaces. This is an annual fee applied to defray the cost of annually inspecting the required continuous monitors and recording devices for each incinerator, boiler, or industrial furnace to determine whether they are being properly maintained and calibrated. This fee will annually be a flat $1,320.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 16:1057 (December 1990), amended LR 18:1375 (December 1992), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:18 (January 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2510 (November 2000), LR 29:687 (May 2003), LR 29:

§5143. Annual Landfill Inspection and Monitoring Fee

A. An annual fee shall be charged for the inspection of the regulatory requirement for leak detection and leachate collection systems associated with hazardous waste landfills to determine operational status and degree of proper maintenance. For each landfill unit or cell with a separate leak detection and leachate collection system, the annual fee will be $132.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 16:1057 (December 1990), amended LR 18:725 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:688 (May 2003), LR 29:

§5145. Annual Land Treatment Unsaturated Zone Monitoring Inspection Fee

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

ZOI soil samples	$1,320 each acre
Soil-pore liquid monitors (Lysimeters)	$3,300 each monitor

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

Hazardous Waste Facilities	$1,320 each report

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

Initial Permit	$6,600 each
Permit Modifications:	
Class 1	$264 each
Class 2 or 3	$990 each

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 16:1057 (December 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:688 (May 2003), LR 29:

Part VII. Solid Waste

Subpart 1. Solid Waste Regulations

Chapter 5. Solid Waste Management System

Subchapter D. Solid Waste Fees

§525. Standard Permit Application Review Fee

A. Applicants for Type I, I-A, II, and II-A standard permits shall pay a $3,300 permit application review fee for each facility. The fee shall accompany each permit application submitted.

B. Applicants for Type III standard permits or beneficial-use permits shall pay a permit application review fee of $660 for each facility. The fee shall accompany each permit application submitted.

C. Permit holders providing permit modifications for Type I, I-A, II, and II-A facilities shall pay a $1,320 permit-modification review fee. The fee shall accompany each modification submitted. Permit holders providing mandatory modifications in response to these regulations shall pay a $660 permit-modification fee. The fee shall accompany each mandatory modification submitted. Permit modifications required by LAC 33:VII.709.E.1 will not be subject to a permit modification fee.

D. Permit holders providing permit modifications for Type III facilities or beneficial use facilities shall pay a $330 permit-modification review fee. The fee shall accompany each modification submitted.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:688 (May 2003), LR 29:

§527. Closure Plan Review Fee

A. Applicants for Type I, I-A, II, and II-A closures shall pay a $1,320 closure-plan review fee. The fee shall accompany each closure plan submitted.

B. Applicants for Type III or beneficial-use facilities closures shall pay a $330 closure-plan review fee. The fee shall accompany each closure plan submitted.

C. Permit holders providing closure-plan modifications for Type I, I-A, II, and II-A facilities shall pay a $660 closure-plan modification review fee. The fee shall accompany each modification submitted.

D. Permit holders providing closure-plan modifications for Type III or beneficial-use facilities shall pay a $165 closure-plan modification review fee. The fee shall accompany each modification submitted.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:688 (May 2003), LR 29:

§529. Annual Monitoring and Maintenance Fee

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

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

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

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

Initial fee	$132
Fee Per Vehicle	$ 33

B. – B.1. …

a. $7,920 for Type I facilities (including facilities that handle both industrial and nonindustrial waste);

b. $1,980 for Type II facilities; and

c. $660 for Type I-A, II-A, III, and beneficial-use facilities.

2. …

a. for industrial wastes (Type I facilities, except surface impoundments), $0.79/ton;

b. for nonindustrial wastes (Type II facilities, except surface impoundments), $0.20/ton for amounts exceeding 75,000 tons;

c. - e. …

3. The maximum annual monitoring and maintenance fee per facility for Type I facilities (including facilities that handle both industrial and nonindustrial solid wastes) is $105,600. The maximum fee per facility for Type II facilities is $26,400. Surface impoundments, as noted above, are assessed only the base fee.

C. - G. …

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:18 (January 1996), LR 25:427 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:689 (May 2003), LR 29:

Part IX. Water Quality

Chapter 13. Louisiana Water Pollution Control Fee System Regulation

§1309. Fee System

A. - M. …

N. Other Fees

Permit Type	Amount
Gen-LAG11-Concrete/Asphalt	$ 322
Gen-LAG33-Coastal	$2,640
Gen-LAG47-Auto Repair/Dealers	$ 264
Gen-LAG119-Concrete/Asphalt (SW)	$ 387
Gen-LAG78-C&D Landfills	$ 660
Gen-LAG89-Type D Truck Maintenance	$ 660
Gen-LAG75-Exterior Vehicle Wash	$ 264
Gen-LAG-Animal Waste	$ 300
Gen-LAR-Baseline	$ 99
Gen-LAG87-Bulk Terminals	$ 322
Gen-LAR10-Construction	$ 264
Gen-LAG67-Hydrostatic Test	$ 300
Gen-LAG48-Light Commercial	$ 345
Gen-LAR05-Multi-Sector	$ 99
Gen-LAG38-Potable Water	$ 345
Gen-LAG949-GW Remediation (SW)	$ 990
Gen-LAG49-Sand and Gravel	$ 660
Gen-LAG26-Territorial Seas	$2,640
Gen-LAG30-UST Dewatering	$ 99
Gen-LAG94-GW Remediation	$ 990
Gen-LAG679-Hydrostatic Test (SW)	$ 792
Gen-LAG759-Mobile Vehicle/Equipment Wash	$ 317
Gen-LAG83- Petroleum UST Remediation	$ 990
Gen-LAG839-Petroleum UST (SW)	$2,640
Gen-LAG14-RR Classified Yards	$ 322
Gen-LAG53-Sanitary Class I	$ 99
Gen-LAG54-Sanitary Class II	$ 264
Gen-LAG56-Sanitary Class III	$ 495
Gen-LAG57-Sanitary Class IV	$ 594
Gen-LAG309-UST Dewatering (SW)	$ 851
Gen-LAG98-Vermilion Basin Sanitary	$ 323

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:534 (May 1985), amended LR 14:626 (September 1988), LR 18:731 (July 1992), LR 21:798 (August 1995), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:19 (January 1996), amended by the Office of Water Resources, LR 24:326 (February 1998), amended by the Office of Management and Finance, Fiscal Services Division, LR 25:427 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:689 (May 2003), LR 29:

Chapter 15. Water Quality Certification Procedures

§1507. Procedures for Issuance of Water Quality Certification

A. - A.2. …

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

Noncommercial Activities	$33/application
Commercial Activities	$350/application

A.2.b. - H.2. …

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:496 (July 1984), amended by the Office of the Secretary, LR 22:345 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2550 (November 2000), LR 29:690 (May 2003), LR 29:

Part XI. Underground Storage Tanks

Chapter 3. Registration Requirements, Standards, and Fee Schedule

§307. Fee Schedule

A. - B. …

1. Fees are assessed according to the following schedule.

Fee Number	Annual Registration Fee	Amount
001	All registered UST systems	$54
	Annual Maintenance and Monitoring Fees	
002	UST systems containing any substance defined in Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 (but not including any substance regulated as a hazardous waste under the department's Hazardous Waste Regulations, LAC 33:V.Subpart 1)	$660
003	UST systems at federal facilities (all categories except USTs defined in Fee Number 002, which shall be assessed the higher fee)	$158
004	UST systems containing petroleum products not meeting the definition of motor fuels	$158
005	UST systems containing new or used motor oil (except USTs identified in LAC 33:XI.1101.C and D)	$275

B.2. - D. …

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

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

1985), amended LR 16:614 (July 1990), LR 17:658 (July 1991), LR 18:727 (July 1992), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:19 (January 1996), LR 25:427 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2400 (December 1999), LR 29:690 (May 2003), LR 29:

Chapter 13. Certification Requirements for Persons Who Install, Repair, or Close Underground Storage Tank Systems

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

A. - C. …

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

1. examination fee for individual certification, $132; and

2. certification renewal fee, $132.

E. - H. …

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, LR 16:614 (July 1990), amended LR 17:658 (July 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2562 (November 2000), LR 29:691 (May 2003), LR 29:

Part XV. Radiation Protection

Chapter 5. Radiation Safety Requirements for Industrial Radiographic Operations

Subchapter B. Personal Radiation Safety Requirements for Radiographers

§579. Identification (I.D.) Cards for Radiographers or Radiographer Trainees

A. - A.3. …

4. Any individual who wishes to replace his/her I.D. card shall submit to the Office of Environmental Services, Permits Division a written request for a replacement I.D. card, stating the reason a replacement I.D. card is needed. A non-refundable fee of $26 shall be paid to the department for each replacement of an I.D. card. The prescribed fee shall be submitted with the written request for a replacement I.D. card. The individual shall maintain a copy of the request in his/her possession while performing industrial radiographic operations until a replacement I.D. card is received from the department.

B. - E.2. …

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:1000 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2584 (November 2000), LR 29:36 (January 2003), LR 29:691 (May 2003), LR 29:

Chapter 25. Fee Schedule

Appendix A

Appendix A Radiation Protection Program Fee Schedule		
	Application Fee	**Annual Maintenance Fee**
I. Radioactive Material Licensing		
A. Medical licenses:		
1. Therapy:		
a. Teletherapy	733	733
b. Brachytherapy	733	733
2. Nuclear medicine diagnostic only	904	904
3. Nuclear medicine diagnostic/therapy	970	970
4. Nuclear pacemaker implantation	363	363
5. Eye applicators	363	363
6. In-vitro studies or radioimmunoassays or calibration sources	363	363
7. Processing or manufacturing and distribution of radiopharmaceuticals	1,426	1,214
8. Mobile nuclear medicine services	1,426	1,214
9. "Broad scope" medical licenses	1,426	1,214
10. Manufacturing of medical devices/sources	1,663	1,386
11. Distribution of medical devices/sources	1,247	1,036
12. All other medical licenses	403	403
B. Source material licenses:		
1. For mining, milling, or processing activities, or utilization which results in concentration or redistribution of naturally occurring radioactive material	7,207	7,207
2. For the concentration and recovery of uranium from phosphoric acid as "yellow cake" (powered solid)	3,604	3,604
3. For the concentration of uranium from or in phosphoric acid	1,802	1,802
4. All other specific "source material" licenses	363	363
C. Special nuclear material (SNM) licenses:		
1. For use of SNM in sealed sources contained in devices used in measuring systems	554	554
2. SNM used as calibration or reference sources	363	363
3. All other licenses or use of SNM in quantities not sufficient to form a critical mass, except as in I.A.4, I.C.1, and 2	363	363
D. Industrial radioactive material licenses:		

Appendix A Radiation Protection Program Fee Schedule		
	Application Fee	**Annual Maintenance Fee**
1. For processing or manufacturing for commercial distribution	7,128	5,366
2. For industrial radiography operations performed in a shielded radiography installation(s) or permanently designated areas at the address listed in the license	1,214	957
3. For industrial radiography operations performed at temporary jobsite(s) of the licensee	3,577	2,693
4. For possession and use of radioactive materials in sealed sources for irradiation of materials where the source is not removed from the shield and is less than 10,000 Curies	1,802	904
5. For possession and use of radioactive materials in sealed sources for irradiation of materials when the source is not removed from the shield and is greater than 10,000 Curies, or where the source is removed from the shield	3,577	1,789
6. For distribution of items containing radioactive material	1,802	1,802
7. Well-logging and subsurface tracer studies:		
a. Collar markers, nails, etc. for orientation	363	363
b. Sealed sources less than 10 Curies and/or tracers less than or equal to 500 mCi	1,076	1,076
c. Sealed sources of 10 Curies or greater and/or tracers greater than 500 mCi but less than 5 Curies	1,802	1,802
d. Field flood studies and/or tracers equal to or greater than 5 Curies	2,706	2,706
8. Operation of a nuclear laundry	7,141	3,577
9. Industrial research and development of radioactive materials or products containing radioactive materials	904	904
10. Academic research and/or instruction	733	733
11. Licenses of broad scope:		
a. Academic, industrial, research and development, total activity equal to or greater than 1 Curie	1,802	1,802
b. Academic, industrial, research and development, total activity less than 1 Curie	1,076	1,076
12. Gas chromatographs, sulfur analyzers, lead analyzers, or similar laboratory devices	363	363
13. Calibration sources equal to or less than 1 Curie per source	363	363
14. Level or density gauges	554	554
15. Pipe wall thickness gauges	733	733
16. Soil moisture and density gauges	554	554
17. NORM decontamination/maintenance:		
a. at permanently designated areas at the location(s) listed in the license	4,158	3,465
b. at temporary jobsite(s) of the licensee	4,158	4,158
18. Commercial NORM storage	3,465	3,465
19. All other specific industrial licenses except as otherwise noted	733	733
20. Commercial NORM treatment	16,632	13,860
E. Radioactive waste disposal licenses:		
1. Commercial waste disposal involving burial	935,550	935,550
2. Commercial waste disposal involving incineration of vials containing liquid scintillation fluids	7,128	3,577
3. All other commercial waste disposal involving storage, packaging and/or transfer	3,577	3,577
F. Civil defense licenses	436	363
G. Teletherapy service company license	1,802	1,802
H. Consultant licenses:		
1. No calibration sources	178	103
2. Possession of calibration sources equal to or less than 500 mCi each	264	178
3. Possession of calibration sources greater than 500 mCi	363	264
4. Installation and/or servicing of medical afterloaders	482	416
II. Electronic Product Registration		
1. Medical diagnostic X-ray (per registration)	117	117
2. Medical therapeutic X-ray (per registration):		
a. below 500 kVp	277	277
b. 500 kVp to 1 MeV (including accelerator and Van deGraaf)	554	554
c. 1 MeV to 10 MeV	832	832
d. 10 MeV or greater	1,109	1,109
3. Dental X-ray (per registration)	104	96
4. Veterinary X-ray (per registration)	104	104
5. Educational institution X-ray (teaching unit, per registration)	172	104
6. Industrial accelerator (includes Van de Graaf machines and neutron generators)	554	554
7. Industrial radiography (per registration)	277	277
8. All other X-ray (per registration) except as otherwise noted	125	125

Appendix A Radiation Protection Program Fee Schedule		
	Application Fee	**Annual Maintenance Fee**
III. General Licenses		
A. NORM (Wellhead fee per field shall not exceed $2,079 per operator. Operators reporting contamination by field will be invoiced for all wellheads in the field. Operators reporting contamination by wellhead will be invoiced only for contaminated units.)		
1. 1-5 contaminated wellheads	139	139
2. 6-20 contaminated wellheads	693	693
3. >20 contaminated wellheads	2,079	2,079
4. Stripper wells-contaminated ($693 maximum for strippers per field):	139	139
a. 1 to 5 contaminated stripper wells	139	139
b. > 5 contaminated stripper wells	693	693
5. NORM locations (other than fields):		
a. gas plants, pipeyards, chemical plant, refinery	416	416
b. warehouses, pipeline, manufacturing plant, NORM equipment storage site, etc.	416	416
6. Interim container storage per NORM Waste Management Plan of an approved location		1,386
7. NORM location as otherwise defined in LAC 33:XV.1403 and not exempted by LAC 33:XV.1404, not included in III.A.1-6 of this Appendix	139	139
B. Tritium sign	99	0
C. All other general licenses which require registration	139	139
IV. Reciprocal Recognition		
The fee for reciprocal recognition of a license or registration from another state or the NRC is the annual fee of the applicable category. The fee covers activities in the state of Louisiana for one year from the date of receipt.		
V. Shielding Evaluation (per room)		
A. Diagnostic	139	*
B. Therapeutic (below 500 kVp)	209	*
C. Therapeutic (500 kVp to 1 MeV)	343	*
D. Therapeutic (1 MeV to 10 MeV)	482	*
E. Therapeutic (10 MeV or greater)	1,043	*
F. Industrial and industrial radiography	482	*
VI. Device, Product, or Sealed Source Evaluation		
A. Device evaluation (each)	970	*
B. Sealed source design evaluation (each)	627	*
C. Update sheet	209	*
VII. Testing		
Testing to determine qualifications of employees, per test administered	178	*
VIII. Nuclear Electric Generating Station		
Located in Louisiana		393,360
Located near Louisiana (Plume Exposure Pathway Emergency Planning Zone - includes area in Louisiana)		285,120
Uranium Enrichment Facility		69,300
IX. La. Radiation Protection Program Laboratory Analysis Fees		
Sample Type	**Analysis**	**Unit Price**
A. Air filters:		
1. Particulate	Gross beta	77
2. Charcoal cartridge	Gamma	218
	Gamma/I-131	218
B. Milk	Gamma	231
	I-131	250
C. Water	Gamma	250
	I-131	250
	H-3	92
D. Sediment	Gamma	264
E. Vegetation	Gamma	250
F. Fish	Gamma	264
G. Leak test	Gamma	218
	H-3	92
H. NORM sample:		
1. Soil	Gamma	231
2. Produced water	Gamma	250
* Fees are charged one time		

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:719 (July 1992), repromulgated LR 18:956 (September 1992), amended LR 19:624 (May 1993), LR 21:792 (August 1995), repromulgated LR 21:944 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2607 (November 2000), LR 29:691 (May 2003), LR 29:

A public hearing will be held on August 26, 2003, at 1:30 p.m. in the Galvez Building, Room C111, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. 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 OS049. Such comments must be received no later than September 2, 2003, at 4:30 p.m., and should be sent to Lynn Wilbanks, Regulation Development Section, Box 4314, Baton Rouge, LA 70821-4314 or by e-mail to lynnw@ldeq.org.. 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 OS049.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 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: Removal of Interim Fee Amounts for FY02-03

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 a 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. No fee changes are being made in this proposed Rule. It is merely a housekeeping measure to remove obsolete language.

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

There should be no costs and/or economic benefits to directly affected persons or non-governmental groups as a result of the implementation of this rule. No fee changes are being made in this proposed Rule. It is merely a housekeeping measure to remove obsolete language.

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.

James H. Brent, Ph.D.
Assistant Secretary
0307#030

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor
Associated Branch Pilots Board of Examiners of Bar Pilots for the Port of New Orleans

Retirement and Drug and Alcohol Policy
(LAC 46:LXXVI.Chapters 11-16)

Notice is hereby given, in accordance with the Administrative Procedure Act, R.S. 49:953, and R.S. 34:941, that the Board of Examiners of Bar Pilots for the Port of New Orleans, intends to amend its existing Rules respecting its Drug and Alcohol Policy. The board further intends to add a provision requiring compulsory retirement at age 68.

The Louisiana legislature formed the Board of Examiners of Bar Pilots for the Port of New Orleans for the purpose of establishing Rules, Regulations and requirements for holding examinations for all applicants who have registered with them for the posts of bar pilots; to establish standards for recommendation by the Board of Examiners of Bar Pilots for the Port of New Orleans to the governor of the state of Louisiana for appointment as bar pilots who, pursuant to R.S. 34:941 et seq., have the duty to pilot sea-going vessels into and out of the entrances of the Mississippi River and into and out of the entrances of all other waterways connecting the Port of New Orleans with the outside waterways of the Gulf of Mexico; to establish procedures in conformity with the requirements of the Administrative Procedure Act for investigating and conducting hearings relative to incidents and/or complaints of pilot misconduct; to establish certain minimum standards of conduct, including conduct relative to neglect of duty, drunkenness, carelessness, habitual intemperance, substance abuse, incompetency, unreasonable absence from duty, and general bad conduct of bar pilots; to provide a uniform set of Rules and regulations for the proper and safe pilotage of sea-going vessels upon the waterways under the jurisdiction of the Associated Branch Pilots for the Port of New Orleans; and to insure compliance by the Board of Examiners with the Public Meetings Law. These Rules and regulations are enacted to accomplish those purposes required by the

legislature and to protect the public by ensuring available, safe and competent pilotage of vessels on the waterways under the jurisdiction of this board of examiners.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LXXVI. Steamship Pilots
Subpart 3. Bar Pilots of the Port of New Orleans
Chapter 11. General Provisions

§1101. Authority

A. As mandated by R.S. 34:945.C.1., these rules and regulations are issued by the Board of Examiners of bar pilots for the Port of New Orleans in accordance with the Administrative Procedure Act under R.S. 49:950 et seq. for the purpose of adopting rules, regulations and requirements for holding examinations for all applicants who have registered with them for the posts of bar pilots.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:945.C.1.

HISTORICAL NOTE: Promulgated by Office of the Governor, Board of Examiners of Bar Pilots for the Port of New Orleans, LR 29:350 (May 2003), amended LR 29:

§1102. Purpose

A. The purposes of these rules and regulations are as follows:

1. to establish standards for recommendation by the Board of Examiners of Bar Pilots for the Port of New Orleans to the governor of the State of Louisiana for appointment as bar pilots who, pursuant to R.S. 34:941 et seq., have the duty to pilot sea-going vessels into and out of the entrances of the Mississippi River and into and out of the entrances of all other waterways connecting the Port of New Orleans with the outside waterways of the Gulf of Mexico.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:945.C.1.

HISTORICAL NOTE: Promulgated by Office of the Governor, Board of Examiners of Bar Pilots for the Port of New Orleans, LR 29:350 (May 2003), amended LR 29:

§1103. Definitions

A. The following terms as used in these rules and regulations, unless the context otherwise requires or unless redefined by a particular part hereof, shall have the following meanings.

Administrative Procedure Act the Louisiana Administrative Procedure Act under R.S. 49:950 et seq.

Application-the written application supplied by the Board of Examiners to an applicant who desires to become a bar pilot for the Port of New Orleans.

Board of Examiners or *Board* the Board of Examiners of Bar Pilots for the Port of New Orleans, established in R.S. 34:942.

Bar Pilot or *Pilot* a bar pilot for the Port of New Orleans as designated in R.S. 34:943.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:945.C.1.

HISTORICAL NOTE: Promulgated by Office of the Governor, Board of Examiners of Bar Pilots for the Port of New Orleans, LR 29:

§1104. Severability

A. If any provision of these rules and regulations is held to be invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application, and to this end, provisions of these Rules and regulations are declared to be severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:945.C.1.

HISTORICAL NOTE: Promulgated by Office of the Governor, Board of Examiners of Bar Pilots for the Port of New Orleans, LR 29:351 (May 2003), amended LR 29:

§1105. Effective Date

A. These Rules and regulations shall be in full force and effective 90 days after final publication in the *Louisiana Register*. All bar pilots and bar pilot candidates shall be provided with a copy of these rules and regulations as well as any amendments, after the rules and regulations are adopted by the Board of Examiners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:945.C.1.

HISTORICAL NOTE: Promulgated by Office of the Governor, Board of Examiners of Bar Pilots for the Port of New Orleans, LR 29:351 (May 2003), amended LR 29:

§1106. Qualifications of Pilots

A. No person shall be recommended to the governor for appointment as a Pilot unless the applicant:

1. is a qualified elector of the state of Louisiana;
2. has served at least 12 months next preceding the date of his application in a pilot boat at the mouth of the Mississippi River or other entrances into the Gulf of Mexico or other outside waters from the Port of New Orleans;
3. has successfully passed the examination given by the board of examiners, as required by R.S. 34:948;
4. owns or has made a binding legal agreement to acquired as owner or part owner of at least one decked pilot boat of not less than 50 tons burden, which is used and employed exclusively as a pilot boat, as required by R.S. 34:930;
5. is a high school graduate or, in lieu thereof, holds a third mate's license;
6. has served at least 1 year at sea on a sea-going vessel of not less than 1,600 gross tons in the deck department;
7. has successfully passed a physical examination which in the judgment of the Board of Examiners includes those standards, such as vision, color perception and hearing tests, to perform duties as a bar pilot;
8. is of good moral character; and
9. shall have completed satisfactorily an apprenticeship program which culminates in a cubbing period of not less than 9 months duration handling vessels over the routes of the bar pilots under the supervision of not less than 25 licensed state bar pilots.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:945.C.1.

HISTORICAL NOTE: Promulgated by Office of the Governor, Board of Examiners of Bar Pilots for the Port of New Orleans, LR 29:351 (May 2003), amended LR 29:

§1107. Minimum Requirements

A. The Board of Examiners shall review, and if found satisfactory, approve the apprenticeship program of the applicant, the minimum requirements of which shall be as follows: the applicant must set forth in detail the names of the vessels handled, dates handled, the direction of travel, size, draft, and type of vessel, and the name of the supervising bar pilot. During the period of apprenticeship the applicant shall handle vessels on not less than 650 occasions, two-thirds of which shall be at night.

B. The board of examiners will review the number and times of vessels handled, the size, draft, and type of vessels

and the conditions under which the applicant has performed the apprenticeship in order to determine if the applicant has had sufficient exposure as to enable the board of examiners to make a determination of the applicant's competence and ability to perform the duties of a bar pilot.

C. The Board of Examiners shall prescribe the form of the application and required documentary proof of the applicant's eligibility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:945.C.1.

HISTORICAL NOTE: Promulgated by Office of the Governor, Board of Examiners of Bar Pilots for the Port of New Orleans, LR 29:351 (May 2003), amended LR 29:

§1108. Bond

A. No person shall assume the position of bar pilot until he shall have first taken the oath prescribed by law and has furnished a bond in favor of the governor in the amount of $2,000 conditioned on the faithful performance of his duties imposed upon him as a bar pilot. This bond shall be approved by the Board of Commissioners of the Port of New Orleans.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:945.C.1.

HISTORICAL NOTE: Promulgated by Office of the Governor, Board of Examiners of Bar Pilots for the Port of New Orleans, LR 29:351 (May 2003), amended LR 29:

§1109. Compulsory Retirement

A. A state commissioned bar pilot for the Port of New Orleans shall be required to retire on or before the date of his/her 68th birthday. It shall be the pilot's responsibility to insure that his/her pension begins in a timely fashion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:945.C.1.

HISTORICAL NOTE: Promulgated by Office of the Governor, Board of Examiners of Bar Pilots for the Port of New Orleans, LR 29:

Chapter 13. Pilots

Subchapter A. General Provisions

§1301. Authority

A. As mandated by R.S. 34:945.C.l, these Rules and regulations are issued in accordance with the Administrative Procedure Act under R.S. 49:950 et seq. for the purpose of establishing minimum standards of conduct for bar pilots and for the proper and safe pilotage of sea-going vessels into and out of the entrance of the Mississippi River and into and out of the entrances of all other waterways connecting the Port of New Orleans with outside waters of the Gulf of Mexico, including the entrance of the New Orleans Tidewater Channel at the western shore of the Chandeleur Sound off Point Chicot.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:945.C.1.

HISTORICAL NOTE: Promulgated by Office of the Governor, Board of Examiners of Bar Pilots for the Port of New Orleans, LR 29:351 (May 2003), amended LR 29:

§1302. Purpose

A. The purposes of these Rules and regulations are as follows:

1. to establish certain minimum standards of conduct, including conduct relative to neglect of duty, drunkenness, carelessness, habitual intemperance, substance abuse, incompetency, unreasonable absence from duty, and general bad conduct of bar pilots;

2. to provide a uniform set of Rules and regulations for the proper and safe pilotage of sea-going vessels upon the waterways referred to in §1101.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:945.C.1.

HISTORICAL NOTE: Promulgated by Office of the Governor, Board of Examiners of Bar Pilots for the Port of New Orleans, LR 29:352 (May 2003), amended LR 29:

§1303. Definitions

A. The following terms as used in these Rules and regulations, unless the context otherwise requires or unless redefined by a particular part hereof, shall have the following meanings.

Administrative Procedure Act the Louisiana Administrative Procedure Act under R.S. 49:950 et seq.

Bar Pilot or *Pilot* a bar pilot for the Port of New Orleans, as designated in RS. 34:943.

Board of Examiners or *Board* the Board of Examiners of Bar Pilots for the Port of New Orleans, established in R.S. 34:942.

Services of a Bar Pilot any advice or assistance with respect to pilotage by the commissioned bar pilot or by his authorized representative, including but not limited to advice concerning weather, channel conditions, or other navigational conditions.

Waterways the entrance into and out of the Mississippi River and into and out of the entrances of all other waterways connecting the Port of New Orleans with the outside waters of the Gulf of Mexico, including the entrance of the New Orleans Tidewater Channel at the western shore of the Chandeleur sound off Point Chicot.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:945.C.1.

HISTORICAL NOTE: Promulgated by Office of the Governor, Board of Examiners of Bar Pilots for the Port of New Orleans, LR 29:352 (May 2003), amended LR 29:

§1304. Investigations And Enforcement

A. All complaints reported to the board shall be considered for investigation. A complaint under the provisions of §1304.A-F is defined as:

1. any written complaint involving a bar pilot commissioned for the Port of New Orleans;

2 any reported incident involving a bar pilot commissioned for the Port of New Orleans while piloting a vessel; or

3. any other event involving a bar pilot commissioned for the Port of New Orleans that, in the discretion of any member of the board, justifies further investigation.

B. The board may appoint an investigating officer to investigate the complaint and report to the board.

C. If the board, or its designated investigating officer, is of the opinion that the complaint, if true, is sufficient to justify a further investigation, it shall appoint an investigating officer, or authorize its designated investigating officer to conduct a full investigation of the complaint.

D. Once authorized under §1304.C, the investigating officer, who may be an active or retired member of the Associated Branch Pilots of the Port of New Orleans, Louisiana, and who may be a member of the board, shall make a full and complete investigation of the complaint. He shall be assisted by an attorney, named as independent prosecutor by the board. In the event that the investigating officer, as contemplated by either §1304.B or §1304.C, is an

active member of the board, he shall be recused from any participation in the decision of the case.

E. If the investigating officer is of the opinion that the conduct in question is not sufficient to justify further proceedings, he shall make a reasoned report to the board, which may accept or reject his recommendation.

F. If the investigating officer is of the opinion that the conduct complained of is sufficient to justify further proceedings and the board has accepted his recommendations, or if the board has rejected his recommendation to dismiss the complaint, he shall give notice to the respondent, by registered mail, of the facts or conduct on which the complaint is based, and offer the respondent an opportunity to show compliance with the laws or regulations allegedly violated. If, in the opinion of the investigating officer, the respondent is able to demonstrate such compliance, then the investigating officer shall make a report to the board, recommending to the board that the complaint be dismissed. The board may accept or reject the recommendation of the investigating officer.

G. If the respondent is unable to demonstrate such compliance, or if the board rejects the recommendation of the investigating officer to dismiss the complaint, the investigating officer shall initiate proceedings by filing a written administrative complaint with the board, which shall be signed by the investigating officer.

H. The administrative complaint shall name the accused bar pilot as respondent in the proceedings. It shall also set forth, in separately numbered paragraphs, the following:

1. a concise statement of material facts and matters alleged and to be proven by the investigating officer, including the facts giving rise to the board's jurisdiction over the respondent;

2. the facts constituting legal cause under law for administrative action against the respondent;

3. the statutory or regulatory provisions alleged to have been violated by respondent.

I. The administrative complaint shall conclude with a request for the administrative sanction sought by the investigating officer, and shall state the name, address, and telephone number of administrative complaint counsel engaged by the board to present the case at the evidentiary hearing before the board.

J. The board may either accept or reject the administrative complaint.

K. If it rejects the administrative complaint, the case may be either dismissed or referred back to the investigating officer for further investigation.

L. If the board accepts the administrative complaint, the board shall docket the administrative complaint and schedule the administrative complaint for hearing before the board not less than 45 days nor more than 180 days thereafter; provided, however, that such time may be lengthened or shortened as the board determines may be necessary or appropriate to protect the public interest or upon motion of the investigating officer or respondent pursuant to a showing of proper grounds. In the event the respondent's commission as a bar pilot for the port of New Orleans has been suspended by the board pending hearing, the evidentiary hearing on the administrative complaint shall be noticed and scheduled not more than 45 days after the filing of the administrative complaint.

M. A written notice of the administrative complaint and the time, date and place of the scheduled hearing thereon shall be served upon the respondent by registered, return receipt requested mail, as well as by regular first class mail, at the most current address for the respondent reflected in the official records of the board, or by personal delivery of the administrative complaint to the respondent. The notice shall include a statement of the legal authority and jurisdiction under which the hearing is to be held, and shall be accompanied by a certified copy of the administrative complaint.

N. The case shall be prosecuted by the independent prosecutor, also referred to administrative complaint counsel, who shall handle the case to its conclusion. He shall be entirely independent of the authority of the board in going forward with the matter, and may conduct such further investigation, and prepare and try the case in such manner as he may deem appropriate.

O. Within 15 days of service of the administrative complaint, or such longer time as the board, on motion of the respondent, may permit, the respondent may answer the administrative complaint, admitting or denying each of the separate allegations of fact and law set forth therein. Any matters admitted by respondent shall be deemed proven and established for purposes of adjudication. In the event that the respondent does not file a response to the administrative complaint, all matters asserted therein shall be deemed denied.

P. Any respondent may be represented in an adjudication proceeding before the board by an attorney at law duly admitted to practice in the state of Louisiana. Upon receipt of service of an administrative complaint pursuant to these rules, or thereafter, a respondent who is represented by legal counsel with respect to the proceeding shall, personally or through such counsel, give written notice to the board of the name, address, and telephone number of such counsel. Following receipt of proper notice of such representation, all further notices, administrative complaints, subpoenas or other process related to the proceeding shall be served on respondent through his or her designated counsel of record.

Q. All pleadings, motions or other papers permitted or required to be filed with the board in connection with a pending adjudication proceeding shall be filed by personal delivery at or by mail to the office of the board and shall by the same method of delivery be concurrently served upon administrative complaint counsel designated by the administrative complaint, if filed by or on behalf of the respondent, or upon respondent, through counsel of record, if any, if filed by administrative complaint counsel.

1. All such pleadings, motions or other papers shall be submitted on plain white letter-size (8 1/2" x 11") bond, with margins of at least one inch on all sides, and double spaced except as to quotations and other matters customarily single spaced, shall bear the caption and docket number of the case as it appears on the administrative complaint, and shall include the certificate of the attorney or person making the filing that service of a copy of the same has been effected in the manner prescribed by Subsection A of this Section.

2. The board may refuse to accept for filing any pleading, motion or other paper not conforming to the requirements of this section.

R. Motions for continuance of hearing, for dismissal of the proceeding and all other prehearing motions shall be filed not later than 30 days following service of the administrative complaint on the respondent or 15 days prior to the hearing, whichever is earlier. Each prehearing motion shall be accompanied by a memorandum which shall set forth a concise statement of the grounds upon which the relief sought is based and the legal authority therefor. A motion may be accompanied by an affidavit as necessary to establish facts alleged in support of the motion. Within 10 days of the filing of any such motion and memorandum or such shorter time as the board may order, the investigating officer, through administrative complaint counsel, may file a memorandum in opposition to or otherwise setting forth the investigating officer's position with respect to the motion.

S.1. A motion for continuance of hearing shall be filed within the delay prescribed by §1304.R of these rules, provided that the board may accept the filing of a motion for continuance at any time prior to hearing upon a showing of good cause not discoverable within the time otherwise provided for the filing of prehearing motions.

2. A scheduled hearing may be continued by the board only upon a showing by respondent or administrative complaint counsel that there are substantial legitimate grounds that the hearing should be continued, balancing the right of the respondent to a reasonable opportunity to prepare and present a defense to the complaint and the board's responsibility to protect the public health, welfare and safety. Except in extraordinary circumstances evidenced by verified motion or accompanying affidavit, the board will not ordinarily grant a motion to continue a hearing that has been previously continued upon motion of the same party.

3. If an initial motion for continuance is not opposed, it may be granted by the presiding office.

T.1. Any prehearing motion, other than an unopposed initial motion for continuance of hearing which may be granted by the chairman of the board, shall be referred for decision to the board member designated by the board as the presiding officer of the board designated with respect to the proceeding for ruling. The presiding officer, who shall be a member of the board designated as presiding officer by the board in each matter before the board, in his discretion, may refer any prehearing motion to the board for disposition, and any party aggrieved by the decision of a presiding officer on a prehearing motion may request that the motion be reconsidered by the entire panel.

2. Prehearing motions shall ordinarily be ruled upon by the presiding officer or the board, as the case may be, on the papers filed, without hearing. On the written request of respondent or of administrative complaint counsel, however, and on demonstration that there are good grounds therefor, the presiding officer may grant opportunity for hearing by oral argument, on any prehearing motion.

U.1. Upon request of the respondent or administrative complaint counsel and compliance with the requirements of this section, any board member shall sign and issue subpoenas in the name of the board requiring the attendance and giving of testimony by witnesses and the production of books, papers, and other documentary evidence at an adjudication hearing.

2. No subpoena shall be issued unless and until the party who wishes to subpoena the witness first deposits with the board a sum of money sufficient to pay all fees and expenses to which a witness in a civil case is entitled pursuant to R.S. 13:3661 and R.S. 13:3671. Witnesses subpoenaed to testify before the board only to an opinion founded on special study or experience in any branch of science, or to make scientific or professional examination, and to state the results thereof, shall receive such additional compensation from the party who wishes to subpoena such witnesses as may be fixed by the board with reference to the value of time employed and the degree of learning or skill required.

V.1. In any case of adjudication noticed and docketed for hearing, counsel for respondent and administrative complaint counsel may agree, or the presiding officer may require, that a prehearing conference be held among such counsel, or together with the board's independent counsel appointed pursuant to §1304.W hereof, for the purpose of simplifying the issues for hearing and promoting stipulations as to facts and proposed evidentiary offerings which will not be disputed at hearing.

2. Following such prehearing conference the parties shall, and without such conference the parties may by agreement, agree in writing on a prehearing stipulation which should include:

a. a brief statement by administrative complaint counsel as to what such counsel expects the evidence to be presented against respondent to show;

b. a brief statement by respondent as to what the evidence and arguments in defense are expected to show;

c. a list of the witnesses to be called by administrative complaint counsel and by respondent, together with a brief general statement of the nature of the testimony each such witness is expected to give;

d. any stipulations which the parties may be able to agree upon concerning undisputed claims, facts, testimony, documents or issues; and

e. an estimate of the time required for the hearing.

W.1. Unless otherwise requested by the respondent, adjudication hearings, being the hearing conducted on the merits of the administrative complaint, shall be conducted in closed session.

2. At an adjudication hearing, opportunity shall be afforded to administrative complaint counsel and respondent to present evidence on all issues of fact and argument on all issues of law and policy involved, to call, examine and cross-examine witnesses, and to offer and introduce documentary evidence and exhibits as may be required for full and true disclosure of the facts and disposition of the administrative complaint.

3. Unless stipulation is made between the parties and approved by the board, providing for other means of recordation, all testimony and other proceedings of an adjudication shall be recorded by a certified stenographer who shall be retained by the board to prepare a written transcript of such proceedings.

4. During evidentiary hearing, the presiding officer shall rule upon all evidentiary objections and other procedural questions, but in his discretion may consult with the entire panel in executive session. At any such hearing, the board may be assisted by legal counsel retained by the board for such purpose, who is independent of administrative complaint counsel and who has not

participated in the investigation or prosecution of the case. If the board or panel is attended by such counsel, the presiding officer may delegate to such counsel ruling on evidentiary objections and other procedural issues raised during the hearing.

5. The record in a case of adjudication shall include:

a. the administrative complaint and notice of hearing, respondent's response to the complaint, if any, subpoenas issued in connection with discovery, and all pleadings, motions, and intermediate rulings;

b. evidence received or considered at the hearing;

c. a statement of matters officially noticed except matter so obvious that statement of them would serve no useful purpose;

d. offers of proof, objections, and rulings thereon;

e. proposed findings and exceptions, if any;

f. the decision, opinion, report or other disposition of the case made by the board.

6. Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

X.1. In an adjudication hearing, the board may give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs. Effect shall be given to the rules of privilege recognized by law. The board or panel may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

2. All evidence, including records and documents in the possession of the board which administrative complaint counsel desires the board to consider, shall be offered and made a part of the record, and all such documentary evidence may be received in the form of copies or excerpts or by incorporation by reference, the materials so incorporated shall be available for examination by the respondent before being received in evidence.

3. Notice may be taken of judicially cognizable facts and generally recognized technical or scientific facts within the board's knowledge. Parties shall be notified either before or during the hearing of the material noticed or sought by a party to be noticed, and they shall be afforded an opportunity to contest the material so noticed. The board's experience, technical competence and knowledge may be utilized in the evaluation of the evidence.

4. Any member of the board serving as presiding officer in an adjudication hearing shall have the power to and shall administer oaths or affirmations to all witnesses appearing to give testimony, shall regulate the course of the hearing, set the time and place of continued hearings, fix the time for the filing of briefs and other documents, if they are required or requested, and may direct the parties to appear and confer to consider simplification of the issues.

5. Except as otherwise governed by the provision of these rules, adjudication hearings before the board shall be governed by the Louisiana Code of Evidence, insofar as the same may be applied.

Y. The board may make informal disposition, by default, consent order, agreement, settlement or otherwise of any adjudication pending before it. A consent order shall be considered by the board only upon the recommendation of the investigating officer.

Z.1. The final decision of the board in an adjudication proceeding shall, if adverse to the respondent, and otherwise may be, in writing, shall include findings of fact and conclusions of law, and shall be signed by the presiding officer of the hearing panel on behalf and in the name of the board.

2. Upon issuance of a final decision, a certified copy thereof shall promptly be served upon respondent's counsel of record, or upon respondent personally in the absence of counsel, in the same manner of service prescribed with respect to service of administrative complaints.

AA.1. A decision by the board in a case of adjudication shall be subject to rehearing, reopening, or reconsideration by the board pursuant to written motion filed with the board within ten days from service of the decision on respondent or on its own motion. A motion for rehearing, reopening, or reconsideration shall be made and served in the form and manner prescribed by §1304.Q and shall set forth the grounds upon which such motion is based, as provided by Subsection B of this Section.

2. The board may grant rehearing, reopening, or reconsideration if it is shown that:

a. the decision is clearly contrary to the law and the evidence;

b. the respondent has discovered since the hearing evidence important to the issues which he or she could not have with due diligence obtained before or during the hearing;

c. other issues not previously considered ought to be examined in order properly to dispose of the matter; or

d. there exists other good grounds for further consideration of the issues and the evidence in the public interest.

BB. Pursuant to R.S. 34:945(C)(3), the board of Examiners shall have the authority to impose a fine of not more than $500 on any bar pilot, to reprimand or remove from a vessel any bar pilot, or to recommend to the governor that the commission of any bar pilot be suspended or revoked, if after a hearing conducted in accordance with these Rules and regulations and the administrative procedure act a bar pilot is found in violation of any rule or regulation adopted by the board of examiners.

CC. The authority established in these rules is in addition to and in no way limits the authority of the board to seek to remove or to remove a pilot from a vessel pursuant to the provisions of R.S. 34: 947 and RS. 49:961(C).

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:945.C.1.

HISTORICAL NOTE: Promulgated by Office of the Governor, Board of Examiners of Bar Pilots for the Port of New Orleans, LR 29:352 (May 2003), amended LR 29:

§1305. Severability

A. If any provision of these Rules and regulations is held to be invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application, and to this end, provisions of these Rules and regulations are declared to be severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:945.C.1.

HISTORICAL NOTE: Promulgated by Office of the Governor, Board of Examiners of Bar Pilots for the Port of New Orleans, LR 29:355 (May 2003), amended LR 29:

§1306. Effective Date

A. These Rules and regulations shall be in full force and effective 90 days after final publication in the *Louisiana Register.* All bar pilots and bar pilot candidates shall be provided with a copy of these Rules and regulations, as well as any amendments, after the Rules and regulations are adopted by the board of examiners.

AUTHORITY NOTE: Promulgated in accordance with R. S. 34:945.C.1.

HISTORICAL NOTE: Promulgated by Office of the Governor, Board of Examiners of Bar Pilots for the Port of New Orleans, LR 29:355 (May 2003), amended LR 29:

Chapter 14. Standards of Conduct: Proper and Safe Pilotage

§1401. Adoption of Inland Navigational Rules

A. For those waters on which the Inland Rules apply within the jurisdiction of the bar pilots, the board of examiners hereby adopts, by reference and in its entirety, the Inland Navigational Rules at 33 U.S.C. Section 2001 et seq. The Board of Examiners also adopts the navigation safety standards set forth in Title 33 CFR part 164(p). All bar pilots and bar pilot applicants shall be subject to these Inland Navigational Rules and safety standards as adopted herein by reference.

Title 33 CFR Part 164(p)

(p) The person directing the movement of the vessel sets the vessel's speed with consideration for

(1) The prevailing visibility and weather conditions;

(2) The proximity of the vessel to fixed shore and marine structures;

(3) The tendency of the vessel underway to squat and suffer impairment of maneuverability when there is small underkeel clearance;

(4) The comparative proportions of the vessel and the channel;

(5) The density of marine traffic;

(6) The damage that might be caused by the vessel's wake;

(7) The strength and direction of the current; and

(8) Any local vessel speed limit;

NOTE: These rules CFR 110.195 and 16\.402 have not been adopted but should be reviewed by all pilots and applicants.

Title 33 CFR 110.195

(a) The Anchorage Grounds. Unless otherwise specified, all anchorage widths are measured from the average low water plane (ALWP).

(1) Pilottown Anchorage. An area 5.2 miles in length along the right descending bank of the river from mile 1.5 to mile 6.7 above Head of Passes, extending in width to 1600 feet from the left descending bank of the river.

Title 33 CFR 161.402

(c) Navigation of South and Southwest Passes.

(1) No vessel, except small craft and towboats and tugs without tows, shall enter either South Pass or southwest Pass from the Gulf until after any descending vessel which has approached within two and one-half (2 1/2) miles of the outer end of the jetties and visible to the ascending vessel shall have passed to sea.

(2) No vessel having a speed of less than 10 mph shall enter South Pass from the Gulf when the state of the Mississippi Rive exceeds 15 feet on the Carrollton Gage at New Orleans. This paragraph does not apply when Southwest Pass is closed to navigation.

(3) No vessel, except small craft and towboats and tugs without tows, ascending South Pass shall pass Franks Crossing Light until after a descending vessel shall have passed Depot Point Light.

(4) No vessel, except small craft and towboats and tugs without tows, shall enter the channel at the head of South Pass until after an ascending vessel which has reached Franks Crossing Light shall have passed through into the river.

(5) When navigating South Pass during periods of darkness no tow shall consist of more than one towed vessel other than small craft, and during daylight hours no tow shall consist of more than two towed vessels other than small craft. Tows may be in any formation, When towing on a hawser, the hawser shall be as short as practicable to provide full control at all times.

(6) When towing in Southwest Pass during periods of darkness no tow shall consist of more than two towed vessels other than small craft, and during daylight hours no tow shall consist of more than three towed vessels other than small craft.

AUTHORITY NOTE: Promulgated in accordance with R. S. 34:945.C.1.

HISTORICAL NOTE: Promulgated by Office of the Governor, Board of Examiners of Bar Pilots for the Port of New Orleans, LR 29:355 (May 2003), amended LR 29:

§1402. Ships Required To Take Pilots

A. All ships and vessels inward or outward bound throughout the entrances of the Mississippi River or other inland waterway connecting the Port of New Orleans with the Gulf of Mexico, or other outside waters, except those of 100 tons or less lawfully engaged in the coasting trade of the United States, shall take a bar pilot when one is offered; and any ship or vessel refusing or failing to take a pilot shall be liable to the pilot thus offering for pilotage.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:945.C.1.

HISTORICAL NOTE: Promulgated by Office of the Governor, Board of Examiners of Bar Pilots for the Port of New Orleans, LR 29:356 (May 2003), amended LR 29:

§1403. Pilots' Duty of Remain on Board Ship until Crossing Bar

A. When boarding an outward bound ship or vessel at the boarding stations bar pilots shall remain on board the ship until she crosses the bar, unless permission is given by the master for the pilot to absent himself from the ship or vessel.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:945.C.1.

HISTORICAL NOTE: Promulgated by Office of the Governor, Board of Examiners of Bar Pilots for the Port of New Orleans, LR 29:356 (May 2003), amended LR 29:

§1404. Acting as Pilot without License; Penalty

A. No person who is not commissioned a bar pilot shall board any ship or vessel required to take a bar pilot, for the purpose of piloting, or to pilot or attempt to pilot the same; and no person or pilot shall board any such ship or vessel for the purpose of piloting, except from the pilot boats on the bar pilot stations. Whoever violates the provisions of this Section shall be fined not less than $1,500 nor more than $5,000, or may be imprisoned for not more than 6 months, or both.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:945.C.1.

HISTORICAL NOTE: Promulgated by Office of the Governor, Board of Examiners of Bar Pilots for the Port of New Orleans, LR 29:356 (May 2003), amended LR 29:

§1405. Pilot's Duty to Exhibit License

A. Whoever offers to pilot a ship or other vessel shall, if required, exhibit to the commander thereof this identification card as a bar pilot, attested to by the chairman of the board of examiners; and if he refuses or neglects to do so, he shall

not be entitled to any remuneration for any service he may render as pilot.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:945.C.1.

HISTORICAL NOTE: Promulgated by Office of the Governor, Board of Examiners of Bar Pilots for the Port of New Orleans, LR 29:356 (May 2003), amended LR 29:

§1406. Employing Pilot without Licenses; Liability of Vessel, Master or Owner

A. When a vessel, inward or outward bound to or from the Port of New Orleans employs as a pilot a person who is not a state commissioned bar pilot, when a bar pilot offers his services, the vessel, her captain and owners, shall be liable for a civil penalty of and shall forfeit to the state of Louisiana the sum of $15,000 with privilege on the vessel, to be recovered before any court of competent jurisdiction. An action for forfeiture under this Section may be brought by the attorney general of Louisiana or by the Associated Branch Pilots of the Port of New Orleans. If the Associated Branch Pilots of the Port of New Orleans obtains a judgment hereunder, the court shall include in its judgment a reasonable attorney's fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:945.C.1.

HISTORICAL NOTE: Promulgated by Office of the Governor, Board of Examiners of Bar Pilots for the Port of New Orleans, LR 29:356 (May 2003), amended LR 29:

§1407. Employing Pilot without a State Commission; Penalties

A. No master, owner, or agent of a vessel required under R.S. 34:953 to take a state commissioned bar pilot shall, when a state commissioned bar pilot offers his services, employ as a pilot a person who is not a state commissioned bar pilot.

B. Whoever violated this Section shall be subject to a fine of not less than $1,500 nor more than $5,000, or imprisoned for not more than 6 months, or both.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:945.C.1.

HISTORICAL NOTE: Promulgated by Office of the Governor, Board of Examiners of Bar Pilots for the Port of New Orleans, LR 29:356 (May 2003), amended LR 29:

§1408. Offering of Services

A. As used in this Subpart, reference to the offering of a bar pilot or the offering of services by a bar pilot shall mean any offering of any advice or assistance with respect to pilotage by the commissioned bar pilot or by his authorized representative, including but not limited to advice concerning weather, channel conditions, and other navigational conditions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:945.C.1.

HISTORICAL NOTE: Promulgated by Office of the Governor, Board of Examiners of Bar Pilots for the Port of New Orleans, LR 29:357 (May 2003), amended LR 29:

§1409. Prohibition of Interest of Members of Board of Commissioners of Port of New Orleans, in Pilot Boat or Pilotage

A. The members of the Board of Commissioners of the Port of New Orleans shall not be interested, directly or indirectly, in any bar pilot boat or pilotage.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:945.C.1.

HISTORICAL NOTE: Promulgated by Office of the Governor, Board of Examiners of Bar Pilots for the Port of New Orleans, LR 29:357 (May 2003), amended LR 29:

§1410. Report by Pilot

A. In any case where a vessel being piloted by a bar pilot shall go aground, or shall collide with any object, or shall meet with any casualty, which causes injury to persons or damage to property, the pilot shall, as soon as possible report such incident to the board. The pilot shall also complete a written Incident Report form provided by the board within 24 hours after the Incident.

B. The board, with or without complaint made against said pilot, shall investigate the incident.

C. The pilot shall make a complete report to the board within 10 days after the incident. This report may either be an oral or a written report as the board deems necessary.

D. These rules shall apply to any bar pilot engaged in piloting within the operating territory as defined by R.S. 34:941 et seq., whether the vessel be subject to compulsory pilotage or elective pilotage.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:945.C.1.

HISTORICAL NOTE: Promulgated by Office of the Governor, Board of Examiners of Bar Pilots for the Port of New Orleans, LR 29:357 (May 2003), amended LR 29:

§141l. Pilots Duty to Report

A. Pilots, when notified, shall report in person to the board at the time and place so designated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:945.C.1.

HISTORICAL NOTE: Promulgated by Office of the Governor, Board of Examiners of Bar Pilots for the Port of New Orleans, LR 29:356 (May 2003), amended LR 29:

§1412. Pilots Summoned to Testify

A. Any bar pilot summoned to testify before the board shall appear in accordance with such summons and shall make answer under oath to any question put to him, touching any matter connected with the pilot's service or of the pilot grounds over which he is commissioned to pilot.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:945.C.1.

HISTORICAL NOTE: Promulgated by Office of the Governor, Board of Examiners of Bar Pilots for the Port of New Orleans, LR 29:357 (May 2003), amended LR 29:

Chapter 15. Drug And Alcohol Policy

§1501. Application

A. The Board of Examiners of Bar Pilots for the Port of New Orleans, Louisiana (hereinafter board") hereby adopts the following Rules and regulations relating to a drug and alcohol abuse policy applicable to all state licensed bar pilots pursuant to the provisions of R.S. 34:941 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:945.C.1.

HISTORICAL NOTE: Promulgated by Office of the Governor, Board of Examiners of Bar Pilots for the Port of New Orleans, LR 29:357 (May 2003), amended LR 29:

§1502. Statement of Findings and Purposes

A. The board of has always had a strong commitment to the safety of the public. In order to carry out its mission, the board has established this policy regarding drug and alcohol abuse. The board's goal will continue to be one of establishing and maintaining a work environment that is free from the effects of alcohol and drug abuse.

B. While the board has no intention of intruding into the private lives of bar pilots, the board does expect bar pilots to report for work in a condition capable of performing their duties. The board recognizes that off-the-job, as well as on-the-job, involvement with alcohol and drugs can have an impact on the work place and on a bar pilot s ability to perform his duties.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:945.C.1.

HISTORICAL NOTE: Promulgated by Office of the Governor, Board of Examiners of Bar Pilots for the Port of New Orleans, LR 29:357 (May 2003), amended LR 29:

§1503. Bar Pilots' Assistance Program

A. The board recognizes that the Associated Branch Pilots for the Port of New Orleans established a Bar Pilot's Assistance Program (BPAP) to provide help for any bar pilot whose personal alcohol or drug abuse problems may seriously affect his or her ability to function on the job, at home and in society.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:945.C.1.

HISTORICAL NOTE: Promulgated by Office of the Governor, Board of Examiners of Bar Pilots for the Port of New Orleans, LR 29:357 (May 2003), amended LR 29:

§1504. Definitions

A. As used in this Chapter:

Alcoholic Beverage any fluid, or solid capable of being converted into fluid, suitable for human consumption, which contains ethanol.

Drug all controlled dangerous substances as defined in R.S. 40:961.7. and R.S. 40:964.

Non-Prescription Medication any medication sold or dispensed without a prescription that is not a drug as defined in *drug* above.

Prescription Medication any drug as defined in 1504A.*Drug* distributed by the authorization of a licensed physician as defined in R.S. 40:961.31.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:945.C.1.

HISTORICAL NOTE: Promulgated by Office of the Governor, Board of Examiners of Bar Pilots for the Port of New Orleans, LR 29:358 (May 2003), amended LR 29:

§1505. Prohibitions and Requirements of the Policy

A. A bar pilot who is under the influence of alcohol or drugs, or who possesses or uses alcohol or drugs on the job, has the potential for interfering with his own safety as well as that of the ship he is piloting and other vessels in the area, property and personnel. Consistent with existing board practices, such conditions shall be probable cause for disciplinary action up to and including recommendation for revocation of a bar pilot commission.

B.1. Off-the-Job drug or alcohol abuse use that could adversely affect a bar pilot's job performance or could jeopardize the safety of others shall be proper cause for administrative or disciplinary action up to and including recommendation for revocation of a bar pilot's commission.

2. Bar pilots who are arrested for off-the-job drug or alcohol activity may be considered to be in violation of this policy. In deciding what action to take, the board will take into consideration the nature of the charges, the bar pilot's overall job performance as a pilot, and other factors relative to the impact of the bar pilot's arrest upon the conduct of bar pilotage and the safety threat posed to the public by the specific activity.

3. The abuse of non-prescription medication by a bar pilot also has the potential for interfering with his own safety as well as that of others. A bar pilot shall not abuse non-prescription medication which may impair his or her ability to perform his duties as a bar pilot. Abuse of non-prescription mediation by a bar pilot which impairs his or her ability to perform his duty may subject the pilot to administrative or disciplinary action. A bar pilot shall not use non-prescription medication if it impairs his competence as a pilot in the discharge of his duties.

C.1. A bar pilot shall be free of use of any drug as defined in §1504.A.*Drug*, but excluding prescription medication as defined in §1504.A.*Prescription Medication,* so long as such use of prescription medication does not impair the competence of the pilot to discharge his duties.

2. Bar pilots shall report to the chairman of the board the use of any drug, as defined in §1504.A.*Drug*, including prescription medication .

D. A bar pilot who voluntarily requests assistance in dealing with personal drug or alcohol abuse under the Associated Branch Pilots BPAP program may do so without the board taking action for his voluntary participation. Volunteering to participate in the BPAP will not prevent administrative or disciplinary action for a violation of this policy which has already occurred or which may occur while in the program.

E.1. Narcotics or any other controlled dangerous substance made illegal by the laws of the United States or the state of Louisiana shall not be brought aboard or caused to be brought aboard any vessel no matter by whom owned, or property owned or leased by the Associated Branch Pilots.

2. Persons, or property, coming aboard any such vessel or property will be subject to inspection.

3. The board will cooperate fully with appropriate law enforcement agencies by reporting information with respect to the violation of laws regarding illegal substances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:945.C.1.

HISTORICAL NOTE: Promulgated by Office of the Governor, Board of Examiners of Bar Pilots for the Port of New Orleans, LR 29:358 (May 2003), amended LR 29:

§1506. Drug Testing

A. Testing. All bar pilots shall be subject to testing for the presence of any drug, as defined in §1504.A.*Drug*, above.

B. Types of Testing

1. All bar pilots shall submit to reasonable scientific testing for drugs when directed by the board. All procedures and activities conducted in connection with such testing shall comply with R.S. 49:1001-1015, except that certain terms contained therein are redefined because there is no employer-employee relationship. §1001(7) shall read "Pilot" any person who holds a commission from the Governor of the State of Louisiana as an Associated Branch Pilot for the Port of New Orleans. The word "Pilot" shall be used wherever the terms "employee" is used in §1001-1015. §1001(8) shall read "Board" which is the Board of Examiners of Bar Pilots for the Port of New Orleans, Louisiana. The word "board" shall be used whenever the term "employer" is used in §1001-1015.

2. A bar pilot shall be required to submit a urine specimen to be tested for the presence of drugs under the following circumstances:

a. prior to recommendation for appointment, as a part of the physical exam required in these Rules and Regulations;

b. after recommendation, whenever the pilot is required by the board to undergo a physical examination;

c. upon written sworn complaint signed by the complainant in accordance with Chapter 16 of the Rules and regulations of the Board of Review of Bar Pilots for the Port of New Orleans;

d. when the pilot is reasonably suspected of using drugs in violation of this policy;

e. at random at the discretion of the board; and

f. when the pilot is determined to be directly involved in a marine casualty or accident during the course of his activities as a pilot that results in:

i. one or more deaths;

ii. injury to any person which requires professional medical treatment beyond first aid;

iii. damage to property in excess of $100,000; or

iv. actual or constructive loss of any vessel.

C. The board may designate a testing agency to perform any scientific test(s) necessary to detect the presence of drugs or their metabolites in a pilot's system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:945.C.1.

HISTORICAL NOTE: Promulgated by Office of the Governor, Board of Examiners of Bar Pilots for the Port of New Orleans, LR 29:358 (May 2003), amended LR 29:

§1507. Alcohol Testing

A. The board of examiners may require a pilot to submit to a blood alcohol test under the following circumstances:

1. upon written complaint signed by the complainant in accordance with Chapter 16 of the Rules and regulations of the Board of Review of Bar Pilots of the Port of New Orleans;

2. when there exists reasonable suspicion that a pilot is performing his duties while under the influence of alcohol; or

3. when the pilot is determined to be directly involved in a marine casualty or accident of the type described in §1506B.2.f.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:945.C.1.

HISTORICAL NOTE: Promulgated by Office of the Governor, Board of Examiners of Bar Pilots for the Port of New Orleans, LR 29:359 (May 2003), amended LR 29:

§1508. Violations of the Policy

A. Any Pilot found to be in violation of this policy may be reprimanded, fined, evaluated, and treated for violations of this policy and have his commission suspended or revoked as provided by R.S. 34:945 and 962.

B. Any bar pilot reasonably suspected of bringing on board any vessel, no matter by whom owned, or property owned or leased by the Associated Branch Pilots for the Port of New Orleans, or causing to bring on board a vessel or property owned or leased by the Associated Branch Pilots for the Port of New Orleans, any narcotic or any other controlled dangerous substance made illegal by the laws of the United States or the state of Louisiana will be subject to disciplinary action either by the board or, upon recommendation of the board, by the Governor of the State of Louisiana.

C. A pilot shall be suspended from performing the duties of a pilot pending a hearing pursuant to R.S. 34:945 and 962 if:

1. he tests positive for any drug covered by §1504.A.*Drug*;

2. he uses any drug in violation of §1505.C;

3. he refuses to submit to reasonable scientific testing for drugs, fails to cooperate fully with the testing procedures, or intentionally tries to alter the test results;

4. he test positive for alcohol; or

5. he refuses to submit to a blood alcohol test, fails to cooperate fully with the testing procedure, or intentionally tries to alter the test results.

D. Any pilot who is required to undergo evaluation or treatment for alcoholism or drug abuse shall do so at his own personal expense and responsibility. The physician, as well as the evaluation and treatment facility, must be approved by the board.

E. Any pilot who believes he would be in violation of these Rules if he were to perform his duties as a bar pilot is obligated to remove himself from duty.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:945.C.1.

HISTORICAL NOTE: Promulgated by Office of the Governor, Board of Examiners of Bar Pilots for the Port of New Orleans, LR 29:359 (May 2003), amended LR 29:

§1509. Test Results

A. All drug test results shall be reviewed by a medical review officer in accordance with R.S. 49:1007.

B. Any pilot, confirmed positive, upon his written request, shall have the right of access, within seven working days of actual notice to him of his test results, to records relating to his drug tests and any records relating to the results of any relevant certification, review, or suspension/revocation-of-certification proceedings.

C. The results of the drug testing conducted pursuant to this policy and all information, interviews, reports, statements and memoranda relating to the drug testing shall, in accordance with R.S. 49:1012, shall be confidential and disclosed only to the board of examiners and the pilot tested, except that:

1. the board of examiners may report the results to the governor, the president of the Associated Branch Pilots for the Port of New Orleans, the United States Coast Guard; and

2. in the event that the board of examiners determines that a hearing is required pursuant to R.S. 34:947 or 962, there shall be no requirement of confidentiality in connection with such hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:945.C.1.

HISTORICAL NOTE: Promulgated by Office of the Governor, Board of Examiners of Bar Pilots for the Port of New Orleans, LR 29:356 (May 2003), amended LR 29:

Chapter 16. Administrative Policy

§1601. Application

A. The purpose of this section is to ensure compliance by the Board of Examiners of Bar Pilots for the Port of New Orleans with the provisions of the Louisiana Public Meeting

Law and the records maintenance requirements of the provisions of R.S. 49:950 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:945.C.1.

HISTORICAL NOTE: Promulgated by Office of the Governor, Board of Examiners of Bar Pilots for the Port of New Orleans, LR 29:359 (May 2003), amended LR 29:

§1602. Meetings of Examiners

A. All meetings and notices thereof of the board of the board of examiners shall be conducted in accordance of the Open Meetings Law (R.S. 42:4 et seq.). The board shall meet at least once each quarter and meetings shall be called in accordance with R.S. 42:7.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:945.C.1.

HISTORICAL NOTE: Promulgated by Office of the Governor, Board of Examiners of Bar Pilots for the Port of New Orleans, LR 29:359 (May 2003), amended LR 29:

§1603. Record Keeping

A. The board of examiners shall maintain records and conduct its hearings in accordance with R.S. 49:950 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:945.C.1.

HISTORICAL NOTE: Promulgated by Office of the Governor, Board of Examiners of Bar Pilots for the Port of New Orleans, LR 29:359 (May 2003), amended LR 29:

Family Impact Statement

Although the family of a pilot subject to the disciplinary process set forth in the proposed Rules and Regulations for the Board of Examiners of Bar Pilots for the Port of New Orleans could potentially be impacted by the process and the possible discipline against the pilot, the proposed Rules and Regulations should not have any known or foreseeable impact on the family as defined by R.S. 49:972(D) in terms of the general public, or on family formation, stability and autonomy. Specifically, there should be no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. a family's earnings and budget;
5. the behavior and personal responsibility of children; or
6. the family's ability or that of the local government to perform the function as contained in the proposed Rules.

Inquiries concerning the proposed Rules amendments and rules may be directed in writing to Captain Thomas L. Ittmann, Chairman, Board of Examiners of Bar Pilots for the Port of New Orleans, at the address set forth below.

Interested persons may submit data, views, arguments, information, comments or inquiries on the proposed rules amendments and rules, in writing, to the Board of Examiners of Bar Pilots for the Port of New Orleans, 3813 North Causeway Boulevard, Suite 100; Metairie, LA 70002. Written comments must be submitted to and received by the Board within 60 days from the date 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.

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Retirement and Drug and Alcohol Policy

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

The Board of Examiners of Bar Pilots for the Port of New Orleans anticipates that there will be no additional costs associated with the implementation of the proposed Rules.

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

The Board of Examiners of Bar Pilots for the Port of New Orleans anticipates that there will be 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)

The Board of Examiners of Bar Pilots for the Port of New Orleans anticipates that the only costs to directly affected persons may be a reduction in income due to mandatory retirement at the age of 68.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The Board of Examiners of Bar Pilots for the Port of New Orleans anticipates that the proposed Rules will result in reduced competition and employment for Bar Pilots, as the mandatory retirement age is now set at 68 years.

Thomas L. Ittman	Robert E. Hosse
Chairman	General Government Section Director
0307#044	Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor
Board of River Port Pilot Commissioners

River Port Pilots (LAC 46:LXXVI.Chapters 31-36)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 34:991(B)(3), the Board of River Port Pilot Commissioners hereby gives notice of intent to promulgate Rules and to repeal and reenact its Rules. The proposed Rules restate existing Rules and are will be reenacted for the purpose of codification. New Rules are in the public's interest and will promote public safety by enhancing additional education qualifications for River Port Pilots. The Rules are in the public's interest and promote public safety by establishing: age restrictions, a requirement to perform marine incident investigations, a requirement for pilots to be certified after an absence, and a method for the public to file complaints against pilots. The board has conducted several meetings to receive comments from interested parties and undertook some revisions. The purpose of this rulemaking is to put the Rules in a proper format for codification as follows.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part. LXXVI. River Pilots
Subpart 4. Board of River Port Pilot Commissioners
Chapter 31. General Provisions
§3103. Definitions

A. The following terms shall have the following meaning as used in these Rules.

Applicant one who submits an application to become a River Port Pilot.

Apprentice one who has been selected to become a River Port Pilot pending successful completion of the apprenticeship program.

Board the Board of River Port Pilot Commissioners as defined in R.S. 34:991.

Candidate one whose application has been certified by the board.

Commission the appointment by the governor authorizing one to perform the duties of a River Port Pilot.

Commissioner a member of the Board of River Port Pilots Commissioners for the Port of New Orleans as appointed and serving in accordance with state law.

Conviction found guilty by judgment or by plea and includes cases of deferred adjudication (no contest, adjudication withheld, etc.) or where the court requires a person to attend classes, make contributions of time or money, receive treatment, submit to any manner of probation or supervision, or forgo appeal of a trial court finding. Expunged convictions must be reported unless the expungement was based upon a showing that the court's earlier conviction was in error.

Drug all controlled dangerous substances as defined in R.S. 40:961(7).

Marine Incident a personal injury, loss of life, discharge of pollution, collision and/or allision, wave wash or suction resulting in an injury or damage, or hard grounding in which the vessel is damaged or needs assistance to be re-floated.

Pilot River Port Pilots as defined in R.S. 34:992.

Prescription Medication medication which can only be distributed by the authorization of a licensed physician as defined in R.S. 40:961(30).

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:991(B)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of River Port Pilot Commissioners, LR 29:

§3103. Board of River Pilot Commissioners for the Port of New Orleans

A. The duties of the board are established pursuant to R.S. 34: 991.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:991(B)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of River Port Pilot Commissioners, LR 29:

§3105. Application

A. Any person wishing to submit an application to become an apprentice candidate must submit a written request for an application to the commission at its address. The commission's current address is:

Board of River Port Pilot Commissioners
c/o Application Request
P. O. Box 848
Belle Chasse, LA 70037

B. All applications to become an apprentice candidate must be in writing, must be signed by the applicant, and presented to the secretary of the board. All applications must be notarized and accompanied by satisfactory evidence of compliance of the board's requirements.

C. The board shall maintain the application of applicants in its files for a period of two years from January 1 of the year the application was dated. All applicants are required to update and maintain their application and to re-file the application as needed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:991(B)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of River Port Pilot Commissioners, LR 29:

Chapter 32. Licensing, Qualifications, and Apprenticeship

§3201. General Qualifications

A. Applicant must be of good moral character. Evidence of a clear police record will be considered, but the board reserves the right to examine other sources of information as to the applicant's character.

B. Applicant has been a voter of the state of Louisiana continuously for at least two years before submitting an application to become an apprentice candidate.

C. The applicant must not have reached his fortieth birthday prior to the first day of balloting on apprentices by the River Port Pilots.

D. The applicant must possess a high school diploma, or equivalent.

E. A person applying for an appointment under this section shall not have been convicted of a felony offense involving either drugs or the personal consumption of alcohol in the 60 months prior to the date of application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:991(B)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of River Port Pilot Commissioners, LR 29:

§3202. Licensing Qualifications

A. Before being accepted as a candidate to become a River Port Pilot, each applicant must meet the below listed requirements.

1. Each applicant must hold a United States Coast Guard First Class Pilot License of Steam or Motor Vessel of any gross tons for the Mississippi River from Southport Mile 104.7 to the Head of Passes Mile 0.0 and for the Inner Harbor Navigation Canal (Industrial Canal) from the Mississippi River to Lake Pontchartrain, and for the Intracoastal Waterway (ICW) from the intersection of the Industrial Canal and the ICW to and including Michoud Canal, and for the Mississippi River Gulf Outlet, from the intersection of the ICW to Mile 28.3, the present location of Beacon #78. In the event the Inner Harbor Navigation Canal is closed and or navigation on the canal is severely restricted, the board in its discretion may waive the requirement of a First Class Pilot License on all or part of the Inner Harbor Navigation Canal.

2. Commencing July 1, 2006, the applicant must have held the license described in §3202A.1 for a period of one year prior to submitting an application to become an apprentice candidate.

3. Each applicant must meet one of the following requirements:

a. a United States Coast Guard Masters' License of Steam or Motor Vessels of any gross tons upon Inland Waters, Rivers or Western Rivers; or

b. a United States Coast Guard Second Mate's License (or any upgrade thereof) of Steam or Motor Vessels of any gross tons upon oceans; or

c. a United States Coast Guard Third Mate's License of Steam or Motor Vessels of any gross tons upon oceans, and a Master's License of Steam or Motor Vessels of not less than 1,600 gross tons upon Inland Waters, Rivers or Western Rivers. The applicant, as a condition of the apprenticeship, must upgrade the Master's License of Steam or Motor Vessels of not less than 1,600 gross tons upon Inland Waters, Rivers or Western Rivers to a Masters' License of Steam or Motor Vessels of any gross tons upon Inland Waters, Rivers or Western Rivers prior to being commissioned as a River Port Pilot; or

d. a bachelors degree or diploma granted by a college or university accredited by the American Association of Colleges and Secondary Schools, and the applicant must hold a Master's License of Steam or Motor Vessels of not less than 1,600 gross tons upon Inland Waters, Rivers or Western Rivers. The applicant, as a condition of the apprenticeship, must upgrade the Master's License of Steam or Motor Vessels of not less than 1,600 gross tons upon Inland Waters, Rivers or Western Rivers to a Masters' License of Steam or Motor Vessels of any gross tons upon Inland Waters, Rivers or Western Rivers prior to being commissioned as a River Port Pilot.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:991(B)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of River Port Pilot Commissioners, LR 29:

§3205. Education Qualifications

A. In addition to the requirements described herein the applicant must complete the following educational requirements. To successfully complete the educational requirements the applicant must attend a college or university accredited by an accreditation association or society approved by the board, and the applicant must have a minimum grade point average of "2.0" on a "4.0" system, in non-remedial courses.

1. Applicants graduating from high school or receiving a high school equivalent after 5/01/95 will be required to successfully complete 30 credit hours.

2. Applicants graduating from high school or receiving a high school equivalent after 1/01/96 will be required to successfully complete 60 credit hours.

3. Applicants graduating from high school or receiving a high school equivalent after 1/01/97 will be required to successfully complete 90 credit hours.

4. Applicants graduating from high school or receiving a high school equivalent after 1/01/98 will be required to acquire a bachelors degree or diploma.

5. After July 1, 2006 all applicants must have a bachelors degree or diploma.

B. Applicants shall document the aforementioned requirements by providing the board with a transcript of the mandatory educational requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:991(B)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of River Port Pilot Commissioners, LR 29:

§3207. Physical Qualifications

A. The applicant, when requested, must be examined by a physician, clinic or group of physicians of the board's choosing to determine the applicant's physical condition. The examination report must reflect to the board's satisfaction that the applicant's physical condition is satisfactory and commensurate with the work and responsibilities of the duties of a pilot, and will enable him to safely perform the duties of pilotage. The board shall have no responsibilities for the examinations or their results. The applicant submitting to such examinations will hold the board harmless from any responsibility for any injury or loss, including attorneys' fees and the costs of defense, incurred as a result of the examination or the reliance by the board or any others on the results of such examination.

B. The applicant, when requested, shall submit to an examination by a mental health professional or group composed of such mental health professionals of the board's choosing. The report of this examination must reflect, to the board's satisfaction, that the petitioner's mental condition and aptitude is satisfactory and commensurate with the work and responsibilities of the duties of a pilot, and will enable him to safely perform the duties of pilotage. The board shall have no responsibility for the examinations or their results. The applicant submitting to such examinations will hold the board harmless from any responsibility for any injury or loss, including attorneys' fees and the costs of defense, incurred as a result of the examination or the reliance by the board or any others on the results of such examination.

C. The applicants shall submit to drug screening in the same manner as pilots and apprentices.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:991(B)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of River Port Pilot Commissioners, LR 29:

§3209. Apprenticeship

A. The apprentice must serve a minimum of 12 months of apprenticeship in his proposed calling, handling deep draft vessel over the operating territory of the River Port Pilots under the tutelage of not less than 40 commissioned River Port Pilots. The apprentice must set forth in detail the names of the vessels handled, dates handled, draft, tonnage, between what points so moved, and the names of the supervising commissioned River Port Pilots. No apprentice shall be permitted to be examined for commissioning who has not made at least 18 trips on the operating territory of the River Port Pilots between Pilottown and Southport during each of the 12 months of his apprenticeship and serve at least 1 week of each month of the apprenticeship engaged in harbor shifting, docking, undocking and piloting on the Mississippi River Gulf Outlet. The apprenticeship work must be certified by the board during the apprenticeship program. The board reserves the right to substitute work requirements and to require satisfactory completion of additional trips, extended the apprenticeship, or terminate the apprenticeship when deemed necessary.

B. The board of commissioners shall examine those apprentices who have complied with all the requirements. The apprentices will be examined as to their knowledge of pilotage and their proficiency and capability to serve as commissioned River Port Pilots. This examination shall be given in such manner and shall take such form as the board may, in its discretion from time to time, elect.

C. The board of commissioners shall certify to the governor for his consideration for appointments to commissions as River Port Pilots those apprentices who satisfactorily complete all requirements established by state law and these Rules and who complete and pass the examination given by the board. Should the apprentice fail

the examination, the board, at its discretion, may terminate the apprenticeship, or may designate additional apprenticeship requirements to be satisfied by the apprentice before he may again petition the board for examination.

D. The apprentice shall submit to drug screening in the same manner as pilots.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:991(B)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of River Port Pilot Commissioners, LR 29:

§3211. Age Restrictions

A. A pilot shall be required to resign his pilot commission in the calendar year in which the pilot attains the age of 70. This provision shall take effect on July 1, 2004.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:991(B)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of River Port Pilot Commissioners, LR 29:

Chapter 33. Duties

§3301. Restricted Duties Guidelines

A. The board has established the following guidelines, which shall be adhered to whenever possible. The failure to strictly adhere to these guidelines will not subject the pilot to disciplinary action.

1.a. After being commissioned a River Port Pilot by the governor of Louisiana, the newly commissioned pilot shall be allowed to pilot the following vessels in the first four months subsequent to the issuance of the pilot's commission:

i. vessels up to 35 feet in draft;

ii. vessel up to 50,000 deadweight tons;

iii. vessels up to 700 feet in length.

b. After the newly commissioned pilot has served the first four months as a pilot subject to the restrictions of this Section, the board shall evaluate the newly commissioned pilot with regard to his ability and competence to handle the above classes of vessels. Upon such examination, the board shall determine whether, and if so, for what time period, the newly commissioned pilot shall continue to be subject to any or all of the restrictions of the Section before being reexamined.

2.a. The newly commissioned pilot shall be allowed to pilot the following vessels in the second four months subsequent to the issuance of the pilot's commission:

i. vessels up to 40 feet in draft;

ii. vessels up to 75,000 deadweight tons;

iii. vessels up to 800 feet in length.

b. After the newly commissioned pilot has served the second four months as a pilot subject to the restrictions of this Section, the board shall evaluate the newly commissioned pilot with regard to his ability and competence to handle the above classes of vessels. Upon such examination, the board shall determine whether, and if so, for what time period, the newly commissioned pilot shall continue to be subject to any or all of the restrictions of the Section before being reexamined.

3. The newly commissioned pilot shall be allowed to pilot the following vessels in the third four months subsequent to the issuance of the pilot's commission:

a. vessels up to 45 feet in draft;

b. vessels up to 100,000 deadweight tons;

c. vessels up to 900 feet in length.

4. The newly commissioned River Port Pilot shall be prohibited from piloting the following vessel during the first 12 months he holds a commission as a River Port Pilot:

a. passenger vessels regardless of draft, tonnage or length;

b. tank vessels with explosive, combustible, petroleum, or chemical cargo aboard, regardless of the draft, tonnage or length. Gas-free tank vessels are not subject to this prohibition.

5. After the newly commissioned pilot has served the third four months as a pilot subject to the restrictions of this Section, the board shall evaluate the newly commissioned pilot with regard to his ability and competence to handle the above classes of vessels. Upon such examination, the board shall determine whether, and if so, for what time period, the newly commissioned pilot shall continue to be subject to any or all of the restrictions of this Section before being reexamined.

6. For the first year as a pilot, no persons are allowed on the bridge with the pilot with the exception of the bridge team, U.S. Coast Guard representatives, government officials, and the vessel's crew.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:991(B)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of River Port Pilot Commissioners, LR 29:

Chapter 34. Drug and Alcohol Policy

§3401. Drug Use

A. A pilot shall be free of use of any *drug* as defined in §3101, but excluding *prescription medication* as defined in §3101 so long as use of such *prescription medication* does not impair the physical competence of the pilot to discharge his duties.

B. The board shall designate a testing agency to perform scientific test or tests to screen for the presence of drugs. These tests shall be conducted at random, post incident, and for reasonable suspicion at the discretion of the board.

C. All pilots shall submit to reasonable scientific testing and screening for drugs when directed by the board.

D. The results of drug testing and screening shall be confidential and disclosed only to the board and the pilot tested, except that:

1. the board may report the results to the governor, the Board of Directors of the Crescent River Port Pilot Association and the United States Coast Guard;

2. in the event that the board determines that a hearing is required there shall be no requirement of confidentiality in connection with the hearing.

E. Any pilot testing positive for drugs or any residual thereof, shall be suspended from performing the duties of a pilot pending a hearing.

F. Any pilot who refuses to submit to reasonable scientific testing or screening for drugs, fails to cooperate fully with the testing procedures, or in any way tries to alter the test results shall be suspended from performing the duties of a pilot pending a hearing. Such refusal shall be considered as a positive test.

G. Any pilot found to be in violation of this Section may be reprimanded, fined, evaluated, and/or treated for drug use and/or have his commission suspended or revoked.

H. Any pilot who is required to undergo evaluation and/or treatment for drug use shall do so at his own personal expense and responsibility; the physician, as well as the

evaluation and treatment facility, must be approved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:991(B)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of River Port Pilot Commissioners, LR 29:

§3403. Alcohol Use

A. No pilot shall consume any alcohol of any nature whatsoever within six hours before, or during, the performance of his pilotage duties.

B. No pilot shall perform his duties as a River Port Pilot if his blood alcohol content is .04 or greater.

C. Any pilot who believes he would be in violation of any of these Rules if he were to perform his duties as a River Port Pilot is obligated to remove himself from duty. The pilot is the absolute insurer of his or her state of mind, physical abilities, and overall well being.

D. The board may request a pilot to submit himself to a blood alcohol test upon complaint or reasonable suspicion that a pilot is performing his duties as a River Port Pilot while under the influence of alcohol.

E. Any pilot who refuses to submit to reasonable scientific testing or screening for alcohol, fails to cooperate fully with the testing procedures, or in any way tries to alter the test results shall be suspended from performing the duties of a pilot pending a hearing. Such refusal to cooperate will be considered as a positive test.

F. Any pilot found to be in violation of this Section may be reprimanded, fined, evaluated and/or treated for alcoholism and/or have his commission suspended or revoked.

G. Any pilot who is required to undergo evaluation and/or treatment for alcoholism shall do so at his own personal expense and responsibility; the physician, as well as the evaluation and treatment facility must be approved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:991(B)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of River Port Pilot Commissioners, LR 29:

Chapter 35. Continuing Education

§3501. Continuing Professional Education

A. Every pilot seeking to maintain a pilot's commission must attend 40 hours of professional education classes and programs every 5 years. In addition the pilot must attend a ship simulator training program every five years. This requirement is effective December 31, 2000.

B. The professional education classes and programs approved by the board include but are not limited to:

1. electronic ship simulation training;
2. small scale ship simulation training;
3. ARPA training;
4. VTS/VTIS simulator training;
5. bridge resource management training for pilots;
6. Any other course or program that the board deems appropriate.

C. Any pilot who fails to attend the required professional education classes or programs may be reprimanded, fined, and/or suspended until the pilot complies with this Section.

D. It shall be the responsibility of the pilot to file with the board proof that the pilot has attended the required professional education classes and programs.

E. It shall be the responsibility of the pilot to attend the professional education classes and programs approved by the board.

F. The board, for good cause shown, may grant a waiver or extend the time for a pilot to complete the continuing professional education requirement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:991(B)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of River Port Pilot Commissioners, LR 29:

Chapter 36. Investigation, Competence, Complaints and Criminal Convictions

§3601. Marine Incident Investigation

A. Any pilot piloting a vessel involved or allegedly involved in a marine incident shall as soon as practical notify the board of the incident by telephone however said notice must occur within four hours of the incident.

B. The pilot shall provide the board a Marine Incident Report on the form provided by the board within two days after the marine incident was first reported.

C. The pilot shall make himself available to the board and cooperate with the board during the board's investigation of the marine incident.

D. The pilot shall provide the board a detailed written statement of the marine incident if requested by the board. The report shall be provided to the board with 10 days of the board's request.

E. A pilot failing to comply with these regulations may be reprimanded, fined and /or suspended.

F. After its investigation of the Marine Incident, the board may render a findings and conclusion. The findings and conclusions is solely and exclusively the opinion of the board relative to the conduct of the pilot and is not intended to be introduced as evidence in legal proceeding. Pursuant to R.S. 34:1005 all communications between the pilot and the commission are deemed confidential, and the findings and conclusions of the board shall not be deemed discoverable or relevant in any civil proceeding.

G. The board may, under the procedure herein set out, examine into such cases of dereliction of duty of a pilot as come to their attention, and on the basis of such examination make recommendations to the governor relative to the pilot's commission. The pilot may elect to consent to such corrective or remedial steps as may be suggested by the board under the circumstances, waiving executive review. All violations of the regulations of any governmental agency by a pilot shall come within the purview of this Rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:991(B)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of River Port Pilot Commissioners, LR 29:

§3603. Competence

A. Any pilot who has not performed his duties as a pilot for a period of 12 months shall be required to report said absence to the board. Prior to returning to the duties and responsibilities of a pilot, the pilot must satisfy the return to duty requirements set forth by the board.

B. Any pilot or apprentice who for any reason becomes physically or mentally incompetent to perform the duties of a pilot is required to immediately notify the board of the their condition.

C. The pilot is the absolute insurer of his state of mind, physical abilities, and overall well being.

D. Any pilot, who lacks the competency to perform the duties of a pilot, shall be suspended from performing the duties of a pilot pending a hearing.

E. Any pilot found to be incompetent may be evaluated and/or have his commission suspended or revoked.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:991(B)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of River Port Pilot Commissioners, LR 29:

§3605. Complaints

A. Any person having cause to file a complaint against a pilot may file such complaint with the board.

B. The complaint must be sworn and in writing. The complaint may be sent to the board at its address. The commission's current address is:

Board of River Port Pilot Commissioners
c/o Pilot Complaint
P.O. Box 848
Belle Chasse, LA 70037

C. The board shall investigate all sworn complaints and take all appropriate action based on the nature of the complaint.

D. The board shall review all anonymous complaints and shall investigate those complaints, which have merit and will take all appropriate action based on the nature of the complaint.

E. Any person wishing to make an anonymous compliant against a pilot may do so by calling the commission at its telephone number or by forwarding an anonymous letter to the above address. The commission's current telephone number is (504) 392-5015.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:991(B)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of River Port Pilot Commissioners, LR 29:

§3607. Criminal Convictions

A. Any pilot or apprentice convicted of the following must immediately notify the board:

1. a conviction of a felony;
2. a conviction of any offense in which the use of drugs or alcohol is involved.

B. The board shall conduct a hearing to review the competency of any pilot who has been convicted of any offense described in §3607.A and the board in its discretion may find the pilot by virtue of the conviction incompetent to perform his pilot duties.

C. Any pilot or apprentice who fails to comply with these regulations may be reprimanded, fined, and/or suspended.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:991(B)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of River Port Pilot Commissioners, LR 29:

Family Impact Statement

The proposed Rules of the Board of River Port Pilot Commissioners should not have any known or foreseeable impact on any family as defined by R.S. 49:972.D or on a family formation, stability and autonomy. Specifically, there should be no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights or parents regarding the education and supervision of their children;
3. the functioning of the family;
4. the family's earnings and budget
5. the behavior and personal responsibility of children; or
6. the family's ability or that the local government to perform the function as contained in the proposed Rules.

All interested persons are invited to submit written comments on the proposed regulations. Such comments must be received no later no later than July 30, 2003, at 4:30 p.m. and should be sent to Captain Scott Loga, President, Board of River Port Pilot Commissioners, P.O. Box 848, Belle Chasse, LA 70037.

A public hearing will be held on July 31, 2003, at 8712 Highway 23, Belle Chasse, LA at 9:30 a.m. Persons wishing to speak at the hearing must submit a written comment. The proposed regulation is available for inspection at the Office of the State Register website: http://www.doa.state.la.us/osr/osr.htm.

Captain Scott Loga
President

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: River Port Pilots

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

There are no implementation costs or savings to state or local government units.

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

The Rule will have no effect on revenue collections of state or local government units.

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

The Rule change may result in an accelerated effort by applicants to obtain a college degree and therefore, may increase costs to those individuals in the short term.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed Rule will in decreased competition and employment opportunities for river pilots. This is due to mandatory retirement at age 70, a requirement that by July 2006 that all applicants must hold a college degree, and a requirement that by July 2006, all applicants must have held the pilot license for one year. The Board of River Pilots anticipates that this Rule change will lead to safer pilotage on the Mississippi River.

Captain Scott Loga	Robert E. Hosse
President	General Government Section Director
0306#007	Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor
Real Estate Commission

Post Licensing and Continuing Education Vendors
(LAC 46:LXVII.5515, 5519 and 5545)

Under the authority of the Louisiana Real Estate License Law, R.S. 37:1430 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Real Estate Commission has initiated procedures to amend LAC 46:LXVII.5515, 5519 and 5545. The amendments are housekeeping in nature and (1) serve to better define distance education course approval procedures/delivery methods; and (2) reduce the minimum credit requirement for post licensing courses to 3-hour increments so as to make them more conducive to the overall 30-hour requirement.

In accordance with R.S. 49:953(A)(1)(a)(viii) and 972, the following Family Impact Statement is submitted with the Notice of Intent for publication in the July 20, 2003 *Louisiana Register*. The proposed Rules have no known impact on family formation, stability, or autonomy.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LXVII. Real Estate
Chapter 55. Real Estate Post Licensing and Continuing Education Vendors

§5515. Eligibility of Courses

A. Post Licensing

1. Approved post licensing courses must be open to all licensees subject to post licensing requirements, regardless of broker affiliation. Each course acceptable for credit toward fulfillment of the 30-hour post licensing requirements for salespersons or brokers must be a minimum of 3 hours in length and require passage of an examination on course contents as conditions for receiving a post licensing certificate.

2. …

3. Approved schools and vendors shall not incorporate post licensing instruction and hours with prelicensing education instruction and hours.

4. - 5. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:60 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 29:

§5519. Post Licensing and Continuing Education Course Work by Correspondence or Other Distance Learning Methods

A. The commission may approve continuing and post licensing courses offered through correspondence or other distance education delivery methods. As used in this Chapter, a correspondence or distance education/ learning course delivery method is defined as a course of study in which instruction takes place in other than a classroom setting, the instructor and the student are in physically separate locations, and interactive instructional methods may be required by the commission.

B. Approved education vendors shall apply for and receive approval of correspondence or other distance learning study course(s) prior to any public offering. Each correspondence/distance education course for which credit is granted toward post licensing and/or continuing education requirements must be approved by the commission for course content and by the Association of Real Estate License Law Officials (ARELLO) for course delivery standards. The vendor must apply for and receive course approval from the commission prior to applying for ARELLO certification.

C. Passage of an examination on course content is a requirement for all correspondence or other distance learning courses. Each correspondence course application shall be accompanied by the following items:

1. applicable filing fees;

2. complete information on proposed course, including title, course description, length of course, outline, and a copy of the required test.

D. Applications for approval of correspondence courses shall comply with the following where applicable.

1. Written Correspondence Courses

a. A workbook consisting of a minimum of 20 typed pages, not smaller than 8 1/2" x 11" in size, per 2 hours of continuing education correspondence study credit or a workbook consisting of a minimum of 40 typed pages, not smaller than 8 1/2" x 11" in size, per 4 hours of post licensing education is required. If the course meets only the minimum of pages, the type cannot be larger than 12 point. Minimum standards require that paragraphs may be indented not more than 10 spaces and a maximum of 1 line of space may appear between paragraphs. Charts and graphs are not to be included in the required minimum page total. The top margin of the page cannot exceed 12", the bottom margin 12", and the side margin 1". The commission reserves the right to approve an offering which marginally meets the minimum page requirement. Such approval will be based on a determination that the time period required to complete the course exceeds the credit hours requested based on the technical nature of the subject matter.

2. Audio/Visual Correspondence Courses

a. Videotaped material may be submitted for approval as a complete course offering or in conjunction with written correspondence. The applicant shall provide a complete written transcript of any videotaped material submitted for approval.

b. Audio only courses shall be formatted in segments consisting of taped lecture of at least two hours for continuing education purposes or at least three hours for post licensing purposes. The applicant shall submit a written transcript of the taped lecture with each request for audio approval.

3. Computer Generated Correspondence Courses

a. Computer generated correspondence courses will be considered for approval provided the applicant submits course materials in the exact format to be offered for education credit.

E. Every correspondence or distance learning course for post licensing or continuing education shall require students to complete a test consisting of a minimum of 20 multiple choice questions with four possible choices (a, b, c and d) for each two hours of continuing education credit or a minimum of 30 multiple choice questions with 4 possible

choices (a, b, c and d) for each 3 hours of post licensing credit. The test a student submits for grading shall include the following statement.

I certify that I have personally completed this course and test.

_____ _____
Student's Name Date

F. All courses submitted for approval shall be in the exact format in which they will be sold to licensees for post licensing or continuing education credit.

G. No changes will be made to approved correspondence course material without the prior written approval of the commission.

H. Education vendors shall:

1. have the student's name, Social Security Number, address and payment prior to the student receiving the course;

2. not grade any written assignment or examination if it is presented for grading before the time frame for course completion has been reached;

3. not grade any test which does not contain the signed certification required by Subsection C, above;

4. certify students as successfully completing a course only if the student completes any required written assignments and passes the required examination on course content;

5. issue certificates containing the following information to students completing education by correspondence:

a. complete name of approved vendor and LREC vendor code;

b. name and social security number of student completing course;

c. specific course title;

d. number of hours of education received;

e. date of course completion;

f. signature of verifier of course completion;

g. indication that student successfully completed examination on course content;

h. correspondence study completion noted with the notation, "correspondence" or "C".

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:60 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 29:

§5545. Minimum Length of Courses

A. Courses of instruction for continuing education purposes will not be approved by the commission if the total instruction time is less than two hours. Courses of instruction for post licensing purposes will not be approved by the commission if the total instruction time is less than three hours. Time devoted to breakfasts, luncheons, dinners or other refreshments shall not be counted as instruction time.

B. Credit shall not be given for any classroom hour consisting of less than fifty minutes of instruction and/or study. A classroom hour is defined as 60 minutes, of which fifty minutes are instruction. The prescribed number of classroom hours may include time devoted to examinations if a required part of the course. Vendors shall not grant credit to any student for completing more than eight hours of instruction in one calendar day.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:60 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 29:

Interested parties are invited to submit written comments on the proposed regulations through August 8, 2003, 4:30 p.m., to Stephanie Boudreaux, Louisiana Real Estate Commission, P.O. Box 14785, Baton Rouge, LA, 70898-4785 or 9071 Interline Avenue, Baton Rouge, LA, 70809.

Julius C. Willie
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Post Licensing and Continuing Education Vendors

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

There are no estimated implementation costs (savings) to state or local governmental units. The proposed language represents amendments to existing Rules and is housekeeping in nature.

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

There is no estimated effect on revenue collections.

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

The reduction in required post licensing hours from 4-hour increments to 3-hour increments is more conducive to the overall 30-hour requirement and may serve to reduce costs to affected real estate licensees.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated impact on competition and employment. All real estate vendors may submit courses for review using any of the approved delivery methods.

Julius C. Willie	Robert E. Hosse
Executive Director	General Government Section Director
0307#064	Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor
Real Estate Commission

Prelicensing Courses
(LAC 46:LXVII.5305)

Under the authority of the Louisiana Real Estate License Law, R.S. 37:1430 et seq., and in accordance with the provisions of the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Louisiana Real Estate Commission has initiated procedures to amend LAC 46:LXVII.5305. The amendments are housekeeping in nature and serve to better define the distance learning course delivery method and procedures for course approval.

In accordance with R.S. 49:953(A)(1)(a)(viii) and 972, the following Family Impact Statement is submitted with the

Notice of Intent for publication in the July 20, 2003 *Louisiana Register*. The proposed Rules have no known impact on family formation, stability, or autonomy.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LXVII. Real Estate
Chapter 53. Real Estate Schools
§5305. Prelicensing CoursesCCourse Content and Delivery Method

A. – C. …

D. In addition to traditional in-class prelicensing course offerings, the commission may approve prelicense courses offered through distance education delivery methods. As used in this Chapter, a distance education or distance learning delivery method is defined as internet-based instruction in which instruction takes place in other than a classroom setting, the instructor and the student are in physically separate locations, and interactive instructional methods are provided. The commission will approve only those prelicensing courses through distance education/distance learning delivery methods that are Internet-based instruction. Each course must meet the following standards:

1. – 6. …

E. Each distance education course for which credit is granted toward prelicensing educational requirements must be approved by the commission for course content and by the Association of Real Estate License Law Officials (ARELLO) for delivery standards. The school must apply for and receive course content approval from the commission prior to applying for ARELLO certification.

F. Loss of ARELLO certification for a prelicensing course offered via Internet-based education will automatically suspend commission approval of the course.

G. – I. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1432 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:52 (January 2000); amended by the Office of the Governor, Louisiana Real Estate Commission, LR 28:486 (March 2002); amended LR 29:

Interested parties are invited to submit written comments on the proposed regulations through August 8, 2003, 4:30 p.m. to Stephanie Boudreaux, Louisiana Real Estate Commission, Box 14785, Baton Rouge, LA, 70898-4785 or 9071 Interline Avenue, Baton Rouge, LA, 70809.

Julius C. Willie
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Prelicensing Courses

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

There are no estimated implementation costs (savings) to state or local governmental units. The proposed language represents amendments to existing Rules and is housekeeping in nature.

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

There is no estimated effect on revenue collections.

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

There are no estimated costs and/or economic benefits to directly affected persons or nongovernmental groups. The proposed language is relative to state real estate schools and the education programs that they offer; however, it should have no impact on costs and/or economic benefits. The related programs are already fully implemented and the proposed language is merely housekeeping in nature.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated impact on competition and employment. All real estate schools may submit courses for review using any of the approved delivery methods.

Julius C. Willie
Executive Director
0307#063

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals
Board of Certified Social Work Examiners

Social Work (LAC 46:XXV.Chapters 1-9)

The Louisiana Board of Social Work Examiners intends to amend *Rules, Standards and Procedures* adopted in February 2000, which implement the Louisiana Social Work Practice Act, R.S. 37:2701-2721. The proposed amendments will apply to all credentialed social workers and amend §113.Social Work Relationships, §117.Conduct, §303.Practice, §305.Qualifications for Registration, Certification Licensure, §307.Administration of Examination, §309.Application Procedure, §311. Renewals and Cancellations, §313.Fees, §315.Board Members, §317. Continuing Education Requirements, §505.GSWs Seeking the LCSW Credential, §701.Impaired Professional Program, and Chapter IX. Procedural Rules.

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

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XXV. Certified Social Workers
Chapter 1. Standards of Practice
§113. Social Work Relationships

A. - A.2. ...

3. Hiring or bartering for services of a personal nature with the client, supervisee or student at the social worker's office, home or other location.

4. - 7. ...

B. Dual Relationships. Social workers have an affirmative duty to maintain the best interest of clients and former clients as the predominant consideration during the existence of the social worker/client relationship and thereafter. While clients and former clients with whom the social worker has or had a clinical/therapeutic relationship are at greater risk, any relationship with a client or a former

client exposes clients and former clients to a risk of exploitation. Social workers shall be aware, even in those instances where other relationships are not specifically prohibited, that the social worker by promoting, encouraging, or participating in any relationship with a client or former client runs a risk of exploitation.

1. Personal relationships with clinical/therapeutic clients. A social worker shall not engage in a personal relationship with a clinical/therapeutic client. When a social worker may not avoid a personal relationship with a clinical/therapeutic client, the social worker shall take necessary protective measures consistent with the best interests of the clinical/therapeutic client.

2. Personal relationships with former clinical/therapeutic clients. A social worker may engage in a personal relationship, except as prohibited by Rule 113.B.4., with a former clinical/therapeutic client, if the former clinical/therapeutic client was notified of the termination of the professional relationship. The social worker has a continuing duty to safeguard the best interests of the former clinical/therapeutic client.

3. Sexual contact with a client, supervisee or student. A social worker shall not engage in or request sexual contact as defined in §113.B.5., with a client, a client's spouse or former spouse, any member of the client's immediate family or with any person with whom the client has a sexual relationship. The prohibition of this rule extends to supervisees and students during such times and under such circumstances where the social worker is in a supervisory or teaching relationship. This Rule also expressly prohibits social workers from engaging in any behavior which a reasonable person would find sexually stimulating, seductive or sexually demeaning when such behavior is either directed toward or exhibited in the presence of any person with whom sexual contact is otherwise prohibited by this Rule. Social workers shall not sexually harass a client, supervisee or student.

4. Sexual contact with a former client. A social worker who has provided clinical/therapeutic social work services to a client shall not engage in or request sexual contacts as defined in §113.B.5, with the former client under any circumstances. A social worker who has provided other social work services to a client should not engage in or request sexual contact as defined in §113.B.5, with the former client at any time if such contact exposes the former client to exploitation or harm.

5. Sexual contact defined. Sexual contact means sexual touching, sexual intercourse, either genital or anal, cunnilingus, fellatio, or the handling of the breasts, genital areas, buttocks, or thighs, whether clothed or unclothed, by either the social worker or the client.

6. Business relationship with a client, supervisee or student. A social worker shall not engage in any type of business relationship other than the provision of social work services, including social work supervision. Business relationships do not include purchases made by the social worker from the client, supervisee or student when they are providing necessary goods or services to the general public.

7. Business relationship with a former client. The social worker has a continuing duty to safeguard the best interests of the former client.

8. Prior personal or business relationships. A social worker should exercise caution before engaging in a professional relationship with an individual with whom the social worker had a previous personal or business relationship.

9. Social worker responsibility. A social worker shall be solely responsible for acting appropriately in regard to relationships with clients or former clients. A client or a former client's initiation of a personal, sexual, or business relationship shall not be a defense by the social worker for a violation of §113.B.1.-8.

C. - C.9. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:297 (February 2000).

§117. Conduct

A. - C. ...

D. Responsibility to the Public. A social worker shall not knowingly participate in any activity or practice (including hiring, supervising, or concealing) by which activity or practice an individual engages or continues to engage in a practice of social work which is prohibited by R. S. 37:2709 or which activity or practice aids or abets any violation of R.S. 37:2720. A social worker who becomes aware of an activity or practice as described herein or of conduct prohibited by R.S. 37:2709 or R.S. 37:2720 shall report such information to the board at the earliest opportunity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:299 (February 2000).

Chapter 3. General Provisions

§303. Practice

A. - E. ...

F. An applicant who meets all the requirements of R.S. 37:2706, 2707, or 2708 and who has worked more than 120 days as a social worker in the State of Louisiana and who has not otherwise violated any part of R.S. 37:2701-2723 or its Rules, shall be offered the following in the form of a consent order and agreement in order to process the application:

1. Completion of five pre-approved continuing education hours in ethics to be completed within 90 days of issuance of the registration, certification or license, in addition to the 20 clock hours of continuing education required for the annual renewal of the registration, certification or license, and

2. Passing score on an open book examination on the Louisiana Social Work Practice Act and the *Rules, Regulations and Procedures*, which include the Standards of Practice for Social workers within 90 days of the date the Consent Order and Agreement is signed.

F.3. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:301 (February 2000).

§305. Qualifications for Registration, Certification, Licensure

A. - -A.1. ...

2. The applicant shall have his/her university submit official transcript indicating the receipt of a bachelor of social work, bachelor of arts, or bachelor of science degree from an undergraduate social work program, accredited by the Council on Social Work Education, or a master's degree of social work from a graduate social work program, accredited by the Council on Social Work Education.

B. - C.3. ...

4. The Provisional Graduate Social Work who does not pass the credentialing examination for the GSW certification within three years from the date of issuance of the original certification may apply for the Registered Social Work

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:301 (February 2000).

§307. Administration of examination.

A. - A.1. ...

2. The Louisiana State Board of Social Work Examiners recognizes the examinations of the Association of Social Work Boards as the national examination for social workers.

A.3. - B.4. ...

C. Examination Review Policy. The board may allow candidates to review failing examinations, at applicant's expense, in accordance with the rules of the Association of Social Work Boards.

D. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:302 (February 2000).

§309. Application Procedure

A. ...

B. A new application must be submitted for any change in social work credentials.

C. Applications for license, certification or registration are reviewed and approved by the board at regularly scheduled board meetings.

D. Applications must be submitted to the board office at least seven days prior to the board's meeting to be eligible for consideration.

E. The board shall refuse to consider any application not complete in every detail, including submission of every document required by the application form. At the board's discretion a more detailed or complete response to any request for information set forth on the application form may be required.

F. The application fee for licensure, certification, provisional certification, or registration must be submitted in the form of a money order or certified check.

G. Applicants for the LCSW license must submit an Employer Verification Affidavit for each place of employment in Louisiana after receipt of the MSW degree.

H. Applicants for the LCSW license must submit proof of 24 months of accumulated supervised experience on the forms provided by the board.

I. Non-resident applicants may submit proof of 24 months of accumulated supervised experience completed out-of-state on the forms provided by the board and given by a social worker licensed at a level equivalent to the LCSW license.

J. Non-resident applicants may submit verification of out-of-state accumulated social work employment to qualify for the LCSW license.

K. The application for licensure, certification, provisional certification and registration requests the applicant's social security number for identification purposes; however, submission is optional.

L. The official transcript from a university accredited by the Council on Social Work Education verifying receipt of a master's degree must be received directly from the university.

M. An applicant shall be deemed to have abandoned the application if the requirements for the credential are not completed within one year of the date on which the application was received. An application submitted subsequent to the abandoned application shall be treated as a new application.

N. Initial social work credentials issued during the last quarter of the fiscal year, (i.e., April, May or June) will not be required to renew for the next fiscal year.

O. Procedure for Social Workers with Felony Convictions.

1. The burden of proof for submitting the requested documentation is the responsibility of the BSW or MSW applicants in order to convince the Louisiana State Board of Social Work Examiners that he/she has good moral character and fitness to practice social work.

2. The BSW or MSW applicant should collect and deliver the following documents to the board office promptly:

a. copies of all court records containing information of the conviction and the imposition of sentence;

b. the current name, address, and telephone number of the judge who imposed sentence and who presided at the trial and/or accepted any plea upon which the felony conviction was based;

c. any documentation or records which reflect the term of any probationary period, the conditions of probation and the fulfillment and completion of all terms and conditions of probation;

d. the current name(s), addresses and telephone numbers of any probation officers or persons of similar title or job function to whom the applicant has reported or who has any information concerning the applicant's conduct during any probationary period;

e. if any form of restitution to a victim or victims was part of a sentence imposed or a condition of probation the applicant must provide the names, current addresses and telephone numbers of any such victim or victims and an affidavit of the applicant that affirms that all required restitution has been completed;

f. if the sentence included any form of imprisonment, residence at a half-way house, other forms of correctional and/or treatment facilities, the applicant must provide the complete address, names and current addresses of any persons having information relating to the satisfactory completion of any such prison term, residence or treatment, and any related documents. In the event that medical, psychiatric, psychological, substance or alcohol abuse

evaluation, treatment and rehabilitation was in any way part of the sentence or a term or condition of probation, the applicant will execute any releases which may be required for the board to obtain information. Such information obtained will be maintained by the board on a confidential basic;

g. all records or documents relating to any arrest or conviction of any felony or misdemeanor which has occurred at any time since the applicant's original felony conviction or which occurs at any time during which the application is pending or being investigated; (This requirement is an ongoing responsibility of the applicant.)

h. any documents, records, or information which the applicant wishes to present in support of his or her application which shows or evidences rehabilitation, positive social contributions, awards, commendations, social or lifestyle adjustments, positive treatment outcomes, employment or academic evaluations, volunteer work or any other area in which the applicant participated which would reflect on the applicant's good moral character and fitness to practice social work. (The applicant should provide the names, current addresses and telephone numbers of any references or persons having information in support of the application. While information in support of an application which occurred prior to the conviction may be submitted, the board will place greater emphasis on supporting documentation and information concerning events which have occurred since the felony conviction).

i. true copies of any licenses, certificates to practice or similar documents issued by any board or licensing authority of any other state or the state of Louisiana obtained by the applicant since the date of the felony conviction. The applicant should provide a complete listing of any college, graduate school, trade or business school and employers to whom he or she has made application since the date of the felony conviction. This request includes any applications which were denied for any reason, including the felony conviction.

3. BSWs and MSWs should be aware of the following:

a. any delay in providing the requested information will delay the board's action on the application;

b. providing any false or misleading information, being evasive, concealing or making material omissions, or failing to cooperate shall form a basis for the denial of the application;

c. in the event that the application is denied by the board, the applicant may request a Compliance Hearing provided the application for such a hearing is made in writing within thirty days after the applicant receives the notice of the denial of the application. The request shall contain the applicant's receipt of the notice of the denial of the application, and the applicant's grounds for opposition to the denial of the application. The applicant is further aware that at such a hearing the applicant may be represented by legal counsel and the applicant bears the burden to establish that he or she meets the criteria for licensure;

d. the intent of the above enumerated items is to obtain the information upon which the Board will evaluate the application.

P. Additional Requirements for International Applicants/Speakers of English as a Second Language

1. Any document required to be submitted to the board with an application for license, certification or registration shall be in the English language, or accompanied by a certified translation thereof into the English language.

2. As a condition of the board's consideration of the application of a graduate of a foreign college or university, the applicant shall provide the board with a statement from the Council on Social Work Education that the applicant's degree is equivalent to an accredited social work degree in the United States.

3. Applicants moving into the United States from out of the country may have 120 days to complete the application process to allow time to complete the additional requirements for foreign graduates/speakers of English as a second language.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:302 (February 2000).

§311. Renewals and Cancellation

A. Renewal notices are mailed on June 20 of each year. The renewal fee must be postmarked on or before November 30, to avoid late renewal fee.

B. ...

C. Twenty clock hours of continuing education in programs approved by the Board shall be obtained prior to June 30 of each year. See §317 for rules on acceptable continuing education.

D. ...

E. Without payment of the lapsed fee, the license, certification or registration is canceled after February 28, and a certified notice of cancellation is mailed. Payment must be postmarked on or before February 28.

F. It is the social worker's responsibility to keep the board informed of his/her current mailing address.

G. - I. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:304 (February 2000).

§313. Fees

A. ...

Late Renewal Fee for LCSW (postmarked after November 30,)	150.00
Late Renewal Fee for GSW (postmarked after November 30,)	100.00
Late Renewal Fee for RSW (postmarked after November 30,)	50.00
* * *	
Fee for mailing lists per label plus postage and handling	$0.05
* * *	
Fee for Open Book Examination on Social Work Practice Act and Rules, Standards and Procedures	$25.00 per administration
* * *	

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:304 (February 2000).

§315. Board Members

A. Board Member Appointments

1. Whenever possible the board office shall notify all social workers of vacancies that occur on the board at least 45-days prior to the vacancy.

a. The notice to all social workers shall state the requirements for the vacant board position(s) and the date by which social workers or members of the public must submit a letter of interest and resume.

b. The notice to all social workers shall also include the names and addresses of all qualified social work membership organizations who meet the legal requirements to submit names for service on the board.

B. Officers. The board shall elect annually at the June board meeting, a chairman, vice-chairman, and secretary/treasurer whose responsibilities are included in the Policy Manual.

C. Meetings

1. The board shall schedule monthly meetings in December for the following calendar year.

2. A schedule of meeting dates shall be published in the board newsletter.

3. Any board member who misses three board meetings, barring extenuating circumstances approved by the board, during the course of one calendar year shall resign from the board.

4. Special travel requests, other than regularly monthly meetings, must be approved by the board at regular monthly meetings.

D. Expense Reimbursement

1. Expenses charged to the board must be consistent with the time frame and mission of board meetings and other function. Expenses which are exceptions to this policy may be paid with justification and approval by the board.

2. Board members shall be reimbursed for actual traveling, incidental, and clerical expenses incurred while engaged in official duties.

a. Mileage expenses shall be reimbursed at the official state rate.

b. Airfare expenses must be at the state contract rate or economy class rate when contract rates are not available.

c. Lodging and meals shall be reimbursed at actual cost if receipts are submitted. Without receipts, lodging and meals shall be reimbursed at the appropriate state rate.

d. Incidental expenses are defined as telephone calls, fees for storage and handling of equipment, tips for baggage handling, parking fees, ferry fees, and road and bridge tolls.

3. Registration fees for conferences and room rental for a conference meeting are reimbursed at actual cost, but must be approved by the board at a regular monthly meeting.

4. Clerical expenses for individual board members shall be pre-approved by the board at a regular monthly board meeting.

E. Vacancies. The board shall notify all social workers and professional social work organizations of vacancies on the board, the qualifications required to serve, and the process for nominations by placing a notice in the board's newsletter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 29:

§317. Continuing Education Requirements

A. The purpose of continuing education is to protect the public by:

1. ensuring that the practitioner has formal opportunities to upgrade and update professional knowledge and skills; and

2. encouraging the practitioner to learn from other professionals; and

3. assisting the professional to expand his/her expanded professional resource network.

B. Consequently, approved learning situations emphasize opportunities for professional interaction and relationship-building.

C. Any credentialed social worker may be audited. It is important to keep good records of continuing education experiences for at least one year and to be able to explain the nature of the content covered.

D. Random audits are done to ensure that the continuing education mandate is applied fairly to all credentialed social workers.

E. For audit purposes, only certificates of attendance, sign-in sheets signed by a representative of the sponsoring organization, or an original letter from the sponsoring organization will be accepted as proof of attendance for continuing education events.

F. The collection period for continuing education hours is July 1, through June 30 of each fiscal year.

G. Continuing education hours are pro-rated as follows during the initial year of registration, certification or licensure.

Month Received	Hours Required
April, May, June	-0-
July, August, September	20
October, November, December	15
January, February, March	10

H. Continuing education hours collected in the month of June may be used for the current collection period or may be carried over to the next collection period.

I. In the case of extenuating circumstances, when the individual does not fulfill the continuing education requirements, the individual shall submit a written request for extension to the Board for consideration.

J. Continuing Education Requirements for the Registered Social Worker

1. Twenty clock hours of continuing education in programs approved by the Board shall be obtained prior to each renewal date including three clock hours in social work ethics once every two years.

K. Continuing Education Requirements for Graduate Social Worker

1. Twenty clock hours of continuing education in programs approved by the Board shall be obtained prior to each renewal date, including three clock hours in social work ethics once every two years.

L. Continuing Education Requirements for Licensed Clinical Social Worker

1. Twenty clock hours of continuing education in programs approved by the board shall be obtained prior to each renewal date to include:

a. Three clock hours in social work ethics once every two years,

b. Ten clock hours in social work supervision, once every five years to maintain the board approved supervisor status, and

c. Ten clock hours each year shall be clinical content including diagnosis and treatment.

2. For the collection period July 1, 1999 through June 30, 2000 only, LCSWs must collect twenty clock hours of continuing education in programs approved by the board to include:

a. Three clock hours in social work ethics once every two years.

b. Ten clock hours in social work supervision, once every five years to maintain the board approved clinical supervisor status, and

c. Five clock hours of clinical content, including diagnosis and treatment.

M. The following learning forums are approved for continuing education and must contain content applicable to social work practice:

1. Educational offerings (workshops, conferences, courses, seminars, teleconferences, telecourses, and Internet courses) sponsored by professional organizations such as: Louisiana Council for Social Work Education, National Association of Social Workers, Clinical Social Work Federation, Council on Social Work Education, American Medical Association, American Psychiatric Association, American Psychological Association, American Hospital Association and Association of Social Work Boards or other appropriate professional entities. Workshops with content applicable to social work practice which are offered by appropriate professional entities or individuals and approved by one of the approval organizations for continuing education credits are also acceptable.

2. Should the individual social worker make the determination that an education offering which is not pre-approved by one of the approval organizations has content applicable to social work practice, the social worker may complete and submit the *Guide for Assessment of Continuing Education* (§317. P.) to the Board for consideration.

3. Distance learning (teleconferences, telecourses, and Internet courses sponsored by entities listed in §317. L.1, or an accredited university) cannot exceed a total of 8 clock hours of the required 20 clock hours of continuing education required annually for renewal of social work credentials.

4. Continuing education activities or academic courses provided by accredited schools of social work. Academic course work counts per actual class hour.

5. Presentations of content applicable to social work practice at professional conferences, staff development meetings, and other appropriate forums in which you are the primary presenter. These presentations count 1 1/2 times the actual time of the presentation, in order to give credit for preparation time. (Example: You prepare a presentation on Holiday Stress that last one hour. You will receive 1 1/2 hours continuing education credit for this presentation.) Presentation and preparation time may only be counted once for each topic. Academic preparation and teaching of social work content (undergraduate or graduate) may be counted once in the same manner, unless the course has been revised to include substantially new content and text books. Please be prepared to provide the exact nature of the content and presentation.

6. Teleconferences which deal with content applicable to social work practice, are presented by a creditable and knowledgeable presenter, and are aimed at a professional audience.

7. Attendance at staff development presentations with content applicable to social work practice (such as staff meeting with a formal and in-depth presentation on working with clients who present borderline symptoms, etc.). Please be prepared to provide the dates and nature of the content covered. Case based staffing meetings are not included as appropriate continuing education experiences.

8. Attendance at professional social work meetings, Association of Social Work Boards (ASWB) item writing workshops, symposiums, panel discussions, or conferences sponsored by the professional associations suggested in §317.L.1. Please be prepared to provide the dates and nature of content or consultation covered.

9. Formal study groups of three or more participants. Must submit name, address, telephone number and credentials of group members to the board office. Study groups should maintain records of topics, attendance, meeting times, and presenters for audit purposes.

10. Contracted professional consultation which the credentialed social worker receives. Must provide the paid consultants name, address, telephone number, credentials, and the dates and focus of consultation.

11. Preparation of substantial written material with content applicable to social work practice which requires literature search, research, and explication of social work content (such as writing a social work article or book for publication, or a major grant application). Please provide specific information about the nature of the written work, the effort required, and the publisher or funding agency. These activities may be counted for no more than five hours continuing education.

12. Social workers should be doing consistent independent study. However, such study does not meet the goal of increasing professional relationships and networks. Consequently self-study programs are approved only for rural areas or if the licensee is physically incapacitated. All self-study programs must receive pre-approval from the board.

N. The intent of the continuing education requirement is to enhance competence, not to cause undue expense or burden to the credentialed social worker. The board encourages social workers to develop learning options which enhance their abilities to do their various social work roles. For instance:

1. a study group might have presentations from professionals who represent different community resources for clients, or might have formal book reviews and discussions of substantial social work books;

2. a staff development meeting might examine recent federal or state policies which affect social work services, or ways to increase cultural diversity and sensitivity among staff;

3. a social work faculty meeting might have a formal presentation on how to work with students who have diagnosed mental health conditions;

4. an administrator might contract for consultation on how to deal with staff who are drug or alcohol impaired.

O. The following learning situations will not be accepted:

1. banquet speeches;

2. non-social work content courses not directly related to enhancement of social work skills or performance as a social work employee. (Example: Computer, financial or business management courses designed to enhance the business of private practice);

3. staff orientation, administrative staff meetings and case management meetings;

4. book reports or critiques of professional journal articles.

P. Guide for Assessment of Continuing Education. As continuing education events vary across the categories listed below, the appropriateness of considering them as acceptable continuing education also varies. An event must receive a total score (combination of all three sections) of 10 to be "clearly acceptable" for continuing education to renew your social work credential.

PROGRAM CONTENT:

(Clearly Acceptable)

_____4)Mainstream social work knowledge, skills and values

_____4)Specialized social work knowledge, skills and values

_____3)Information from related fields that is useful for social work practice

_____1)Developing areas that may lack strong research, support or clear application

_____0)Content that is specifically not acceptable or not related to social work practice

(Clearly Not Acceptable)

PROGRAM PRESENTER:

(Clearly Acceptable)

_____4)Social worker with appropriate expertise in content area

_____3)Related professional with ability to connect content to social work practice

_____2)Lay-person (e.g. client) on the impact of needing/receiving services

_____0)Presenter with no apparent professional qualifications nor link to social work practice

(Clearly Not Acceptable)

PROGRAM AUDIENCE:

(Clearly Acceptable)

_____6)Social work practitioners/students

_____5)Interdisciplinary professional audience that may include social workers

_____3)Audience presumed to be primarily from another profession (e.g. nursing)

_____1)Audience open to the general public

_____0)Audience presumed to be primarily the general public

(Clearly Not Acceptable)

Total Score _____(add score from each section to get Total Score)

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.(C) and (G) and 37:2714.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:305 (February 2000).

Chapter 5. Minimum Supervision Requirements

§503. GSWs Seeking the LCSW Credential

A. Supervision for the LCSW license can begin after the MSW obtains Graduate Social Work or Provisional Graduate Social Work certification.

B. GSWs seeking the LCSW credential must receive a minimum of 24 accumulated calendar months of supervised full-time postgraduate social work practice under the supervision of a Board Approved Clinical Supervisor (BACS).

C. MSW applicants who began their supervised experience on or before December 31, 1999 and filed a Contract for Supervision at the board office postmarked on or before December 31, 1999, shall be required to submit only 24 accumulated months of supervised post graduate social work experience in accordance with the board's supervision rules and on the forms provided by the board to qualify for the LCSW examination and license.

D. A calendar month is counted from the first working day of the month to the last day of that month. GSWs may obtain a list of Board-Approved Clinical Supervisors (BACS) from the board office.

E. Face-to-face supervision for licensure must total at least 96 hours.

F. Supervision segments of no fewer than 30 minutes will be counted toward meeting the supervision requirement.

G. The requirement for supervision is at least 4 hours per calendar month with at least two different supervision contacts per month.

H. One-half (48 hours maximum) of the supervision requirement may be met through group supervision, occurring in increments of no more than two hours per group. No more than five supervisees may be involved in supervision groups.

I. The supervisee and supervisor must keep accurate records of both the dates of supervision times and the hours spent in supervision for potential audit of records. This information must be submitted to the board office on the supervision form entitled *Record of Supervision.*

J. Supervised work experience eligible to be counted towards licensure begins on the first working day of the first full calendar month after the first supervisory session.

K. School social workers may only count supervision that occurs during the full months in which they are employed in a social work position.

L. The original Plan of Supervision must be submitted to the board office within 60 days of the first supervision session. A Plan of Supervision shall be submitted on each supervision experience.

M. The individual completing supervision toward the LCSW supervised experience requirement must use the following forms to submit their supervision to the board office:

1. Registration of Supervision;
2. Employer Verification Affidavit;
3. Plan of Supervision;
4. Record of Supervision;

5. Evaluation of Supervision;
6. Termination of Supervision;
7. Professional Experience Verification Affidavit.

N. Form must be legible. Preferably, material on forms should be typed, but if not typed, the forms must be printed neatly and legibly. Forms which are not legible will be returned.

O. Only original, unaltered supervision forms may be submitted to the board office. Copies, faxes, or forms with any alterations (such as white-out or mark-outs) will not be accepted.

P. To register her/his intent to initiate supervision, the GSW must submit the completed Registration of Supervision, with the registration fee of $35.00.

Q. The Plan for Supervision will be reviewed and revisions may be required. Revisions shall be submitted to the board office within 30 days of receipt by the supervisee/supervisor.

R. The supervisee shall submit an Employer Verification Affidavit form from each place of social work employment after she/he receives the MSW degree. The form shall be completed by the employer, not the supervisor (unless the employer and the supervisor are one and the same).

S. Termination and Evaluation forms shall be submitted to the board office at the end of the supervisory period, and must clearly designate the beginning and ending dates of supervision.

T. Sometimes it is necessary for a supervisor to discontinue supervising a GSW for licensure. When this occurs, no matter what length of time the supervisor actually supervised the supervisee, the supervisor must submit an Evaluation and Termination form.

U. `The Professional Experience Verification Affidavit shall be submitted to the board office at the end of the 36 accumulated months of work experience from each place of employment.

V. The supervisor has a professional responsibility to honor his/her commitment to supervise responsibly, which includes submitting forms on a timely basis. Should the supervisor fail to submit forms appropriately, legibly, and on a timely basis, the board reserves the right to withdraw the BACS designation from the supervisor.

W. When supervision is provided to a GSW by a LCSW-BACS supervisor, not an agency employee, social work ethics require that the LCSW-BACS take responsibility for securing agency agreement to the Plan of Supervision, whether the fee for supervision is paid by the agency or the supervisee.

1. The LCSW-BACS is responsible for clarifying with the agency administration, the supervisory role responsibilities and the content of supervision.

2. Under such a plan the supervisee's written evaluation is made available to the agency if the agency is paying for the supervision. If the supervisee is paying the fee, the evaluation is the supervisee's property.

X. If the GSW receives supervision outside of the state of Louisiana, that supervision will be accepted if:

1. the supervisor has completed the authorized forms of the Louisiana State Board of Social Work Examiners;

2. the supervisor was licensed at the time of supervision in the other state and submits the License Verification of Out-of-State Supervisor form (available from board office);

3. the supervisor was certified by the Academy of Certified Social Workers (ACSW) at the time of supervision, which the supervisor must verify.

Y. A supervisory record shall include:

1. plan for supervision,
2. learning assessment of supervisee
3. record of all supervisory sessions, and any canceled or missed appointments,
4. overview of cases discussed, as well as significant decisions made,
5. any ethical concerns,
6. significant problems arising in supervision, and how they were resolved,
7. memos and correspondence,
8. for all above data, dates completed and person completing the item.

Z. The board's publication, *Supervision for Professional Development and Public Protection: A Guide*, provides more information relative to supervision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:307 (February 2000).

§507. Board-Approved Clinical Supervisor

A. To qualify for the Board-Approved Clinical Supervisor (BACS) designation, a social worker must:

1. hold the LCSW license;
2. verify at least 3 years of full-time social work experience at the LCSW level;
3. submit two letters of reference to the board from other professionals (one of whom should be an LCSW) who are familiar with the licensee's work, including supervision skills;
4. participate in a Board Orientation Workshop;
5. participate in a board pre-approved workshop on the theory and techniques of supervision as well as procedures used in supervision toward licensure of at least 10 hours duration;
6. all requirements must be met before the social worker becomes a BACS.

B. To continue the BACS designation in good standing, the social worker must:

1. maintain LCSW licensure;
2. appropriately conduct all supervisory duties explicated in Rule No. 503. Failure to comply with all regulations may result in the board lifting the BACS designation from the LCSW License.
3. participate in a board pre-approved workshop on the theory and techniques of supervision as well as procedures used toward licensure of at least 10 hours duration once every five years effective July 1, 1995. This means those BACS supervisors who achieved their BACS status before July 1, 1995 must attend another supervision workshop before June 30, 2000 and every five year period thereafter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:308 (February 2000).

Chapter 7. Impaired Professional Program Authority

§701. Authority

A. The Louisiana State Board of Social Work Examiners recognizes that impairments in the functioning of persons licensed, credentialed or registered to practice under the auspices of the Louisiana Social Work Practice Act can affect competent delivery of social work services and impair professional judgment.

B. Therefore, in order to safeguard the public health, safety, and welfare of the people of this state, as mandated by R.S. 37:2701, the Louisiana State Board of Social Work Examiners establishes the Social Work Impaired Professional Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 29:

§703. Purpose and Scope

A. The goal of the *Social Work Impaired Professional Program* is to provide for public protection through monitoring and a remediative course of action applicable to social workers who are functionally impaired in their ability to safely practice social work. Impairments include, but are not limited to mental, physical, and addictive disorders or other conditions. The program also supports recovery through preventive measures and allows entrance into the program before harm occurs.

B. A social worker who meets the requirements of R.S. 37:2706, 2707 or 2708 may enter the program subsequent to voluntary disclosure of impairment via an initial or renewal application for a credential. Entrance into the program may also occur by determination of the board, following involuntary disclosure of impairment in accordance with R.S. 37:2717(A)(2) or R.S. 37:2717(B)(4), or by other circumstances deemed appropriate by the board. Participation in the program may hence be required as a prerequisite to continued social work practice in accordance with the conditions of any consent order, compliance or adjudication hearing.

C. Professionals who participate in evaluation, monitoring or treatment and who are approved or designated by the Board to render these services are afforded the immunity provisions of the Social Work Practice Act, R.S. 37:2723. The social worker will be responsible for executing all required releases of information and authorizations required for the Board or its designees to obtain information, from any monitor, treatment or service provider concerning the social workers progress and participation in the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 29:

§705. Program Implementation

A. The board may utilize its discretionary authority to require or exclude specific components of this program for participants based upon determination of the nature and severity of the impairment. Participation in the *Social Work Impaired Professional Program* may consist of all or part of the following components.

1. The program participant will submit to an assessment relative to the impairment:

a. This assessment will be completed by a licensed professional who is pre-approved by the board.

b. The format and content of this assessment will meet the requirements designated by the board, but will at a minimum contain information concerning previous inpatient/outpatient treatment episodes; relapse history; an assessment of the participant's psychosocial, physical and other needs relative to the impairment, and recommendations for future treatment.

c. The assessment will be forwarded to the board by the professional completing the assessment, and received by the Board no later than 30 days following the board's determination of the participant's eligibility or requirement to participate in the program.

2.The participant may be required to submit to ongoing monitoring for a period of up to five years.

a. The beginning date of the monitoring period will be the date upon which a consent order is formally signed by the social worker and the board, or the date of the board's official decision to require program participation in the event of an adjudication hearing.

3. During the monitoring period the social worker will submit to random bi-monthly drug and/or alcohol screenings as determined appropriate by the board, or other monitoring requirements which are pertinent and relative to the documented impairment.

a. The interval and timing of the required screening will be directed by a Monitor who is pre-approved by the board. This monitor will be considered to have been duly selected by the board as its agent for the purposes of directing the required screens.

b. The results and reports of the results of all screens will be submitted to the board before the final business day of the month following the date of the screen.

4. Receipt by the board of any positive, unexplained substance abuse/drug screen or reports of non-compliance or complications relative to the impairment during the monitoring period may result in suspension, or other appropriate action pertaining to the social workers credential as determined appropriate by the board.

5. When the impairment is substance related, the social worker is required to attend Twelve Step meetings on a regular basis as determined appropriate by the designated licensed substance abuse professional, and as approved or required by the board, but should be no less than four times monthly.

a. A pre-approved monthly log must be submitted to and received by the board before the final business day of the month following completion of the required meetings. It is the social worker's responsibility to ensure that these logs are properly completed and received by the Board by the designated date.

b. The log requires documentation of the name of the sponsor, and meeting dates and times.

c. Submission of logs will be required for at least one year of program participation, but may be required for any period of time up to and including the entire term of monitoring as determined by the designated licensed substance abuse professional and as approved or required by the Board.

6. During the monitoring period the social worker may be required to participate in professional supervision

with a board approved and designated LCSW at a frequency determined by the board for a period of time up to and including the entire five year period of monitoring.

7. In the event that a social worker relocates to another jurisdiction, the social worker will within five days of relocating be required to either enroll in the other jurisdiction's impaired professional program and have the reports required under that agreement sent to the Louisiana State Board of Social Work Examiners, or if the other jurisdiction has no impaired professional program, the social worker will notify the licensing board of that jurisdiction that the social worker is impaired and enrolled in the Louisiana *Social Work Impaired Professional Program*. Should the social worker fail to adhere to this requirement, in addition to being deemed in violation of the program requirements and corresponding consent order or adjudication, the social worker's social work credential will be suspended.

8. The social worker shall notify the board office by telephone within 48 hours and in writing within five working days of any changes of the social worker's home or work address, telephone number, employment status, employer and/or change in scope or nature of practice. The social worker may satisfy the notice by telephone requirement by leaving a voice message at the board office at times when the office is closed.

9. Other requirements for participation in the program may include but are not limited to limitations of social work practice.

10. The board, in addition to other conditions, may require that the social worker obtain regularly scheduled therapy (at a prescribed interval).

a. The type and interval of therapy may be recommended by the designated pre-approved licensed professional responsible for program monitoring, as approved by the board.

b. The type and interval of therapy may be required by the board.

c. The social worker may choose the licensed substance abuse professional, or other qualified professional to provide this therapy, subject to board approval and designation.

11. Notification of a violation of the terms or conditions of this agreement, consent order or adjudication order may result in the immediate suspension of the individual's social work credential to practice in the State of Louisiana.

12. The social worker shall be responsible for all costs incurred in complying with the terms of this agreement, including but not limited to therapy, assessments, supervision, drug/alcohol screens and reproduction of treatment or other records.

13. The social worker must submit to the board an appropriately notarized statement indicating acceptance of the required conditions of participation in the *Social Work Impaired Professional Program* as mandated by the board, along with all initial (or updated) releases or authorizations for the board or its designees to obtain information concerning the social worker's participation and progress in the program. This statement and the required releases and authorizations must be submitted prior to the issuance of any initial credential or re-issuance of a renewal of a credential.

14. The board will, to the full extent permissible under R.S. 44:4(26), maintain an agreement or consent order relating to the social worker's participation in the *Social Work Impaired Professional Program* as a confidential matter. The board retains the discretion to share information it deems necessary with those persons providing evaluation/assessment, therapy, treatment, supervision, monitoring or drug/alcohol testing or reports. Violation of any terms, conditions or requirements contained in any consent order, or Board decision can result in a loss of the confidential status.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 29:

Chapter 9. Procedural Rules

§901. Authority

A. Consistent with the legislative purpose specified in R.S. 37:2701 through 2723, and to protect the safety and welfare of the people of this state against unauthorized, unqualified and improper practice of social work, the following rules, standards, and procedures are established under the board's rule making authority of R.S. 37:2705(C), 37:2717(C)(E) and R.S. 49:952.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 29:

§903. Complaint Origination

A. The board is authorized to receive from any person a complaint or complaints against social workers licensed, certified, provisionally certified, or registered under R.S. 2701 et seq., (hereinafter referred to as *social workers*), as well as complaints against any level of social work applicant. Throughout these rules, the term *license* or *licensed* includes the term *certification, provisional certification, and registration* and also applies to any social workers who are certified, provisionally certified, or registered. The board is also authorized to initiate such complaint(s) when the board otherwise possesses or obtains information which satisfies the board that such a complaint is warranted.

B. Any complaint bearing on a social worker's professional competence, conviction of a crime, unauthorized practice, the assisting of unauthorized practice, mental competence, neglect of practice, or violation of the Social Work Practice Act (including these rules and standards), or for any of the causes specified for disciplinary action in R.S. 37:2717 shall be submitted to the board in a timely manner and in writing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 29:

§905. Investigation Procedures

A. When the board receives a written complaint, report, or other information which, if established as being true, would constitute just cause under the law for revocation, suspension, denial of license, or any other form of discipline specified in R.S. 37:2717(B), the board may refer the complaint, report or information to the board administrator

and/or to the board's designated complaint investigation officer (hereinafter referred to as the CIO). The CIO may be an employee of the board or provide investigation services under contract with the board. The board's administrator and staff and/or the CIO shall conduct such investigation or inquiry as the board deems appropriate to determine whether there is probable cause to initiate formal administrative proceedings against the involved social worker. To assist in the investigation, the board is authorized to issue, as necessary or upon request, such investigative subpoenas as may be required to obtain documents, the appearance of witnesses, or sworn statements or testimony.

B. Except for the notice required by §711.B. and §737.C., all other notices, correspondence or written communication relating to complaints, investigations, notices of investigations, conferences, decisions, orders, etc., may be served on or delivered to the involved social worker, complainant(s), or witnesses by regular mail or, when deemed appropriate or necessary by the board or its administrator, by personal delivery (service) or other available means. Notices shall be delivered with the designation "personal and confidential" clearly marked on the outside of the envelope.

C. Under normal circumstances, the involved social worker will receive prompt written notice from the board's administrator of the initiation or pendency of an investigation. The notice shall contain sufficient detail of the nature and the basis of the complaint or other information giving rise to the investigation, as well as a preliminary statement of the possible violations involved. The notice shall also provide the social worker with an opportunity to respond in writing to the complaint or to provide other information relating to the investigation. When such notice, in the judgment of the CIO and/or the board's administrator, is likely to prejudice the investigation, the notice may be delayed. Any delay in the notice to the involved social worker beyond the first 20 days of the investigation will require the board's administrator to obtain board approval for any additional delay.

D. Board members as members assigned by the agency to make findings of fact and conclusions of law will not and may not participate in the investigation. No board member shall accept contact or communicate with a social worker involved in an investigation, any person on behalf of the social worker, legal counsel for any party, the complainant, witness, or potential witness. If any of these persons attempt to contact a board member, the board member shall promptly refer the matter to the board's administrator and/or the board's legal counsel. This restriction conforms with R.S. 49:960(A) and is not intended to restrict those routine communications which are in no way related to a case under active investigation or adjudication.

E. The investigation and recommended action or report should be completed within 60 days following the date of the board's written referral for investigation. If the board's administrator and/or CIO shows good cause, the board may extend the time for investigation for a reasonable time not to exceed an additional 60-day period.

F. The board will not authorize a delay in notice to the involved social worker or an extension of time for concluding an investigation if this action would be inconsistent with the limitations set out in R.S. 37:21. The board shall schedule hearings and provide notice of hearings consistent with those statutory limitations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 29:

§907. Disposition of Investigation

A. The board may, before, during, or following an investigation, or after the filing of an administrative complaint, dispose of any complaint informally through correspondence or conference with the social worker and/or the complainant. This action may occur whether requested by the involved social worker or recommended by the CIO, or at any time as deemed appropriate by the board. Such informal resolution may take the form of any informal disposition recognized in R.S. 49:955(D) or any other form of agreement which adequately addresses the complaint or the matter under investigation. Such agreement is binding upon the involved social worker and the board. When an informal disposition occurs after an administrative complaint is filed with the board, the agreement requires the concurrence of the assistant attorney general handling the case. This concurrence further requires a certification by the assistant attorney general that the social worker's conduct as specified in the informal disposition documents is consistent with the known evidence which could be presented at an adjudication hearing.

B. Any attempt by the board to resolve a complaint by informal disposition which does not result in a disposition of the complaint or matter under investigation, will in no way preclude further investigation of that matter or complaint. The participation in any such attempt by the board or any of its members will in no way disqualify the board or any of its members from serving on an adjudication hearing panel dealing with an administrative complaint on the same subject matter as the attempted informal resolution. The board and the hearing panel is authorized to obtain waivers related to their participation in informal disposition procedures signed by the involved social worker and the social worker's legal counsel, if any, prior to its participation in such informal procedures.

C. At the conclusion of the investigation, the board's administrator will receive a written report from the CIO and/or the board's administrative staff. The written report shall provide a summary of the complaint or basis for the investigation, a general statement of the evidence relating to the investigation and the investigator's determination and recommendation. If the report contains a recommendation that the complaint be dismissed due to a lack of evidence, inadequate legal cause for the filing of an administrative complaint, or for any other reason, the administrator promptly shall notify the board chairperson who will, on a rotating basis, designate a board member to review the complaint, the complete investigative materials of the CIO or the board's administrative staff, and any investigative reports and recommendations. This review shall include an assessment of the quality and thoroughness of the investigation and the legal and/or factual basis for the recommended dismissal. The reviewing board member shall promptly report to the board his or her assessment of the investigation and the basis for the recommended dismissal. Unless the complaint is the subject of an informal

disposition as specified in Subsection A above, no complaint may be dismissed without board member review of the investigation and a vote of the board on the recommendation of the investigator's report. The board may accept the recommendation of the report and dismiss the complaint or may refer the matter back to the board's administrator for further investigation as it deems necessary. In the event the board votes to dismiss the complaint, both the involved social worker and the complainant will be notified in writing concerning the board's action. Notwithstanding §705.D., no board member will be disqualified from serving on a hearing panel on a complaint merely because the board member was designated to review the complaint or participated in a vote related to the recommendation of the dismissal of any complaint.

D. If the investigation report contains a determination that there is probable cause to believe that the involved social worker has engaged or is engaging in conduct, acts, or omissions constituting legal cause under the law, these rules and regulations, or ethical standards for any form of disciplinary action as specified in R.S. 37:2717, then the administrator shall promptly notify the attorney general or the assistant attorney general assigned to prosecute such matters on behalf of the state pursuant to R.S. 37:2717(C). The notice shall deliver to the assistant attorney general all investigative reports, statements, notes, recordings, court records, and other data obtained in the course of the investigation. It will also request the preparation of a draft of an administrative complaint regarding any violations which are disclosed in or suggested by the investigation. The assistant attorney general prosecuting the matter may request and obtain other information from the board's administrator, including access to consultants to assess the results of the investigation and prepare a draft of the administrative complaint. The draft of the administrative complaint shall identify the involved social worker and be prepared in the same form and content as the administrative complaint specified in §709.B of these rules. The draft of the administrative complaint shall be signed by the assistant attorney general and delivered to the board's administrator within 30 days of the notice and delivery to the assistant attorney general of the investigation, report and specified materials. The board's administrator is authorized to extend the time for the submission of the draft of the administrative complaint for a reasonable time as requested by the assistant attorney general, provided that such extensions do not foreclose action on the complaint or the scheduling of a hearing due to the limitations contained in R.S. 37:21.

E. Upon receiving a signed draft of the administrative complaint, the administrator shall mail a copy of the draft complaint together with a notice letter to the involved social worker. The letter will advise of the intent to file the administrative complaint and give the social worker a reasonable opportunity pursuant to R.S. 49:961(C) to show compliance with all legal requirements of the social worker's license, or to show that the complaint is unfounded.

F. Should the involved social worker fail to respond within the time provided (which time may be extended by the administrator upon good cause shown), or if the social worker's response does not satisfactorily demonstrate that the social worker is in lawful compliance or that the complaint is unfounded; the administrator shall in consultation with the assistant attorney general prepare an original complaint in the form of the draft complaint for filing with the board. In determining the adequacy of any response submitted by the social worker, the administrator should consult with the assistant attorney general. The administrator may also consult with its general legal counsel (also referred to in these procedural rules as independent counsel) on any legal issues relating to the response submitted by the social worker.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 29:

§909. Administrative Complaint Procedure

A. An original of the administrative complaint shall be signed and approved by the assistant attorney general and delivered to the board's administrator prior to being filed with the board. The board's administrator shall place the administrative complaint on the board agenda for the next scheduled meeting of the board. When the board receives the administrative complaint, the board will docket the complaint under its designated numbering system and schedule a hearing.

B. The administrative complaint shall identify the involved social worker and any license, provisional license, certificate or registration number. In separately numbered paragraphs, the complaint shall concisely state the material facts and the matters alleged to be proven, including the facts giving rise to the board's jurisdiction over the respondent social worker, the facts constituting legal cause for the complaint against the respondent under law (including the specification of the Practice Act, the Administrative Procedures Act, the Board's Rules, Standards, and Procedures, or any other statutory law alleged to have been violated by the respondent social worker). The complaint shall request an administrative sanction or relief which the assistant attorney general seeks in the name of the State of Louisiana. It shall bear the name, address and telephone number of the assistant attorney general.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 29:

§911. Notice of Administrative Complaint and Hearing Scheduling

A. Upon the docketing of the administrative complaint, the board should schedule the complaint for a hearing before a hearing panel of the board. This hearing shall take place not less than 30 days nor more than 150 days of the docketing of the complaint, provided that the time for the hearing may be lengthened as the board deems necessary or appropriate, or upon good cause shown by motion of the attorney general or respondent. Any requests for extension of time to schedule the hearing beyond 150 days after docketing shall be considered the filing of a procedural motion under R.S. 37:21(A)(5).

B. If the board finds that public health, safety, or welfare imperatively requires emergency action and incorporates a finding to that effect in its order, the board may enter an order of summary suspension of the respondent social worker's license pending proceedings for revocation or other

action in accordance with R.S. 49:961(C). In that event, the scheduled hearing on the summary suspension shall be noticed and scheduled not more than 45 days after the order of such summary suspension. Scheduling may extend beyond the 45 day period if requested by the involved social worker.

C. The respondent social worker will be served written notice of the administrative complaint; the time, date, and place of the scheduled hearing; and a copy of the board's Rules, Standards, and Procedures by registered, return-receipt-requested mail, as well as by regular first class mail. The notice will be sent to the most current address for the respondent social worker as reflected in the official records of the board. The notice shall include a statement of the legal authority and jurisdiction under which the hearing is to be held and shall be accompanied by a certified copy of the administrative complaint. If the hearing panel of the board has been designated at the time of the notice, the notice shall contain the names of the panel members.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 29:

§913. Response to Complaint, Notice of Representation

A. Within 15 days of service of the complaint (or such longer time as the board may permit, on motion of the respondent social worker, hereafter called *respondent*), the respondent may answer the complaint, admitting or denying each of the separate allegations of fact or law. The respondent may offer any explanation or assert whatever defense(s) are applicable. Any matters admitted by respondent shall be deemed proven and established for purposes of adjudication. In the event that respondent does not file a response to the complaint, all matters asserted in the complaint shall be deemed denied.

B. In any adjudication proceeding before the board, respondent may be represented by an attorney at law duly admitted to practice in this state. Respondent who is represented by legal counsel shall personally or through such counsel give written notice to the board of the name, address and telephone number of the attorney. Following the board's receipt of proper notice of representation, all further notices, complaints, subpoenas, orders, or other process related to the proceedings shall be served on respondent through his or her designated counsel of record.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 29:

§915. Pleadings, Motions; Service

A. All pleadings, motions, and other papers permitted or required to be filed with the board in a pending adjudication shall be filed by personal delivery at or by mail to the board office. Concurrent service by mail or personal delivery shall be filed with the assistant attorney general, if filed by or on behalf of the respondent, or upon respondent or respondent's counsel of record (if any), if filed by the assistant attorney general.

B. All pleadings, motions, discovery, or other papers shall be submitted on plain white letter-size (8 1/2" x 11") bond, with margins of at least 1" on all sides. The text shall be double-spaced, except for quotations and other matter customarily single-spaced. Submitted materials shall bear the caption and docket number of the case as it appears on the complaint, and shall include a certificate of the attorney or person making the filing that service of a copy of the materials has been effected in the same manner by regular mail or by personal delivery.

C. The board may refuse to accept for filing any pleading, motion or other paper not conforming to the requirements of this section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 29:

§917. Pre-Hearing Motions

A. Pre-hearing motions, including a motion to dismiss, shall be filed not less than 30 days following the service of the complaint on the respondent or 15 days prior to the hearing, whichever is earlier. Each pre-hearing motion shall be accompanied by a memorandum which sets forth a concise statement of the grounds upon which the relief sought is based and the legal authority therefor. A motion may be accompanied by an affidavit(s) as necessary to present or support factual content of the motion. Within 10 days of the filing of any such motion and memorandum or such shorter time as the board may order, the party opposing the motion (whether the opposing party is the assistant attorney general or the respondent or respondent's counsel), may file a memorandum which may be supported by affidavit(s) in opposition to or setting forth the opposing party's position on the motion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 29:

§919. Motions for Continuance of Hearing

A. A motion for continuance of hearing shall be filed within the delay prescribed by §317 of these rules, provided that the board may accept the filing of a motion for a continuance at any time prior to hearing upon a showing of good cause not discoverable within the time otherwise provided for the filing of pre-hearing motions.

B. A scheduled hearing may be continued by the board only upon a showing by respondent or the assistant attorney general that there are substantial legitimate grounds that the hearing should be continued. These grounds must balance the respondent's right to a reasonable opportunity to prepare and present a defense, with the complaint and the board's responsibility to protect the public health, welfare, and safety. Except in extraordinary circumstances evidenced by verified motion or accompanying affidavit, the board ordinarily will not grant a motion to continue a hearing that has been previously continued upon motion of the same party. The board may, but is not required to continue a scheduled hearing, where both respondent and/or respondent's legal counsel and the assistant attorney general jointly request continuance.

C. If an initial motion for continuance is not opposed, it may be granted by the board's administrator.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 29:

§921. Disposition of Pre-Hearing Motions

A. Any pre-hearing motion, other than an unopposed initial motion for continuance of hearing which may be granted by the Administrator, shall be referred for decision to the presiding officer of the hearing panel designated for that proceeding. The presiding officer may make a ruling or, at his or her discretion, may refer any pre-hearing motion to the entire panel for disposition. Any party aggrieved by the decision of the presiding officer on a pre-hearing motion may request that the motion be reconsidered by the entire panel.

B. The presiding officer or the hearing panel shall ordinarily rule on pre-hearing motions on the papers filed, without a hearing. On written request by the respondent or the assistant attorney general, however, and on grounds satisfactory to the presiding officer of the hearing panel, the presiding officer may grant opportunity for hearing, by oral argument, on any pre-hearing motion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 29:

923.Rules of Evidence; Official Notice; Oaths and Affirmations; Subpoenas; Depositions and Discovery; Confidential Privileged Information, and Executive Session

A. Rules relating to evidence, notice, authority to administer oaths, issue subpoenas, conduct depositions and discovery, and the control of confidential and privileged information will be applied in adjudication proceedings before the board as specified in R.S. 49:956, or as may be modified by R.S. 13:3715.1(J) and R.S. 44:4(25).

B. To the extent applicable, the testimonial privileges set out in the Social Work Practice Act, R.S. 37:2718 and the Louisiana Code of Evidence will apply to the hearings before the board. By bringing a complaint against his or her social worker, the client waives the privilege of confidentiality for the purposes of the hearing.

C. The hearing panel and its designated presiding officer shall take reasonable steps to protect patient/client identity on any medical/psychotherapy records or similar records as required by R.S. 13:3715.1(J), and to the extent that any information presented at a hearing involves peer review material within the meaning of R.S. 13:3715.3. If protection of peer review material is required, the board is authorized to conduct that portion of the hearing in executive session to preserve the confidentiality of peer review privilege materials, including information, data, reports, and records in compliance with R.S. 13:3715.3(G). The board may also go into executive session for the limited purpose of discussing the character, professional competence, or physical or mental health of a license, pursuant to R.S. 42:6 and 6.1 and Op. Atty. Gen. No. 94-561, Dec. 8, 1994.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 29:

§925. Designation of Hearing Panel, Disqualification and Replacement

A. At the time the administrative complaint is docketed with the board or within 30 days thereafter, the board chairperson will designate five members of the board (one of whom may, but is not required to be, the board chairperson) to serve as the hearing panel for that complaint. The selected board panel members shall elect from the membership a person to serve as presiding officer. The presiding officer at the hearing may make rulings on objections and the admissibility of evidence, and will insure that the conduct of the hearing proceeds without delay and pursuant to law. The other panel members may not delegate any of their decision-making or fact-finding duties to the presiding officer, nor shall the presiding officer have any greater weight in the decision-making process.

B. In the event that a board member is disqualified or recused from a complaint or hearing, the board should immediately contact the governor to appoint a board member pro tem to replace the disqualified member for the complaint or hearing in progress only.

C. Any panel member having reason to believe that he or she is biased or prejudiced either for or against one of the parties to the proceeding, or who has a personal interest in the outcome, shall immediately notify the remaining board members and request to be disqualified. Likewise, any party to such a hearing or a compliance hearing as provided in §743, may file with the board a motion supported by an affidavit requesting disqualification because of bias, prejudice or personal interest. Motion for disqualification shall be filed with the board and the opposing party within 15 days following the notice of the composition of the hearing panel. Absent good cause shown, motions for disqualification filed more than 15 days following such notice will not be considered. As soon as possible, but not later than 10 calendar days preceding the beginning of the hearing, the majority of the hearing panel will consider the merits of the disqualification request and any opposition to that request filed by the opposing party. The concerned board member shall not participate in the action to disqualify and shall not vote on that issue. If the board hearing panel determines there is no merit to the request for disqualification, the board will proceed with the hearing before the designated panel. However, any doubt as to the merits of the request for disqualification should be resolved in favor of disqualification, and the board chairperson shall immediately appoint one of the remaining board members as the replacement to the hearing panel.

D. Ordinarily, the composition of a hearing panel is five members of the board. However, in the event that the respondent social worker and the assistant attorney general agree to a hearing panel of three board members, the chairperson may designate three of the five designated panel members to serve as the hearing panel. Any stipulation regarding a three-board-member hearing panel must be in writing and signed by the respondent and/or respondent's attorney and the attorney general. Such stipulation further provides that the three member hearing panel may completely adjudicate all issues specified in the complaint, render findings of fact, conclusions of law, decision and sanction, and that no appeal of any decision or sanction will

be based on a challenge to the board's jurisdiction to adjudicate the matter with a three member hearing panel. Any such stipulation to a three-member hearing panel shall be delivered to the board at least 15 days prior to the scheduled hearing. The written stipulation shall be filed in the adjudication record and shall constitute a waiver of the application of and the need to comply with R.S. 49:957.

E. At least one member of the hearing panel including the panel members of a compliance hearing specified under §734 shall have the same social work credential as the respondent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 29:

§927. Board's Independent Legal Counsel

A. The board may designate its general counsel to serve as independent counsel relating to complaints and adjudication and compliance hearings.

B. The board's independent counsel may provide the board, any hearing panel member, or the board's administrator with advice on the issues of legal sufficiency, notice, procedural and substantive due process of law (constitutional, statutory and rules), interpretations relating to any complaint, or the investigation or adjudication thereof. Such independent counsel may not participate in the investigation or prosecution of any case pending before the board or board hearing panel.

C. The board's independent counsel may also provide other services relative to the complaint or adjudication which the board or the hearing panel deems necessary, except as may be expressly limited by these rules, standards, and procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 29:

§929. Pre-Hearing Conference

A. In any case of adjudication noticed and docketed for a hearing before the board, the respondent and/or respondent's legal counsel and the assistant attorney general may agree, or the board chairperson or the presiding officer of the hearing panel may require, that a pre-hearing conference be held among such counsel or together with the board's independent legal counsel. This conference will be held for the purpose of simplifying the issues for the hearing, and promoting stipulations as to facts and proposed evidentiary offerings which will not be disputed at the hearing.

B. If the parties and/or their legal counsel reside in different cities within the state, or if for other reasons it is inconvenient for parties to appear in person at a pre-hearing conference, the conference may be conducted by telephone.

C. Following the pre-hearing conference, the parties shall (and without such conference the parties may) agree in writing on a pre-hearing order which should include:

1. a brief statement by the assistant attorney general about what such counsel expects the evidence presented against the respondent to show;

2. a brief statement by respondent as to what the evidence and arguments in defense are expected to show;

3. a list of witnesses to be called by the assistant attorney general and/or respondent, together with a brief general statement of the nature of the testimony each witness is expected to give;

4. any stipulations which the parties may be able to agree upon concerning undisputed claims, facts, testimony, documents or issues; and

5. an estimate of the time required for the hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 29:

§931. Consolidation of Cases

A. The board shall have the discretion to consolidate one or more cases for hearing when they involve the same or related parties, or substantially the same questions of law or of fact. The board may also grant separate hearings if a joint hearing would be prejudicial to one or more of the parties. If hearings are to be consolidated, notice must be given to all parties in advance of the hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 29:

§933. Conduct of Hearing; Record

A. Adjudication hearings are generally conducted in open session, except where closed or executive session is specifically authorized by law, as identified in these rules.

B. At the adjudication hearing, the assistant attorney general and the respondent and respondent's counsel shall be afforded the opportunity to present evidence on all issues of fact and argument on all issues of law and policy involved. They will also have opportunity to call, examine, and cross-examine witnesses, and to offer and introduce documentary evidence and exhibits as may be required for a full and true disclosure of the facts and disposition of the complaint.

C. The board through its administrator shall arrange for a certified court reporter/stenographer who shall be retained by the board to prepare a written transcript of the proceedings.

D. During the hearing, the presiding officer of the hearing panel shall rule upon all evidentiary objections and other procedural questions, but in his or her discretion may consult with the entire hearing panel in executive session. The independent counsel may assist the presiding officer and the hearing panel, either in open session or executive session, in ruling on evidentiary objections and other procedural issues raised during the hearing.

E. The record in an adjudication shall include the items specified in R.S. 37:2717 and R.S. 49:955. The record shall also contain the administrative complaint, the notice of hearing, the respondent's response to the complaint (if any), copies of subpoenas issued in connection with the case or the hearing of the adjudication, as well as all pleadings, motions and intermediate rulings.

F. The order of presentation in adjudication proceedings, unless the parties stipulate otherwise and the hearing panel approves, is first the presentation of evidence by the assistant attorney general, the presentation of evidence by the respondent, rebuttal by the assistant attorney general (if

any). Rebuttal should be directed to issues raised by the evidence and defenses presented by respondent's case. Should the hearing panel determine, in the interest of fairness, that respondent be provided a limited opportunity to present additional evidence following rebuttal, the panel may so order.

G. Hearing panel members may direct questions to any witness at any time during the hearing process. Should questions posed by the hearing panel members suggest the need for additional direct examination, cross-examination or redirect examination by either party, the hearing panel will allow such additional examination as it deems appropriate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 29:

§935. Evidence; Burden of Proof

A. In an adjudication hearing, the board or the designated board hearing panel may give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent people in the conduct of their affairs. To the extent applicable or not subject to exception, effect will be given to the rules of privilege recognized by law. The panel may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interest of the parties will not be prejudiced, any part of the evidence may be received in written form.

B. Any records and documents in the board's possession which either party desires the board to consider may be offered and made a part of the record. Such materials may be received into the record in the form of copies or excerpts and shall be available for the respondent's legal counsel to examine before being received into evidence.

C. To the extent not prohibited by law, the hearing panel will honor and receive written stipulations arrived at between the parties as a proven fact at the hearing. The hearing panel, as appropriate, will also accept verbal stipulations arrived at between the parties during the hearing as proven fact, provided both parties and/or their respective legal counsel acknowledge the factual content of the stipulation on the record. The hearing panel may use stipulations as well as other evidence in arriving at any decision.

D. The hearing panel may take notice of judicially cognizable facts and of generally recognized technical or scientific facts within the hearing panel’s social work or clinical social work knowledge. The parties shall be notified either before or during the hearing of any material noticed or sought by any party to be noticed. All parties will be afforded an opportunity to contest any materials so noticed. The hearing panel may draw upon its knowledge of social work, social work methodology, and clinical social work methods in evaluating any evidence presented.

E. The presiding officer at the hearing shall have the power to administer oaths or affirmations to all witnesses appearing to give testimony. The presiding officer shall regulate the course of the hearing, set the time and place of continued hearings, fix the time for the filing of briefs and other documents (if any are required or requested), and may direct the parties to appear and confer to consider simplifying issues.

F. In adjudication hearings before the board or any board hearing panel, the Louisiana Code of Evidence may be used as a reference by the panel for admissibility of evidence and other evidentiary issues. The provisions of the Code of Evidence relating to hearsay are not strictly applicable to adjudication hearings.

G. At an adjudication hearing, the burden of proof rests with the attorney general or the assistant presenting the evidence before the hearing panel. No sanction shall be imposed or order issued except upon consideration of the entire record as supported by and in accordance with reliable, probative and substantial evidence. The burden of proof related to any issue is a preponderance of evidence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 29:

§937. Decisions; Notice

A. Following the presentation of evidence and any arguments, submission of briefs or written memorandum (if requested by the hearing panel), the hearing panel shall deliberate and reach its findings of fact and conclusions of law as soon as practicable after the hearing concludes. The hearing panel shall render its decision in writing within 60 days of the last hearing date, unless the hearing panel extends time for submission of any post-hearing briefs, memoranda or suggested findings of fact and conclusions of law.

B. The hearing panel's findings of fact and conclusions of law, including any sanction if applicable, shall be signed by the presiding officer of the hearing panel on behalf of and in the name of the board. In any decision in which the hearing panel's decision was not unanimous, those hearing panel members deciding with the majority shall also sign the decision. Any panel member disagreeing with the findings of fact and conclusions of law or sanction should note his/her dissent on the decision and may record thereon any reasons for his/her dissent.

C. A certified copy of the final decision shall be served promptly upon respondent’s counsel of record, or on respondent personally in the absence of counsel, and on the assistant attorney general in the same manner of service prescribed for the service of complaints.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 29:

§939. Rehearings

A. A decision by the board or a board hearing panel in the case of adjudication shall be subject to rehearing, reopening, or reconsideration by the board as provided for in R.S. 49:959, provided the board receives such a request at its office within 10 days of the entry of the board's final decision. If the board receives such a written request by mail after 10 days of the entry of its final decision, the request will be considered timely if the request is post-marked within the 10-day period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 29:

§941. Miscellaneous Rules

A. Social workers have a continuing obligation to keep the board informed about their current addresses. Accordingly, if notice of an investigation, service of an administrative complaint, or notice of a hearing cannot be delivered by mail or by personal delivery, the board shall make reasonable efforts to contact the social worker and obtain the social worker's new address. If, after the board makes reasonable efforts to locate the social worker, notice or service cannot be made because the social worker cannot be located, then the board or any designated hearing panel is authorized to proceed with the investigation, complaint procedure, and adjudication of the complaint, notwithstanding the social worker's absence, lack of participation in the process, or failure to appear.

B. If the social worker receives due notice of an adjudication hearing and fails to appear and participate, and does not notify the board of good cause for the social worker's absence, the board and its designated hearing panel may proceed with the adjudication notwithstanding the social worker's absence.

C. If a social worker is unable to attend an adjudication hearing because the social worker is incarcerated as the result of the conviction of any criminal conduct recognized as a felony under either state or federal law, or is under federal detention subject to a removal or deportation order, the board and its designated hearing panel may proceed with the adjudication hearing after providing the incarcerated or detained social worker reasonable opportunity to participate in the hearing. That participation may be through legal counsel authorized to practice in this state, participation by telephone at the social worker's expense, and the opportunity to present evidence through deposition, affidavit, or such other reasonable means as the board and/or the hearing panel deems fair and appropriate.

D. Social workers who are subject to an investigation and/or are named as a respondent in an administrative complaint filed with the board are entitled to defend themselves with or without the benefit of legal counsel. If a social worker chooses not to defend and instead surrenders his/her license, certificate, provisional certificate, or registration at any time during an investigation, complaint or adjudication hearing, but prior to the hearing panel's decision thereon, the board will deem such surrender as an attempt to avoid the disciplinary process. The board will then subject the involved social worker to the revocation of the license, certificate, provisional certificate, or registration, or impose other sanction or disposition which the board deems appropriate, based on the information available to the board. Such board action may also impose restrictions on any subsequent application to the board which the involved social worker may make. Such restrictions may include restricting the social worker from making subsequent application for as much as five years following the surrender or resignation by the social worker. The board is also authorized to report in its newsletter a summary of the circumstances surrounding the social worker's surrender or resignation of license, certificate, or registration while under investigation or subject to an administrative complaint.

E. The board shall have authority to delegate to the CIO or the board administrator the investigation of any alleged violations of R.S. 37:2720 or prior to bringing any injunctive proceedings under R.S. 37:2721. Following the board's review of any investigation conducted thereon, the board shall contact the appropriate district attorney or bring injunctive proceedings through the attorney general, or both. Final authority for appropriate action rests solely with the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 29:

§943. Compliance Hearing

A. Any applicant whose application is rejected may seek a compliance hearing as provided for in R.S. 37:2710, provided that the request for such compliance hearing is submitted to the board in writing within 30 days after the applicant receives notice of rejection. In the request for a compliance hearing, the applicant shall state the specific reasons for the opposition to the rejected application.

B. After receiving a request for a compliance hearing, the board's administrator shall contact the board chairperson, who will designate three board members to sit on a hearing panel for the compliance hearing. The purpose of the compliance hearing is to provide a forum for the applicant or licensee to present documentary evidence through affidavits, court records, official records, letters, etc., along with under-oath testimony to establish that the applicant in fact meets the lawful requirements for the application or for the retention or renewal of the license, certificate, provisional certificate, or registration. The hearing panel shall elect from its membership one board member to serve as the presiding officer. The presiding officer shall administer oaths, maintain order at the hearing, fix new hearing dates as required, and rule on other matters relating to the hearing. A record of the hearing will be maintained by the board's administrator, although a court reporter or stenographer is not required. The applicant may be represented by counsel or may represent himself/herself. If the applicant requests a court reporter, a court reporter may be provided at the applicant's expense.

C. In any compliance hearing, the burden shall be on the applicant to establish that he or she meets the criteria for the application renewal or retention of license or that the renewal was timely.

D. An applicant whose license, certificate, provisional certificate, or registration is deemed lapsed under R.S. 37:2714 may request a compliance hearing provided the applicant requests the hearing in writing within 10 days after receiving the notice of the lapsed license, certificate, provisional certificate, or registration. In the event that the applicant did not receive such notice, then the applicant must request a compliance hearing within 30 days of the date upon which the license, certificate, provisional certificate, or registration would have lapsed by operation of law.

E. Whenever possible, the compliance hearing shall be conducted within 30 days after the board receives the request for the compliance hearing. In the event that the board is unable to schedule a compliance hearing within 30 days of the request, the board may schedule the hearing at its next regularly scheduled board meeting.

F. At the compliance hearing, the hearing panel may consult with its general counsel (independent counsel) on any legal issues emerging from the evidence submitted. Within 15 days after the compliance hearing concludes, the hearing panel will render its final decision, including findings of fact and conclusions of law. The decision will be delivered by registered mail, return receipt requested, to the applicant requesting the compliance hearing. In the event that the hearing panel's decision is adverse to the applicant, the applicant may apply for rehearing before the entire board by submitting a written request within ten days as provided in R.S. 49:959, subject to further judicial review pursuant to R.S. 49:964, 965. Any rehearing before the board will be conducted on the record made before the hearing panel, including the hearing panel's findings of fact, conclusions of law, and recommendations. To the extent practicable, the rehearing will be held at the next regularly scheduled board meeting. The board will review the findings of fact and conclusions of law of the hearing panel and the evidence and exhibits as submitted, as well as any written submissions or assignments of error. Unless requested by the board, oral presentations or arguments will not be permitted on rehearing. The board will render its decision on rehearing within 30 days of its hearing the matter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 29:

§945. Declaratory Ruling

A. Any person or entity deemed to be governed by or under the jurisdiction of LSA-R.S. 37:2701-2723 may apply to the board for a declaratory order or ruling in order to determine the applicability of any of the above statutory provisions or any of the rules of this board. The board shall issue the declaratory order or ruling in connection with the request by majority vote of the board, signed and mailed to the requesting party within thirty days of the request. However, the board may seek legal counsel or an attorney general's opinion in connection with the request for such a declaratory ruling, in which case the board's decision on that ruling or order may be issued within sixty days of the request. Any judicial review of the validity or applicability of any of these rules shall be in conformity with R.S. 49:963.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 29:

A public hearings on the proposed rules will be held at 10:00 AM, Saturday, August 30, 2003 in the Conference Room at the Board office located at 18550 Highland Road, Suite B., Baton Rouge, Louisiana.

Interested parties may review the proposed amendments on the Board's web site located at: http://www.labswe.org. , or you may request a copy of the proposed amendments by mail at the address above or by contacting the Board office at 800-521-1941.

Interested persons may submit comments in writing to Suzanne L. Pevey, Administrator, Louisiana Board of Social Work Examiners, 18550 Highland Road, Suite B, Baton Rouge, Louisiana 70809, by fax at 225-756-3472, or by email at social work@labswe.org. All comments must be postmarked by 4:30 PM, Saturday, August 30, 2003.

E. Taylor Aultman, Jr., LCSW
Chairperson

0307#007

NOTICE OF INTENT

Department of Health and Hospitals
Board of Electrolysis Examiners

Electrologists Instructors Requirements
(LAC 46:XXXV.103, 105, 301, 503, 701, 707, 905, 909, 1301, 1303, 1305, 1307, 1309, 1313, and 1503)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 37:3051-3077, the Board of Electrolysis Examiners (hereinafter referred to as "Board") proposes to amend the operating Rules and Regulations as follows.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XXXV. Electrologists

Chapter 1. General Provisions

§103. General Definitions

A. ...

Apprentice an individual engaged in learning the theory and practice of electrology in an electrologist apprenticeship program.

Board State Board of Electrolysis Examiners.

Electrologist any person who for compensation practices electrolysis for the permanent removal of hair, except a physician licensed to practice medicine who performs electrolysis in his practice or a person who engages, on behalf of a manufacturer or distributor, solely in demonstrating the use of any machine or other article for the purpose of sale, without charge to the person who is the subject of the demonstration.

Electrologist Apprenticeship Program an establishment which teaches or offers to teach the theory and practice of electrology and which teaches or offers to teach instructors the theory and practice of teaching electrology, without financial remuneration from the apprentice or the student instructor.

Electrologist Technician an individual who for compensation practices electrolysis for the permanent removal of hair under the direct supervision of a licensed electrologist and who has completed a two hundred-hour course of instruction at an approved electrology school or electrologist apprenticeship program.

Electrology the art and practice of removing hair from the normal skin of the body by the application of an electric current to the hair papilla by means of a needle or needles so as to cause growth inactivity of the hair papilla and thus permanently remove hair.

Electrolysis the process by which hair is removed from the normal skin by the application of an electric current to the hair root by means of a needle or needles being inserted into the hair follicle, whether the process employs direct electric current or short wave alternating electric current.

School, School of Electrology, or Electrology School an establishment which teaches or offers to teach students the theory and practice of electrology and which teaches or offers to teach student instructors the theory and practice of teaching electrology, for financial remuneration from the student, student instructor, or both.

Student an individual engaged in learning the theory and practice of electrology at a school of electrology.

Student Instructor an individual learning the theory and practice of teaching electrology in an electrology school or an electrologist apprenticeship program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3051.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Electrolysis Examiners, LR 10:329 (April 1984), amended LR 11:534 (May 1985), repromulgated by the Department of Health and Hospitals, Board of Electrolysis Examiners, LR 19:1144 (September 1993), amended LR 27:193 (February 2001), LR 29:

§105. Exceptions and Rights

A. - B. ...

C. A health history shall be completed on each patient prior to any treatment. No patient with a history of diabetes and no cardiac patient with a pacemaker shall be treated without the consent of a physician. Persons suspected of having a communicable disease shall not be treated without first having been examined by a physician. No electrologist, electrologist technician, instructor, apprentice, or student shall knowingly treat a person who is infected with impetigo, any contagious disease, skin malignancy, or any disease dangerous to the public.

D. - E.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3051.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Electrolysis Examiners, LR 10:330 (April 1984), amended LR 11:534 (May 1985), amended by the Department of Health and Hospitals, Board of Electrolysis Examiners, LR 19:1144 (September 1993), LR 27:193 (February 2001), LR 29:

Chapter 3. Board Composition, Conflict Provision and Reimbursement

§301. Composition

A. The State Board of Electrolysis Examiners is created within the Department of Health and Hospitals. It shall be composed of five members, all to be appointed by the governor to serve at his pleasure. Four members shall be licensed electrologists who have been engaged in the practice of electrology for at least the five years prior to their appointment. Of these four, two members shall be appointed from a list of four names submitted to the governor by the Louisiana Electrologist Association and two members shall be appointed from a list of four names submitted to the governor by Regional Electrologists Association of Louisiana. One member shall be appointed from a list of three physicians licensed to practice in this state and recommended by the Louisiana State Medical Society. If the governor determines that the nominees of the Louisiana Electrologist Association, the Regional Electrologists Association of Louisiana, or of the Louisiana State Medical Society are not suitable, he may decline to appoint from the list submitted and shall call upon the associations or the society to nominate an additional list of persons. He may repeat such call until a list containing a qualified person or persons meeting his approval is submitted. If the Louisiana State Medical Society does not submit a list of physicians to the governor within 30 days of any such request, the governor may appoint an additional nominee of either the Louisiana Electrologist Association or the Regional Electrologists Association of Louisiana in lieu of the licensed physician. Members serving on the board shall remain in office until their successors are appointed and take office. Members of the board shall be residents of this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3051.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Electrolysis Examiners, LR 10:330 (April 1984), amended LR 11:535 (May 1985), amended by the Department of Health and Hospitals, Board of Electrolysis Examiners, LR 19:1144 (September 1993), LR 29:

Chapter 5. Organization of Board, Quorum, Meetings, Records

§503. Meetings

A. The board shall hold regular meetings at least four times each year for the purpose of examining applicants and any other time the board or its chairman deems necessary, at a time and place designated by the chairman. Special meetings may be called by the chairman upon giving at least 72 hours notice thereof by registered or certified mail to the post office address of each member of the board and of persons who previously have indicated that they have business before the board. Any board member who misses three consecutive meetings without just cause may be removed from the board by an affirmative vote of three board members, and replaced by the governor on the board's initiation. All meetings of the board shall be conducted in accordance with *Roberts Rules of Order*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3051 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Electrolysis Examiners, LR 10:330 (April 1984), repromulgated LR 11:535 (May 1985), amended by the Department of Health and Hospitals, Board of Electrolysis Examiners, LR 17:778 (August 1991), LR 19:1144 (September 1993), LR 29:

Chapter 7. General Powers and Duties of the Board

§701. Issuance of Licenses

A. The board shall be the sole and exclusive authority in the state to issue licenses to practice electrolysis and to administer the provisions of R.S. 37:3051 et seq. The board shall have authority to examine for, grant, deny, approve, revoke, suspend and renew the licenses of electrologists and shall review applications for licenses of electrologists at least four times each calendar year. It may conduct hearings on charges for the revocation or suspension of a license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3051 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Electrolysis Examiners, LR 10:330 (April 1984), repromulgated LR 11:535 (May 1985), repromulgated by the Department of Health and Hospitals, Board of Electrolysis Examiners, LR 19:1144 (September 1993), LR 29:

§707. Licenses to Apprenticeship Programs

A. ...

B. No apprenticeship program approved by the board may receive monetary compensation from an apprentice or student instructor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3051 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Electrolysis Examiners, 19:1144 (September 1993), LR 29:

§905. Licensure of Instructor

A. - C.1. ...

2. has successfully completed the curriculum for instructor training in electrolysis in an instructor training program that maintains the standards established and approved by the board and is part of either an approved school of electrology or an approved apprenticeship program. Such curriculum shall be under the supervision of a licensed instructor of electrology, shall include a course of study and practice over a period of not less than four months and shall include 125 hours of teaching skills, 75 hours of facilitating/managing skills, and 150 hours of clinic-supervised practice teaching;

3. successfully achieves a minimum test score on an examination administered and approved by the board. The examination shall be given four times each calendar year at such time and place and under such supervision as the board determines and specifically at such other times as in the opinion of the board the number of applicants warrants. The board shall designate the date, time, and place of examination and give public notice thereof and, in addition, shall notify each person who has made application for examination to the board.

D. Within 10 days after each examination, the official in charge shall deliver the question and answer papers to the board. The board shall examine and rate the answers and shall transmit an official report to each applicant for license stating the rating of the candidate in each subject and whether or not the board approves the candidate for a license. If a candidate fails one or more parts of an examination, the candidate may take the parts which he has failed in a subsequent examination upon payment of a fifteen-dollar examination fee. If after two attempts the examination is not satisfactorily completed, the candidate thereafter shall be required to repeat and take the entire examination within one year of the date of the original examination.

E. An instructor training program may grant credit for the 125 hours of teaching skills and 75 hours of facilitating/managing skills to an individual who possesses a valid teaching certificate.

F. The board may provide by rule for granting credit for all or part of the 125 hours of teaching skills, the 75 hours of facilitating/managing skills, or any combination thereof for college-level courses in teaching skills and facilitating/managing skills.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3051.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Electrolysis Examiners, LR 10:331 (April 1984), repromulgated LR 11:536 (May 1985), amended by the Department of Health and Hospitals, Board of Electrolysis Examiners, LR 17:778 (August 1991), LR 19:1144 (September 1993), LR 27:194 (February 2001), LR 29:

§909. Examination Schedule

A. The examination shall be given at least four times each year at a time and place as is determined by the board. Should the number of applicants warrant, additional examinations may be scheduled at the discretion of the chairman and public notice shall be given.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3051 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Electrolysis Examiners, LR 10:331 (April 1984), repromulgated LR 11:536 (May 1985), amended by the Department of Health and Hospitals, Board of Electrolysis Examiners, LR 19:1144 (September 1993), LR 29:

§1301. Requirements for Licensure of Schools of Electrolysis

A. - A.2. ...

3. a surety bond approved by the board in the amount of $1,000 per student, or a sum amount not to exceed $10,000 per school in favor of the state of Louisiana.

B. - E. ...

F. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3051.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Electrolysis Examiners, LR 10:331 (April 1984), repromulgated LR 11:536 (May 1985), amended by the Department of Health and Hospitals, Board of Electrolysis Examiners, LR 19:1144 (September 1993), LR 29:

§1303. Sanitary Requirements for Schools, Apprenticeship Programs, and Electrology Offices

A. - C. ...

D. Vinyl, latex, or any other protective medical examination gloves shall be used while attending electrology procedures. Hands shall be thoroughly washed with soap and water after removal of gloves. Unused gloves shall be used for each patient procedure and discarded after each use or if practitioner leaves patient's side or touches anything.

E. - K. ...

L. No electrologist, electrologist technician, instructor, apprentice or student in an apprenticeship program or school shall knowingly treat a person who is infected with impetigo, any contagious disease, skin malignancy, or any disease dangerous to the public.

M. No electrologist, electrologist technician, instructor, apprentice or student in an apprenticeship program or school shall treat a diabetic person without written authorization of the patient's treating physician.

N. All electrologists, electrologist technicians, instructors, apprentices and students, must place probe in holder of epilator when not in use.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3051.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Electrolysis Examiners, LR 10:331 (April 1984), amended LR 11:536 (May 1985), amended by the Department of Health and Hospitals, Board of Electrolysis Examiners, LR 17:778 (August 1991), LR 19:1144 (September 1993), LR 27:194 (February 2001), LR 29:

§1305. Additional Requirements for Schools

A. ...

B. Every school shall furnish to each student upon enrollment a true signed copy of the school contract and a copy of the school manual text covering the complete school curriculum as approved by the board.

C. ...

1. the name, address, date of enrollment, telephone number and specification of day or evening class of each student, recorded on the board's record of enrollment form;

2. ...

3. a signed copy of the student's permission to receive electrolysis treatment, and any restrictions thereof.

D. Every school shall provide each student with adequate storage space for the student's clothes and effects.

E. - K. ...

L. Repealed.

M. - N. ...

O. Repealed.

P. Repealed.

Q. - T. ...

U. Repealed.

V. A professional lamp will be focused on the treatment area at all times.

W. Repealed.

X. ...

Y. Smoking is prohibited by electrologists, electrologist technicians, instructors, students, lecturers or patients during treatment.

Z. All electrologists, electrologist technicians, instructors, and students shall wear appropriate clothing, with clean fingernails, clean stockings and clean uniform, or clean smock or clean laboratory jackets.

AA. - FF.11. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3051.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Electrolysis Examiners, LR 10:332 (April 1984), amended LR 11:537 (May 1985), amended by the Department of Health and Hospitals, Board of Electrolysis Examiners, LR 17:778 (August 1991), LR 19:1144 (September 1993), LR 29:

§1307. Additional Requirements for Offices

A. Every electrology office shall have a separate entrance away from residential rooms.

B. Separate toilet facilities must be made available without entering residential rooms.

C. Separate facilities for hand washing shall be provided separate from residential rooms.

D. - I.5. ...

J. Smoking is prohibited by electrologists, electrologist technicians, instructors, apprentices, students, lecturers or patients during treatment.

K. All electrologists, electrologist technicians, instructors, apprentices, and students shall wear appropriate clothing, with clean fingernails, and clean uniform, smock, or laboratory jacket.

L. - N. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3051.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Electrolysis Examiners, LR 10:333 (April 1984), repromulgated LR 11:537 (May 1985), amended by the Department of Health and Hospitals, Board of Electrolysis Examiners, LR 17:778 (August 1991), LR 19:1144 (September 1993), LR 29:

§1309. Regulations for Apprenticeship Programs

A. - B.3. ...

a. the owner shall provide proof of a surety bond approved by the board in the amount of $1,000 per student, or a sum not to exceed $10,000 per apprenticeship program in favor of the State of Louisiana

B.3.b. - C.7. ...

D. Each supervisor of an electrologist apprentice shall furnish the apprentice with a signed copy of the contract and a copy of the text to be used.

E. ...

1. the name, current address, date of enrollment, telephone number, and specification day or evening class of each apprentice recorded on the board's record of enrollment form;

2. …

3. Repealed.

E.4. - K. ...

L. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3051.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Electrolysis Examiners, LR 10:333 (April 1984), amended LR 11:538 (May 1985), amended by the Department of Health and Hospitals, Board of Electrolysis Examiners, LR 17:778 (August 1991), LR 19:1144 (September 1993), LR 29:

§1313. Additional Requirements for Apprenticeship Programs

A. ...

B. Every apprenticeship program shall furnish to each apprentice upon enrollment a true signed copy of the apprentice contract and a copy of the apprenticeship program manual text covering the complete apprenticeship program.

C. ...

1. the name, current address, date of enrollment, telephone number, and specifications of day or evening classes of each apprentice, as recorded on the board's record of enrollment form;

2. ...

3. Repealed.

4. ...

D. Every apprenticeship program shall provide each apprentice with adequate storage space for the apprentice's clothes and effects.

E. - K. ...

L. Repealed.

M. - R. ...

S. Separate toilet facilities must be made without entering residential rooms.

T. Separate facilities for handwashing shall be provided on the premises of the office separate from residential facilities.

U. Every office of electrolysis shall comply with Louisiana statutes and ordinances and be subject to Public Health and Safety standards for treating patients.

V. - Z. ...

AA. Smoking is prohibited by electrologists, electrologist technicians, instructors, apprentices, students, lecturers, or patients during treatment.

BB. All electrologists, electrologist technicians, instructors, apprentices, and students shall wear appropriate clothing, with clean fingernails, clean stockings and clean uniform, or clean smock or clean laboratory jackets.

CC. - DD.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3051.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Electrolysis Examiners, LR 10:333 (April 1984), amended LR 11:538 (May 1985), amended by the Department of Health and Hospitals, Board of Electrolysis Examiners, LR 17:778 (August 1991), LR 19:1144 (September 1993), LR 29:

§1503. Renewal of License

A. - B.2. ...

C. Failure to Register

1. When any electrologist, instructor, electrolysis school, or electrologist apprenticeship program licensed hereunder fails to register and pay the annual registration fee within 30 days after the registration fee becomes due, the license or certificate of such person, school, or electrologist apprenticeship program shall be revoked automatically at the expiration of 30 days after the registration was required, without further notice or hearing. However, any person, school, or electrologist apprenticeship program whose license or certificate is automatically revoked as provided herein may, within three years of the date of revocation, make application in writing to the board for the reinstatement of such license or certificate and, upon good cause being shown, the board in its discretion may reinstate such license or certificate upon payment of all past due renewal fees and the payment of an additional sum of $50. The board may require as a condition of reinstatement that the person complete all or some of the past continuing education requirements within 12 months of reinstatement of the license.

2. Any person, electrolysis school, or electrologist apprenticeship program who fails within three years after revocation of a license or certificate to make written application to the board for reinstatement must reapply to the board and pay all fees required under the provisions of the rules and regulations adopted pursuant thereto. Any electrologist, instructor, or electrologist technician who fails within three years after revocation to make written application for reinstatement must successfully complete a written and practical examination prior to reinstatement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3051.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Electrolysis Examiners, LR 10:335 (April 1984), repromulgated LR 11:540 (May 1985), amended by the Department of Health and Hospitals, Board of Electrolysis Examiners, LR 17:778 (August 1991), LR 19:1144 (September 1993), LR 27:196 (February 2001), LR 29:

Family Impact Statement

1. Estimated Effect on the Stability of the Family. There is no estimated effect on the stability of the Family.

2. Estimated Effect on the Authority and Rights of Parents Regarding the Education and Supervision of Their Children. There is no estimated effect on the authority and rights of parents regarding the education and supervision of their children.

3. Estimated Effect on the Functioning of the Family. There is no estimated effect on the functioning of the family.

4. Estimated Effect on Family Earnings and Family Budget. There is no estimated effect on family earnings and family budget.

5. Estimated Effect on the Behavior and Personal Responsibility of Children. There is no estimated effect on the behavior and personal responsibility of children.

6. Estimated Effect on the Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. There is no estimated effect on the ability of the family or a local government to perform the function as contained in the proposed Rule.

Interested parties may submit written comments on this proposed rule through June 30, 2003, to Cheri Miller, Board of Electrolysis Examiners, P.O. Box 67, DeRidder, LA 70634-0067.

Cheri L. Miller
Chairperson

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Electrologists Instructors Requirements

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

It is estimated that there will not be any programmatic impact to the board as a result of these Rules. It is anticipated that the board will expend $864 for FY03 for promulgation of the final Rule.

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

It is anticipated that the proposed Rule will have no impact on the revenue of state or local government.

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

Implementation of proposed Rule will not have a material impact on affected persons. The proposed changes are procedural in nature, and are intended to revise teaching requirements for electrologists instructor's.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that there will be no effect on competition and employment and employment.

Cheri L. Miller	H. Gordon Monk
Chairperson	Staff Director
0307#047	Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals
Board of Examiners of Psychologists

Licenses (LAC 46:LXIII.901)

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 adopt LAC 46:LXIII.901.E.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LXIII. Psychologists

Chapter 9. Licenses

§901. Renewal of Lapsed Licenses

A. - D. …

E. A lapsed license shall be reinstated as of the date all applicable requirements of R.S. 37:2357 have been met. However, the board retains the right to reinstate licenses

retroactively in unusual circumstances as specified in the policy and procedures of the LSBEP.

AUTHORITY NOTE: Promulgated in accordance with R.S. R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Psychologists, LR 6:489 (August 1980), amended LR 10:795 (October 1984), amended by the Department of Health and Hospitals, Board of Examiners of Psychologists, 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: Licenses

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

The only cost anticipated to implement this Rule is the $80 cost (from agency self-generated revenues) of publishing it in the *Louisiana Register*. The Louisiana State Board of Examiners of Psychologists (LSBEP) publishes a newsletter which is distributed to all Louisiana licensed psychologists. This proposed Rule change 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 will have no financial effect upon state or local governmental units.

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

It is anticipated that the proposed Rule will have no significant effect on costs and/or economic benefits to directly affected persons or nongovernmental groups.

The proposed Rule clarifies that a lapsed license shall be considered reinstated on the date all requirements for reinstatement have been fulfilled (including payment of all late and current fees.)

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the proposed Rule will have no effect on competition and employment in the public and/or private sectors.

Brenda C. Ward	H. Gordon Monk
Executive Director	Staff Director
0307#051	Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals
Board of Examiners of Psychologists

Reciprocity
(LAC 46:LXIII.201)

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 amend LAC 46:LXIII.201.A.2 and adopt LAC 46:LXIII.201A.3.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LXIII. Psychologists
Chapter 2. Reciprocity
§201. Licensure of Psychologists through Reciprocity

A. - A.1.e. ...

2. he/she is a psychologist licensed in another state or territory of the U.S. or a Canadian province who has met the requirements for and holds a current Certificate of Professional Qualification in Psychology (CPQ) issued by the Association of State and Provincial Psychology Boards (ASPPB); or

3. that he/she is a psychologists licensed in another state or territory of the U.S. or a Canadian province who is a current Diplomat of the American Board of Professional Psychology (ABPP) in good standing.

B. …

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 23:861 (July 1997), amended LR 27:723 (May 2001), 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: Reciprocity

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

The only cost anticipated to implement this Rule is the $80 cost (from agency self-generated revenues) of publishing it in the *Louisiana Register*. The Louisiana State Board of Examiners of Psychologists (LSBEP) publishes a newsletter

which is distributed to all Louisiana licensed psychologists. This proposed Rule change 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 will have no financial effect upon state or local governmental units.

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

It is anticipated that the proposed Rule will have no significant effect on costs and/or economic benefits to directly affected persons or nongovernmental groups.

Applicants for licensure as psychologists in Louisiana who are current Diplomates of the American Board of Professional Psychology (ABPP) and in good standing may be licensed in Louisiana based upon verification of their ABPP. Candidates would still be required to pay the licensure application fee, but may or may not be required to sit for an oral examination.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the proposed Rule will have no effect on competition and employment in the public and/or private sectors.

Brenda C. Ward	H. Gordon Monk
Executive Director	Staff Director
0307#049	Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals
Board of Examiners of Psychologists

Supervised Practice
(LAC 46:LXIII.703)

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 amend LAC 46:LXIII.703.A.2.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LXIII. Psychologists
Chapter 7. Supervised Practice Leading toward Licensure
§703. Duration and Setting of Supervised Practice

A. - A.1. ...

2. To be credited toward the two years full-time requirements each assignment in a setting or integrated program shall be of at least 500 hours in duration and at least half-time for that setting or integrated program. Supervised practice must be completed within five calendar years, and for cause shown, the board may grant extensions.

3. …

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 5:249 (August 1979), amended LR 7:187 (April 1981), amended by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 13:180 (March 1987), 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: Supervised Practice

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

The only cost anticipated to implement this Rule is the $80 cost (from agency self-generated revenues) of publishing it in the *Louisiana Register*. The Louisiana State Board of Examiners of Psychologists (LSBEP) publishes a newsletter which is distributed to all Louisiana licensed psychologists. This proposed Rule change 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 will have no financial effect upon state or local governmental units.

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

It is anticipated that the proposed Rule will have no significant effect on costs and/or economic benefits to directly affected persons or nongovernmental groups.

The proposed Rule clarifies the old Rule, without changing the purpose or intent, regarding the required number of post doctoral supervised hours leading toward licensure as a psychologist.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the proposed Rule will have no effect on competition and employment in the public and/or private sectors. The wording of the old Rule is being changed for clarity purposed only.

Barbara C. Ward	H. Gordon Monk
Executive Director	Staff Director
0307#050	Legislative Fiscal Office

NOTICE OF INTENT

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

Home and Community Based Services Waiver Program
Elderly and Disabled Adult Waiver

The Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services 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 provisions of 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 August 1993 establishing the Home Care for the Elderly Waiver Program to provide community based services to individuals who are age 65 and older and meet the medical certification and financial eligibility requirements for nursing facility care (*Louisiana Register*, *Volume 19, Number 8*). The August 1993 Rule was amended by a Rule promulgated in January 1998 to: 1) redefine the target population served by the Home Care for the Elderly waiver and rename the waiver as the Elderly and Disabled Adult (EDA) waiver; 2) establish an average cost per day limit for each participant of the waiver; 3) establish and define new services; 4) establish methodology for the assignment of slots; and 5) clarify admission and discharge criteria, mandatory reporting requirements and the reimbursement requirement for the prior approval of the plan of care (*Louisiana Register*, *Volume 24, Number 1*). The department subsequently adopted a Rule that transferred responsibility for the Elderly and Disabled Adult waiver waiting list to the Bureau of Community Supports and Services and established a single state-wide request for services registry (*Louisiana Register*, *Volume 28, Number 4*). In order to facilitate the efficient management of the Elderly and Disabled Adult waiver, the department now proposes to amend the January 20, 1998 and April 20, 2002 Rules.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on the family as it will enhance the efficiency of the management of the request for services registry and facilitate the allocation of waiver slots.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services amends the provisions contained in the January 20, 1998 and April 20, 2002 Rules governing the Elderly and Disabled Adult (EDA) Waiver.

General Provisions

A. All agencies providing case management services to participants in the Elderly and Disabled Adult (EDA) Waiver must comply with the policies contained in the Medicaid Case Management Services Provider Manual issued March 1, 1999 and revised July 1, 2002 and all subsequent changes. All waiver service provider agencies providing direct services to participants in the Elderly and Disabled Adult Waiver must comply with policies contained in the Elderly and Disabled Adult Waiver Direct Service Provider Manual issued September 1, 2001 and all subsequent changes.

Waiver Admission Criteria

A. Admission to the EDA Waiver shall be determined in accordance with the following criteria.

1. - 4. ...

5. If the onset of disability was prior to age 22 (the definition of developmental disability cited in R.S. 28:381(12)) and the individual is on the Mentally Retarded/Developmentally Disabled (MR/DD) Request for Services Registry, he/she must agree to remove their name from the MR/DD registry in order to meet the nursing home level of care required for the EDA waiver. This action will be required prior to being certified into the waiver. The individual and BCSS must agree that it would be appropriate to place the individual in a nursing facility and that he/she does not require the treatment services of an ICF/MR, i.e., does not have a need for treatment that exceeds the level of services that can be delivered through nursing facility services alone.

Request for Services Registry

1. Individuals age 21 and over who are requesting waiver services under the disabled adult category must submit information to document their disability prior to being added to the request for services registry.

2. Individuals age 65 and over who are requesting waiver services under the elderly adult category shall be placed on the registry and must provide documentation of age. Additional criteria will be requested when the individual's date is near the top of the registry for offers of service.

3. Individuals must notify BCSS of all changes of address and/or telephone numbers in order to keep the registry current and must respond timely as indicated in notices and correspondence in order to remain on the registry. Individuals shall be removed from the registry if after two contacts, BCSS is unable to locate the individual based on the information provided by the requestor of waiver services.

4. Failure to cooperate and participate in the admission process by not returning requested documentation to BCSS within 35 days of offer shall result in removal of the individual from the registry and revocation of the slot offer. Exception: a waiver slot/certification shall be kept open for up to 90 days from the offer for individuals hospitalized or in rehabilitation with an intent to return to their home.

Interested persons may submit written comments to Barbara Dodge at the Bureau of Community Supports and Services, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, August 26, 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: Home and Community Based Services Waiver ProgramCElderly and Disabled Adult Waiver

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

It is anticipated that the implementation of this proposed Rule will have no programmatic fiscal impact for SFY 2003-2004, 2004-2005 and 2005-2006. It is anticipated that $272 ($136 SGF and $136 FED) will be expended in SFY 2003-2004 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 not impact federal revenue collections for SFY 2003-2004, 2004-2005 and 2005-2006. $136 is included in SFY 2003-2004 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)

Implementation of this proposed Rule will not have estimable costs and/or economic benefits for directly affected persons or non governmental groups for SFY 2003-2004, 2004-2005 and 2005-2006. This Rule amends procedures for the administration of the Elderly and Disabled Waiver. The proposed Rule will insure that agencies providing case management services to participants in the Elderly and Disabled Waiver comply with established policies. The proposed Rule will also facilitate the efficient management of the Elderly and Disabled Waiver request for services registry.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Bean A. Bearden	H. Gordon Monk
Director	Staff Director
0307#082	Legislative Fiscal Office

NOTICE OF INTENT

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

Durable Medical Equipment Program
Motorized Wheelchairs
(LAC 50:VII.14821-14825)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Rule 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 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 provides coverage and reimbursement for manual and motorized wheelchairs under the Durable Medical Equipment Program. The bureau promulgated an Emergency Rule to adopt new policy governing recipient qualifications for motorized wheelchairs (*Louisiana Register*, *Volume 28, Number 9*). This Rule is being promulgated to continue the provisions contained in the September 21, 2002 Rule.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that 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 promote the health and welfare of Medicaid recipients by facilitating access to medically necessary motorized wheelchairs and thereby avoiding further deterioration of their physical functioning.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing establishes provisions governing recipient criteria and prior authorization for motorized wheelchairs. In addition, the bureau amends the August 20, 1998 Rule to clarify the provisions governing the repair of motorized wheelchairs.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XVII. Durable Medical Equipment
Subpart 1. Prosthetics
Chapter 148. Wheelchairs/Wheelchair Accessories and Strollers
Subchapter A. (Reserved)
Subchapter B. Wheelchairs, Motorized and/or Custom Motorized

§14821. Recipient Criteria

A. Motorized Wheelchairs

1. For purposes of this Rule, the term motorized shall have the same meaning as power, electric or any means of propulsion other than manual. The recipient must meet all of the following criteria in order to be considered for a motorized wheelchair:

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

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

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

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

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

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

§14823. Prior Authorization

A. All wheelchairs and modifications required to meet the needs of a particular recipient are subject to prior authorization. In addition, all requests must include the following documentation:

1. a completed PA-01 form;

2. a physician's prescription for the wheelchair. The physician must specifically state whether the prescription is for a motorized wheelchair or a custom motorized wheelchair. Medical documentation from a physician is required to support the modifications for wheelchairs with specialized seating or individualized features;

3. a seating evaluation performed in cooperation with a physical therapist or occupational therapist. The seating evaluation must include the following documentation:

a. the appropriateness of the specific wheelchair requested and all modifications and/or attachments to the specific wheelchair and its ability to meet the recipient's long-term medical needs. Options that are primarily beneficial in allowing the recipient to perform leisure or recreational activities are not covered;

b. documentation that the recipient does not have the upper extremity function necessary to operate a manual wheelchair; and

c. the dated signature of the physician who prescribed the motorized wheelchair and the dated signature of the physical or occupational therapist that participated in the seating evaluation;

4. documentation that the recipient can safely operate the controls for a motorized wheelchair:

a. the ability to safely operate the controls of a motorized wheelchair shall be verified by the notes and recommendation of the recipient's physician, physical therapist, or occupational therapist;

b. such documentation shall be dated and include the name and signature of the physician, physical therapist or occupational therapist who has determined that the recipient can safely operate the controls of the motorized wheelchair;

c. it is not sufficient for a Medicaid provider of motorized wheelchairs to indicate that a recipient can safely operate the controls for a motorized wheelchair.

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

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

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

§14825. Repairs

A. Repairs to motorized wheelchairs will be considered if the request is for basic repairs only, not for major modifications or reconstruction of the chair.

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:

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, August 26, 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: Durable Medical Equipment ProgramCMotorized Wheelchairs

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 $85,848 for SFY 2002-2003, $112,364 for SFY 2003-2004 and $115,489 for SFY 2004-2005. It is anticipated that $476 ($238 SGF and $238 FED) will be expended in SFY 2003-2004 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 $210,590 for SFY 2002-2003, $282,088 for SFY 2003-2004 and $290,306 for SFY 2004-2005. It is anticipated that $238 will be expended in SFY 2003-2004 for the federal share of the expense 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)

Implementation of this proposed Rule will adopt new policy governing recipient qualifications for motorized wheelchairs. It is anticipated that the implementation of this proposed Rule will promote the health and welfare of Medicaid recipients (approximately 51 per year) by facilitating access to medically necessary motorized wheelchairs and thereby avoiding further deterioration of their physical functioning. It is anticipated that the implementation of this proposed Rule will increase expenditures to providers of motorized wheelchairs by approximately $296,438 for SFY 2002-2003, $393,976 for SFY 2003-2004 and $405,795 for SFY 2004-2005.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition or employment.

Ben A. Bearden
Director
0307#086

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Medicaid Eligibility
Family Practice Examination

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. 34:254 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 is the single state agency responsible for the administration of the Medicaid Program, including the determination of eligibility. Eligibility for the Medicaid Program is limited to certain groups of individuals as authorized by Congress. Specific requirements must be met in order to qualify as a member of these groups. Categorical eligibility for members of certain groups is based on a medical determination of a physical or mental defect, illness or impairment that meets established criteria. Medical documentation obtained from licensed physicians, clinics, hospitals and other sources is reviewed in making this eligibility determination. If documentation is not available for the medical eligibility determination, the bureau may assist the applicant by providing reimbursement to an enrolled Medicaid provider for a medical examination. The bureau has determined that it is necessary to increase the reimbursement for these examinations (also referred to as family practice examinations) in order to ensure continued access to medical examinations for those applicants who do not have medical documentation.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability, or autonomy as described in R.S. 49:972 as it will assist applicants who have no other means to obtain the medical documentation necessary for the determination of Medicaid eligibility.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing increases the reimbursement fee for the family practice examination to $100. The family practice examination consists of a medical examination and a written report describing the Medicaid applicant's medical condition. Reimbursement is only available to Medicaid enrolled physicians, clinics and hospitals.

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, August 26, 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: Medicaid Eligibility
Family Practice Examination

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

It is anticipated that implementation of this proposed Rule will increase state program costs by approximately $196 for SFY 2003-2004, $114 for SFY 2004-2005 and $114 for SFY 2005-2006. It is anticipated that $204 ($102 SGF and $102 FED) will be expended in SFY 2003-04 for the state's administrative expense for promulgation of this proposed Rule and the final Rule.

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

It is anticipated that implementation of this proposed Rule will increase federal revenue collections by approximately $340 for SFY 2003-2004, $286 for SFY 2004-2005 and $286 for SFY 2005-2006.

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

It is anticipated that the implementation of this proposed Rule will have an economic benefit to directly affected persons as they will not have to incur the expense of obtaining the medical documentation necessary for the eligibility determination process. Implementation of this proposed Rule will increase expenditures for family practice examinations (increase of $40 per examination for approximately 10 examinations per year) by $332 in SFY 2003-2004, $400 in SFY 2004-2005 and $400 in SFY 2005-2006.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Ben A. Bearden	H. Gordon Monk
Director	Staff Director
0307#083	Legislative Fiscal Office

NOTICE OF INTENT

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

Personal Care Services Long Term Care
(LAC 50:XV.Chapter 129)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Rule 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 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 to establish the provisions governing coverage of personal care services as an optional service under the Medicaid State Plan (*Louisiana Register*, *Volume 29, Number 6*). The bureau now proposes to amend the June 20, 2003 Rule to establish provisions governing staffing requirements for personal care providers and the recipient's rights when changing providers. In addition, the bureau proposes to clarify the provisions governing the authorization of services and the place of service.

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 enhance the quality of services by ensuring that employees of personal care services agencies are qualified to provide services.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the June 20, 2003 Rule to establish provisions governing staffing requirements for personal care services providers and changing of providers. In addition, the bureau clarifies the provisions governing the authorization of services and place of service.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XV. Services for Special Populations
Subpart 9. Personal Care Services
Chapter 129. Long Term Care
§12901. General Provisions

A. ....

B. An assessment shall be performed for every recipient who requests personal care services. This assessment shall be utilized to identify the recipient's long term care needs, preferences, the availability of family and community supports and to develop the plan of care. 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.

C. Authorization. Personal Care Services (PCS) shall be authorized by the Bureau of Health Services Financing or its designee. The Bureau of Health Services Financing or its designee will review the completed assessment, supporting documentation from the recipient's primary physician, plan of care and any other pertinent documents to determine whether the recipient meets the qualifications for personal care services and the quantity of 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 29:911 (June 2003), amended LR 29:

§12907. Recipient Rights

A. - A.9. ....

B. Changing Providers. Recipients may request to change PCS providers without cause once during every 90 days of the service authorization period. Recipients may request to change PCS providers with good cause at any time during the service authorization period. Good cause is defined as the failure of the provider to furnish services in compliance with the service plan. Good cause shall be determined by the bureau or its designee.

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 29:912 (June 2003), amended LR 29:

§12909. Standards for Participation

A. - B.2. ...

3. ensure that a physical examination to determine good health, drug screening test and criminal background check are conducted for all direct care staff prior to an offer of employment;

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

5 - 10. ...

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 29:912 (June 2003), amended LR 29:

§12911. Staffing Requirements

A. Personal care services agencies participating in the Medicaid Program must ensure that all staff providing direct care to the recipient meet the qualifications for furnishing personal care services. The PCS worker should demonstrate empathy toward the elderly and persons with disabilities, an ability to provide care to these recipients, and the maturity and ability to deal effectively with the demands of the job. In addition, all supervisors of direct care staff must meet qualifications set forth in this §12911.

B. Personal Care Services Worker Qualifications

1. Age. The worker must be at least 21 years old or older at the time the offer of employment is made. Verification of age must be maintained in each worker's personnel record.

2. Education and Experience. All PCS workers must meet one of the following minimum education and experience qualifications:

a. a high school diploma or general equivalency diploma (GED) and one year of documented experience providing direct care services to the elderly and/or persons with disabilities; or

b. successful completion of a home health aide training program and competency evaluation; or

c. successful completion of a certified nursing assistant training program and competency evaluation approved by the Department of Health and Hospitals; or

d. five years of documented experience providing direct care services to the elderly and/or persons with disabilities.

3. The PCS worker must have the ability to read and write in English as well as to carry out directions promptly and accurately.

4. Prior to an offer of employment being finalized, the PCS worker must have:

a. a physical examination that verifies that he/she is in good health and free from contagious disease;

b. a drug screening test performed by an independent laboratory:

i. the worker shall not be assigned to provide services to a recipient until the results have been received from the physical examination and the drug screening test; and

c. a criminal background check:

i. the worker may be assigned to provide services pending the results of the criminal background if the recipient or his/her responsible representative gives written consent.

C. Restrictions. A legally responsible relative is prohibited from being the paid PCS worker for a family member. Legally responsible relative is defined as a recipient's spouse or a parent of a minor child.

D. Supervisor Qualifications

1. Age. The supervisor must be at least 23 years old or older at the time the offer of employment is made. Verification of age must be maintained in each worker's personnel record.

2. Education and Experience

a. All supervisors of PCS workers must meet one of the following minimum education and experience qualifications:

i. a bachelor's degree in a human service- related field such as social work, psychology, sociology, physical therapy, recreational therapy or counseling from an accredited college or university and two years of paid experience in a human service-related field providing direct services to the elderly and/or persons with disabilities; or

ii. a licensed registered nurse (RN) or a licensed practical nurse (LPN) with one years of paid experience as an RN or LPN providing direct services to the elderly and/or persons with disabilities; or

iii. a high school diploma or GED and five years of paid experience providing direct care services to the elderly and/or persons with disabilities.

b. Thirty hours of graduate level course credit in any of the referenced human service-related fields may be substituted for the one year of required paid experience.

E. Training. Training for PCS workers and supervisors must be provided or arranged for by the personal care services agency at its own expense.

1. A minimum of eight hours of orientation must be provided to new direct care and supervisory employees within one week of employment. The orientation provided to staff shall include, but is not limited to:

a. agency policies and procedures;

b. staff duties and responsibilities;

c. ethics and confidentiality;

d. record keeping;

e. a description of the population served by the agency; and

f. a discussion of issues related to providing care for these individuals, including physical and emotional problems associated with aging and disability.

2. New direct care staff must also receive training in cardiopulmonary resuscitation (CPR) and basic first aid within one week of employment. A current, valid certification for CPR and first aid may be accepted as verification of training.

3. A minimum of 16 hours of training must be furnished to new employees within 30 days of employment. The PCS agency training curriculum must, at a minimum, include the following components:

a. communication skills;

b. observation, reporting and documentation of the recipient status and the care or service furnished;

c. basic infection control procedures;

d. basic elements of body functioning and changes in body function that must be reported to a worker's supervisor;

e. safe transfer techniques and ambulation;

f. appropriate and safe techniques in personal hygiene and grooming that include:

i. bed bath;

ii. sponge, tub, or shower bath;

iii. sink, tub, bed shampoo;

iv. nail and skin care;

v. oral hygiene; and

vi. toileting and elimination;

g. recognizing emergencies and knowledge of emergency procedures;

h. maintenance of a clean, safe and healthy environment; and

i. treating the recipient with dignity and respect, including the need to respect his/her privacy and property.

4. PCS workers and supervisors must satisfactorily complete a minimum of 20 hours of annual training related to the provision of personal care services. This training may include updates on the subjects covered in orientation and initial training. The eight hours of orientation required for new employees are not included as part of the hours required for the annual training.

5. Documentation. All required training must be documented in the employee's personnel record, including the date, time spent in the training sessions, subjects covered and the name of the individual who conducted the training. Verification of training shall be furnished to the bureau or its designee upon request.

F. Supervisory Responsibilities

1. Each supervisor shall be responsible for assessing the job performance of each staff member, reviewing individual cases, providing constructive feedback, and assisting staff to provide services in a more effective manner and to resolve problems using the following methods:

a. routine face-to-face meetings with individual staff;

b. routine face-to-face group meetings with all staff; or

c. periodic visits to the recipient's residence to ensure his/her satisfaction with services being provided.

2. Each supervisor shall be responsible for the supervision of no more than 10 PCS workers.

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:

§12913. Place of Service

A. Personal care 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 normal life activities pertaining to the IADLs cited in the plan of care. 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, institution for mental disease, nursing facility or an intermediate care facility for the mentally retarded, are not considered to be the recipient's home.

B. - D. ...

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 29:913 (June 2003), amended LR 29:

Implementation of the provisions of this rule shall be contingent upon the approval of the U.S. Department of

Health and Human Services, Centers for Medicare and Medicaid Services.

Interested persons may submit written comments to Ben A. Bearden, 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, August 26, 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 Care Services Long Term Care

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

It is anticipated that the implementation of this proposed Rule will have no programmatic fiscal impact for SFY 2003-2004, 2004-2005 and 2005-2006. It is anticipated that $816 ($408 SGF and $408 FED) will be expended in SFY 2003-2004 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 not affect federal revenue collections for SFY 2003-2004, 2004-2005 and 2005-2006. It is anticipated that $408 will be expended in SFY 2003-2004 for the federal share of the expense 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)

Implementation of this proposed Rule will not have estimable cost or economic benefits for directly affected persons or non governmental groups. Implementation of this proposed Rule will amend provisions contained in the June 20, 2003 Rule pertaining to staffing requirements for personal care services and the recipient's rights when changing providers. The proposed Rule will also clarify provisions governing the authorization of services and the places where services may be provided.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition or employment.

Ben A. Bearden
Director
0307#081

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Pharmacy Benefits Management Program
Prescription Limit

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 Rule is promulgated in accordance with the provisions of 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 administers the Pharmacy Benefits Management Program under the Medicaid Program in accordance with federal and state regulations which govern Medicaid coverage of prescription drugs. Although federal regulations permit states to establish recipient service limits with a provision for exemption of certain recipient groups, the bureau has not established any limits on the number of prescriptions allowed to Medicaid recipients. In compliance with Executive Order MJF 02-29, the department established a limit of eight prescriptions per calendar month with provisions for exemption of federally mandated eligibles and for the prescriber to override the limit in medically necessary cases (*Louisiana Register, Volume 29, Number 3*). This Rule is being promulgated to continue the provisions contained in the March 3, 2003 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 could possibly have an impact on family functioning, stability, or autonomy as described in R.S. 49:972. In some instances, this proposed Rule could result in financial hardship if the prescriber does not exercise the override provision for prescriptions exceeding the eight limit with the required documentation to support the override.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following regulations governing the provision of prescription drug benefits offered to Medicaid recipients under the Medicaid Pharmacy Benefits Management Program.

1. The Department of Health and Hospitals will pay for a maximum of eight prescriptions per calendar month for Medicaid recipients.

2. The following federally mandated recipient groups are exempt from the eight prescriptions per calendar month limitation:

a. persons under 21 years of age;

b. persons who are residents of long-term care institutions, such as nursing homes and ICF-MR facilities; and

c. pregnant women.

3. The eight prescriptions per month limit can be exceeded when the prescriber determines an additional prescription is medically necessary and communicates the following information to the pharmacist in his own handwriting or by telephone or other telecommunications device:

a. "medically necessary override"; and

b. a valid ICD-9-CM Diagnosis Code that directly relates to each drug prescribed that is over the eight prescription limit. (No ICD-9-CM literal description is acceptable.)

4. The prescriber should use the Clinical Drug Inquiry (CDI) Internet web application developed by the fiscal intermediary in his/her clinical assessment of the patient's disease state or medical condition and the current drug regime before making a determination that more than eight prescriptions per calendar month is required by the recipient.

5. Printed statements without the prescribing practitioner's signature, check-off boxes or stamped signatures are not acceptable documentation.

6. An acceptable statement and ICD-9-CM are required for each prescription in excess of eight for that month.

7. Pharmacists and prescribers are required to maintain documentation to support the override of a prescription limitation.

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

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, August 26, 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: Pharmacy Benefits Management Program Prescription Limit

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

It is anticipated that implementation of this proposed Rule will result in estimated savings to the state of $3,634,397 for SFY 2002-2003, $11,036,259 for SFY 2003-2004 and $11,367,487 for SFY 2004-2005. It is anticipated that $272 ($136 SGF and $136 FED) will be expended in SFY 2003-04 for the state s administrative expense for promulgation of this proposed Rule and the final Rule.

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

It is anticipated that implementation of this proposed Rule will reduce federal revenue collections by $8,915,318 for SFY 2002-2003, $27,742,088 for SFY 2003-2004 and $28,574,491 for SFY 2004-2005. $136 is included in SFY 2003-2004 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 establishes a limit of eight prescriptions per calendar month with provisions for exemption of federally mandated eligibles (persons under 21 years of age, residents of long term care facilities and pregnant women) and for the prescriber to override the eight prescription limit in medically necessary cases. It is anticipated that implementation of this proposed Rule will decrease spending on prescription drugs for Medicaid recipients by $12,549,715 for SFY 2002-2003, $38,778,619 for SFY 2003-2004 and $39,941,978 for SFY 2004-2005.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that there will be no effect on competition or employment as a result of the implementation of this proposed Rule.

Ben A. Bearden
Director
0307#085

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

Private Hospital Outpatient Services
Reimbursement Reduction

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Rule 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 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 the reimbursement methodology for outpatient hospital services at an interim rate of 60 percent of billed charges and cost settlement adjusted to 83 percent of allowable costs documented in the cost report, except for laboratory services subject to the Medicare Fee Schedule and outpatient surgeries (*Louisiana Register*, *Volume 22, Number 1*).

As a result of a budgetary shortfall, the Bureau amended the provisions contained in the January 1996 Rule governing the reimbursement methodology for outpatient hospital services. Reimbursement for those surgical procedures that were not included on the Medicaid outpatient surgery list was set at the highest flat fee in the four Medicaid established outpatient surgery payment groups when the

procedure is performed in an outpatient setting. In addition, the interim reimbursement rate for all other outpatient hospital services was changed to a hospital specific cost to charge ratio calculation based on filed cost reports for the period ending in state fiscal year 1997 (*Louisiana Register*, *Volume 26, Number 12*).

As a result of a budgetary shortfall, the bureau promulgated a Rule that adjusted the interim reimbursement rate for hospital outpatient services in private hospitals to a hospital specific cost to charge ratio calculation based on the latest filed cost reports (*Louisiana Register*, *Volume 29, Number 3*). This Rule is being promulgated to continue the provisions contained in the March 1, 2003 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 December 20, 1997 Rule governing the reimbursement methodology for outpatient hospital services by adjusting the interim rate to a hospital specific cost to charge ratio calculation based on the latest filed cost report. These cost to charge ratio calculations will be reviewed on an ongoing basis as cost reports are filed and will be adjusted as necessary. The final reimbursement for these services will continue to be cost settlement at 83 percent of allowable costs.

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

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, August 26, 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: Private HospitalCOutpatient ServicesCReimbursement Reduction

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

It is anticipated that implementation of this proposed Rule will result in estimated savings to the state of $2,066,117 for SFY 2002-2003, $12,548,047 for SFY 2003-2004 and $12,524,593 for SFY 2004-2005. It is anticipated that $204 ($102 SGF and $102 FED) will be expended in SFY 2003-04 for the state's administrative expense for promulgation of this proposed Rule and the final Rule.

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

It is anticipated that implementation of this proposed Rule will reduce federal revenue collections by $5,068,264 for SFY 2002-2003, $31,542,224 for SFY 2003-2004 and $32,488,596 for SFY 2004-2005. $102 is included in SFY 2003-2004 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 adjusts the interim reimbursement rate for private hospital outpatient services to a specific cost to charge ratio calculation, based on the most recently filed cost report. It is anticipated that implementation of this proposed Rule will result in improved cash flow and will more accurately reimburse hospitals for outpatient services by approximately $7,134,381 for SFY 2002-2003, $44,090,475 for SFY 2003-2004 and $45,413,189 for SFY 2004-2005.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that there will be no effect on competition or employment as a result of the implementation of this proposed Rule.

Ben A. Bearden	H. Gordon Monk
Director	Staff Director
0307#084	Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals
Board of Pharmacy

Pharmacists (LAC 46:LIII.Chapters 1-29)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Louisiana Pharmacy Practice Act (R.S. 37:1161 et seq.), the Louisiana Board of Pharmacy hereby gives notice of its intent to repeal the entire contents of Chapters 1, 3, 5, 7, 9, 11, 13, 14, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, and 35, and adopt the following proposed Rule.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LIII. Pharmacists

Chapter 1. Introduction

§101. Preamble

A. Pursuant to the authority granted by R.S. 37:1182, and in the interest of promoting the public health, safety, and welfare, the following rules and regulations are hereby adopted by the Louisiana Board of Pharmacy (board).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§103. Pharmacy Board Organization

A. Board Officers

1. President. The president shall preside at all board meetings.

2. Vice-Presidents. In the absence of the president, the vice-presidents shall preside in descending order at all board meetings.

3. Secretary. The secretary shall conduct the nomination procedure for board candidates and report the results of the balloting to the governor for his appointments.

B. Election

1. General Election. The board shall annually elect officers from its membership.

2. Special Election. The president may call a special election of the board to fill vacancies of elected officers.

C. Officers' Terms. Officers elected by the board shall serve one-year terms and their terms shall end upon the election of their successors. An officer elected to a vacant position shall serve for the remainder of that term, at which time an election shall occur commensurate with the annual election.

D. Per Diem. A per diem, as authorized by R.S. 37:1178, is defined as compensation to be received by a board member for each day of service while attending regular or called board meetings, while attending to official business of the board, or while attending a board related or board sanctioned conference, including travel days for members to and from these meetings, conferences, and related business. This per diem shall not serve as reimbursement for meals, lodging, and other expenses incurred as a result of these meetings, conferences, and related business.

E. Board Budget. The board is a self-sustaining body that shall generate sufficient revenues funded by fees, appropriations, and/or assessments in order to maintain efficient operations.

1. Administrative Costs. The board may assess administrative costs as it deems necessary to facilitate the proper implementation of its rules and regulations.

2. Annual Operating Budget. The board has the responsibility to perfect an annual operating budget.

3. Annual Capital Budget. The board has the responsibility to establish a capital budget, when applicable.

F. Executive Director. The executive director shall carry out functions of the board relative to its statutory requirements and other duties as defined by the board. With the board's approval, the executive director serves as the appointing authority and may appoint additional employees for professional, clerical, and special duties necessary to carry out the board's functions and may establish standards for the conduct of employees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§105. Board Procedures

A. All board procedures and operations shall adhere to the Administrative Procedure Act, R.S. 49:950 et seq., the Open Meetings Law, R.S. 42:4.1 et seq., and the Public Records Act, R.S. 44:1 et seq.

B. Order. Robert's Rules of Order shall govern all proceedings unless otherwise provided.

C. Public Comments. A public comment period shall be held during each board meeting.

1. Persons desiring to present public comments shall notify the board chairman or executive director no later than the beginning of the meeting. However, to assure that an opportunity is afforded to all persons who desire to make public comments, the chairman shall inquire at the beginning of the meeting if there are additional persons who wish to comment. The chairman shall allot the time available for the public comments in an equitable manner among those persons desiring to comment, limiting each person to a maximum of three minutes, with the total comment period not to exceed thirty minutes. Each person making public comments shall identify himself and the group, organization, company, or entity he represents, if any.

2. Unless otherwise provided by law, public comment is not part of the evidentiary record of a hearing or case unless sworn, subject to cross-examination, offered by a party as relevant testimony, and received in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§107. Board Committees and Subcommittees

A. Board committees are working bodies created by the board comprising members appointed or removed by the president to address and deliberate specific pharmacy matters referred by the board for specified periods consisting of the following.

1. Standing Committees. Standing committees are permanent bodies and are created by the board comprising members appointed by the president with the duty to address and deliberate specific subject matters referred by the board.

2. Special Committees. Special committees are appointed by the president for a particular period to address or deliberate special matters.

3. Board Subcommittees. Board subcommittees are created by the board comprising members and ex-officio non-voting members appointed by the president that are ancillary to a standing or special committee to address or deliberate a limited committee subject matter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§109. Standing Board Committees

A. Executive Committee. The executive committee, comprised of the president, vice-presidents, and secretary shall function to address interim administrative board matters that require immediate attention between regularly scheduled board meetings.

B. Regulation Revision Committee. The regulation revision committee, consisting of at least three board members appointed at the discretion of the president, shall function to preliminarily draft rules, regulations, and policies to be considered by the full board for promulgation and/or resolution or order.

C. Reciprocity Committee. The reciprocity committee, consisting of at least three board members appointed at the discretion of the president, shall function to document the qualifications, compliance, and credentials of reciprocity candidates.

D. Impairment Committee. The impairment committee, consisting of at least three board members appointed at the discretion of the president, shall function to study, recognize,

address the need to identify, and monitor the recovery of impaired persons in order to protect the public and the practitioner. Additionally, the impairment committee shall function to investigate, review, and interview impaired or allegedly impaired persons practicing or assisting in the practice of pharmacy and tender findings and recommendations to the board.

E. Violations Committee. The violations committee shall consist of at least three board members appointed at the discretion of the president. Board-designated staff shall preliminarily determine the disposition of complaints and alleged offenses. Thereafter, the violations committee shall function to receive complaints, receive staffs' reports, and evaluate and review findings. The disposition of alleged offenses shall be determined by conducting an informal inquiry conference, an interlocutory hearing, and/or referring the matter to special counsel for formal hearing by the full board.

F. Reinstatement Committee. The reinstatement committee, consisting of at least three board members appointed at the discretion of the president, shall function to receive complaints, receive staffs' reports, evaluate and review findings, interview applicants, deliberate, and tender recommendations to the full board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§111. Official Journal

A. The official journal of the board is the *Louisiana Board of Pharmacy Newsletter*. The newsletter may be used in administrative hearings as proof of notification to pharmacists, interns, pharmacy technicians, pharmacy technician trainees, and holders of pharmacy permits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

Chapter 3. Board Hearings

§301. Board Hearing Procedures and Jurisdiction

A. Person. The board has jurisdictional authority over the person practicing pharmacy, assisting in the practice of pharmacy, operating a pharmacy, or otherwise licensed, registered, certified, or permitted by the board. A person is as defined in R.S. 37:1164(33) of the Pharmacy Practice Act.

B. Subject Matter. The board has jurisdiction over any subject matter related to the practice of pharmacy or any other matter regarding the dispensing or selling of prescription drugs in a safe manner so as not to endanger the public health, safety, or welfare.

C. Board Authority. The board has authority to adopt rules pursuant to the Pharmacy Practice Act, R.S. 37:1161 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq., regarding due process disciplinary hearings.

D. Venue. A due process hearing shall convene in a designated Louisiana parish at a regularly called board meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§303. Summons

A. A summons shall represent a complaint of an alleged violation directed to a respondent.

B. Hearing Notice. The board shall initiate a hearing by issuing a notice summons. The notice summons shall be forwarded to the respondent commanding his presence to appear before the board for a due process hearing setting forth the following.

1. Name. The notice shall include the respondent's name and address.

2. Time. The notice shall state the designated time, date, and place.

3. Allegation. The notice shall recite the alleged violation(s) establishing a cause of action and the nature of the hearing.

4. Authority. The notice shall make references to specific board, state, or federal statutes, regulations, rules, policies, or code of ethics involved in the alleged violation(s).

5. Citation. The notice shall cite legal or jurisdictional authority constituting an alleged violation(s).

6. Documents. The notice may include supporting documents, reports, and/or other relevant material.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§305. Service

A. Method. Service of a summons shall be made either by regular, registered, or certified mail, with a return receipt requested, or board or court designated process servers confected by tendering the summons to the respondent personally or domiciliary at the last known address.

B. Time. Service shall be made at least thirty days prior to the date of the hearing as per R.S. 37:1245.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1245.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§307. Default Proceedings

A. The board may proceed with a hearing in the event the respondent fails to appear after due notice was perfected or a diligent effort had been made to perfect service on the respondent at the last known address of record.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§309. Joinder

A. Several complaints may be joined or incorporated and the respondents may be joined in the same or similar complaints based on the same or similar acts or transactions that are connected in a common plan or scheme.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§311. Consolidation

A. Hearings may be held jointly to assure a fair due process hearing. Any alleged violations may be consolidated for an administrative hearing of respondents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§313. Severance

A. A severance of complaints is permitted when a fair due process hearing will not be satisfied. Otherwise, complaints may be heard jointly.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§315. Motions

A. Hearing Motions. Motions are directed to the board or presiding officer for particular relief or action before, during, or after a hearing and shall be in writing when applicable, and allege specifically the grounds upon which the relief is based, and filed with the board five days before hearing or within ten days post-hearing or timely filed during the hearing. At an appropriate time to be decided by the hearing officer, oral or written motions may be directed to the presiding hearing officer during a hearing. Hearing motions are directed to the presiding hearing officer and disposed of appropriately.

B. Continuance Motions.

1. Postponement Motions. The board may grant or deny a continuance based upon critical or extenuating circumstances that could jeopardize a fair and expeditious due process hearing.

2. Time. Continuance motions shall be filed in writing at least five days prior to the scheduled hearing with specific grounds for postponement. This requirement may be waived by the board under emergency circumstances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR

§317. Recusation

A. A board member or special counsel may be recused by one's own motion because of an inability to contribute to a fair and impartial hearing or may be recused by a majority vote of the board members present based on the following grounds:

1. Prejudicial or personal interest in a case that might prevent one from participating in an impartial hearing.

2. The board may recuse the presiding administrative hearing officer on his own motion or he may be disqualified based upon his own inability to contribute to or conduct an impartial hearing by the respondent filing an affidavit of specific grounds at least five days prior to the scheduled hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§319. Sequestration

A. Upon request by either respondent or special counsel or by direction of the hearing officer, witnesses shall be sequestered and not allowed in the hearing chambers or permitted to discuss their testimony with other witnesses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§321. Sanction Guidelines

A. The sanctions imposed by the board pursuant to R.S. 37:1241 of the Pharmacy Practice Act shall be based on the following guidelines.

1. Nature. The nature or seriousness of the violation.

2. Degree. The degree of culpability, knowledge and/or intent, or the responsibility to have knowledge.

3. Scope. The scope of circumstances involved.

4. Demeanor. Honesty and truthfulness of respondent.

5. History. History of prior offenses.

6. Sanctions. Prior sanctions.

7. Cooperation. Willingness of respondent to comply with applicable laws and regulations and avoid future violations.

8. Sufficiency. Sanctions are sufficient to remedy the problem.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§323. Administrative Investigation

A. Upon the receipt of a written complaint, board staff shall initiate and conduct an investigation.

1. Grounds. The investigative report shall be reviewed by board-designated staff and forwarded to the violations committee or legal counsel to determine sufficient grounds for proceeding either informally or formally.

2. The report shall include:

a. respondent's name and address; and

b. a concise statement of facts and circumstances indicating the basis of the routine or specific complaint or cause of action; and

c. supporting documents and/or materials.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§325. Violations Committee

A. Purpose. Board-designated staff shall receive reports and complaints and review and evaluate findings to determine the nature and disposition of the alleged violation(s). The alleged violation(s) may then be directed to:

1. violations committee for informal hearing;

2. violations committee for interlocutory hearing; and/or

3. special counsel for institution of a formal administrative hearing.

B. Guidelines. If determined appropriate by board-designated staff, the violations committee shall receive and

review complaints and determine the disposition of the pending matters based on the following:

1. Seriousness. The seriousness of the alleged offense.
2. Degree. The extent of the alleged violations.
3. History. The history of prior violations.
4. Record. Prior sanctions.
5. Cooperation. Willingness to obey the prescribed laws and regulations.
6. Deterrent. Consider the sanctions as a deterrent to future violations.
7. Remedy. The sanctions are sufficient to remedy the problem.

C. Informal Hearings. The violations committee may conduct an informal non-adversarial hearing with the respondent properly noticed of the inquiry regarding the issues to be discussed. The committee shall receive information and deliberate as to a cause of action regarding a potential violation. The committee may recommend a course of action to the full board or dismiss the allegations by an affirmative majority vote of the committee. Should the violations committee recommend a course of action to the full board, the following shall apply:

1. Disclosure. Respondent's testimony or the work product from the informal hearing of any staff or committee member may not be introduced at any subsequent formal hearing.
2. Recusal. Violations committee members shall not be permitted to participate in subsequent formal board hearings pertaining to complaints or alleged violations heard by the violations committee, unless respondent allows otherwise.

D. Interlocutory Hearings. By interlocutory (or summary) hearing, the violations committee may summarily suspend a license, permit, certification, and/or registration prior to a formal administrative board hearing wherein, based upon the committee's judgment and reflected by adequate evidence and an affirmative majority decision, a person poses a danger to the public's health, safety, and welfare, and the danger requires emergency action.

1. Summons Notice. A summary proceeding summons notice shall be served at least five days before the scheduled hearing to afford the respondent an opportunity to be heard with respect to a potential summary suspension action. The notice shall contain a time, place, nature, and the grounds asserted relative to the alleged conduct warranting summary suspension.
2. Burden of Proof. Legal counsel shall have the burden of proof to support the contention that the public's health, safety, or welfare is in danger and requires summary or emergency action.
3. Evidence. The respondent shall have the right to appear personally and/or be represented by counsel to submit affidavits, documentary evidence, or testimony in response to the cause of action asserted as the basis for the summary suspension.
4. Decision. The committee shall determine whether to grant or deny the summary suspension based upon adequate evidence with an affirmative majority vote substantiated by finding(s) of fact and conclusion(s) of law that the public's health, safety, or welfare is in danger and requires emergency or summary action.
5. Report. The committee shall submit their findings and interlocutory decree to the board when rendered.
6. Suspensive Duration. The summary suspension decree shall be followed by a formal administrative hearing within thirty days from receipt of notice by the respondent.

E. Probation Violation Hearings. Probation violation proceedings shall be initiated upon receipt of the compliance officer's findings indicating that a respondent is in violation of any of the terms or conditions of his probation.

1. Review. Board-designated staff shall receive and review the compliance officer's report and then determine whether a probation violation proceeding is warranted. Should a probation violation hearing be determined warranted, the violations committee shall proceed by interlocutory hearing or informal hearing as deemed appropriate.
2. Notice. Notice shall be afforded the respondent of the allegation(s) forming the basis of the alleged violation status, and the time and place of the appropriate hearing to be conducted.
3. Disposition. Disposition of the hearing shall be according to the appropriate procedures to informal hearings or interlocutory hearings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§327. Impairment Committee

A. Impairment. Impairment means a condition that causes an infringement on the ability of an individual to practice, or assist in the practice, of pharmacy sufficient to pose a danger to the public. Impairment may be caused by, but is not limited to, alcoholism, substance abuse or addiction, mental illness, or physical illness.

B. The impairment committee shall have the following responsibilities:

1. supervise the Practitioner Recovery Program;
2. recommend for board consideration any addictionists or other professionals utilized by the program;
3. recommend for board consideration any action for reinstatement of recovering persons;
4. any other related responsibilities deemed appropriate by the board.

C. Practitioner Recovery Program. The board may establish and maintain a recovery program to assist impaired persons through the recovery process so that they may safely return to practice. The board may utilize the services of outside agencies to assist in the recovery of the impaired person.

D. Informal Hearing

1. The board may convene an informal administrative hearing to identify an impaired person and to take appropriate action. The board may require the appearance of any persons deemed necessary to properly conduct an informal hearing. This process shall be conducted by the impairment committee chairman or any other member(s) of the board or staff as the president deems necessary.
2. Any knowledge acquired by any board member or staff in identifying and assisting an allegedly impaired person shall not automatically be grounds for recusal at any later hearing on that same matter.

3. An impaired or allegedly impaired person may enter into a preliminary consent agreement that shall include a mandatory surrender of that person's license, permit, certification, or registration, which shall be delivered to the board office and shall effectively prohibit that person from practicing, or assisting in the practice of, pharmacy. Such person shall agree to enter into an approved treatment and monitoring program as determined by the board. This consent agreement shall not restrain the board from conducting violations proceedings in the matter as it deems necessary.

4. The impairment committee may make recommendations to the full board and/or the violations committee as it deems appropriate on an impaired or allegedly impaired person.

E. Impaired Reinstatement. An application for reinstatement of an impaired person shall be filed with the impairment committee for consideration and recommendation to the violations committee and/or the full board.

1. An impaired person may petition the board for reinstatement of his license, permit, certification, or registration, provided he has:

a. documented proof from an attending physician that he has successfully completed an alcohol or substance abuse recovery program; and

b. a current post-treatment evaluation from a board-approved addictionist; and

c. successfully completed any requirements the board deems necessary with respect to the particular type of impairment.

d. The impairment committee may waive the above requirements for impairments not related to alcohol or substance abuse.

2. After the above stipulations have been met, the person applying for reinstatement may be scheduled for an interview with the impairment committee for consideration of any recommendation to the reinstatement committee and/or the full board.

3. Upon reinstatement, the board may place the reinstated person on probation for a specified length of time and may assign conditions of the probation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§329. Formal Hearing

A. Authority. The board shall provide a formal administrative hearing pertaining to the proprietary rights or privilege to practice pharmacy, or operate a pharmacy, or hold a certificate or registration, in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., with authority to take disciplinary action pursuant to R.S. 37:1241 of the Pharmacy Practice Act.

B. Ex-Parte Communication. Once a formal hearing has been initiated and notice served, board members participating in the decision process shall not communicate with a respondent or a respondent's attorney concerning any issue of fact or law involved in the formal hearing.

C. Notice. A formal disciplinary public proceeding may be initiated upon proper notice to a respondent and held at a designated time and place based upon the following grounds:

1. violation sufficient evidence or a serious complaint of an alleged violation to require a formal hearing shall be directed to legal or special counsel for administrative prosecution to justify a formal hearing; or

2. failure to respond a failure by the respondent to respond to the violations committee informal inquiry; or

3. irresolvable issues a violations committee informal hearing fails to resolve all issues and requires further formal action; or

4. irreconcilable issues an interlocutory hearing fails to resolve all pertinent pending issues thus requiring further formal action; or

5. reaffirmation reaffirmation of an interlocutory decree; or

6. requirement a formal administrative hearing requirement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§331. Formal Hearing Procedures

A. Hearing Officers

1. Administrative Hearing Officer. The presiding hearing officer may be the board president, a vice-president, or other individual appointed by the president or his successor. The hearing officer has the responsibility to conduct a fair and impartial proceeding with the administrative duty and authority to:

a. convene an administrative board hearing;

b. rule on motions and procedural questions arising during the hearing such as objections or admissibility of evidence or examination of witnesses;

c. issue or direct staff to issue subpoenas;

d. declare recess;

e. maintain order;

f. enforce a standard of conduct to insure a fair and orderly hearing;

g. remove disruptive person(s) from a hearing.

2. Oaths. The presiding hearing officer, executive director, or other board designee may administer oaths.

B. Administrative Jury. The board, comprised of a quorum of members, shall serve as an administrative jury to hear and determine the disposition of the pending matter based on the finding(s) of fact and conclusion(s) of law by receiving evidence and reaching a decision and/or ordering sanctions with an affirmative majority record vote of board members participating in the decision process.

C. Administrative Hearing Clerk. The board's executive director shall serve as the administrative hearing clerk and shall maintain administrative hearing records.

D. Administrative Prosecutor. The legal or special counsel shall prosecute the pending matter and bear the burden of proof to be presented to the board.

E. Administrative Reporting. The board-designated stenographer shall record all testimony dictated and evidence

received at the hearing. The utilization of recording equipment may be employed.

F. Hearing Order

1. Docket. Contested matters shall be identified by reference docket number and caption title. The administrative hearing clerk or other staff or board member designated by the presiding hearing officer shall announce the docket and identify persons present or absent in the hearing chambers.

2. Complaint. The complaint may be read at an open hearing unless waived by the respondent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§333. Pre-Hearing Conference

A. Respondents and/or their legal counsel in matters pending before the board may be directed by the presiding administrative hearing officer to appear at a pre-hearing conference to consider the simplification of the issues, admission of facts, or stipulations to documents which may avoid unnecessary proof and such other items as may aid in the disposition of the matter(s) pending.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§335. Consent Agreements

A. Respondents may enter into consent agreements with the board on any matter pending before the board. A consent agreement is not final until the board approves the consent agreement by majority vote of the administrative jury. If the consent agreement is rejected in full or part, the matter shall be heard at the next regularly scheduled board hearing. However, nothing herein shall limit the board from modifying a consent agreement, with respondent's approval, to include less severe sanctions than those originally agreed to in a pending consent agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§337. Opening Statement

A. An opening statement by legal or special counsel may present a brief position comment with an outline of evidence to be offered. Respondent or respondent's legal counsel may present an opening defense position statement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§339. Evidence

A. Testimony Received. Testimony shall be received under oath administered by the presiding hearing officer, the executive director, or other staff or board member designated by the hearing officer.

B. Evidence Introduction. All parties shall be afforded an opportunity to present evidence on all issues of fact and argue on all issues of law and respond by direct testimony, followed with cross examination as may be required for a full and true disclosure of the facts. The direct presentation of evidence shall be introduced by the legal or special counsel and shall be followed by the respondent in proper person or by legal counsel by direct and/or cross-examination and/or rebuttal.

C. Examination. Witnesses may be directly examined and cross-examined. Additionally, witnesses and/or respondents may be questioned during an administrative hearing by members of the administrative jury on matters for clarification.

D. Rule Interpretation. Liberal rules of evidence shall be employed by the presiding hearing officer to provide adequate facts and law necessary for the board to deliberate and decide each case. The board's administrative hearing shall not be bound to strict rules of evidence.

E. Admissibility. Admissibility of evidence and testimony shall be determined by the presiding hearing officer as provided by law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§341. Closing Arguments

A. Closing arguments may be made by respondent in proper person or by legal counsel followed by closing arguments from prosecuting legal or special counsel.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§343. Board Decisions

A. The board's decision shall be based on finding(s) of fact and conclusion(s) of law. The board's decision shall be based on clear and convincing evidence presented at a formal hearing, together with the board's determination of any appropriate sanctions, by an affirmative majority record vote of the board members participating in the decision process. Decisions shall be recorded and made part of the record.

1. Board Order. The board's order shall be rendered at the open hearing or taken under advisement and rendered within thirty days of the hearing and then served personally or domiciliary at the respondent's last known address by regular, registered, or certified mail, or by a diligent attempt thereof.

2. Finality of Board Order. The board's order becomes final eleven days after receipt of notification of the board's decision by respondent, provided an appeal is not filed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§345. Complaint Dismissal

A. The board, in their discretion and based upon lack of evidence, may orally dismiss at an open hearing a pending matter or parts thereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§347. Transcripts

A. A complete record of all formal hearing proceedings shall be transcribed, maintained, and available upon written request with sufficient costs of the preparation of the transcript for a minimum of three years from the date the pertinent order(s) is final.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§349. Contempt

A. A failure of a respondent or witness to comply with a board order, after being duly served, constitutes contempt and the board may petition a court of competent jurisdiction to rule the witness or respondent in court to show cause why he should not be held in contempt of court.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§351. Administrative Review

A. Rehearing. An aggrieved respondent may file within ten days a rehearing motion in proper form requesting reconsideration or a rehearing by the board or by the interlocutory hearing panel.

B. Grounds. The board or an interlocutory hearing panel may reconsider the motion for rehearing at the next regularly scheduled board meeting. The grounds for such action shall be either that:

1. the board's decision was clearly contrary to the law or evidence; or

2. newly discovered evidence not available at the time of the hearing which may be sufficient to reverse the board's decision; or

3. issues not previously considered ought to be examined; or

4. it is in the public interest to reconsider the issues and the evidence.

C. Time. The board or an interlocutory hearing panel shall grant or deny the petition for rehearing within thirty days after its submission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§353. Judicial Review

A. An aggrieved respondent may appeal the board's decision to a court of appropriate jurisdiction within thirty days from the board order or rehearing motion denial.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1248.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§355. Reporting

A. The board may publish in the board's newsletter the sanctions imposed by the board that are of public interest and the public's right to know.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§357. Reinstatement

A. An application for reinstatement based on revocation or suspension of a pharmacist license, pharmacy permit, certification, registration, or any other designation authorized by the board shall be filed with and heard by the reinstatement committee for consideration and recommendation to the full board. The board may then hold a formal hearing whereby the burden of proof shifts to the applicant to demonstrate and support with substantial evidence respondent's rehabilitation and that the reinstatement of the license, permit, certification, registration, or other board-authorized designation at issue would not pose a danger to the public's health, safety, or welfare.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§359. Declaratory Statements and Advisory Opinions

A. The board may issue declaratory rulings in accordance with the Administrative Procedure Act, R.S. 49:950 et seq. These may include a declaratory statement or an advisory opinion, in the form of a ruling which has the same status as board decision in adjudicated cases, in response to a request for clarification of the effect of rules and regulations or of R.S. 37:1161 et seq. Advisory opinions as a statement of the board's ruling are generally rendered in cases that relate to specific situations. Declaratory statements contain the board's ruling relative to the petition, with the principles and rationale that support the ruling. Declaratory statements are generally rendered in situations that relate to widespread situations. Neither an advisory opinion nor a declaratory statement has the binding force of law, but they represent the board's expert opinion relative to the matter in question.

B. A request for a declaratory statement or for an advisory opinion is made in the form of a petition to the board. At a minimum, the petition shall include:

1. the name and address of the petitioner;

2. specific reference to the statutes or rules and regulations to which the petition relates;

3. a concise statement of the manner in which the petitioner is aggrieved by the rule, regulation, or statute, or by its potential application to the petitioner, or in which the petitioner is uncertain of its effects,

4. a statement of whether an oral hearing is desired; and

5. other information appropriate for the board's deliberation on the request.

C. Said petition shall be considered by the board at its next regularly scheduled meeting provided that the petition has been filed at least 60 days prior to the next scheduled board meeting.

D. The declaratory statement/advisory opinion of the board on said petition shall be in writing and mailed to petitioner at the last address furnished to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

Chapter 5. Pharmacists

Subchapter A. Licensure Procedures

§501. Application

A. An application for initial pharmacist licensure, whether by examination or reciprocity, shall be submitted, with appropriate fee, to the board at least 30 days prior to any examination. An application shall expire one year after the date of receipt in the board office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§503. Examination

A. Examination. A board-approved licensure examination shall consist of integrated pharmacy subject matters and any other disciplines the board may deem appropriate in order to demonstrate competence. An applicant shall achieve a passing score, as determined by the board, in the pharmacy examination.

B. Re-Examination

1. Following the first or second unsuccessful attempt of an examination for licensure, an applicant may be permitted to attempt that examination for licensure.

2. Following the third unsuccessful attempt of an examination for licensure, an applicant shall not be permitted to attempt that examination for licensure until one year from the date of the last examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§505. Licensure

A. The board shall issue a license upon payment of appropriate fees when the board is satisfied the applicant is competent to practice pharmacy in the state.

1. License Display. A pharmacist's license shall be displayed in a conspicuous place in the principal location where the pharmacist is engaged in the practice of pharmacy and in such a manner that said license may be seen by patrons.

2. Identification Card. The board shall issue an identification card to a pharmacist who completes the licensure process. A pharmacist shall have this identification card on his person when practicing outside of his principal practice site in order to show proof of licensure.

3. Renewal. The board shall mail the annual pharmacist license renewal application to all currently licensed Louisiana pharmacists prior to November 1. The completed application along with the appropriate fee shall be submitted to the board by December 31 of each year. A pharmacist's renewal of licensure shall be displayed in the principal location where the pharmacist is engaged in the practice of pharmacy and in such a manner that said renewal may be seen by patrons. A renewal of licensure shall serve as proof of licensure and a pharmacist's license to practice pharmacy for that year of issuance.

a. Active. A pharmacist applicant shall pay the annual renewal fee, attain minimum continuing pharmacy education (CPE) as required, and complete and submit the annual renewal form to the board office before December 31 of each year.

b. Inactive. A pharmacist applicant may make a written request for inactive status from the board. The inactive pharmacist must complete the annual renewal form furnished by the board and submit it with the appropriate fee to the board before December 31 of each year. An inactive pharmacist shall not engage in the practice of pharmacy and is not required to obtain CPE. In order to upgrade an inactive license to active status, an inactive pharmacist shall petition the board and meet requirements of the reinstatement committee and the board. The board shall set the requirements necessary to assure competency for each individual applying for active status.

D. Expired License. A pharmacist license that has not been renewed by December 31 of each year shall expire and be null and void. The holder of an expired license may submit a written request, complete with any supporting documentation, for reinstatement to the board. The request may be referred preliminarily to the board's reinstatement committee for an informal hearing and recommendation that may be considered by the board at its next regularly scheduled meeting. The board may reinstate an expired license upon payment of applicable annual, delinquent, and lapsed license fees pursuant to R.S. 37:1184, as amended, and other conditions as the board deems appropriate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§507. Continuing Education Program

A. The board, recognizing that professional competency is a safeguard for the health, safety, and welfare of the public, shall require continuing pharmacy education as a prerequisite for annual licensure renewal for pharmacists.

B. Definitions

1. ACPE American Council on Pharmaceutical Education.

2. CPE continuing pharmacy education, a structured postgraduate educational program for pharmacists to enhance professional competence.

3. CPE unit a standard of measurement adopted by the ACPE for the purpose of accreditation of CPE programs. One CPE unit is equivalent to 10 credit hours.

C. Requirements

1. A minimum of one and one-half ACPE or board-approved CPE units, or 15 hours, shall be required each year as a prerequisite for pharmacist licensure renewal.

2. Pharmacists shall maintain copies of individual records of personal CPE activities at their primary practice site for two years and present them when requested by the board.

3. When deemed appropriate and necessary by the board, some or all of the required number of hours may be mandated on specific subjects. When so deemed, the board shall notify all licensed pharmacists prior to the beginning of the year in which the CPE is required.

D. Compliance

1. Complete compliance with CPE rules is a prerequisite for pharmacist licensure renewal.

2. Non-compliance with the CPE requirements shall be considered a violation of R.S. 37:1241(A)(2), and shall constitute a basis for the board to refuse licensure renewal.

3. The failure to maintain an individual record of personal CPE activities, or falsification of CPE documents, shall be considered a violation of R.S. 37:1241(A)(22).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 23:1306 (October 1997), amended LR 29:

§509. Address Change

A. A licensed pharmacist shall notify the board within ten days, with documentation, attesting to any change of mailing and/or home address. This documented notice shall include the pharmacist's full name and license number, and the old and new address.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§511. Employment Change

A. A licensed pharmacist shall notify the board within ten days, with documentation, attesting to any change in employment. This documented notice shall include the pharmacist's full name and license number, the name and address of old and new employment, and the permit numbers of those pharmacies involved.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§513. Certified Pharmacist Preceptor Program

A. Qualifications for Certified Pharmacist Preceptor Applicants

1. The applicant shall be currently licensed and shall have been actively practicing for not less than two consecutive years prior to the date of application.

2. The applicant shall not be on probation with the board at the time of application.

B. Certified Pharmacist Preceptor Requirements

1. The applicant shall complete a board-approved certified pharmacy preceptor training program.

2. The applicant shall complete an Application for Pharmacist Preceptor Certification. The board may issue a Pharmacist Preceptor Certification after verification that all requirements have been satisfied.

a. The Pharmacist Preceptor Certificate shall expire five years after the date of issue, and may be renewed upon application to the board and verification by the board that all requirements have been satisfied.

b. The board shall reserve the right to refuse to issue or terminate any Pharmacist Preceptor Certification for cause.

c. The Pharmacist Preceptor Certification shall be conspicuously displayed at the primary preceptor pharmacy location.

C. A Certified Pharmacist Preceptor Program shall meet all requirements established by the board.

D. A certified pharmacist preceptor shall not supervise more than one intern at any given time. Interns satisfactorily progressing in their final academic year in a board-approved college of pharmacy shall not be counted in that 1:1 ratio.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1211.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 26:2286 (October 2000), amended LR 29:

Subchapter B. Professional Practice Procedures

§515. Prospective Drug Utilization Review

A. A pharmacist shall review the patient record and each prescription presented for dispensing for purposes of enhancing pharmacy care and therapeutic outcomes by recognizing the following potential situations:

1. drug over-utilization or under-utilization;
2. therapeutic duplication;
3. drug-disease contraindications;
4. drug-drug interactions;
5. inappropriate drug dosage or treatment duration;
6. drug-allergy interactions; or
7. clinical abuse/misuse.

B. Upon recognizing any of the above situations, the pharmacist, using professional judgment, shall take appropriate actions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§517. Patient Counseling

A. Patient counseling means the effective communication by a pharmacist of information to the patient or caregiver, in order to ensure proper use of drugs and devices.

B. Minimum Requirements. At a minimum, the pharmacist should be convinced that the patient or caregiver is informed of the following:

1. name and description of the medication;
2. dosage form, dosage, route of administration, and duration of therapy;
3. special directions and precautions for preparation, administration, and use by the patient;
4. common severe side effects or adverse effects or interactions and therapeutic contraindications that may be encountered, including their avoidance, and the action required in the event of their occurrence;
5. techniques for self-monitoring drug therapy;
6. proper storage of the medication;
7. prescription refill information, if any; and
8. the action to be taken in the event of a missed dose.

C. The pharmacist may supplement oral information with written information, but shall not use written information alone to fulfill the counseling requirement.

D. Patient Information

1. The pharmacist shall make a reasonable effort to obtain, record, and maintain the following information:

a. name, address, and telephone number;
b. date of birth (or age) and gender;
c. allergies/drug reactions, disease state(s); and
d. current list of all medications.

E. Communication to the Patient

1. A pharmacist shall counsel the patient or caregiver "face-to-face" when possible or appropriate. If it is not possible or appropriate to counsel the patient or caregiver

"face-to-face," then a pharmacist should counsel the patient or caregiver by using alternative methods. The pharmacist shall exercise his professional judgment in the selection of alternative methods, including but not limited to, telephonic or electronic communication with the patient or caregiver.

2. A pharmacist shall provide patient counseling to patients discharged from hospitals and/or other institutions, where applicable. However, counseling shall not be required for inpatients of a hospital or institution where a nurse or other licensed health care professional is authorized to administer medication(s).

3. The pharmacist shall maintain appropriate patient-oriented drug information materials for use by the patient upon request.

F. Waiver. No pharmacist or pharmacy may solicit or encourage blanket waivers for patient counseling. However, nothing in this regulation shall prohibit the patient or caregiver from declining patient counseling.

AUHTORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§519. State of Emergency

A. When the governor issues, or renews, a state of emergency pursuant to the Emergency Assistance and Disaster Act of 1993, R.S. 29:721 et seq.:

1. a pharmacist may work in the affected parish(es) and may dispense a one-time emergency prescription of up to a thirty day supply of a prescribed medication if:

a. in the pharmacist's professional opinion the medication is essential to the maintenance of life or to the continuation of therapy; and

b. the pharmacist makes a good faith effort to reduce the information to a written prescription marked "Emergency Prescription," then file and maintain the prescription as required by law;

2. a pharmacist not licensed in Louisiana, but currently licensed in another state, may dispense prescription medications in those affected parish(es) during the time that a state of emergency exists if:

a. the pharmacist has some type of identification to verify current licensure in another state; and

b. the pharmacist is engaged in a legitimate relief effort during the emergency period.

B. The authority provided for in this section shall cease with the termination of the state of emergency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§521. Prescription Orders to Administer Medications

A. Purpose. The rules of this section describe the minimum requirements for the administration of medications to patients by Louisiana-licensed pharmacists.

B. A licensed pharmacist may administer medication directly to a patient upon the prescription or order of a practitioner. Such a prescription or order shall be known as an "Authority to Administer."

1. An Authority to Administer is valid only for the pharmacist meeting the requirements herein and is not transferable.

2. An Authority to Administer, once granted, is valid for a period of time not to exceed one year, unless revoked sooner by the practitioner granting the order.

C. A properly executed Authority to Administer shall:

1. identify the licensed practitioner's name, office address, and telephone number;

2. bear the patient's name, address, gender, and date of birth;

3. identify the medication, dose, and route of administration;

4. identify the pharmacist authorized to administer the medication; and

5. bear the date of the original order and the date of any authorized subsequent dose administrations.

D. Requirements. Unless otherwise specifically authorized by the board, a pharmacist shall meet the following minimum standards to qualify for an Authority to Administer:

1. obtain and maintain a license to practice pharmacy from the board;

2. successfully complete a board-approved course of study from a board-approved provider that:

a. requires documentation by the pharmacist of current certification in the American Heart Association's Basic Cardiac Life Support for Healthcare Providers, its successor, or board-approved equivalent;

b. is an evidence-based didactic course that meets current Centers for Disease Control and Prevention (CDC) training guidelines, or other guidelines as designated by the board, and provides a minimum of twenty hours of instruction and experiential training in the following content areas:

i. standards for medication administration practices;

ii. basic immunology;

iii. recommended medication administration schedules;

iv. vaccine storage and management;

v. informed consent;

vi. physiology and techniques for medication administration;

vii. pre- and post-administration assessment and counseling;

viii. medication administration record management; and

ix. management of adverse events, including identification and appropriate response, as well as documentation and reporting; and

c. provides documentation of the successful completion of the course to the participant.

i. The pharmacist shall display the certificate of completion in the primary practice site.

ii. The pharmacist shall submit a copy of said certificate to the board office for placement in the pharmacist's permanent file.

E. The pharmacist shall maintain continuing competency to accept an Authority to Administer, as evidenced by:

1. a current certification by the American Heart Association's Basic Cardiac Life Support for Healthcare Providers, its successor, or board-approved equivalent; and

2. successful completion of at least one hour of continuing education per year related to this area of practice.

F. Vaccines. The pharmacist shall maintain and furnish the following information to the practitioner within 24 hours of the administration:

1. name and address of the patient;
2. age of the patient, if under fourteen years of age;
3. name of the patient's primary care physician as provided by the patient or patient's agent;
4. name, manufacturer, and lot number of the vaccine administered;
5. amount administered;
6. date of vaccine administration;
7. site of vaccine administration;
8. route of administration; and
9. name, address, and telephone number of the pharmacist administering the vaccine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

Chapter 7. Pharmacy Interns

§701. Definition

A. A *pharmacy intern* is an individual who is not yet licensed as a pharmacist in any jurisdiction, and is:

1. engaged in the practice of pharmacy while under the direct and immediate supervision of a pharmacist for the purpose of obtaining practical experience for licensure as a pharmacist, and is satisfactorily progressing in a board-approved college of pharmacy; or
2. a graduate of a board-approved college of pharmacy awaiting examination for licensure; or
3. a graduate who has established educational equivalency through a program approved by the board; or
4. an individual participating in a residency or fellowship.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1211.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 23:1306 (October 1997), amended LR 26:2284 (October 2000), amended LR 29:

§703. Registration

A. All pharmacy interns shall meet the following requirements for registration.

1. All pharmacy interns shall register with the board. The failure to register may result in disciplinary action by the board.

a. The applicant shall submit to the board office a properly completed application no later than the end of the first semester of the first academic year at a board- approved college of pharmacy.

b. The board may issue an Intern Registration to the applicant, upon receipt of a properly completed application, appropriate fee, and any other documentation required by the board office.

c. The Intern Registration shall expire one year after the certification of graduation from a board-approved college of pharmacy.

d. The Intern Registration shall be conspicuously displayed at the preceptor site.

e. The board shall reserve the right to recall or refuse to issue any Intern Registration for cause.

2. A pharmacy intern shall wear appropriate attire and be properly identified with his name and intern status while on duty at the preceptor site.
3. A pharmacy intern shall notify the board in writing within ten days of a change of address. This notice shall include the pharmacy intern's name, registration number, and old and new addresses.
4. A pharmacy intern shall notify the board in writing within 10 days of a change in location(s) of employment. This notice shall include the pharmacy intern's name and registration number, the name and address of old and new employment, and the permit numbers of those pharmacies involved.
5. The pharmacy intern shall be non-impaired.

a. The pharmacy intern is subject to confidential random drug screen testing and/or evaluations.

b. A positive drug screen may be self evident as proof of improper drug use. For the purposes of this chapter, a missed screen, a screen submitted beyond the mandated period, and/or any screen submitted indicating the sample provided is diluted, substituted, or in any way adulterated is considered to be a positive drug screen.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1211.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 26:2285 (October 2000), amended LR 29:

§705. Practical Experience

A. All applicants for licensure by examination shall earn practical experience in the practice of pharmacy concurrent with attending or after graduation from a board-approved college of pharmacy.

B. The practical experience shall be predominantly related to the provision of pharmacy primary care and the dispensing of drugs and medical supplies, the compounding of prescriptions, and the keeping of records and making of reports as required under federal and state law.

1. The practical experience earned shall have been under the direct and immediate supervision of a certified pharmacist preceptor.
2. A pharmacy intern shall not earn hours in a permitted pharmacy site that is on probation with the board or under the supervision of a pharmacist who is on probation with the board.

C. Practical Experience Hours. Interns shall supply, on an affidavit form supplied by the board office, evidence of earning at least 1,500 hours of practical experience. Interns may submit their affidavit(s) to the board office for credit approval either prior to, or concurrent with, their application for pharmacist licensure.

1. In order to receive credit for the 1,500 hours of practical experience upon certification of graduation, a pharmacy intern shall comply with the following:

a. prior to beginning his final academic year in a board-approved college of pharmacy, the intern shall earn a minimum credit of 500 hours under the supervision of a certified pharmacist preceptor at a permitted pharmacy site; and

b. during his final academic year in a board-approved college of pharmacy, the intern shall earn a minimum credit of 1,000 hours within the school's professional experience curriculum; and further, of the 1,000

hours within that professional experience curriculum, not less than 300 hours shall be earned in a traditional community pharmacy dispensing practice, and not less than 300 hours shall be earned in a traditional hospital pharmacy dispensing practice, as certified by the dean of the college of pharmacy.

2. If credit is not received for the total required 1,500 hours upon certification of graduation pursuant to the provisions of §705.C.1, the intern shall earn 1,500 hours of practical experience under the supervision of a certified pharmacist preceptor at a permitted pharmacy site after certification of graduation from a board-approved college of pharmacy.

3. Practical experience hours earned either prior to the final academic year, or after certification of graduation from a board-approved college of pharmacy, that are submitted to the board for credit consideration shall be listed on an affidavit form supplied by the board office, and signed by the certified pharmacist preceptor and pharmacy intern.

a. A pharmacy intern may receive credit for a maximum of 50 hours per week.

b. A separate affidavit shall be required from each permitted pharmacy site.

c. No credit shall be awarded for hours earned within the professional experience curriculum of a board-approved college of pharmacy, nor for hours earned outside the professional experience curriculum but at the same time and location as hours earned for that professional experience curriculum.

4. Certification of Hours To and From Another Jurisdiction.

a. Interns enrolled in a board-approved college of pharmacy in Louisiana who earn hours of practical experience in another jurisdiction, as well as interns enrolled in a board-approved college of pharmacy in another jurisdiction who earn hours of practical experience in another jurisdiction, may transfer those hours to Louisiana under the following conditions:

i. the hours of practical experience shall be listed on an affidavit form supplied by the Louisiana Board of Pharmacy, signed by the preceptor pharmacist and the intern, and submitted to the Louisiana Board of Pharmacy for consideration of credit; and

ii. the board of pharmacy in the jurisdiction where the hours were earned shall certify those hours to the Louisiana Board of Pharmacy;

iii. the Louisiana Board of Pharmacy may grant credit for all hours that comply with the Louisiana Board of Pharmacy's requirements as delineated in this section.

b. Upon written request by the pharmacy intern, the Louisiana Board of Pharmacy may certify practical experience hours earned in Louisiana to a board of pharmacy in another jurisdiction.

5. Credited hours of practical experience shall expire on the expiration date of the Intern Registration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1211.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 26:2285 (October 2000), amended LR 29:

Chapter 9. Pharmacy Practice

Repealed.

Chapter 11. Pharmacies

Subchapter A. General Requirements

§1101. Pharmacy

A. Qualification. Individuals, partnerships, corporations, limited liability companies, or associations desiring to operate a pharmacy in Louisiana, or outside the state where prescriptions drugs/devices are dispensed and delivered to Louisiana residents, shall execute an application for a pharmacy permit for their particular classification of pharmacy.

B. Appearance. The applicants, including the pharmacist-in-charge, may be required to personally appear before the board prior to a board decision on the permit application.

C. Pharmacy Permit

1. Initial. A completed pharmacy permit application shall be signed by the pharmacist-in-charge and the owner of the pharmacy and submitted to the board for approval.

2. Renewal. A pharmacy permit that has not been renewed by December 31 of each year shall expire and be null and void.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 23:1310 (October 1997), amended LR 29:

§1103. Prescription Department Requirements

A. A prescription department of a pharmacy shall provide sufficient floor space allocated to ensure that drugs are compounded and dispensed in a well lighted, ventilated, climate controlled, and safely enclosed structure.

B. Restricted. A prescription department is a restricted area.

C. Square Footage. A prescription department that is new or remodeled on or after January 1, 2004 shall be not less than 300 total square feet, and shall be inaccessible to the public.

D. Prescription Counter. A prescription counter on which to compound or dispense medications shall have a working surface of not less than a minimum of 24 total square feet. The minimum unobstructed free working surface shall be kept clear at all times for the compounding or dispensing of prescriptions.

E. Prescription Aisle Space. The aisle space behind the prescription counter shall be not less than 30 inches in width.

F. Prescription Department Plumbing. A sink equipped with hot and cold running water shall be located within the prescription department. A sink located in a pharmacy restroom shall not be sufficient to satisfy this requirement.

G. Electronic Record Keeping System. An electronic record keeping system shall be utilized in a pharmacy department and shall be a complete, accurate, and readily retrievable prescription record keeping and storage system.

H. Drug Inventory

1. Storage. The pharmacy shall provide sufficient space on-site for proper storage of labels, prescription containers, and an adequate prescription inventory in order to compound and dispense prescription orders. Drugs that require special storage shall be properly stored.

2. Missing or Damaged Inventory. When drug inventory is missing or damaged for any reason, the pharmacy owner and/or pharmacist-in-charge shall immediately file with the board a signed statement of the circumstances of such occurrence and evidence that the appropriate law enforcement authorities were notified as required by law.

3. Equipment. The pharmacy shall provide sufficient fixtures, equipment, and utensils to ensure that drugs are properly compounded and dispensed.

I. Pharmacy Security. The prescription department shall be adequately secured by a security alarm system, the installation of partitions and secured entrances, which shall be locked by a pharmacist and made inaccessible when the prescription department is closed.

J. Emergency Access. An additional key to the prescription department may be maintained in a secure location outside the prescription department for use during an emergency. A log shall be maintained with the key, indicating the name of each non-pharmacist using this key, the date and time of entry, and the nature of the emergency.

K. References. A printed copy of the *Louisiana Board of Pharmacy Laws, Rules, and Regulations* shall be maintained and readily available within the prescription department of a pharmacy. The pharmacy shall maintain access to current and appropriate reference materials pertinent to the pharmacy practice, including but not limited to, pharmacology, drug interactions, dosing, toxicity, and patient counseling.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 23:1310 (October 1997), amended LR 29:

§1105. Pharmacist-in-Charge

A. An initial and renewal pharmacy permit application shall designate and identify the licensed pharmacist-in-charge.

B. Authority and Accountability. The pharmacist-in-charge shall be ultimately responsible for complete supervision, management, and compliance with all federal and state pharmacy laws and regulations pertaining to the practice of pharmacy of the entire prescription department. This responsibility necessarily includes accountability for any violation involving federal or state laws or regulations occurring within the prescription department supervised by a pharmacist-in-charge.

C. Policy and Procedure Manual. The pharmacist-in-charge shall be responsible for the development and maintenance of policies regarding quality pharmacy services including drug control, distribution, patient compliance accountability, inspection, and record keeping.

D. Circumvention. It is a violation of the pharmacy permit for any person to subvert the authority of the pharmacist-in-charge by impeding the management of the prescription department in the compliance of federal and state pharmacy laws and regulations.

E. Records. The pharmacist-in-charge shall be responsible for the proper maintenance of all prescription records. This necessarily includes electronic prescription records and the system's compliance and capacity to produce the required records.

F. Recall. The pharmacist-in-charge shall be responsible for the development and implementation of a recall procedure that can be readily activated to assure patient safety.

G. Discontinued and Outdated Drugs. The pharmacist-in-charge shall be responsible for the development, maintenance, and implementation of policies and procedures to ensure that discontinued or outdated drugs, or containers with worn, illegible, or missing labels are withdrawn from the pharmacy inventory.

H. Change of Pharmacist-in-Charge. Written notice to the board shall be required when the pharmacist-in-charge designation for a pharmacy has changed.

1. The permit holder shall notify the board within 10 days of the prior pharmacist-in-charge's departure date. The permit holder shall designate a new pharmacist-in-charge within 10 days of the departure of the prior pharmacist-in-charge.

2. The new pharmacist-in-charge shall afford the board written notice of his newly designated pharmacist-in-charge status within 10 days of the departure of the prior pharmacist-in-charge.

3. A pharmacist-in-charge who voluntarily leaves a pharmacy shall give written notice to the board and the owner of the permit at least ten days prior to this voluntary departure, unless replaced in a shorter period of time.

I. Affidavit of Responsibility and Duties. The designated pharmacist-in-charge shall sign an affidavit on a form supplied by the board indicating his understanding and acceptance of the duties and responsibilities of a pharmacist-in-charge. This notarized document shall be submitted to the board for inclusion in the pharmacy's record in the board office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 23:1310 (October 1997), amended LR 29:

§1107. Pharmacy Operation

A. A pharmacist shall be on duty at all times during regular open hours of the pharmacy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 23:1310 (October 1997), amended LR 29:

§1109. Pharmacist Temporary Absence

A. A pharmacist shall be considered to be temporarily absent from the prescription department when not within the confines of the prescription department but remains on-site.

B. The pharmacist may be temporarily absent from the prescription department for breaks and meal periods without closing the prescription department and removing pharmacy personnel providing the following conditions are met:

1. at least one certified pharmacy technician or pharmacy intern remains in the prescription department;

2. the pharmacist is available for emergencies;

3. the temporary absence does not exceed 30 minutes at a time and a total of sixty minutes in a 12-hour period;

4. the pharmacist reasonably believes that the security of the prescription department will be maintained in his absence; and

5. a notice is posted that includes the following information:

a. the fact that the pharmacist is taking a break; and

b. the time the pharmacist will return.

C. If the pharmacist, in his professional judgment, determines it necessary, all personnel shall be removed from the pharmacy and the pharmacy shall be secured for the duration of the temporary absence, and notice shall be posted indicating the pharmacy is closed.

D. During a temporary absence, certified pharmacy technicians or pharmacy interns may continue to process prescription orders, provided that no orders processed during the pharmacist's temporary absence be removed from the prescription department prior to the final check by the pharmacist.

E. If the pharmacist is absent less than five minutes from the prescription department, this absence is not considered a "temporary absence" within the meaning of this chapter and will not require a posted notice, provided the prescription department's security is not compromised.

F. If at any time the pharmacist deems it necessary to leave the on-site facility, the pharmacy shall be closed in accordance with §1111.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 23:1311 (October 1997), amended LR 27:2237 (December 2001) effective January 1, 2002, amended LR 29:

§1111. Pharmacist Absence

A. A pharmacist is considered absent from the prescription department when he is not in the prescription department and is off-site.

B. When a pharmacist is absent from the prescription department, the prescription department must be securely closed and made inaccessible. A sign shall be displayed in a conspicuous position in front of the prescription department giving notice of closure. The sign shall be at least 8 1/2 x 11 inches with the following wording in black letters at least one inch high: PRESCRIPTION DEPARTMENT CLOSED.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 23:1311 (October 1997), amended LR 24:692 (April 1998), amended LR 29:

§1113. Mechanical Drug Dispensing Devices

A. Dispensing of prescription drugs directly to a patient or caregiver by mechanical devices or machine is prohibited. This prohibition shall not apply to automated medication systems as defined and provided for in Chapter 12 of these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 23:1311 (October 1997), amended LR 29:

§1115. Advertising

A. False, fraudulent, deceptive, or misleading advertising as prohibited by R.S. 37:1241 of the Pharmacy Practice Act and this section shall include, but is not limited to, any public misrepresentation done or made with the knowledge, whether actual or constructive, that is untrue or illegal, or is said to be done falsely when the meaning is that the party is in fault for its error. Actual or constructive knowledge as used in this context shall include intentionally, negligently, mistakenly, or accidentally representing an untrue fact.

B. No person shall carry on, conduct, or transact business under a name which contains a part thereof the words "pharmacist", "pharmacy", "apothecary", "apothecary shop", "chemist's shop", "drug store", "druggist", "drugs", or any word or words of similar or like import, or in any manner by advertisement, circular, poster, sign, or otherwise describe or refer to a place of business by the terms of "pharmacy", "apothecary", "apothecary shop", "chemist's shop", "drug store", "drugs", or any word or words of similar or like import, unless the place of business is a pharmacy validly permitted by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 23:1311 (October 1997), amended LR 29:

§1117. Centralized Prescription Processing

A. Centralized prescription processing is the processing by a pharmacy of a request from another pharmacy to fill or refill a prescription drug order or to perform processing functions such as dispensing, drug utilization review, claims adjudication, refill authorizations, and therapeutic interventions.

B. Labeling. All drugs dispensed to a patient that have been filled via a centralized prescription processing system shall bear a label containing an identifiable code that provides a complete audit trail of the dispensing of the drug and pharmacy primary care activities.

C. Requirements

1. A pharmacy may only perform or outsource centralized prescription processing services provided the parties involved:

a. have the same owner; or

b. have a written contract outlining the services to be provided and the responsibilities and accountabilities of each party in fulfilling the terms of said contract in compliance with federal and state laws and regulations, and share a common electronic file or have appropriate technology to allow access to sufficient information necessary or required to fill or refill a prescription drug order.

2. The parties performing or contracting for centralized prescription processing services shall maintain a policy and procedure manual and documentation that implementation is occurring in a manner that shall be made available to the board for review upon request and that includes the following:

a. the maintenance of appropriate records to identify the responsible pharmacist(s) in the dispensing and counseling processes;

b. the maintenance of a mechanism for tracking the prescription drug order during each step in the dispensing process;

c. the maintenance of a mechanism to identify on the prescription label all pharmacies involved in dispensing the prescription drug order;

d. the provision of adequate security to protect the confidentiality and integrity of patient information; and

e. the maintenance of a quality improvement program for pharmacy services designed to objectively and systematically monitor and evaluate the quality and

appropriateness of patient care, pursue opportunities to improve patient care, and resolve identified problems.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 23:1312 (October 1997), amended LR 29:

Subchapter B. Pharmacy Records

§1119. Availability and Inspection

A. Pharmacy records shall be available and readily retrievable upon request for board inspection and review.

B. All records required by the laws and regulations of the board shall be provided to the board, or its agent, within 72 hours of request, unless a shorter period is required, as determined by the board or its agent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 23:1312 (October 1997), amended LR 29:

§1121. General Record Keeping

A. Requirements. A pharmacy shall maintain complete, accurate, and readily retrievable prescription drug records. All prescription drug records shall be available for board review upon request.

B. Accountability. The holder of the pharmacy permit and the pharmacist-in-charge shall account for all prescription drug transactions, consisting of:

1. acquisition records invoice receipts of drugs acquired;

2. disposition records prescription orders dispensed or drugs sold; and

3. inventory records drugs in current possession.

C. Retention. All records required in this section and by Louisiana law shall be retained for a minimum of two years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 23:1312 (October 1997), amended LR 29:

§1123. Records

A. Acquisition Records. Prescription drug acquisition records shall be required, and shall consist of documented invoices from manufacturers, wholesalers, distributors, brokers, or other sources of supply.

B. Inventory Records. Accurate and readily retrievable records regarding prescription drug acquisition invoices, distribution, and inventories shall be maintained and available for accountability and retained at the pharmacy premises. Inventories of controlled dangerous substances shall be required, where applicable, and maintained at the pharmacy.

C. Prescription Records

1. Dispensing Prescription Files. Dispensed prescription orders shall be required and maintained for a minimum of two years from the last transaction/fill date by the pharmacy, constituting proof of dispensing by adequate prescription files properly documented with the proper medical practitioner's authority and the following information:

a. patient's name, address, and telephone number;

b. prescriber's name, address, and if applicable, the Drug Enforcement Administration (DEA) registration number and signature;

c. drug name, dosage form, strength, and quantity prescribed, as well as quantity dispensed when in variance with the original order;

d. number of prescription refills authorized by the prescriber;

e. prescription number;

f. original dispensing date; and

g. pharmacist's name or initials.

2. Prescription Refill Records. The following information shall be readily retrievable from the electronic record keeping system:

a. date of refill;

b. quantity dispensed when in variance with original order; and

c. pharmacist's name, initials, or identification code.

D. Electronic Record Keeping System. An electronic record keeping system shall be utilized in a pharmacy and shall be a complete, accurate, readily retrievable prescription record keeping and storage system. An electronic record keeping system shall meet the following requirements.

1. Retrieval. The system shall provide on-line retrieval via screen or hard-copy printout of original prescription order information for those prescription orders that are currently authorized for refilling.

2. Summary. The system shall be capable of producing a daily hard-copy summary of controlled dangerous substance transactions.

3. Refills. The system shall be capable of recording and providing the dates of prescription refills and the identity of the pharmacist refilling those prescriptions.

4. Patient Profile. The system shall be capable of producing a patient profile that shall contain the following minimum information: patient's name and address/location, name of drug, dosage form, strength, route and frequency of administration, and pharmacist's identification.

5. Original Prescription Records. The prescription hard copy shall represent the original written order or original oral prescription reduced to written form manually or electronically produced by the pharmacist, and shall meet the record keeping requirements of this chapter.

6. Maintenance. The original written prescription, or the written form of an oral prescription, shall be retained on file, in numerical order, for a minimum of two years from the date of dispensing or the date of the last refill dispensed.

7. Prescription Refill Information. Records of refills shall be entered into the electronic record keeping system.

8. Record. A report of all original or refilled prescriptions dispensed shall be maintained, and shall include the following:

a. prescription number;

b. date of initial dispensing of the original prescription and the date(s) of refilling;

c. total number of prescription refills dispensed to date or retrievable refill history on a visual mode of display as an alternative to appearing on the hard-copy printout;

d. patient's name;

e. patient's address, if required;

f. the authorized prescriber's name;

g. authorized prescriber's address, if required;

h. the name, strength, dosage form, and quantity of the drug dispensed; and

i. the last name and initial of the dispensing pharmacist.

9. Backup Support System. The electronic record keeping system shall be capable of being reconstructed in the event of an electronic or computer malfunction or unforeseen accident resulting in the destruction of the system or the information contained therein. To prevent the accidental loss of electronic records, an adequate backup system shall be maintained. Backup support systems shall be updated at least once daily.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 23:1312 (October 1997), amended LR 29:

§1125. Security

A. The electronic record keeping system shall provide adequate safeguards against improper, illegal, or unauthorized manipulation or alteration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 23:1312 (October 1997), amended LR 29:

§1127. Register

A. The pharmacy shall maintain a register in which each individual pharmacist dispensing a prescription shall sign a log each day, attesting to the fact that the information entered into the electronic record keeping system has been reviewed that day, and is correct as stated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 23:1312 (October 1997), amended LR 29:

§1129. Confidentiality

A. A pharmacist shall provide adequate security to prevent indiscriminate or unauthorized access to confidential records. If confidential health information is not transmitted directly between a pharmacist and a practitioner, but is transmitted through a data communication device, the confidential health information may not be accessed or maintained by the operator of the data communication device, unless specifically authorized to obtain confidential information by this section.

B. Confidential records are privileged and may be released only to:

1. the patient, or the patient's legally authorized agent;

2. practitioners and other pharmacists when, in the pharmacist's professional judgment, such release is necessary to protect the patient's health and well-being;

3. other persons, the board, or other state or federal agencies authorized by law to receive such information;

4. authorized law enforcement agencies engaged in the investigation of suspected violations of the Uniform Controlled Dangerous Substances Law;

5. employees of any state agency that licenses a practitioner, if such employee is engaged in the performance of his official duties; and/or

6. an insurance carrier or other third party payor authorized by a patient to receive such information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:

Subchapter C. Pharmacy Opening, Closing, Change of Ownership, and Change of Location Procedures

§1131. Pharmacy Opening Procedures

A. The board has established the following procedures as a prerequisite to the opening of any pharmacy.

1. Application Form. The applicant shall obtain a Pharmacy Permit Application and Louisiana Controlled Dangerous Substance License Application from the board. The completed form(s) shall be signed by the pharmacist-in-charge and returned to the board office, with appropriate fees, not less than thirty days prior to the anticipated opening of the pharmacy.

2. Inspection. After the board has reviewed and approved the application, a board compliance officer shall conduct an on-site inspection of the premises.

3. Compliance. Upon receipt of satisfactory evidence that the applicant is in complete compliance, the board shall issue a pharmacy permit and, if requested, a Louisiana Controlled Dangerous Substance License.

D. DEA Registration. If applicable, the applicant shall obtain the appropriate application from the DEA, and then return said form, with appropriate fees, to the DEA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:

§1133. Pharmacy Closing Procedures

A. A pharmacy permit holder shall notify the public and the board prior to discontinuing a prescription department operation, or upon petitioning for bankruptcy.

1. Public Notice. The holder of a pharmacy permit shall post a closing notice in a conspicuous place in the front of the prescription department, and at all public entrance doors to the pharmacy. The closing notice to the public shall be posted not less than ten days prior to the anticipated date of closure, and the notice shall contain the following minimum information:

a. the anticipated date of closure of the prescription department;

b. the anticipated date of transfer or relocation of prescription files, if different than closure date;

c. the name and address of the pharmacy to which the prescription files will be transferred; and

d. a statement that if a patient objects to the transfer of their prescription files to the intended recipient pharmacy, the patient shall make alternative arrangements for the transfer of their prescription files to another pharmacy prior to the anticipated file transfer date.

2. Board Notice. The holder of a pharmacy permit shall send written notice to the board not less than ten days prior to the anticipated date of closure, and the notice shall include the following minimum information:

a. the anticipated date of closure of the prescription department;

b. the name and address of the permitted pharmacy operating within a reasonably close proximity of the closing pharmacy that shall be the custodian of the transferred prescription files; and

c. any prescription drug sale or transfer, with a complete drug inventory including recipient's name and address and/or seizure action, sequestration, executory process, public auction, liquidation, creditor assignment, and bankruptcy.

3. Disposition of Inventory

a. Drugs Listed in Schedule II. These drugs shall be either returned to the supplier or transferred to an authorized registrant, accompanied by an executed DEA Form 222, or its successor. Alternatively, these drugs shall be inventoried on the DEA Form 41 (Registrants Inventory of Drugs Surrendered), or its successor, and then either returned to the regional DEA office, or destroyed pursuant to permission from the DEA or agent of the board. The permit holder shall retain triplicate copies of returns, transfers, and/or destructions.

b. Drugs Listed in Schedules III, IV, or V. These drugs shall be either returned to the supplier or transferred to an authorized registrant, accompanied by appropriate inventory records. Alternatively, these drugs shall be inventoried on the DEA Form 41, or its successor, and then either returned to the regional DEA office, or destroyed pursuant to permission from the DEA or agent of the board.

c. All Other Prescription Drugs. These drugs shall be returned to the supplier, transferred to an authorized registrant, or destroyed.

4. Surrender of Pharmacy Permit and Louisiana Controlled Dangerous Substance License. The holder of the permit and license shall surrender same to the board upon closing, accompanied by written confirmation of the:

a. surrender of unused DEA order forms and the DEA registration certificate to the regional DEA office with a memorandum indicating the closing date of the prescription department;

b. location of applicable records of controlled dangerous substance and other prescription drugs, order forms, inventories, acquisitions, and purchase records, with commitment to store such records for not less than two years, and to make such records available for inspection by an agent of the board; and

c. removal of all pharmacy signage from the property.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:

§1135. Pharmacy Change of Ownership Procedures

A. The holder of a pharmacy permit shall notify the board, in writing, prior to the transfer of ownership, in order for the board to complete an inspection of the pharmacy premises.

1. A change of ownership of a pharmacy is evident under the following conditions:

a. sale of a pharmacy;

b. death of a sole proprietor;

c. the addition or deletion of one or more partners in a partnership;

d. bankruptcy sale; or

e. a 50 percent, or more, change in ownership of a corporation, limited liability company, or association since the issuance of the original permit or the last renewal application.

2. The new owner(s) of the pharmacy shall submit a properly completed pharmacy permit application, with appropriate fee, to the board.

3. Upon receipt of the new permit, the seller shall:

a. notify the board of the transaction, including the identity of the new owner(s);

b. surrender the DEA registration certificate to the regional DEA office, indicating the date of the change in ownership of the prescription department; and

c. surrender the voided pharmacy permit and voided Louisiana Controlled Dangerous Substance License to the board.

4. Pharmacy permits are not transferable from the original holder(s) of the permit to the new owner(s).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:

§1137. Pharmacy Change of Location Procedures

A. The board has established the following procedures for changing the location of any pharmacy that does not involve a change of ownership or divestiture of that pharmacy.

1. The permit holder shall notify the board in writing prior to relocating a prescription department operation.

2. The proper notice procedures for the relocation shall include the notice requirements applicable to pharmacy closing procedures noted in this subpart. However, a permit cancellation is not required for a permit holder that is moving to a location in reasonably close proximity to the original location and planning to continue pharmacy operations without a transfer of ownership. The permit holder shall notify the board for the proper re-designation of permit address and re-issuance of that same permit.

3. Inspection. A board compliance officer shall conduct an on-site inspection of the premises following receipt of written notice in the board office and prior to the opening of a prescription department in a new location.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:

Chapter 13. Community Pharmacy

§1301. Definition

A. A *community pharmacy* is a pharmacy located in a non-institutional environment, and is licensed by the board to conduct professional pharmacy practice activities in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§1303. Permit

A. A community pharmacy permit shall be required to operate a pharmacy in this state, and to dispense prescription drugs to patients in Louisiana. The permit shall be applied for, and renewed, in the manner prescribed by the board in Chapter 11 of these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§1305. Compliance

A. A community pharmacy shall comply with all applicable federal and state pharmacy laws and regulations, including Chapter 11 of these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

Chapter 15. Hospital Pharmacy

§1501. Cross References

A. For all regulations that apply to permitted hospital pharmacies concerning pharmacy practices not specifically stated in this chapter, refer to Chapter 11.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:808 (October 1988), amended LR 29:

§1503. Definitions

A. As used in this chapter, the following terms shall have the meaning ascribed to them in this Section.

Hospital Pharmacy a pharmacy department permitted by the board and located in a hospital licensed pursuant to R.S. 40:2100 et seq. For the purposes of this chapter, a hospital pharmacy is one example of a primary care treatment modality pharmacy.

Registered Patient a person receiving health care services within a hospital facility.

Unit Dose the packaging of individual prescription doses in a suitable container that have been properly labeled as to the identity of the generic, chemical, or trade name of the drug; strength; lot number; and expiration date. All unit doses qualify as "prepackaging" as used in this chapter. However, all prepackaging is not necessarily in “unit dose” packaging.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§1505. Hospital Pharmacy Permit

A. A hospital pharmacy permit shall be required to operate a pharmacy department located within a hospital for registered patients in that hospital. The permit shall be applied for, and renewed, in the manner prescribed by the board in Chapter 11 of these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§1507. Pharmacist-in-Charge

A. The pharmacist-in-charge of a hospital pharmacy permit shall have had at least two years of experience as a licensed and practicing pharmacist prior to accepting the appointment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§1509. Drug Distribution Control

A. The hospital pharmacist-in-charge shall be responsible for the safe and efficient procurement, receipt, distribution, control, accountability, and patient administration and management of drugs. The staff of the hospital facility shall cooperate with the pharmacist-in-charge in meeting drug control requirements in ordering, administering, and accounting for pharmaceuticals.

1. Procedure Manual. The pharmacist-in-charge shall maintain written procedures for the safe and efficient distribution of pharmaceutical products and delivery of pharmacy care. An updated copy shall be available for board inspection upon request.

2. Inventories. The pharmacist-in-charge shall:

a. perform an annual inventory on all controlled dangerous substances; and

b. maintain a perpetual inventory of Schedule I and II controlled dangerous substances.

3. Records. The pharmacist-in-charge shall maintain adequate records regarding the use and accountability of controlled dangerous substances. Proof of use records for controlled dangerous substances shall be maintained separately and in such a manner as to be readily retrievable. These records shall specify the following minimum information:

a. drug name, strength, and quantity;

b. dose;

c. full name of patient;

d. date and time of administration; and

e. name of person administering the drug.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:

§1511. Prescription Drug Orders

A. The pharmacist shall review the practitioner’s medical order prior to dispensing the initial dose of medication, except in cases of emergency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§1513. Labeling

A. All drugs dispensed by a hospital pharmacy, intended for use within the facility, shall be dispensed in appropriate containers and adequately labeled as to identify patient name and location, drug name(s) and strength, and medication dose(s). Additionally, compounded preparations and sterile preparations shall be labeled with the expiration or beyond-use date, initials of the preparer, and the pharmacist performing the final check.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§1515. Ambulance Service Drugs

A. Hospital pharmacies that supply prescription drugs, including any controlled dangerous substances, to any authorized ambulance service or emergency medical service shall maintain proper records to ensure control, proper utilization, inventory, and accountability.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:

§1517. Pharmacist Absence/Drug Cabinet

A. Pharmacist Absence. In the absence of a licensed pharmacist, admittance to the pharmacy by unauthorized persons is prohibited. When the pharmacy is closed, a pharmacist shall be on emergency call.

B. Drug Cabinets. In the absence of a licensed pharmacist, arrangements shall have been formulated in advance by the pharmacist-in-charge to provide drugs for the patients by the use of drug cabinets.

1. Emergency Use. A drug cabinet is solely intended for the proper and safe storage of needed drugs when the pharmacy is closed and shall be available for emergency use by authorized hospital personnel only.

2. Security. The drug cabinet shall be a securely constructed and locked enclosure located outside the permitted pharmacy ensuring access to authorized personnel only.

3. Inventory. The pharmacist-in-charge shall be responsible for the selection and quantity of the drugs to be maintained in the drug cabinet and shall maintain a perpetual inventory of any controlled dangerous substances stored in the drug cabinet.

4. Labeling. Medications stored in a drug cabinet shall be properly labeled.

5. Quantities. Prepackaged drugs shall be available in amounts sufficient for immediate therapeutic or emergency requirements.

6. Accessibility. Written medical practitioner's orders and proof of use, if applicable, shall be provided when a drug cabinet inventory is utilized.

7. Inspection. Medications stored in a drug cabinet shall be inspected every thirty days.

8. Policy Manual. A policy and procedure manual shall be maintained to implement the drug cabinet requirements and is to be made available to the board upon request for inspection and approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:

§1519. Drug Returns

A. In a hospital with a permitted hospital pharmacy on site, drugs may be returned to the pharmacy in accordance with good professional practice standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:

§1521. Off-Site Pharmacy Services

A. Availability. Pharmacy services may be procured contractually from outside the hospital for inpatient administration.

B. Contractual agreements shall provide for:

1. emergency the pharmacy provider shall be available for on-call for emergency pharmacy services;

2. storage adequate drug storage facilities shall be provided to the pharmacy provider;

3. labeling prescription drugs supplied to hospital inpatients shall be properly labeled to ensure that adequate control, supervision, and recall of medication are monitored;

4. contractual pharmacy service off-site contractual pharmacy services rendered to the hospital shall be in accordance with federal and state laws, rules, and regulations.

C. A pharmacy providing off-site contractual pharmacy services to a hospital shall not be considered a hospital pharmacy.

D. Medications. Prescription medications independently supplied to registered patients shall comply with all appropriate board regulations and statutes and/or hospital rules, regulations, and policies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:

§1523. Outpatient Pharmacy Dispensing

A. Hospital outpatient dispensing shall require a separate pharmacy permit for the specialty classification(s) under these regulations. All records including the annual inventory of controlled dangerous substances for the outpatient pharmacy shall be maintained and kept separate and apart from that of the inpatient pharmacy, as the outpatient pharmacy may not acquire drugs through the hospital pharmacy permit under the provisions of the Robinson-Patman Act, 15 U.S.C. §13(c).

B. Nothing in this section shall prohibit the dispensing of certain prescriptions from the hospital pharmacy, as allowed under the Robinson-Patman Act, 15 U.S.C. §13, including:

1. dispensing to the hospital inpatient for use in his treatment at the hospital;

2. dispensing to the patient admitted to the hospital's emergency facility for use in the patient's treatment at that location;

3. dispensing to the hospital outpatient for personal use on the hospital premises;

4. dispensing in the context of a genuine take-home prescription, intended for a limited and reasonable time as a continuation of, or supplement to, the treatment that was administered at the hospital to the recipient while an inpatient, an outpatient, or an emergency facility patient if the patient needs that treatment; or

5. dispensing to the hospital's physicians, employees, or its students for their personal use or for the personal use of their dependents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:

Chapter 17. Institutional Pharmacy

Subchapter A. General Requirements

§1701. Cross References

A. For all regulations that apply to permitted institutional pharmacies concerning pharmacy practices not specifically stated in this chapter, refer to Chapter 11.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§1703. Definitions

A. As used in this chapter, the following terms shall have the meaning ascribed to them in this section:

Institutional Facility any organization whose primary purpose is to provide a physical environment for a patient to obtain health care services, including but not limited to a(n):

a. convalescent home;
b. nursing home;
c. extended care facility;
d. mental health facility;
e. rehabilitation center;
f. psychiatric center;
g. developmental disability center;
h. drug abuse treatment center;
i. family planning clinic;
j. penal institution;
k. hospice;
l. public health facility;
m. athletic facility.

Institutional Pharmacy that physical portion of an institutional facility where drugs, devices, and other materials used in the diagnosis and treatment of an injury, illness, and disease are dispensed, compounded, and distributed and pharmacy primary care is provided, and is permitted by the board and is devoted exclusively to providing professional services to a patient in that institutional setting, other than a hospital.

Long Term Care Facility a nursing home, retirement center, mental care, or other facility or institution that provides extended health care to a residential patient, including but not limited to health care facilities licensed by the Department of Health and Hospitals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§1705. Institutional Pharmacy Permit

A. An institutional pharmacy permit shall be required to operate a pharmacy department located within an institutional facility, other than a hospital, for residents or patients of that institutional facility. The permit shall be applied for, and renewed, in the manner prescribed by the board in Chapter 11 of these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§1707. Drug Cabinet

A. In the absence of a licensed pharmacist, arrangements shall have been formulated in advance by the pharmacist-in-charge to provide drugs for the residents/patients by the use of drug cabinets. When the pharmacy is closed, a pharmacist shall be on emergency call.

1. Emergency Use. A drug cabinet is solely intended for the proper and safe storage of needed drugs when the pharmacy is closed and shall be available for emergency use by authorized facility personnel only.

2. Security. The drug cabinet shall be a securely constructed and locked enclosure located outside the permitted pharmacy area ensuring access by authorized personnel only.

3. Inventory. The pharmacist-in-charge shall be responsible for the selection and quantity of drugs to be maintained in the drug cabinet and shall maintain a perpetual inventory of any controlled dangerous substances. Medications shall be available in quantities sufficient only for immediate therapeutic needs.

4. Labeling. Medications stored in a drug cabinet shall bear a label with the following minimum information:

a. drug name;
b. dosage form;
c. strength;
d. name of manufacturer and/or distributor;
e. manufacturer's lot or batch number;
f. pharmacist's initials; and
g. expiration date, according to United States Pharmacopeia guidelines.

5. Accountability. Documented medical practitioner's orders and proof of use shall be provided when any of the drug cabinet inventory is utilized.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:

Subchapter B. Emergency Drug Kits

§1709. Definitions

A. As used in this subchapter, the following terms shall have the meaning ascribed to them in this section:

Emergency Drug Kit (EDK) for long-term care facilities or other board-approved sites, other than a hospital, means a drug kit containing designated emergency drugs which may be required to meet the immediate therapeutic needs of a resident or patient.

Emergency Drugs those drugs which may be required to meet the immediate therapeutic needs of patients and which are not available from any other authorized source in sufficient time to prevent risk of harm to patients or residents because of delay resulting from obtaining such medications from such other source.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:

§1711. Emergency Drug Kit Permit

A. A long-term care facility, institutional facility without an institutional pharmacy, or other board-approved site, other than a hospital, that desires to maintain an Emergency Drug Kit shall obtain an EDK permit from the board.

B. Permit Application and Requirements. Application for an EDK permit shall be made on a form provided by the board.

1. The provider pharmacy shall apply to the board for an EDK permit. The administrator of the applicant facility shall also sign the application for said permit. Upon compliance with the required provisions, the provider pharmacy shall be issued a permit by the board for the provider pharmacy to establish and maintain an EDK in the facility.

2. The provider pharmacy shall be a Louisiana-licensed pharmacy.

3. Only one provider pharmacy shall be assigned to and be responsible for each EDK.

4. EDK permits are institutional facility-specific and not transferable.

5. A separate permit is required for each EDK.

6. The original EDK permit shall be conspicuously displayed at the provider pharmacy. A copy of the EDK permit shall be maintained in the room where the EDK is located.

C. Pharmacist-in-Charge. The pharmacist-in-charge of the provider pharmacy shall be the pharmacist-in-charge of the EDK. The maintenance of the EDK shall at all times remain the responsibility of the pharmacist-in-charge.

D. Renewal. Each EDK permit issued by the board shall be renewed annually by the provider pharmacy, at the time designated by the board. If an EDK permit is not renewed within a period determined by the board, the existing permit shall expire and become null and void.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:

§1713. Emergency Drug Kit Requirements

A. Emergency Use. An EDK is solely intended for the immediate therapeutic emergency needs of a resident or patient.

B. Security. The EDK shall be tamper-evident and shall be maintained in a secure enclosure located within the institutional facility and shall be available for emergency use by authorized personnel only.

C. Exterior Identification and Labeling. The EDK shall be clearly labeled to indicate that it is an emergency drug kit. In addition, the attached exterior label shall have an inventory of contents and contact information of the provider pharmacy.

D. Labeling. Medications stored in an EDK shall bear a label with the following minimum information:

1. drug name;
2. dosage form;
3. strength;
4. name of manufacturer and/or distributor;
5. manufacturer's lot or batch number; and
6. expiration date, according to United States Pharmacopeia guidelines.

E. Storage. All drugs in an EDK shall be stored to ensure a proper environment for the preservation of the drugs. If federal or state laws or regulations require adequate storage outside the EDK, documentation shall be kept with the EDK properly identifying this special storage requirement and drug(s) involved.

F. Policies and Procedures. Policies and procedures shall be maintained by the provider pharmacy and the applicant facility to implement the EDK requirements.

G. Accountability. Documented medical practitioner's orders and proof of use shall be provided when an EDK inventory is utilized. Medication administered to patients from the EDK shall be documented with the following information, in accordance with the institutional facility policy manual, that shall be immediately reduced to writing and a copy delivered to the provider pharmacy:

1. name of the resident patient;
2. drug name, strength, and quantity;
3. nature of the emergency;
4. time and date of administration;
5. name of person administering the medication; and
6. name of prescriber authorizing the medication.

H. Records. Records shall be readily retrievable and comply with applicable federal and state laws and regulations.

I. Inspection

1. The provider pharmacy shall inspect the EDK between the first and fifteenth day of every month. Proper documentation of these inspections, EDK inventory, and all records of use shall be maintained and made available to the board upon request.

2. The EDK shall be available for inspection by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:

Subchapter C. Drug Abuse Treatment Center Pharmacies

§1715. Purpose

A. The board may issue a pharmacy permit for a drug abuse treatment center operating in the state of Louisiana where drugs are dispensed and pharmacy primary care is provided.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:

§1717. Cross References

A. For all regulations that apply to drug abuse treatment center pharmacies concerning pharmacy practices not specifically stated in this subchapter, refer to Chapter 11.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:

§1719. Definitions

A. As used in this subchapter, the following terms shall have the meaning ascribed to them in this section:

Administer or Administration the direct application of a drug to the body of a patient or research subject by injection, inhalation, ingestion, or any other means.

Authorized Personnel individuals who, within the scope of their authority granted by mutual agreement of the drug abuse treatment center's pharmacist-in-charge and director, are granted access to the drug abuse treatment center's pharmacy department as part of his duties.

Dispense or Dispensing the interpretation, evaluation, and implementation of a prescription drug order, including the preparation and delivery of a drug or device to a patient or patient's agent in a suitable container appropriately labeled for subsequent administration to, or use by, a patient. "Dispense" necessarily includes a transfer of possession of a drug or device to the patient or the patient's agent.

Drug Abuse Treatment Center any establishment, facility, or institution, public or private, whether operated for profit or not, which primarily offers, or purports to offer, maintain, or operate facilities for the residential or outpatient diagnosis, care, treatment, or rehabilitation of two or more non-related individuals, who are patients as defined herein, excluding, however, any hospital or mental hospital otherwise licensed by the Department of Health and Hospitals.

Patient or Client a person who is dependent on, or otherwise suffering physically or mentally from the use of, or abuse of, controlled dangerous substances and who requires continuing care of a drug abuse treatment center.

Perpetual Inventory a computer record of inventory kept continuously up to date by detailed entries of all incoming and outgoing items. This includes inventory on hand, purchases, and dispensing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:

§1721. Drug Abuse Treatment Center Pharmacy Permit

A. A drug abuse treatment center pharmacy permit shall be required to operate a pharmacy department located within a drug abuse treatment facility for patients of that facility. The permit shall be applied for, and renewed, in the manner prescribed by the board in Chapter 11 of these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:

§1723. Minimum Security Controls for Drug Abuse Treatment Centers

A. Persons enrolled in a drug abuse treatment center shall wait for their prescriptions in an area physically separated from the controlled dangerous substance (CDS) storage and dispensing area. This requirement shall be enforced by the drug abuse treatment center physician(s), pharmacist(s), and employees.

B. All CDS used in a drug abuse treatment center shall be securely locked and accessible to authorized personnel within that facility only.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:

§1725. Records and Reports of Drug Abuse Treatment Centers

A. All persons licensed by the Department of Health and Hospitals to operate a drug abuse treatment center and who possess a Drug Enforcement Administration (DEA) registration to purchase, possess, and use CDS shall keep the following records:

1. records of CDS received by approved persons, including date of receipt, name and address of distributor, type and quantity of such drugs received, and the signature of the individual receiving the CDS. A duplicate invoice or separate itemized list furnished by the distributor will be sufficient to satisfy this record requirement, provided it includes all required information and is maintained in a separate file. In addition, duplicate copies of federal order forms for CDS listed in Schedule II must be retained; and

2. records of CDS administered or dispensed, including date of administration or dispensing, name of patient, signature of person administering or dispensing, type and quantity of drug, and such other information as may be required by state and federal laws and regulations.

B. Records of perpetual inventories shall be kept at the permitted site as prescribed by law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:

Chapter 19. Nuclear Pharmacy

§1901. Cross References

A. For all regulations that apply to permitted nuclear pharmacies concerning pharmacy practices not specifically stated in this chapter, refer to Chapter 11.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§1903. Definitions

A. As used in this chapter, the following terms shall have the meaning ascribed to them in this section.

Nuclear Pharmacy a board-approved facility limited to procuring, possessing, compounding, or dispensing radiopharmaceuticals or any interventional drug used in conjunction with nuclear medicine procedures. This definition shall not apply to hospital nuclear medicine departments and nuclear medicine clinics operating under the auspices of a licensed practitioner of medicine.

Radiation any electromagnetic or ionizing radiation including gamma rays, X-rays, alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles.

Radioactive Material any solid, liquid, or gas that emits radiation spontaneously.

Radiopharmaceutical a drug that is a radioactive material and includes any drug that is intended to be made radioactive, as defined by the appropriate federal agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§1905. Nuclear Pharmacy Permit Requirements

A. A nuclear pharmacy permit shall be required to operate a nuclear pharmacy department. The permit shall be applied for, and renewed, in the manner prescribed by the board in Chapter 11 of these regulations.

1. A nuclear pharmacy shall have a Louisiana Radioactive Material License.

2. Nuclear Pharmacist-in-Charge. A pharmacist-in-charge of a nuclear pharmacy operation shall be a qualified nuclear pharmacist, as defined in §1907, and shall be responsible for the entire nuclear pharmacy operation.

3. Structural Requirements. A nuclear pharmacy shall provide adequate space separate and apart from other areas commensurate with the scope of service and with the following space requirements.

a. Dispensing Area. The radiopharmaceutical compounding or preparation area shall be separate and apart from other facility areas and shall be not less than 300 square feet, which may include storage and decay areas. The pharmacy area shall be sufficient to provide a work environment for the safe handling, compounding, and dispensing of radiopharmaceuticals. This area shall be separate and inaccessible to non-pharmacy personnel.

b. Delivery and Receipt Area. An area designated for the delivery and receipt of materials requiring after-hours handling by non-pharmacy personnel. This area shall be separate from the dispensing area of the pharmacy.

c. Storage Area. A storage area sufficient to maintain the scope and content of unused and returned material for decay and disposal commensurate with the compounding and dispensing requirements of the facility.

d. Maintenance. A nuclear pharmacy shall be well maintained, clean, orderly, lighted, and properly ventilated.

e. Plumbing. A sink equipped with hot and cold running water shall be located within the nuclear pharmacy.

A sink located in a pharmacy lavatory or restroom shall not be sufficient to satisfy this requirement.

4. Equipment. There shall be adequate equipment commensurate with the scope of services required and provided by the facility.

5. Supplies. There shall be adequate supplies commensurate with the compounding and dispensing needs of the facility, as well as any other services provided for by the facility, including appropriate shielding and safety devices and any other supplies necessary for the safe and legal transport of materials compounded or dispensed from the facility. There shall be appropriate supplies for the safe handling and disposal of used and unused material by employees and staff of the facility. The appropriateness of personal protective equipment shall be reviewed on an annual basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§1907. Qualified Nuclear Pharmacist

A. A qualified nuclear pharmacist shall be a currently licensed pharmacist in the state of Louisiana who is listed on a Louisiana Radioactive Material License.

B. Continuing Education. Nuclear pharmacists shall obtain at least five hours of the total required hours of American Council on Pharmaceutical Education (ACPE) or board-approved continuing education on those applications and procedures specific to nuclear pharmacy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§1909. Labeling

A. Immediate Container. The immediate container that comes into direct contact with the radiopharmaceutical shall be labeled with:

1. the standard radiation symbol;
2. the words "Caution Radioactive Material";
3. the prescription control number;
4. the name of the radionuclide; and
5. the amount of radioactive material contained, in the appropriate unit of measure.

B. Outer Container. In addition to any labeling requirements of the board for non-radiopharmaceuticals, the outer container of a radiopharmaceutical to be dispensed shall also be labeled with:

1. the standard radiation symbol;
2. the words "Caution Radioactive Material";
3. the name of the radionuclide;
4. the chemical form;
5. the amount of material contained, in the appropriate unit of measure;
6. the liquid volume expressed in cubic centimeters or milliliters, where applicable; and
7. the calibration time and date for the amount of radioactivity contained.

C. The labeling requirements in this section shall not apply to transport containers.

D. Practitioner Administered Compounds Labeling. All practitioner administered compounds, as defined in Chapter 25 of these regulations, shall be dispensed or delivered in a suitable container with a label containing the following information:

1. pharmacist's name or initials;
2. pharmacy's name, address, and telephone number;
3. preparation name;
4. prescription number or pharmacy-assigned identification number;
5. lot number;
6. beyond-use date;
7. strength and concentration;
8. practitioner's name; and
9. special storage requirements, if applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§1911. Quality Control and Quality Assurance

A. Quality control of radiopharmaceuticals is required on all radiopharmaceuticals compounded in a nuclear pharmacy. Appropriate quality assurance procedures shall be developed and followed for the procurement, compounding, and dispensing of all pharmaceuticals in a nuclear pharmacy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

Chapter 21. Charitable Pharmacy

§2101. Cross References

A. For all regulations that apply to permitted charitable pharmacies concerning pharmacy practices not specifically stated in this chapter, refer to Chapter 11.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§2103. Definitions

A. As used in this chapter, the following terms shall have the meaning ascribed to them in this section.

Charitable Pharmacy the practice of pharmacy at a site where prescriptions are dispensed by a charitable organization free of charge to appropriately screened and qualified patients. For the purposes of the Louisiana Administrative Code and the Pharmacy Practice Act, a "charitable pharmacy" may at times also be referred to as a "provisional permitted pharmacy."

Qualified Patients those patients who are without sufficient funds to obtain medications as determined by strict screening guidelines based on needs assessment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§2105. Charitable Pharmacy Permit Requirements

A. A charitable pharmacy permit shall be required to operate a pharmacy in the state to dispense free prescription drugs to qualified patients in Louisiana. This permit shall only be granted to an organization qualified as a charitable organization by the U. S. Internal Revenue Code under 26 U.S.C. §501(c)(3), or its successor.

B. Compliance. The charitable pharmacy shall be in compliance with applicable federal, state, and local laws and/or regulations pertaining to the practice of pharmacy.

C. Guidelines. Strict screening guidelines based on needs assessment shall be developed by the charitable pharmacy to determine who is eligible as a qualified patient.

D. Review. All screening guidelines, needs assessments, and revisions shall be submitted to the board upon request.

E. Patient Dispensing. Prescriptions filled in a charitable pharmacy may only be dispensed to qualified patients of that pharmacy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§2107. Prescription Drug Samples

A. A charitable pharmacy shall not sell, purchase, or trade prescription drug samples.

B. A charitable pharmacy shall only possess and dispense prescription drug samples if the following conditions are satisfied:

1. the prescription drug samples are dispensed at no charge to qualified patients of that charitable pharmacy; and

2. the prescription drug samples are possessed in compliance with the Federal Prescription Drug Marketing Act of 1987, 21 U.S.C. §301 et seq., or its successor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 23:1307 (October 1997), amended LR 29:

§2109. Medication Transfers

A. In facilities licensed by the Department of Health and Hospitals where United States Pharmacopeia (USP) storage requirements can be assured, prescription drugs, except controlled dangerous substances, dispensed in unit dose or in individually sealed doses may be transferred to a permitted charitable pharmacy for relabeling and dispensing to indigent patients, free of charge, pursuant to a valid prescription order.

1. The pharmacist-in-charge of the permitted charitable pharmacy shall be responsible for determination of suitability of the product for reuse.

a. No product where integrity cannot be assured shall be accepted for re-dispensing by the pharmacist.

b. A re-dispensed prescription medication shall be assigned the expiration date stated on the package.

c. No product shall be re-dispensed more than one time.

2. Pursuant to a voluntary agreement between the facility licensed by the Department of Health and Hospitals and a pharmacy holding a charitable pharmacy permit from the board, prescription drugs, except controlled dangerous substances, may be transferred from the facility to the pharmacy provided the following procedures are satisfied;

a. The physical transfer shall be accomplished by an individual authorized to do so by the charitable pharmacy.

b. The patient from whom the prescription medication was obtained shall document their consent for the donation; the consent shall be maintained on file at the facility.

c. The patient's name, prescription number, and any other identifying marks, shall be obliterated from the packaging prior to removal from the facility.

d. The drug name, strength, and expiration date shall remain on the medication package or label.

e. An inventory list of the drugs shall accompany the drugs being transferred. The list shall contain, at a minimum, the medication name, strength, quantity, and expiration date.

f. Expired drugs shall not be transferred. In the event expired drugs are received by a charitable pharmacy, the pharmacist-in-charge shall destroy them as required by law.

B. Under no circumstances may these transferred medications be re-distributed to another location.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§2111. Prohibitions

A. A charitable pharmacy shall not purchase, possess, trade, distribute, or dispense controlled dangerous substances.

B. A charitable pharmacy shall not be operated, or in any way associated, with any for-profit pharmacy permitted in this state or any other jurisdiction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29

Chapter 23. Out-of-State Pharmacy

§2301. Purpose

A. Out-of-state pharmacies shall comply with the provisions of this chapter in order to be and remain permitted to operate in Louisiana as an out-of-state pharmacy.

B. This chapter applies to any place physically located outside the state of Louisiana that provides services in the state of Louisiana where prescription drugs are dispensed and/or pharmacy care is provided to residents of the state of Louisiana. This includes, but is not limited to, pharmacies providing goods and services via U.S. mail carrier, commercial carrier, the Internet, and/or directly to Louisiana residents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 18:1380 (December 1992) effective January 1, 1993, amended LR 29:

§2303. Out-of-State Pharmacy Requirements

A. The out-of-state pharmacy shall hold a current pharmacy permit in good standing in the state(s) in which it is located and/or practicing pharmacy.

B. Each pharmacist dispensing drugs into Louisiana shall be licensed as a pharmacist in good standing in the state(s) where he practices.

C. Every out-of-state pharmacy doing business in Louisiana by dispensing and delivering prescription drugs and devices to Louisiana residents shall designate a resident agent and a registered office in Louisiana for the service of process.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 18:1380 (December 1992) effective January 1, 1993, amended LR 29:

§2305. Out-of-State Pharmacy Permit Requirements

A. The out-of-state pharmacy shall apply for a permit and annual permit renewals on forms provided by the board. The board may require such information as reasonably necessary to carry out the provisions of R.S. 37:1232, including, without limitation, the name, address, and position of each officer and director of a corporation or of the owners, if the pharmacy is not a corporation.

B. The out-of-state pharmacy shall pay an annual permit fee as defined in R.S. 37:1184.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 18:1380 (December 1992), LR 29:

§2307. Pharmacist-in-Charge

A. Designation. A pharmacist licensed by the Louisiana Board of Pharmacy shall be named in the application as the pharmacy's pharmacist-in-charge for the Louisiana permit and shall be responsible for the pharmacy permit's compliance. Said Louisiana-licensed pharmacist shall be a full-time employee of the out-of-state pharmacy and shall be present at the pharmacy's physical location indicated on the out-of-state pharmacy permit.

B. The pharmacist-in-charge shall be currently licensed and in good standing in the state in which he is practicing.

C. Authority and Accountability. The designated pharmacist-in-charge of the pharmacy and the pharmacy owner(s), or partners, or corporate officer(s) of the permit holder, where applicable, shall be responsible for the complete supervision, management, and compliance with all federal and state pharmacy laws and regulations pertaining to the practice of pharmacy of the entire prescription department. This responsibility necessarily includes accountability for any violation involving federal or state laws or regulations occurring within the prescription department supervised by a pharmacist-in-charge.

D. Policy and Procedure Manual. The pharmacist-in-charge shall be responsible for the development and maintenance of policies regarding quality pharmacy services including drug control, distribution, patient compliance accountability, inspection, and record keeping.

E. Circumvention. It is a violation of the pharmacy permit for any person to subvert the authority of the pharmacist-in-charge by impeding the management of the prescription department in the compliance of federal and state pharmacy laws and regulations.

F. Records. The pharmacist-in-charge is responsible for the proper maintenance of all prescription records. This necessarily includes electronic prescription records and the system's compliance and capacity to produce the required records.

G. Recall. The pharmacist-in-charge shall be responsible for the development and implementation of a recall procedure that can be readily activated to assure patient safety.

H. Discontinued or Outdated Drugs. The pharmacist-in-charge shall be responsible for the development and implementation of policies and procedures to ensure that discontinued drugs, outdated drugs, or drug containers with worn, illegible, or missing labels are withdrawn from the pharmacy inventory.

I. Change of Pharmacist-in-Charge. Written notice to the board shall be required when the pharmacist-in-charge designation for a pharmacy has changed.

1. The permit holder shall notify the board within 10 days of the prior pharmacist-in-charge's departure date. The permit holder shall designate a new pharmacist-in-charge within 10 days of the departure of the prior pharmacist-in-charge.

2. The new pharmacist-in-charge shall afford the board written notice of his newly designated pharmacist-in-charge status within 10 days of the departure of the prior pharmacist-in-charge.

3. A pharmacist-in-charge who voluntarily leaves a pharmacy shall give written notice to the board and the owner of the permit at least 10 days prior to this voluntary departure, unless replaced in a shorter period of time.

J. Affidavit of Responsibility and Duties. The designated pharmacist-in-charge shall sign an affidavit on a form supplied by the board indicating his understanding and acceptance of the duties and responsibilities of a pharmacist-in-charge. This notarized document shall be submitted to the board for inclusion in the pharmacy's record in the board office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 18:1381 (December 1992), LR 29:

§2309. Applicable Laws and Regulations

A. Louisiana pharmacy laws and regulations shall be applicable to regulate the practice of pharmacy for that portion of the out-of-state pharmacy's Louisiana pharmacy practice or operation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 18:1381 (December 1992), LR 29:

§2311. Inspection

A. The facilities and records of the out-of-state pharmacy shall be subject to inspection by the board or its designated agent(s).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 18:1381 (December 1992), LR 29:

§2313. Records

A. Records shall be maintained for not less than two years.

B. The pharmacy shall maintain records of drugs dispensed to Louisiana residents in such a manner so as to be identifiable, readily retrievable, and available upon request. Said records shall be made available for inspection by the board. The pharmacy permit holder or the pharmacist-in- charge shall produce within 72 hours any

information, documentation, and/or records requested by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 18:1381 (December 1992), LR 29:

§2315. Counseling Services

A. The pharmacy shall maintain an incoming toll-free telephone number for use by Louisiana consumers during regular office hours. Readily available telephone counseling services shall be provided that are consistent with the reasonable standard of due care. This telephone number, plus other numbers available for use, shall be printed on each container of drugs dispensed to Louisiana residents. The toll-free telephone number shall have sufficient extensions to provide reasonable access to incoming callers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 18:1381 (December 1992), LR 29:

§2317. Out-of-State Pharmacy Closure Procedures

A. Notice. Notice shall be afforded the board not less than ten days prior to the anticipated closure date of an out-of-state pharmacy. Said notice shall include the location of all transferred prescription files for Louisiana residents.

B. Permit. The out-of-state pharmacy permit holder shall surrender the pharmacy permit to the board upon closure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 18:1381 (December 1992), LR 29:

§2319. Jurisdiction

A. Out-of-state pharmacies soliciting, receiving, and dispensing and delivering prescription drugs and devices, including controlled dangerous substances as defined in 21 U.S.C. 1, et seq. and 21 CFR 1 et seq., or their successors, and delivered to residents in Louisiana constitutes doing business in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 18:1381 (December 1992), LR 29:

Chapter 25. Prescriptions, Drugs, and Devices

Subchapter A. General Requirements

§2501. Prescription Drugs and Devices

A. Prescription Drugs or Devices. A prescription drug or device is a medication or mechanism that may only be dispensed by a pharmacist on the order of a licensed practitioner and shall bear the "Rx Only" notation or any other designation of similar import required by law on the label of a commercial container.

1. Dispensing. Prescription drugs or devices shall be dispensed only by a Louisiana-licensed pharmacist.

2. Possession. Prescription drugs or devices shall be procured and possessed in the course of the practice of pharmacy by a permitted pharmacy.

3. Storage. Prescription drugs or devices shall be stored in a permitted pharmacy under the immediate control and responsibility of a pharmacist.

B. Misbranded Drugs

1. Misbranded drugs are:

a. those drugs whose labeling is false or misleading in any particular manner; or

b. those drugs whose label does not bear the name and address of the manufacturer, packer, or distributor, and does not have an accurate statement of the quantities of the active ingredients; or

c. those drugs without an accurate monograph; or

d. those drugs meeting the qualifications for misbranded drugs as noted in the Federal Food, Drug, and Cosmetic Act, or its successor.

2. It is unlawful to possess or dispense misbranded drugs.

C. Adulterated Drugs

1. Adulterated drugs are contaminated medicinal substances having deleterious foreign or injurious materials, which fail to meet safety, quality, and/or purity standards.

2. It is unlawful to possess or dispense adulterated drugs.

D. Expired Drugs. Expired drugs shall not be dispensed and shall be removed from the pharmacy drug inventory.

E. Recalled Drugs. Recalled drugs shall be removed from the pharmacy inventory immediately upon notice. Recalls are classified as:

1. Class I a situation in which there is a strong likelihood that the use of, or exposure to, a violative product will cause serious adverse health consequences or death;

2. Class II a situation in which use of, or exposure to, a violative product may cause temporary or medically reversible adverse health consequences or where the probability of serious adverse health consequences is remote;

3. Class III a situation in which the use of, or exposure to, a violative product is not likely to cause adverse health consequences.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§2503. Drug Returns

A. Drugs dispensed on prescription to a patient shall not be accepted for return, exchange, or re-dispensing by any pharmacist or pharmacy after such drugs have been removed from the pharmacy premises where they were dispensed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§2505. Investigational Drugs

A. All investigational drugs stored or dispensed by any pharmacy shall conform to appropriate and applicable federal and state laws and regulations pertaining to their use.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§2507. Veterinary Prescription Drugs

A. Veterinary prescription drugs are prescription medications for animal use prescribed by a licensed

veterinarian pursuant to a valid veterinarian-client-patient relationship and dispensed by a licensed pharmacist to the veterinarian's client, for a legitimate medical purpose, that are unsafe for unsupervised use as defined in 21 CFR §201.105, or its successor.

B. Dispensing Requirements. Veterinary prescription drugs shall be exclusively dispensed by a duly licensed pharmacist upon the order of a licensed veterinarian, unless otherwise provided by law.

C. Labeling Requirements. Veterinary prescription drugs shall be dispensed in an appropriate container, and in addition to the labeling requirements in Chapter 11 of these regulations, shall contain the following information:

1. the commercial label inscription "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian"; and

2. the client's name and patient's animal species.

D. Prescription Form Requirements. Prescriptions issued by a licensed veterinarian shall conform to §2511 of these regulations.

E. Storage. Veterinary prescription drugs shall be maintained in the prescription department of a pharmacy, and shall be kept separate and apart from drugs intended for human use.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§2509. Prescription Devices

A. In the interest of public health, safety, and welfare, the board may, from time to time, restrict the sale of certain devices to be dispensed only by a licensed pharmacist after a legitimate medical need has been demonstrated. A legitimate medical need includes the prevention of the transmission of communicable diseases.

B. Pharmacy Device. A pharmacy device is an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component or accessory, which is required under federal law to bear the label "Caution: Federal or State law requires dispensing by or on the order of a physician." and/or "Rx Only", or other designation of similar import.

1. Hypodermic Apparatus. Hypodermic means any syringe, needle, instrument, device, or implement intended or capable of being adopted for the purpose of administering drugs by subcutaneous, intramuscular, or intravenous injection.

a. Sale. Hypodermic syringes and/or needles shall be sold or distributed only by a licensed pharmacist, physician, dentist, veterinarian, podiatrist, embalmer, drug wholesaler, surgical supplier, or other legally authorized distributor.

b. Storage. Hypodermic syringes and/or needles shall be stored in the prescription department or in another secure area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

Subchapter B. Prescriptions

§2511. Prescriptions

A. Definitions. As used in this chapter, the following terms shall have the meaning ascribed to them in this section:

Electronic Prescription a prescription transmitted in electronic form.

Practice Affiliation a practice relationship, collaboration, or practice under the supervision of a physician licensed to practice medicine.

Prescription or Prescription Drug Order an order from a practitioner authorized by law to prescribe for a drug or device that is patient specific and is communicated by any means to a pharmacist in a permitted pharmacy, and is to be preserved on file as required by law or regulation.

B. Written Prescriptions. A written prescription shall conform to the following format.

1. The prescription form shall not be less than four inches by five inches, and shall bear a single printed signature line.

2. The prescription form shall clearly indicate the authorized prescriber's name, licensure designation, address, telephone number, and, if applicable, Drug Enforcement Administration (DEA) registration number. In the event that multiple practitioners are identified on the prescription form, the authorizing prescriber's specific identity shall be clear and unambiguous. This identification may be indicated by any means, including but not limited to, a marked check box next to, or circling the authorizing prescriber's printed name.

3. If the authorized prescriber is a non-physician, the prescription form shall clearly indicate the authorized prescriber's practice affiliation. The affiliated physician's name, address, and telephone number shall appear on the prescription form.

4. No prescription form shall contain more than four prescription drug orders. Each prescription drug order on the form shall provide the following:

a. check box labeled "Dispense as Written", or "DAW", or both; and

b. the number of refills, if any.

5. Forms used by pharmacists to record telephoned or transferred prescriptions are exempt from the format requirements listed above.

6. Equivalent Drug Product Interchange

a. The pharmacist shall not select an equivalent drug product when the prescriber handwrites a mark in the check box labeled "Dispense as Written", or "DAW", or both, and personally handwrites his signature on a printed single signature line. Otherwise, the pharmacist may select an equivalent drug product, provided the patient has been informed of, and has consented to, the proposed cost saving interchange.

b. In the event an authorized prescriber has indicated that an equivalent drug product interchange is prohibited by handwriting a mark in the check box labeled "Dispense as Written", or "DAW", or both, then a non-licensed, non-certified, or non-registered agent of the pharmacy shall not inquire as to a patient's desire for an equivalent drug product interchange.

c. For prescriptions reimbursable by Medicaid or Medicare, the authorized prescriber may only prohibit equivalent drug product interchange by handwriting the words "brand necessary" or "brand medically necessary" on the face of the prescription order or on a sheet attached to the prescription order.

C. Oral Prescriptions

1. Upon the receipt of an oral prescription from an authorized prescriber, the pharmacist shall reduce the order to a written form prior to dispensing the medication.

2. The pharmacist shall not select an equivalent drug product when the authorized prescriber or his agent has verbally indicated a specific brand name drug or product is ordered.

3. The pharmacist may select an equivalent drug product if the authorized prescriber or his agent has given his approval to the equivalent drug product interchange. The patient shall be informed of, and consent to, the proposed cost saving interchange.

D. Electronic Prescriptions

1. The prescription shall clearly indicate the authorized prescriber's name, licensure designation, address, telephone number, and if applicable, DEA registration number.

2. If the authorized prescriber is a non-physician, the prescription form shall clearly indicate the authorized prescriber's practice affiliation. The affiliated physician's name, address, and telephone number shall appear on the prescription form.

3. The pharmacist shall not select an equivalent drug product when the prescriber indicates in the check box labeled "Dispense as Written", or "DAW", or both, and electronically transmits his signature on the formatted single signature line. Otherwise, the pharmacist may select an equivalent drug product, provided the patient has been informed of, and consents to, the proposed cost saving interchange.

4. Facsimile Prescription

a. The receiving facsimile machine of a prescription transmitted by facsimile shall be located within the pharmacy department.

b. The prescription transmitted by facsimile shall be on a non-fading legible medium.

c. All requirements applicable to written prescriptions in Subsection B shall apply to facsimile prescriptions, except Subparagraph B.6.c.

E. Exclusion. The provisions of this section shall not apply to medical orders written for patients in facilities licensed by the Department of Health and Hospitals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§2513. Prescription Receipt and Verification

A. Receipt of a Prescription

1. Written. A pharmacist may receive and dispense a prescription that has been written and/or signed by the practitioner.

2. Oral. A pharmacist may receive and dispense a prescription that has been orally communicated by the practitioner when the prescription has been reduced to hard copy.

3. Electronic Transmission. A pharmacist may receive a prescription via electronic or other means, and then reduce to hard copy, if necessary.

B. Verification. Verification of the accuracy and authenticity of any prescription is the responsibility of the pharmacist.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§2515. Prescriptions Based Upon Electronic Questionnaires

A. A prescription issued solely on the results of answers to an electronic questionnaire, in the absence of a documented patient evaluation including a physical examination, is issued outside the context of a valid physician-patient relationship, and is not a valid prescription.

B. If a pharmacist has reasons to suspect that a prescription was authorized solely on the results of an electronic questionnaire and in the absence of a documented patient evaluation including a physical examination, the pharmacist shall ascertain if that practitioner's standard of practice allows that practitioner to authorize a prescription under such circumstances. Reasons to suspect that a prescription may have been authorized in the absence of a valid physician-patient relationship, or in violation of the practitioner's standard of practice, include:

1. the number of prescriptions authorized on a daily basis by the practitioner;

2. the manner in which the prescriptions are authorized by the practitioner or received by the pharmacy, i.e., electronically;

3. the geographical distance between the practitioner and the patient(s);

4. knowledge by the pharmacist that the prescription was issued solely as a result of answers to an electronic questionnaire; or

5. knowledge by the pharmacist that the pharmacy he works for directly or indirectly participates in an internet site that markets prescription drugs to the public.

C. A pharmacist who has reasons to suspect that a prescription may have been authorized in the absence of a valid physician-patient relationship, or otherwise in violation of the prescriber's standard of practice, shall not fill such prescription until he has obtained proof to a reasonable certainty of the validity of such prescription.

D. A pharmacist who dispenses prescription drugs in violation of this section is not acting in the best interest of the patient and is dispensing outside the course of the professional practice of pharmacy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§2517. Prescription Dispensing

A. Prescription dispensing means the issuance, by a licensed pharmacist, of one or more doses of medication in a suitable container, properly labeled for subsequent administration, and shall consist of the following procedures or practices:

1. receiving and interpretation of the prescription order;

2. assembling the drug products and an appropriate container;

3. preparing the prescription by compounding, mixing, counting, or pouring;

4. affixing the proper label to the final container;

5. patient counseling as required; and

6. transfer of possession.

B. Unless otherwise allowed by law, drugs dispensed on prescription to a patient shall not be accepted for return, exchange, or re-dispensing by any pharmacist or pharmacy after such drugs have been removed from the pharmacy premises where they were dispensed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§2519. Prescription Refills

A. Refill Authorization. Prescription refills may be dispensed only with the prescriber's authorization, as indicated on the original prescription order. In the absence of the authorized practitioner's instructions on the original prescription, the prescription shall be considered non-refillable. When all refills authorized on the original prescription have been dispensed, then authorization from the prescribing practitioner shall be obtained prior to dispensing.

B. Controlled Dangerous Substances

1. The refilling of a prescription for a drug listed in Schedule II is prohibited.

2. A prescription for a drug listed in Schedule III, IV, or V may be refilled up to five times, if so indicated at the time issued.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§2521. Emergency Refills

A. Using sound professional judgment, a pharmacist may dispense adequate medication for a 72-hour regimen when an emergency for medication has been adequately demonstrated and the prescribing practitioner is not available.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§2523. Transfer of Prescription Information

A. The transfer of original and subsequent prescription information, for the purpose of refill dispensing, is permissible between pharmacies, subject to the following requirements and/or limitations:

1. The transfer of original prescription information for controlled dangerous substances listed in Schedules III, IV, or V between pharmacies is permissible on a one-time basis.

2. The transfer of prescription information for drugs not listed on Schedules II, III, IV, or V is permissible between pharmacies.

B. The required electronic record keeping system shall have a mechanism to prohibit the transfer of prescriptions for controlled dangerous substances that have been previously transferred, unless the pharmacy can electronically access the prescription drug records at the pharmacy from which the transfer is requested.

C. The original prescription that has been transferred shall be invalidated in the system for purposes of refilling, unless other pharmacies may electronically access the prescription drug records for purposes of transfer. All required information shall be maintained for a minimum of two years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§2525. Prescription Expiration

A. A prescription for a drug other than a controlled dangerous substance shall expire one year after the date written, or when its originally indicated refills have been dispensed, whichever occurs first.

B. A prescription for a controlled dangerous substance listed in Schedule II, III, IV, or V shall expire six months after the date written.

C. Expired prescriptions shall not be refillable or renewable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§2527. Prescription Labeling

A. An appropriate label shall be affixed to a proper container, and shall bear the following minimum information:

1. pharmacy's name, address, and telephone number;
2. prescription number;
3. authorized prescriber's name;
4. patient's name;
5. date dispensed;
6. drug name and strength;
7. directions for use, as indicated;
8. pharmacist's name or initials; and
9. cautionary auxiliary labels, if applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§2529. Pharmacy Prepackaging

A. *Prepackaging* is the preparation of medication in a unit-of-use container by a pharmacist in a pharmacy prior to the receipt of a prescription for ultimate prescription dispensing by a pharmacist in Louisiana.

B. Labeling. The label on the prepackaged container shall contain the following minimum information:

1. drug name;
2. dosage form;
3. strength;
4. quantity;
5. name of manufacturer and/or distributor;
6. manufacturer's lot or batch number;
7. date of preparation;
8. pharmacist's initials; and

9. expiration date according to United States Pharmacopeia (USP) guidelines.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

Subchapter C. Compounding of Drugs

§2531. Purpose and Scope

A. Purpose. The rules of this subchapter describe the requirements of minimum current good compounding practices for the preparation of drug products by Louisiana-licensed pharmacists for dispensing and/or administration to patients.

B. Scope. These requirements are intended to apply to all compounded products, sterile and non-sterile, regardless of the location of the patient, e.g., home, hospital, nursing home, hospice, or physician's office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§2533. Definitions

A. As used in this subchapter, the following terms shall have the meaning ascribed to them in this section.

Biological Safety Cabinet a containment unit suitable for the preparation of low to moderate risk agents where there is a need for protection of the product, personnel, and environment, according to National Sanitation Foundation (NSF) Standard 49, or its successor.

Class 100 Environment an atmospheric environment that contains fewer than 100 particles, of the size 0.5 microns or less in diameter, per cubic foot of air, according to Federal Standard 209E, or its successor.

*Component*an ingredient used in the compounding of a drug product.

Compounding the preparation, mixing, assembling, packaging, or labeling of a drug or device by a pharmacist for his patient as the result of a practitioner's prescription drug order or initiative based on the practitioner/patient/pharmacist relationship in the course of professional practice, or including the preparation of drugs or devices in anticipation of prescription orders to be received by the compounding pharmacist based on routine, regularly observed prescribing patterns. Compounding does not include the compounding of drug products that are essentially copies of a commercially available product.

Cytotoxic any pharmaceutical that has the capability of killing living cells.

Practitioner Administered Compounds products compounded by a licensed pharmacist, upon the medical order of a licensed prescriber for administration by a prescriber for diagnostic or therapeutic purposes.

Sterile Compounding compounding performed using established aseptic technique and utilizing a laminar air flow hood or other device capable of providing a sterile compounding environment. Sterile compounding shall be used when compounding parenteral medications or products, ophthalmic preparations, or any other preparation requiring sterile techniques.

Sterile Product any dosage form devoid of viable microorganisms including, but not limited to, parenterals, injectables, and ophthalmics.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§2535. General Standards

A. Compounding Practices. Compounded medications may be prepared using prescription medications, over-the-counter medications, chemicals, compounds, or other components.

1. A pharmacy shall have written procedures as necessary for the compounding of drug products to assure that the finished products have the identity, strength, quality, and purity they are represented to possess.

2. All compounding shall be accomplished utilizing accepted pharmacy techniques, practices, and equipment.

3. Products or duplicates of products removed from the market for the purposes of safety shall not be used to compound prescriptions for human use.

B. Beyond Use Date. Compounded medications shall be labeled with a beyond use date of no more than 180 days, unless documentation on file supports a longer beyond use date.

C. Records and Reports. Any procedures or other records required to comply with this section shall be maintained for a minimum of two years.

D. Compounding for Prescriber's Use. Pharmacists may prepare practitioner administered compounds for a prescriber's use with the following requirements:

1. an order by the prescriber indicating the formula and quantity ordered to be compounded by the pharmacist;

2. the product is to be administered by the prescriber and not dispensed to the patient; and

3. the pharmacist shall generate a label and sequential identification number for the compounded drug.

E. Anticipated Use Products. The pharmacist shall label any excess compounded product so as to reference it to the formula used and the assigned lot number and estimated beyond use date based on the pharmacist's professional judgment and/or other appropriate testing or published data.

F. Labeling of Compounded Products

1. For patient-specific compounded products, the labeling requirements of R.S. 37:1225, or its successor, as well as this chapter, shall apply.

2. All practitioner administered compounds shall be packaged in a suitable container with a label containing, at a minimum, the following information:

1. pharmacy's name, address, and telephone number;
2. practitioner's name;
3. name of preparation;
4. strength and concentration;
5. lot number;
6. beyond use date;
7. special storage requirements, if applicable;
8. assigned identification number; and
9. pharmacist's name or initials.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 23:1316 (October 1997), amended LR 29:

§2537. Requirements for Compounding of Sterile Products

A. Board Notification. An applicant or pharmacy permit holder who wishes to engage in the practice of sterile product compounding shall notify the board prior to beginning that practice, and shall receive approval from the board.

B. Personnel

1. The pharmacist-in-charge shall be responsible for the following:

a. procurement, storage, compounding, labeling, dispensing, and distribution of all prescription drugs, devices, and related materials necessary in compounding and dispensing sterile products;

b. establishment of policies and procedures for the compounding and dispensing of sterile products. The policy and procedure manual shall be current, accessible to all staff, and available for inspection by the board upon request. The policy and procedure manual shall, at a minimum, include:

i. policies and procedures for the compounding and dispensing of sterile products;

ii. a quality assurance program for the purpose of monitoring patient care, adverse drug reactions, personnel qualifications, training and performance, product integrity, equipment, record keeping, facilities, infection control;

iii. guidelines regarding patient education; and

iv. procedures for the handling and disposal of cytotoxic agents, waste, and spills;

c. documentation of competency in aseptic techniques. The aseptic technique of each individual compounding and dispensing sterile products shall be observed and evaluated as satisfactory during orientation and training, and at least on an annual basis thereafter.

2. Training and Education. All individuals compounding and preparing sterile products shall:

a. obtain practical and/or academic training in the compounding and dispensing of sterile products;

b. complete a minimum of one hour of American Council on Pharmaceutical Education (ACPE) or board-approved continuing education, on an annual basis, related to sterile product compounding, dispensing, and utilization;

c. use proper aseptic technique in all sterile product compounding as defined by the pharmacy practice site's policy and procedure manual;

d. qualify through an appropriate combination of specific training and experience to operate or manipulate any item of equipment, apparatus, or device to which such persons will be assigned to use to compound and dispense sterile products; and

e. maintain in the pharmacy practice site a written record of initial and subsequent training and competency evaluations. The record shall contain the following minimum information:

i. name of the individual receiving the training/evaluation;

ii. date of the training/evaluation;

iii. general description of the topics covered;

iv. signature of the individual receiving the training/evaluation; and

v. name and signature of the individual providing the training/evaluation.

C. Physical Requirements

1. The pharmacy shall have a designated area with entry restricted to designated personnel for preparing sterile products, and the designated area shall be:

a. structurally isolated from other areas with restricted entry or access and shall be configured in such a manner so as to avoid unnecessary traffic and airflow disturbances from activity within the controlled facility;

b. used only for the preparation of these sterile products; and

c. sufficient in size to accommodate a laminar air flow hood or other device capable of providing a sterile compounding environment and to provide for the proper storage of drugs and supplies under appropriate conditions of temperature, light, moisture, sanitation, ventilation, and security.

2. The pharmacy where sterile products are prepared shall have:

a. a sink with hot and cold running water that shall be located in, or adjacent to, the area where sterile products are compounded;

b. appropriate environmental control devices capable of maintaining at least Class 100 environment in the workplace where critical objects are exposed and critical operations are performed. These devices, e.g., laminar air flow hoods, and other zonal laminar flow hoods utilizing High Efficiency Particulate Air (HEPA) filters, shall be capable of maintaining Class 100 conditions during normal activity;

c. appropriate refrigeration for storing supplies and sterile products requiring refrigeration subsequent to their preparation and prior to their dispensing or administration to patients. The pharmacy shall maintain documentation of refrigeration integrity, in accordance with its policies and procedures.

d. appropriate disposal containers for used needles, syringes, and other sharps, and if applicable, for cytotoxic waste from the preparation of chemotherapy agents and infectious wastes from patients' homes; and

e. temperature-controlled delivery containers, when required.

3. The pharmacy shall maintain supplies adequate to ensure an environment suitable for the aseptic preparation of sterile products. Within the sterile compounding area, prescription drugs, devices, and related materials shall not be stored in shipping containers constructed of corrugated cardboard or other high particulate-producing materials.

4. The pharmacy shall maintain current reference materials related to sterile products accessible to all personnel.

D. Drug Handling. Any sterile compounded product shall be shipped or delivered to a patient in appropriate temperature-controlled delivery containers as defined by USP standards and appropriately stored.

E. Cytotoxic Drugs. In addition to the minimum standards for a pharmacy established by the board, the following requirements are established for pharmacies that prepare cytotoxic drugs, to insure the protection of the personnel involved.

1. All cytotoxic drugs shall be compounded in a vertical flow, Class II Biological Safety Cabinet. Other products shall not be compounded in this cabinet.

2. Personnel compounding cytotoxic drugs shall wear protective apparel, including disposable masks, gloves, and gowns with tight cuffs.

3. Personnel compounding cytotoxic drugs shall use appropriate safety and containment techniques.

4. Prepared doses of cytotoxic drugs shall:

a. be dispensed and labeled with proper precautions on the inner and outer containers or other device capable of providing a sterile environment; and

b. be shipped in a manner to minimize the risk of accidental rupture of the primary container.

5. Disposal of cytotoxic waste shall comply with all applicable federal, state, and local requirements.

6. A "Chemo Spill Kit" shall be readily available in the work area, and shall consist of appropriate materials needed to clean up spills of hazardous drugs. Personnel shall be trained in its appropriate use for handling both minor and major spills of cytotoxic agents.

F. Quality Control

1. An ongoing quality control program shall be maintained and documented that monitors personnel performance, equipment, and facilities. Appropriate samples of finished products shall be examined to assure that the pharmacy is capable of consistently preparing sterile products meeting specifications.

a. All clean rooms and laminar flow hoods shall be certified by an independent contractor according to federal standards for operational efficiency at least every six months. Appropriate certification records shall be maintained.

b. Written procedures shall be developed requiring sampling if/when microbial contamination is suspected.

c. When bulk compounding of sterile solutions is performed using non-sterile chemicals, extensive end-product testing shall be documented prior to the release of the product from quarantine. This process shall include appropriate tests for particulate matter and testing for pyrogens.

d. Written justification shall be maintained of the chosen "beyond use" dates for compounded products.

e. Documentation shall be maintained of quality control audits at regular, planned intervals, including infection control and sterile technique audits.

G. Labeling

1. All practitioner administered sterile compounds shall be packaged in a suitable container, and shall bear a label with the following minimum information:

a. pharmacy's name, address, and telephone number;

b. preparation name;

c. strength and concentration;

d. lot number;

e. beyond use date;

f. practitioner's name;

g. assigned identification number;

h. special storage requirements, if applicable; and

i. pharmacist's name or initials.

2. The labeling for all other sterile compounds shall be in accordance with the prescription labeling requirements in §1125 of this chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

Subchapter D. Controlled Dangerous Substances

§2539. Controlled Dangerous Substances (CDS)

A. Purpose. The purpose of this section is to prevent the diversion of controlled dangerous substances by prohibiting the manufacturing, distributing, dispensing, or administering of controlled dangerous substances not in the usual course of professional practice.

B. Classification. Controlled dangerous substances are specifically identified by reference, as provided in R.S. 40:961 et seq., or its successor, and 21 CFR §1308 et seq., or its successor. Schedules I, II, III, IV, and V shall, unless and until added to pursuant to R.S. 40:961 et seq., or its successor, consist of the drugs or other substances, by whatever official name, common or usual name, chemical name, or trade name designated, listed in R.S. 40:961 et seq., or its successor.

C. Definition and Composition. Controlled dangerous substances are categorized into various schedules based upon the degrees of potential for abuse, as follows:

1. Schedule I:

a. the drug or other substance has a high potential for abuse;

b. the drug or other substance has no currently accepted medical use in treatment in the United States; and

c. there is a lack of accepted safety for use of the drug or other substance under medical supervision.

2. Schedule II:

a. the drug or other substance has a high potential for abuse;

b. the drug or other substance has a currently accepted medical use in treatment in the United States, or a currently accepted medical use with severe restrictions; and

c. abuse of the drug or other substance may lead to severe psychological or physical dependence.

3. Schedule III:

a. the drug or other substance has a potential for abuse less than the drugs or other substances listed in Schedules I and II;

b. the drug or other substance has a currently accepted medical use in treatment in the United States; and

c. abuse of the drug or other substance may lead to moderate or low physical dependence or high psychological dependence.

4. Schedule IV:

a. the drug or other substance has a low potential for abuse relative to the drugs or other substances listed in Schedule III;

b. the drug or other substance has a currently accepted medical use in treatment in the United States; and

c. abuse of the drug or other substance may lead to limited psychological or physical dependence relative to the drugs or other substances listed in Schedule III.

5. Schedule V:

a. the drug or other substance has a low potential for abuse relative to the drugs or other substances listed in Schedule IV;

b. the drug or other substance has a currently accepted medical use in treatment in the United States; and

c. abuse of the drug or other substance may lead to limited psychological or physical dependence relative to the drugs or other substances listed in Schedule IV.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§2541. CDS License Requirements

A. A pharmacy shall apply to the board in order to receive a license to dispense controlled dangerous substances.

1. Initial Application. The Louisiana Board of Pharmacy Controlled Dangerous Substance license shall be applied for by an applicant on the board application form and approved by the board prior to opening any pharmacy having controlled dangerous substances.

2. Renewal. The CDS license shall be renewed annually. A CDS license that has not been renewed by December 31 of each year shall expire and be null and void.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§2543. CDS Prescription/Order Requirements

A. Controlled Dangerous Substance Prescription Form.

1. Prescriptions for controlled dangerous substances shall be written or reduced to writing with ink, indelible pencil, printed, or electronically generated, and shall bear the following minimum information:

a. patient information:

i. full name; and

ii. address;

b. practitioner information:

i. full name;

ii. address;

iii. Drug Enforcement Administration (DEA) registration number; and

iv. original handwritten signature for drugs listed in Schedule II;

c. drug information:

i. name;

ii. dosage form;

iii. strength;

iv. quantity prescribed; and

v. directions for use.

2. All prescriptions for controlled dangerous substances shall be dated as of, and signed on, the day when issued.

B. Prescriptions for Drugs Listed in Schedule II

1. Prescriptions for drugs listed in Schedule II shall be signed by an authorized practitioner.

2. Prescriptions for drugs listed in Schedule II shall not be filled beyond six months after the date of issue.

3. Authorization for Emergency Dispensing. A pharmacist may dispense a prescription for a drug listed in Schedule II in the case of an emergency situation upon a prescribing practitioner's verbal authorization within the following limitations:

a. Emergency. An emergency situation exists when:

i. administration is necessary for immediate treatment;

ii. an appropriate alternate treatment is not available; and

iii. the prescribing practitioner cannot reasonably provide a written prescription.

b. Adequate Regimen. The pharmacist shall dispense a limited amount of the drug required to treat the patient during the emergency period.

c. Reduced to Writing. An oral prescription in an emergency situation shall be immediately reduced to writing, in proper form, with the required information, by the dispensing pharmacist with the dispensing pharmacist's signature.

d. Verification. A pharmacist shall verify the authenticity of an oral prescription for a drug listed in Schedule II. If the prescribing practitioner is not known to the pharmacist, he shall make a reasonable effort to determine that the oral authorization came from an authorized practitioner. Such efforts may include, but are not limited to, a callback to the prescribing practitioner, and/or other good faith efforts to insure the practitioner's authority is valid.

e. Prescription Retrieval. A written prescription for the drug listed in Schedule II, signed by the authorized practitioner, in proper form with the required information, shall be delivered to the dispensing pharmacist from the practitioner within seven days from the date the oral prescription was issued. The written prescription may be delivered to the pharmacist in person or by mail, but if delivered by mail it shall be postmarked within the seven-day period. Upon receipt, the dispensing pharmacist shall attach this prescription to the oral emergency prescription that had earlier been reduced to writing. The pharmacist shall notify the nearest office of the DEA if the prescribing practitioner fails to deliver a written prescription within the specified time frame.

4. Refills Prohibited. The refilling of a prescription for a drug listed in Schedule II is prohibited.

5. Prescriptions Received Via Facsimile. A practitioner or the practitioner's agent may transmit a prescription written for a drug listed in Schedule II to a pharmacy via facsimile equipment, provided that the original signed prescription is presented to the pharmacist for review prior to the actual dispensing of the prescription, unless one of the following exceptions applies:

a. A prescription written for a drug listed in Schedule II to be compounded for direct administration to a patient by parenteral, intravenous, intramuscular, subcutaneous, or intraspinal infusion may be transmitted by the practitioner or practitioner's agent to the dispensing pharmacy by facsimile. The facsimile may serve as the original written prescription.

b. A prescription written for a drug listed in Schedule II for a resident of a long-term care facility may be transmitted by the practitioner or practitioner's agent to the dispensing pharmacy by facsimile. The facsimile may serve as the original written prescription.

c. A prescription written for a drug listed in Schedule II for a hospice or terminally ill patient may be transmitted by the practitioner or practitioner's agent to the dispensing pharmacy. The practitioner or the practitioner's agent shall note on the prescription that the patient is a hospice or terminally ill patient. The facsimile may serve as the original written prescription.

6. Partial Filling. The partial filling of a prescription for a drug listed in Schedule II is permissible if the pharmacist is unable to supply the full quantity prescribed in a written or emergency oral prescription and the pharmacist makes a notation of the quantity supplied on the face of the written prescription or written record of the oral emergency prescription.

a. The remaining portion of the prescription may be filled within seventy-two hours of the first partial filling. However, if the remaining portion is not filled within the seventy-two hour period, the pharmacist shall notify the prescribing practitioner.

b. No further quantity may be supplied beyond seventy-two hours without a new prescription.

c. Partial Filling for Patient of Long-Term Care Facility or for Patient with Terminal Illness. A prescription for a drug listed in Schedule II for a patient in a long-term care facility or for a patient with a terminal illness may be filled in partial quantities.

i. For each partial filling, the dispensing pharmacist shall record on the prescription whether the patient resides in a long-term care facility or has a terminal illness, and then record on the back of the prescription (or on another appropriate record, uniformly maintained, and readily retrievable) the following information:

(a). the date of the partial filling;

(b). quantity dispensed; and

(c). name or initials of the dispensing pharmacist.

ii. The remaining portion may be filled within sixty days of the first partial filling. However, if the remaining portion is not filled within the sixty-day period, the pharmacist shall notify the prescribing practitioner.

iii. No further quantity may be supplied beyond the sixty-day period without a new prescription.

7. Completion of Prescription. After consultation with the prescribing practitioner, and the appropriate documentation thereof, a pharmacist may complete, but not alter, a prescription.

a. A pharmacist may complete the following information on a prescription:

i. patient's address;

ii. drug strength;

iii. drug quantity; and/or

iv. directions for use.

b. A pharmacist may add the following information to a prescription:

i. patient's address;

ii. drug dosage form; and/or

iii. prescriber's DEA registration number.

c. A pharmacist shall not make changes to the following information on a prescription:

i. patient's name;

ii. date of issue;

iii. drug name, except for generic interchange as allowed by law; or

iv. practitioner signature.

C. Prescriptions for Drugs Listed in Schedules III, IV, or V. Prescriptions for drugs listed in Schedules III, IV, or V may be dispensed upon receipt of oral, written, or electronic prescriptions of an authorized practitioner.

1. Oral Prescriptions for Drugs Listed in Schedules III, IV, or V. Oral prescriptions shall be promptly reduced to writing with the required information.

2. Refilling of Prescriptions for Drugs Listed in Schedules III, IV, or V. Such prescriptions are refillable, with appropriate authorization.

3. Prescription Form for Drugs Listed in Schedules III, IV, or V. Such prescriptions shall conform to the following requirements.

a. Refill Authority. A practitioner shall orally approve or inscribe refill instructions on the face of the prescription. In the absence of specific refill instructions, the prescription is not refillable.

b. Refill Period. Such prescriptions shall not be refilled more than the number of times authorized by the prescribing practitioner, and in no case shall they be refilled more than five times within six months of the date of issue. Such prescriptions shall expire and become null and void six months after the date of issue, or after five authorized refills, whichever occurs first.

c. Partial Filling. Partial filling of such prescriptions is permissible, provided that:

i. each partial filling is recorded in the same manner as a refill;

ii. the total quantity dispensed in all partial fillings does not exceed the total quantity prescribed; and

iii. no dispensing shall occur after six months beyond the date of issue.

d. Refill Records. The dispensing pharmacist shall note in the required electronic record keeping system refill information, indicating the date, with quantity or variation of quantity dispensed, and pharmacist's name or initials.

D. Labeling of Dispensed Controlled Dangerous Substances. In addition to the labeling requirements enumerated in Chapter 11 of these regulations, a prescription label for a controlled dangerous substance shall include the federal transfer caution label.

E. CDS Prescription Files. Prescription files for controlled dangerous substances shall be maintained on the pharmacy premises.

1. Prescription Files for Drugs Listed in Schedule II. Such prescriptions shall be maintained separately from other prescriptions, and shall contain the name or initials of the dispensing pharmacist.

2. Prescription Files for Drugs Listed in Schedules III, IV, or V. Such prescriptions shall be maintained separately from other prescriptions, or in the alternative, may be filed in numerical sequence with either prescriptions for drugs listed in Schedule II, or all other prescriptions. The name, or initials, of the dispensing pharmacist, as well as the dispensing date, shall be placed on, or attached to, the prescription.

3. Prescription files for all controlled dangerous substances shall be maintained in readily available and retrievable manner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§2545. CDS Dispensing

A. Controlled dangerous substances shall only be dispensed by a licensed pharmacist at a permitted pharmacy in the usual course of professional practice pursuant to a valid prescription or order. A valid prescription or order is a prescription or order issued for a legitimate medical purpose by a practitioner acting in the usual course of his professional practice.

B. Professional Conduct. A license, registration, certification, permit, or any other designation deemed necessary to practice, or assist in the practice, of pharmacy may be subject to discipline when deviating from primary or corresponding responsibility to avert the following prohibited acts.

1. Primary Responsibility

a. Drug Diversion. Attempted, actual or conspired dispensing, distributing, administering, or manufacturing of a controlled dangerous substance not pursuant to a valid prescription or order while acting in the course of professional pharmacy practice is prohibited.

b. Possession. Actual or conspired possession of a controlled dangerous substance not pursuant to a valid prescription or order issued for a legitimate medical purpose by an authorized practitioner in the usual course of professional practice.

2. Corresponding Responsibility

a. Medical Purpose. The prescribing practitioner has the primary responsibility to issue a prescription for a controlled dangerous substance for a legitimate medical purpose, but a corresponding responsibility rests with the pharmacist dispensing said prescription to ascertain that said prescription was issued for a legitimate medical purpose in the usual course of professional practice.

b. Authenticity. A pharmacist shall exercise sound professional judgment to ascertain the validity of prescriptions for controlled dangerous substances. If, in the pharmacist's professional judgment, a prescription is not valid, that pharmacist shall not dispense said prescription.

3. Forged Prescriptions. It is unlawful for a pharmacist to forge a prescription, or to dispense a forged prescription, for a controlled dangerous substance. The pharmacist shall exercise professional diligence in determining the validity of a prescription as to the practitioner's authority and/or patient's identity, in order to prevent misrepresentation, fraud, deception, subterfuge, conspiracy, or diversion of controlled dangerous substances.

4. Altered Prescriptions. It is unlawful for a pharmacist to personally alter a prescription, or to dispense an altered prescription, for a controlled dangerous substance, except as provided by law or this chapter.

C. Accountability. The pharmacist-in-charge, the registrant/permittee, and/or other designated responsible parties, shall be accountable for shortages of controlled dangerous substances or inconsistencies indicated in an audit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§2547. CDS Record Keeping

A. The permittee shall maintain readily retrievable, complete, and accurate transaction records, as follows:

1. DEA order forms;

2. receiving invoices such that invoices for drugs listed in Schedule II shall be maintained separately, but invoices for drugs listed in Schedules III, IV, and V may be maintained with general records provided they are readily retrievable;

3. prescription files; and

4. inventory records of all controlled dangerous substances, including the initial, annual, and current inventory.

B. Inventory Records. Such records shall be complete and reflect an accurate accounting of all transactions involving controlled dangerous substances.

1. Content. The record shall reflect the following information:

a. drug name, strength, and correct accounting supported with invoices, prescriptions, and/or transfers;

b. permittee name;

c. permittee's DEA registration number;

d. date of inventory, including whether taken at opening or close of business;

e. time period;

f. available prior inventory;

g. signature of pharmacist-in-charge; and

h. inventory records shall be maintained for two years.

2. Initial Inventory Record. An initial inventory of all controlled dangerous substances shall be conducted when the permittee commences to dispense prescriptions for controlled dangerous substances.

3. Annual Inventory Record

a. A complete and accurate physical inventory shall be conducted of all drugs listed in Schedule II.

b. An estimated physical inventory shall be conducted of all drugs listed in Schedules III, IV, and V, unless the container holds more than 1,000 tablets or capsules, in which case an exact inventory shall be made.

c. The annual inventory may be taken on any date that is within one year of the previous inventory date.

4. Business Termination Inventory. An inventory of all controlled dangerous substances shall be taken when a permittee's pharmacy is sold, exchanged, assigned, closed, or transferred, with a copy of said inventory mailed to the board and the DEA.

5. Pharmacist-in-Charge Termination Inventory. An inventory of all controlled dangerous substances shall be conducted by the departing pharmacist-in-charge and verified by the succeeding pharmacist-in-charge.

6. Central Records. A central records depository shall be permitted, if approved by both the DEA and the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§2549. CDS Theft or Loss

A. The unexplained substantial loss, disappearance, or theft of controlled dangerous substances from a pharmacy shall be documented by the permittee.

1. Inventory. The permittee shall conduct a physical inventory of all controlled dangerous substances.

2. Report. The permittee shall substantiate the loss or theft of controlled dangerous substances by completing the DEA Form 106 Report of Theft or Loss of Controlled Substances, or its successor.

3. Notice. The permittee shall file the above-referenced report to the DEA and to the board within 10 days of discovery of the theft or loss.

4. Drug Diversion. The permittee shall report diversion of controlled dangerous substances to the board within ten days of discovery of the diversion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§2551. CDS Returns

A. A permittee is authorized to return drugs listed in Schedule II to a legally authorized supplier or reverse distributor, provided that an executed DEA 222 form, or its successor, shall be completed by said supplier or reverse distributor and maintained by the permittee.

B. A permittee is authorized to return drugs listed in Schedules III, IV, or V to a legally authorized supplies or reverse distributor, provided that a written record is maintained, including the following information:

1. the date of the transaction;

2. the drug name, dosage form, strength, and quantity;

3. the name, address, and DEA registration number of the supplier or reverse distributor; and

4. the name, address, and DEA registration number of the permittee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR

§2553. CDS Destruction

A. Destruction. Deteriorated, outdated, recalled, or nontransferable drugs shall be inventoried on DEA Form 41 Registrants Inventory of Drugs Surrendered, or its successor. The registrant shall forward three copies of the completed form to the regional DEA office and await DEA's instructions on proper procedures. A copy of the inventory sent to the regional DEA office shall be sent to the board.

B. Record Retention. The registrant shall maintain all applicable records for a minimum of two years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§2555. Pharmacy Termination or Transfer

A. A permittee discontinuing dispensing of controlled dangerous substances shall notify the board and then remove the drugs, through return or transfer, to legally authorized recipients.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§2557. CDS Transfers

A. Transfer to Practitioner's Office. A permittee may dispense or distribute controlled dangerous substances to a DEA-registered practitioner for the purpose of administering said drug for office use, provided that the following conditions are met.

1. The transfer of drugs listed in Schedule II to a DEA-registered practitioner for office use shall require the completion of a DEA Form 222, or its successor.

2. The transfer of drugs listed in Schedules III, IV, or V to a DEA-registered practitioner for office use shall require a written order, or an oral order reduced to written form, and the order shall be maintained with the receiving invoices for said drugs.

B. Transfer Between Pharmacies

1. The transfer of drugs listed in Schedule II to another pharmacy shall require the completion of a DEA Form 222, or its successor.

2. The transfer of drugs listed in Schedules III, IV, or V to another pharmacy shall require a written record, containing at a minimum, the drug name, strength, and dosage form; quantity of drug transferred; and the name, address, and DEA registration number of the recipient pharmacy.

C. Limitations. The total number of dosage units of all controlled dangerous substance distributed by a permittee during a calendar year shall not exceed 5 percent of the total number of dosage units of controlled dangerous substances procured by the permittee during the same calendar year. Should the permittee desire to exceed the 5 percent limitation, the permittee shall apply for a distributor's permit from the Louisiana Board of Wholesale Drug Distributors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

Chapter 27. Illegal Payments; Required Disclosures of Financial Interests

Subchapter A. General Information

§2701. Scope and Purpose of Chapter

A. Scope of Chapter. The rules of this chapter interpret, implement, and provide for the enforcement of R.S. 37:1744 and R.S. 37:1745, or their successors, requiring disclosure of a pharmacist's financial interest in another health care provider to whom or to which the pharmacist refers a patient and prohibiting certain payments in return for referring or soliciting patients.

B. Declaration of Purpose; Interpretation and Application. Pharmacists owe a fiduciary duty to patients to exercise their professional judgment in the best interests of their patients in providing, furnishing, recommending, or referring patients for health care items or services. The purpose of these rules and the laws they implement is to prevent payments by or to a pharmacist as a financial incentive for the referral of patients to a pharmacist or other health care provider for healthcare services or items. These rules shall be interpreted, construed, and applied so as to give effect to such purposes and intent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§2703. Definitions

A. As used in this Chapter, the following terms have the meaning ascribed to them by this section.

Board the Louisiana Board of Pharmacy.

Financial Interest a significant ownership or investment interest established through debt, equity, or other means and held, directly or indirectly, by a pharmacist or a member of a pharmacist's immediate family, or any form of direct or indirect remuneration for referral.

Group Practice a group of two or more pharmacists and/or other health care providers legally organized as a general partnership, registered limited liability partnership, professional medical corporation, limited liability company, foundation, nonprofit corporation, faculty practice plan, or similar organization or association:

a. in which each pharmacist who is a member of the group provides substantially the full range of services which the pharmacist routinely provides;

b. for which substantially all of the services of the pharmacists who are members of the group are provided through the group and are billed under a billing number assigned to the group and amounts so received are treated as receipts of the group;

c. in which no pharmacist who is a member of the group directly or indirectly receives compensation based on the volume or value of referrals by the pharmacist, except payment of a share of the overall profits of the group, which may include a productivity bonus based on services personally performed or services incident to such personally performed services, so long as the share of profits or bonus is not determined in any manner which is directly related to the volume or value of referrals by such pharmacist; and

d. in the case of a faculty practice plan associated with a hospital, institution of higher education, or pharmacy school with an approved training program in which pharmacist members may provide a variety of different specialty services and provide professional services both within and outside the group, as well as perform other tasks such as research, solely with respect to services provided within such faculty practice plan.

Health Care Item any substance, product, device, equipment, supplies, or other tangible good or article

which is or may be used or useful in the provision of health care.

Health Care Provider any person, partnership, corporation, or association licensed by a department, board, commission, or other agency of the state of Louisiana to provide, or which does in fact provide preventive, diagnostic, or therapeutic health care services or items.

Immediate Family as respects a pharmacist, the pharmacist's spouse, children, parents, siblings,

stepchildren, stepparents, in-laws, grandchildren and grandparents.

Investment Interest a security issued by an entity, including, without limitation, shares in a corporation, interests in or units of a partnership or limited liability company, bonds, debentures, notes, or other debt instruments.

Payment transfer or provision of money, goods, services, or anything of economic value.

Person as defined in R.S. 37:1164(33). or its successor.

Pharmacist any individual currently licensed by the board to engage in the practice of pharmacy in the

state of Louisiana.

Pharmacy any place where drugs are dispensed and pharmacy primary care is provided.

Referral any direction, recommendation, or suggestion given by a health care provider to a patient, directly or indirectly, which is likely to determine, control, or influence the patient's choice of another health care provider for the provision of health care services or items.

Remuneration for Referral any arrangement or scheme, involving any remuneration, directly or indirectly, in cash or in kind, between a pharmacist, or an immediate family member of such pharmacist, and another health care provider that is intended to induce referrals by the pharmacist to the health care provider or by the health care provider to the pharmacist, other than any amount paid by an employer to an employee who has a bona fide employment relationship with the employer, for employment in the furnishing of any health care item or service.

Significant Financial Interest an ownership or investment interest shall be considered "significant," within the meaning of §2713, if such interest satisfies any of the following tests:

a. such interest, in dollar amount or value, represents five percent or more of the ownership or investment interests of the health care provider in which such interest is held; or

b. such interest represents 5 percent or more of the voting securities of the health care provider in which such interest is held.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

Subchapter B. Illegal Payments

§2705. Prohibition of Payments for Referrals

A. A pharmacist or pharmacy shall not knowingly and willfully make, or offer to make, any payment, directly or indirectly, overtly or covertly, in cash or in kind, to induce another person to refer an individual to the pharmacist for the furnishing, or arranging for the furnishing, of any health care item or service.

B. A pharmacist or pharmacy shall not knowingly and willfully solicit, receive, or accept any payment, directly or indirectly, overtly or covertly, in cash or in kind, in return for referring a patient to a health care provider for the furnishing, or arranging for the furnishing, of any health care item or service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§2707. Prohibited Arrangements

A. Any arrangement or scheme, including cross-referral arrangements, which a pharmacist or pharmacy knows or should know has a principal purpose of ensuring or inducing referrals by the pharmacist to another health care provider,

which, if made directly by the pharmacist or pharmacy would be a violation of §2713, shall constitute a violation of §2713.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§2709. Exceptions

A. Proportionate Return on Investment. Payments or distributions by an entity representing a direct return on investment based upon a percentage of ownership, shall not be deemed a payment prohibited by R.S. 37:1745(B), or its successor, or §2705 of these regulations.

B. General Exceptions. Any payment, remuneration, practice, or arrangement which is not prohibited by or unlawful under §1128(b) of the Federal Social Security Act (Act), 42 U.S.C. §1320a-7b(b), or its successor, with respect to health care items or services for which payment may be made under Title XVIII or Title XIX of the Act, including those payments and practices sanctioned by the secretary of the United States Department of Health and Human Services, through the Office of the Inspector General, pursuant to §1128B(b)(3)(E) of the Act, through regulations promulgated at 42 CFR §1001.952, or its successor, shall not be deemed a payment prohibited by R.S. 37:1745(B), or its successor, or by §2705 of these rules with respect to health care items or services for which payment may be made by any patient or private or governmental payor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

§2711. Effect of Violation

A. Any violation of, or failure of compliance with, the prohibitions and provision of §2705 of this chapter shall be deemed a violation of the Pharmacy Practice Act, R.S. 37:1161 et seq, providing cause for the board to sanction a person culpable of such violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

Subchapter C. Disclosure of Financial Interests in Third-Party Health Care Providers

§2713. Required Disclosure of Financial Interest

A. Mandatory Disclosure. A pharmacist or pharmacy shall not make any referral of a patient outside the pharmacist's or pharmacy's group practice for the provision of health care items or services by another health care provider in which the referring pharmacist has a financial interest, unless, in advance of any such referral, the referring pharmacist or pharmacy discloses to the patient, in accordance with §2713 of this chapter, the existence and nature of such financial interest.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 17:780 (August 1991), LR 29:

§2715. Form of Disclosure

A. Required Contents. The disclosure required by §2713 of this chapter shall be made in writing, shall be furnished to the patient, or the patient's authorized representative, prior to or at the time of making the referral, and shall include:

1. the pharmacist's or pharmacy's name, address, and telephone number;
2. the name and address of the health care provider to whom the patient is being referred by the pharmacist or pharmacy;
3. the nature of the items or services which the patient is to receive from the health care provider to which the patient is being referred; and
4. the existence and nature of the pharmacist's or pharmacy's financial interest in the health care provider to which the patient is being referred.

B. Permissible Contents. The form of disclosure required by §2713 of this chapter may include a signed acknowledgment by the patient or the patient's authorized representative that the required disclosure has been given.

C. Approved Form. Notice to a patient given substantially in the form of Disclosure of Financial Interest prescribed in the Appendix to this rule shall be presumptively deemed to satisfy the disclosure requirements of this subchapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:

§2717. Effect of Violation; Sanctions

A. Effect of Violation. Any violation of, or failure of compliance with, the prohibitions and provision of §2713 of this chapter shall be deemed a violation of the Pharmacy Practice Act, R.S. 37:1161 et seq., providing cause for the board to sanction a pharmacist or pharmacy culpable of such violation.

B. Administrative Sanctions. In addition to the sanctions provided for by R.S. 37:1241, upon proof of violation of §2713 by a pharmacist or pharmacy, the board may order that all or any portion of any amounts paid by a patient, and/or by any third-party payor on behalf of a patient, for health care items or services furnished upon a referral by the pharmacist or pharmacy in violation of §2713, be refunded by the pharmacist or pharmacy to such patient and/or third-party payor, together with legal interest on such payments at the rate prescribed by law calculated from the date on which any such payment was made by the patient and/or third-party payors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:

§2719. Disclosure of Financial Interest

[Name of Pharmacist/Group]
[Address]
[Telephone Number]

DISCLOSURE OF FINANCIAL INTEREST
As Required by R.S. 37:1744 and LAC 46:LIII.613-615

TO:_____ DATE:_____

_____
(Name of Patient to Be Referred)

_____
(Patient Address)

Louisiana law requires pharmacists and other health care providers to make certain disclosures to a patient when they refer a patient to another health care provider or facility in which the pharmacist has a significant financial interest. [I am/we are] referring you, or the named patient for whom you are legal representative, to:

_____
(Name and Address of Provider to Whom Patient is Referred)

to obtain the following health care services, products, or items:

_____
(Purpose of the Referral)

[I/we] have a financial interest in the health care provider to whom we are referring you, the nature and extent of which are as follows:

_____

_____

PATIENT ACKNOWLEDGEMENT

I, the above-named patient, or legal representative of such patient, hereby acknowledge receipt, on the date indicated and prior to the described referral, of a copy of the foregoing Disclosure of Financial Interest.

_____
Signature of Patient or Patient's Representative)

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:

Chapter 29. Severability

§2901. Severability

A. In the event any rule, sentence, clause, or phrase or any of these rules and regulations may be construed by any court of competent jurisdiction to be invalid, illegal, unconstitutional, or otherwise unenforceable, such determination or adjudication shall in no manner affect the remaining rules or portions thereof, and such remaining rules or portions thereof shall remain of full force and effect, as if such rule or portions thereof so determined, declared, or adjudged invalid or unconstitutional were not originally a part hereof. It is the intent of the Louisiana Board of Pharmacy to establish rules and regulations that are constitutional and enforceable so as to safeguard the health, safety, and welfare of the people of the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:

Family Impact Statement

In accordance with §953 of Title 49 of the Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal, or amendment. The following statements will be published in the *Louisiana Register* with the proposed agency Rule.

1. The Effect on the Stability of the Family. Implementation of this proposed Rule will have no known effect on the stability of the family.
2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. Implementation of this proposed Rule will have no known effect on the authority and rights of parents regarding the education and supervision of their children.
3. The Effect on the Functioning of the Family. Implementation of this proposed Rule will have no known effect on the functioning of the family.
4. The Effect on Family Earnings and Family Budget. Implementation of this proposed Rule will have no known effect on family earnings and family budget.
5. The Effect on the Behavior and Personal Responsibility of Children. Implementation of this proposed Rule will have no known effect on the behavior and personal responsibility of children.
6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. Implementation of this proposed Rule have no known effect on the ability of the family or a local government to perform the function as contained in the proposed Rule.

Interested persons may submit written comments to Malcolm J. Broussard, Louisiana Board of Pharmacy, 5615 Corporate Boulevard, Suite 8-E, Baton Rouge, LA 70808-2537. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, August 26, 2003 at 9 a.m. in the board office. 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 p.m. that day.

Malcolm J. Broussard
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Pharmacists

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

It is estimated that implementation of the proposed Rule will cost the agency $16,200 ($14,200 for printing Notice of Intent and final Rule, plus $2,000 for increased per diem payments) during the first fiscal year, and then $2,000 for increased per diem payments in successive fiscal years. The agency has sufficient self-generated funds available to implement the proposed Rule.

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

It is estimated that implementation of the proposed Rule will result in a net increase in revenues to the agency of $125,500 ($135,000 for increased pharmacist licensure fees less $9,500 for decreased pharmacy permit renewal fees) during the first fiscal year, and then $13,000 ($22,500 renewal for increased pharmacist licensure renewal fees less $9,500 in

decreased pharmacy permit renewal fees) in successive fiscal years.

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

It is possible some affected persons may experience an increase in costs for computers, alarm systems, additional space in prescription departments, or additional pharmacist licensure fees; it is also possible some affected persons may experience significant cost savings from reduced mandatory hours of operation, reduced minimum equipment supplies and reference materials, and avoidance of duplicate permit fees. Since many of the changes provide options for license holders, it is not possible to estimate the fiscal impact without knowing which option the license holder will exercise.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimable effect on competition or employment in the public or private sector.

Malcolm J. Broussard	H. Gordon Monk
Executive Director	Staff Director
0307#008	Legislative Fiscal Office

NOTICE OF INTENT

Department of Insurance
Office of the Commissioner

Regulation 33 Medicare Supplement
Insurance Minimum Standards
(LAC 37:XIII.Chapter 5)

This Regulation is authorized by R.S.22:22:3, 22:224 and amends existing laws that pertain to the Medicare Supplement Insurance Minimum Standards. These standards are required to bring existing laws into compliance with the new federal standards created by the Benefits Improvement and Protection Act (hereinafter referred to as BIPA). The Medicare, Medicaid and SCHIP Benefits Improvement and Protection Act was enacted on December 21, 2000. The Department of Insurance is adopting the NAIC Model Regulation in order to implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act, which comply with Federal law. Additionally, technical corrections are grammatical in nature and adjustments were made to the Outline of Coverage Charts to address the current amounts mandated by the federal government.

The department is clarifying existing laws in reference to notice requirements, rate increase requirements, grievance procedures and premium requirements.

Title 37
INSURANCE
Part XIII. Regulations
Chapter 5. Regulation 33C Medicare Supplement Insurance Minimum Standards

§501. Purpose

A. The purpose of this regulation is:

1. to provide for the reasonable standardization of coverage and simplification of terms and benefits of Medicare supplement policies;

2. to facilitate public understanding and comparison of such policies;

3. to eliminate provisions contained in such policies which may be misleading or confusing in connection with the purchase of such policies or with the settlement of claims; and

4. to provide for full disclosures in the sale of accident and sickness insurance coverages to persons eligible for Medicare.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1101 (June 1999), repromulgated LR 25:1481 (August 1999), repromulgated LR 29:

§502. Applicability and Scope

A. Except as otherwise specifically provided in §§510, 540, 545, 560 and 585, this regulation shall apply to:

1. all Medicare supplement policies delivered or issued for delivery in this state on or after the effective date of this regulation; and

2. all certificates issued under group Medicare supplement policies which certificates have been delivered or issued for delivery in this state.

B. This regulation shall not apply to a policy or contract of one or more employers or labor organizations, or of the trustees of a fund established by one or more employers or labor organizations, or combination thereof, for employees or former employees, or a combination thereof, or for members or former members, or a combination thereof, of the labor organizations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1101 (June 1999), repromulgated LR 25:1481 (August 1999), LR 29:

§503. Definitions

A. For purpose of this regulation:

Applicant

a. in the case of an individual Medicare supplement policy, the person who seeks to contract for insurance benefits; and

b. in the case of a group Medicare supplement policy, the proposed certificateholder.

Bankruptcy when a Medicare+Choice organization that is not an issuer has filed, or has had filed against it, a petition for declaration of bankruptcy and has ceased doing business in the state.

Certificate any certificate delivered or issued for delivery in this state under a group Medicare supplement policy.

Certificate Form the form on which the certificate is delivered or issued for delivery by the issuer.

Continuous Period of Creditable Coverage the period during which an individual was covered by creditable coverage, if during the period of the coverage the individual had no breaks in coverage greater than sixty-three (63) days.

Creditable Coverage

a. means with respect to an individual, coverage of the individual provided under any of the following:

i. a group health plan;

ii. health insurance coverage;

iii. Part A or Part B of Title XVIII of the Social Security Act (Medicare);

iv. Title XIX of the Social Security Act (Medicaid), other than coverage consisting solely of benefits under section 1928;

v. Chapter 55 of Title 10 United States Code (CHAMPUS);

vi. a medical care program of the Indian Health Service or of tribal organization;

vii. a State health benefits risk pool;

viii. a health plan offered under chapter 89 of Title 5 United States Code (Federal Employees Health Benefits Program);

ix. a public health plan as defined in federal regulation; and

x. a health benefit plan under Section 5(e) of the Peace Corps Act (22 United States Code 2504(e)).

b. creditable coverage shall not include one or more, or any combination of, the following:

i. coverage only for accident or disability income insurance, or any combination thereof;

ii. coverage issued as a supplement to liability insurance;

iii. liability insurance, including general liability insurance and automobile liability insurance;

iv. workers compensation or similar insurance;

v. automobile medical payment insurance;

vi. credit-only insurance;

vii. coverage for on-site medical clinics; and

viii. other similar insurance coverage, specified in federal regulations, under which benefits for medical care are secondary or incidental to other insurance benefits.

c. creditable coverage shall not include the following benefits if they are provided under a separate policy, certificate or contract of insurance or are otherwise not an integral part of the plan:

i. limited scope dental or vision benefits;

ii. benefits for long-term care, nursing home care, home health care, community-based care, or any combination thereof; and

iii. such other similar, limited benefits as are specified in federal regulations.

d. creditable coverage shall not include the following benefits if offered as independent, noncoordinated benefits:

i. coverage only for a specified disease or illness; and

ii. hospital indemnity or other fixed indemnity insurance.

e. creditable coverage shall not include the following if it is offered as a separate policy, certificate or contract of insurance:

i. Medicare supplemental health insurance as defined under section 1882 (g)(1) of the Social Security Act;

ii. coverage supplemental to the coverage provided under chapter 55 of title 10, United States Code; and

iii. similar supplemental coverage provided to coverage under a group health plan.

Employee Welfare Benefit Plan a plan, fund or program of employee benefits as defined in 29 U.S.C. Section 1002 (Employee Retirement Income Security Act).

Insolvency inability to pay its obligations when they are due, or a condition when its admitted assets do not exceed its liabilities plus the greater of:

a. any capital and surplus required by law for its organization; and

b. the total par or stated value of its authorized and issued capital stock.

c. for purposes of this subsection, liabilities shall include but not be limited to reserves required by statute, by general regulations of the Department of Insurance or by specific requirements imposed by the commissioner upon a subject company at the time of admission or subsequent thereto.

Issuer includes insurance companies, fraternal benefit societies, health care service plans, health maintenance organizations, and any other entity authorized to deliver or issue for delivery in this state Medicare supplement policies or certificates.

Medicare "Health Insurance for the Aged Act," Title XVIII of the Social Security Amendments of 1965, as then constituted or later amended.

Medicare+Choice Plan a plan of coverage for health benefits under Medicare Part C as defined in Section 1859 found in Title IV, Subtitle A, Chapter 1 of P.L. 105-33, and includes:

a. coordinated care plans which provide health care services, including but not limited to health maintenance organization plans (with or without a point-of-service option), plans offered by provider-sponsored organizations, and preferred provider organization plans;

b. medical savings account plans coupled with a contribution into a Medicare+Choice medical savings account; and

c. Medicare+Choice private fee-for-service plans.

Medicare Supplement Policy a group or individual policy of health insurance or a subscriber contract of hospital and medical service associations or health maintenance organizations, other than a policy issued pursuant to a contract under Section 1876 of the federal Social Security Act (42 U.S.C. Section 1395 et. seq.) or an issued policy under a demonstration project specified in 42 U.S.C. §1395ss(g)(1), which is advertised, marketed or designed primarily as a supplement to reimbursements under Medicare for the hospital, medical or surgical expenses of persons eligible for Medicare. Also, it includes those plans commonly known as health care prepayment plans (HCPPs).

Policy Form the form on which the policy is delivered or issued for delivery by the issuer.

Qualified Actuary an actuary who is a member of either the Society of Actuaries or the American Academy of Actuaries.

Secretary the Secretary of the United States Department of Health and Human Services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 43 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1102 (June 1999), repromulgated LR 25:1481 (August 1999), LR 29:

§504. Policy Definitions and Terms

A. No policy or certificate may be advertised, solicited or issued for delivery in this state as a Medicare supplement policy or certificate unless the policy or certificate contains definitions or terms, which conform to the requirements of this section.

Accident, Accidental Injury, or Accidental Means to employ "result" language and shall not include words, which establish an accidental means test or use words such as

"external, violent, visible wounds" or similar words or description or characterization.

a. The definition shall not be more restrictive than the following:

> "Injury or injuries for which benefits are provided means accidental bodily injury sustained by the insured person which is the direct result of an accident, independent of disease or bodily infirmity or any other cause, and occurs while insurance coverage is in force."

b. The definition may provide that injuries shall not include injuries for which benefits are provided or available under any workers' compensation, employer's liability or similar law, or motor vehicle no-fault plan, unless prohibited by law.

Benefit Period or *Medicare Benefit Period* shall not be defined more restrictively than as defined in the Medicare program.

Convalescent Nursing Home, *Extended Care Facility*, or *Skilled Nursing Facility* shall not be defined more restrictively than as defined in the Medicare program.

Health Care Expenses expenses of health maintenance organizations associated with the delivery of health care services, which expenses are analogous to incurred losses of insurers. Expenses shall not include:

a. home office and overhead costs;
b. advertising costs;
c. commissions and other acquisition costs;
d. taxes;
e. capital costs;
f. administrative costs; and
g. claims processing costs.

Hospital may be defined in relation to its status, facilities and available services or to reflect its accreditation by the Joint Commission on Accreditation of Hospitals, but not more restrictively than as defined in the Medicare program.

Medicare in the policy and certificate. Medicare may be substantially defined as "The Health Insurance for the Aged Act, Title XVIII of the Social Security Amendments of 1965 as Then Constituted or Later Amended," or "Title I, Part I of Public Law 89-97, as Enacted by the Eighty-Ninth Congress of the United States of America and popularly known as the Health Insurance for the Aged Act, as then constituted and any later amendments or substitutes thereof," or words of similar import.

Medicare Eligible Expenses expenses of the kinds covered by Medicare, to the extent recognized as reasonable and medically necessary by Medicare.

Physician shall not be defined more restrictively than as defined in the Medicare program.

Sickness shall not be defined to be more restrictive than the following:

a. Sickness means illness or disease of an insured person which first manifests itself after the effective date of insurance and while the insurance is in force.

b. The definition may be further modified to exclude sicknesses or diseases for which benefits are provided under any workers' compensation, occupational disease, employer's liability or similar law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1102 (June 1999), repromulgated LR 25:1482 (August 1999), LR 29:

§505. Policy Provisions

A. Except for permitted preexisting condition clauses as described in §510.A.1. and §515.A.1 of this regulation, no policy or certificate may be advertised, solicited or issued for delivery in this state as a Medicare supplement policy if the policy or certificate contains limitations or exclusions on coverage that are more restrictive than those of Medicare.

B. No Medicare supplement policy or certificate may use waivers to exclude, limit or reduce coverage or benefits for specifically named or described preexisting diseases or physical conditions.

C. No Medicare supplement policy or certificate in force in the state shall contain benefits, which duplicate benefits provided by Medicare.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1102 (June 1999), repromulgated LR 25:1483 (August 1999), LR 29:

§506. Premium Increase Requirements

A. Every insurer issuing or renewing a Medicare Supplement policy shall notify the policyholder and each member of an association in writing at least forty-five days before any premium increase.

B. Medicare supplement policies and certificates shall have a notice prominently printed on the first page of the policy or certificate stating in substance that policyholder or certificateholder will be notified at least forty-five days before any premium increase.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 29:

§507. Rate Increases Requirements

A. Every insurer issuing a Medicare Supplement policy shall not increase their premium rates during the initial twelve months of coverage and not more than once in any six-month period following the initial twelve-month period for any policy, certificate, rider, or amendment issued in or for residents of the state, no matter the date of commencement or renewal of coverage. This Subsection does not affect increases in the premium amount due to the addition of a newly covered person or change in age or geographic location of an individual insured or policyholder or an increase in the policy benefit level.

B. Medicare supplement policies and certificates shall have a notice prominently printed on the first page of the policy or certificate stating in substance that the premium rates will not increase during the initial twelve-months of coverage and not more than once in any six-month period following the initial twelve-month period. The notice may include that this requirement does not affect increases in the premium amount due to the addition of a newly covered person or change in age or geographic location of an individual insured or policyholder or an increase in the policy benefit level.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 29:

§508. Reserved.

§509. Reserved.

§510. Minimum Benefit Standards for Policies or Certificates Issued for Delivery Prior to July 20, 1992

A. No policy or certificate may be advertised, solicited or issued for delivery in this state as a Medicare supplement policy or certificate unless it meets or exceeds the following minimum standards. These are minimum standards and do not preclude the inclusion of other provisions or benefits which are not inconsistent with these standards.

1. General Standards. The following standards apply to Medicare supplement policies and certificates and are in addition to all other requirements of this regulation.

a. A Medicare supplement policy or certificate shall not exclude or limit benefits for losses incurred more than six months from the effective date of coverage because it involved a preexisting condition. The policy or certificate shall not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within six months before the effective date of coverage.

b. A Medicare supplement policy or certificate shall not indemnify against losses resulting from sickness on a different basis than losses resulting from accidents.

c. A Medicare supplement policy or certificate shall provide that benefits designed to cover cost sharing amounts under Medicare will be changed automatically to coincide with any changes in the applicable Medicare deductible amount and copayment percentage factors. Premiums may be modified to correspond with such changes.

d. A noncancellable, guaranteed renewable, or noncancellable and guaranteed renewable Medicare supplement policy shall not:

i. provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than the nonpayment of premium; or

ii. be cancelled or nonrenewed by the issuer solely on the grounds of deterioration of health.

e.i. Except as authorized by the Commissioner of this state, an issuer shall neither cancel nor nonrenew a Medicare supplement policy or certificate for any reason other than nonpayment of premium or material misrepresentation.

ii. If a group Medicare supplement insurance policy is terminated by the group policyholder and not replaced as provided in §510.A.1.e.iv, the issuer shall offer certificateholders an individual Medicare supplement policy. The issuer shall offer the certificateholder at least the following choices:

(a). an individual Medicare supplement policy currently offered by the issuer having comparable benefits to those contained in the terminated group Medicare supplement policy; and

(b). an individual Medicare supplement policy which provides only such benefits as are required to meet the minimum standards as defined in §515.A.2 of this regulation.

(c). Group contracts in force prior to the effective date of the Omnibus Budget Reconciliation Act (OBRA) of 1990 may have existing contractual obligations to continue benefits contained in the group contract. This section is not intended to impair those obligations.

iii. If membership in a group is terminated, the issuer shall:

(a). offer the certificateholder the conversion opportunities described in §510.A.1.e.ii; or

(b). at the option of the group policyholder, offer the certificateholder continuation of coverage under the group policy.

iv. If a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the issuer of the replacement policy shall offer coverage to all persons covered under the old group policy on its date of termination. Coverage under the new group policy shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced.

f. Termination of a Medicare supplement policy or certificate shall be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be predicated upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or to payment of the maximum benefits.

2. Minimum Benefit Standards.

a. Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period;

b. Coverage for either all or none of the Medicare Part A inpatient hospital deductible amount;

c. Coverage of Part A Medicare eligible expenses incurred as daily hospital charges during use of Medicare's lifetime hospital inpatient reserve days;

d. Upon exhaustion of all Medicare hospital inpatient coverage including the lifetime reserve days, coverage of 90 percent of all Medicare Part A eligible expenses for hospitalization not covered by Medicare subject to a lifetime maximum benefit of an additional 365 days;

e. Coverage under Medicare Part A for the reasonable cost of the first three pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations or already paid for under Part B;

f. Coverage for the coinsurance amount, or in the case of hospital outpatient department services paid under a prospective payment system, the copayment amount, of Medicare eligible expenses under Part B regardless of hospital confinement, subject to a maximum calendar year out-of-pocket amount equal to the Medicare Part B deductible ($100);

g. Effective January 1, 1990, coverage under Medicare Part B for the reasonable cost of the first three pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations), unless replaced in accordance with federal regulations or already paid for under Part A, subject to the Medicare deductible amount.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1103 (June 1999), repromulgated LR 25:1483 (August 1999), amended LR 29:

§511. Reserved.
§512. Reserved.
§513. Reserved.
§514. Reserved.
§515. Benefit Standards for Policies or Certificates Issued or Delivered on or After July 20, 1992

A. The following standards are applicable to all Medicare supplement policies or certificates delivered or issued for delivery in this state on or after July 20, 1992. No policy or certificate may be advertised, solicited, delivered or issued for delivery in this state as a Medicare supplement policy or certificate unless it complies with these benefit standards.

1. General Standards. The following standards apply to Medicare supplement policies and certificates and are in addition to all other requirements of this regulation.

a. A Medicare supplement policy or certificate shall not exclude or limit benefits for losses incurred more than six months from the effective date of coverage because it involved a preexisting condition. The policy or certificate may not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within six months before the effective date of coverage.

b. A Medicare supplement policy or certificate shall not indemnify against losses resulting from sickness on a different basis than losses resulting from accidents.

c. A Medicare supplement policy or certificate shall provide that benefits designed to cover cost sharing amounts under Medicare will be changed automatically to coincide with any changes in the applicable Medicare deductible amount and copayment percentage factors. Premiums may be modified to correspond with such changes.

d. No Medicare supplement policy or certificate shall provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than the nonpayment of premium.

e. Each Medicare supplement policy shall be guaranteed renewable.

i. The issuer shall not cancel or nonrenew the policy solely on the ground of health status of the individual;

ii. The issuer shall not cancel or nonrenew the policy for any reason other than nonpayment of premium or material misrepresentation;

iii. If the Medicare supplement policy is terminated by the group policyholder and is not replaced as provided under §515.A.5.e.v, the issuer shall offer certificateholders an individual Medicare supplement policy which (at the option of the certificateholder):

(a). provides for continuation of the benefits contained in the group policy; or

(b). provides for benefits that otherwise meet the requirements of this subsection.

iv. if an individual is a certificateholder in a group Medicare supplement policy and the individual terminates membership in the group, the issuer shall:

(a). offer the certificateholder the conversion opportunity described in §515.A.1.e.iii; or

(b). at the option of the group policyholder, offer the certificateholder continuation of coverage under the group policy.

v. If a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the issuer of the replacement policy shall offer coverage to all persons covered under the old group policy on its date of termination. Coverage under the new policy shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced.

f. Termination of a Medicare supplement policy or certificate shall be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be conditioned upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or payment of the maximum benefits.

g.i. A Medicare supplement policy or certificate shall provide that benefits and premiums under the policy or certificate shall be suspended at the request of the policyholder or certificateholder for the period (not to exceed 24 months), or upon discovering thereof by the insurer in which the policyholder or certificateholder has applied for and is determined to be entitled to medical assistance under Title XIX of the Social Security Act, but only if the policyholder or certificateholder notifies the issuer of the policy or certificate within 90 days after the date the individual becomes entitled to assistance.

ii. If suspension occurs and if the policyholder or certificateholder loses entitlement to medical assistance, the policy or certificate shall be automatically reinstituted (effective as of the date of termination of such entitlement) as of the termination of entitlement if the policyholder or certificateholder provides notice of loss of entitlement within 90 days after the date of loss and pays the premium attributable to the period, effective as of the date of termination of entitlement.

iii. Each Medicare supplement policy shall provide that benefits and premiums under the policy shall be suspended (for any period that may be provided by federal regulation) at the request of the policyholder if the policyholder is entitled to benefits under Section 226 (b) of the Social Security Act and is covered under a group health plan (as defined in Section 1862 (b)(1)(A)(v) of the Social Security Act). If suspension occurs and if the policyholder or certificateholder loses coverage under the group health plan, the policy shall be automatically reinstituted (effective as of the date of loss of coverage) if the policyholder provides notice of loss of coverage within 90 days after the date of the loss and pays the premium attributable to the period, effective as of the date of termination of enrollment in the group health plan.

iv. Reinstitution of coverage as described in Clauses g.ii and iii:

(a). shall not provide for any waiting period with respect to treatment of preexisting conditions;

(b). shall provide for coverage which is substantially equivalent to coverage in effect before the date of suspension; and

(c). shall provide for classification of premiums on terms at least as favorable to the policyholder or certificateholder as the premium classification terms that

would have applied to the policyholder or certificateholder had the coverage not been suspended.

2. Standards for Basic (Core) Benefits Common to All Benefit Plans. Every issuer shall make available a policy or certificate including only the following basic core package of benefits to each prospective insured. An issuer may make available to prospective insureds any of the other Medicare Supplement Insurance Benefit Plans in addition to the basic core package, but not in lieu of it.

a. Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period;

b. Coverage of Part A Medicare eligible expenses incurred for hospitalization to the extent not covered by Medicare for each Medicare lifetime inpatient reserve day used;

c. Upon exhaustion of the Medicare hospital inpatient coverage including the lifetime reserve days, coverage of the Medicare Part A eligible expenses for hospitalization paid at the diagnostic related group (DRG) day outlier per diem or other appropriate standard of payment, subject to a lifetime maximum benefit of an additional 365 days;

d. Coverage under Medicare Parts A and B for the reasonable cost of the first three (3) pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations;

e. Coverage for the coinsurance amount (or, in the case of hospital outpatient department services paid under a prospective payment system, the copayment amount) of Medicare eligible expenses under Part B regardless of hospital confinement, subject to the Medicare Part B deductible;

3. Standards for Additional Benefits. The following additional benefits shall be included in Medicare Supplement Benefit Plans "B" through "J" only as provided by §520 of this regulation.

Medicare Part A Deductible coverage for all of the Medicare Part A inpatient hospital deductible amount per benefit period.

Skilled Nursing Facility Care coverage for the actual billed charges up to the coinsurance amount from the 21st day through the 100th day in a Medicare benefit period for posthospital skilled nursing facility care eligible under Medicare Part A.

Medicare Part B Deductible coverage for all of the Medicare Part B deductible amount per calendar year regardless of hospital confinement.

Eighty Percent of the Medicare Part B Excess Charges coverage for 80 percent of the difference between the actual Medicare Part B charge as billed, not to exceed any charge limitation established by the Medicare program or state law, and the Medicare-approved Part B charge.

One Hundred Percent of the Medicare Part B Excess Charges coverage for all of the difference between the actual Medicare Part B charge as billed, not to exceed any charge limitation established by the Medicare program or state law, and the Medicare-approved Part B charge.

Basic Outpatient Prescription Drug Benefit coverage for 50 percent of outpatient prescription drug charges, after a two hundred fifty dollar ($250) calendar year deductible, to a maximum of $1,250 in benefits received by the insured per calendar year, to the extent not covered by Medicare.

Extended Outpatient Prescription Drug Benefit coverage for 50 percent of outpatient prescription drug charges, after a $250 calendar year deductible to a maximum of $3,000 in benefits received by the insured per calendar year, to the extent not covered by Medicare.

Medically Necessary Emergency Care in a Foreign Country coverage to the extent not covered by Medicare for 80 percent of the billed charges for Medicare-eligible expenses for medically necessary emergency hospital, physician, and medical care received in a foreign country, which care would have been covered by Medicare if provided in the United States and which care began during the first 60 consecutive days of each trip outside the United States, subject to a calendar year deductible of $250, and a lifetime maximum benefit of $50,000. For purposes of this benefit, *emergency care* shall mean care needed immediately because of an injury or an illness of sudden and unexpected onset.

Preventive Medical Care Benefit coverage for the following preventive health services:

i. an annual clinical preventive medical history and physical examination that may include tests and services from Subparagraph ii. and patient education to address preventive health care measures;

ii. any one or a combination of the following preventive screening tests or preventive services, the frequency of which is considered medically appropriate:

(a). digital rectal examination;

(b). dipstick urinalysis for hematuria, bacteriuria and proteinuria;

(c). pure tone (air only) hearing screening test, administered or ordered by a physician;

(d). serum cholesterol screening (every five (5) years);

(e). thyroid function test;

(f). diabetes screening.

iii. tetanus and diphtheria booster (every ten (10) years).

iv. any other tests or preventive measures determined appropriate by the attending physician.

Reimbursement shall be for the actual charges up to 100 percent of the Medicare-approved amount for each service, as if Medicare were to cover the service as identified in American Medical Association Current Procedural Terminology (AMA CPT) codes, to a maximum of 120 annually under this benefit. This benefit shall not include payment for any procedure covered by Medicare.

At-Home Recovery Benefit coverage for services to provide short term, at-home assistance with activities of daily living for those recovering from an illness, injury, or surgery.

i. For purposes of this benefit, the following definitions shall apply:

Activities of Daily Living include, but are not limited to bathing, dressing, personal hygiene, transferring, eating, ambulating, assistance with drugs that are normally self-administered, and changing bandages or other dressings.

Care Provider a duly qualified or licensed home health aide or homemaker, personal care aide or nurse provided through a licensed home health care agency or

referred by a licensed referral agency or licensed nurses registry.

Home any place used by the insured as a place of residence, provided that such place would qualify as a residence for home health care services covered by Medicare. A hospital or skilled nursing facility shall not be considered the insured's place of residence.

At-Home Recovery Visit the period of a visit required to provide at home recovery care, without limit on the duration of the visit, except each consecutive four hours in a twenty-four-hour period of services provided by a care provider is one visit.

ii. Coverage Requirements and Limitations

(a). At-home recovery services provided must be primarily services, which assist in activities of daily living.

(b). The insured's attending physician must certify that the specific type and frequency of at-home recovery services are necessary because of a condition for which a home care plan of treatment was approved by Medicare.

(c). Coverage is limited to:

(i). no more than the number and type of at-home recovery visits certified as necessary by the insured's attending physician. The total number of at-home recovery visits shall not exceed the number of Medicare approved home health care visits under a Medicare approved home care plan of treatment;

(ii). the actual charges for each visit up to a maximum reimbursement of forty dollars ($40) per visit;

(iii). one thousand six hundred dollars ($1,600) per calendar year;

(iv). seven (7) visits in any one week;

(v). care furnished on a visiting basis in the insured's home;

(vi). services provided by a care provider as defined in this section;

(vii). at-home recovery visits while the insured is covered under the policy or certificate and not otherwise excluded;

(viii). at-home recovery visits received during the period the insured is receiving Medicare approved home care services or no more than eight (8) weeks after the service date of the last Medicare approved home health care visit.

iii. Coverage is excluded for:

(a). home care visits paid for by Medicare or other government programs; and

(b). care provided by family members, unpaid volunteers, or providers who are not care providers.

New or Innovative Benefits an issuer may, with the prior approval of the Commissioner, offer policies or certificates with new or innovative benefits in addition to the benefits provided in a policy or certificate that otherwise complies with the applicable standards. The new or innovative benefits may include benefits that are appropriate to Medicare supplement insurance, new or innovative, not otherwise available, cost-effective, and offered in a manner which is consistent with the goal of simplification of Medicare supplement policies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1104 (June 1999), repromulgated LR 25:1484 (August 1999), amended LR 29:

§516. Reserved.

§517. Reserved.

§518. Reserved.

§519. Reserved.

§520. Standard Medicare Supplement Benefit Plans

A. An issuer shall make available to each prospective policyholder and certificateholder a policy form or certificate form containing only the basic core benefits, as defined in §515.A.2. of this regulation.

B. No groups, packages or combinations of Medicare supplement benefits other than those listed in this section shall be offered for sale in this state, except as may be permitted in §515.A.3 *New and Innovative Benefits* and in §525 of this regulation.

C. Benefit plans shall be uniform in structure, language, designation and format to the standard benefit plans "A" through "J" listed in this subsection and conform to the definitions in §503 of this regulation. Each benefit shall be structured in accordance with the format provided in §§515.A.2 and 515.A.3 and list the benefits in the order shown in this subsection. For purposes of this section, "structure, language, and format" means style, arrangement and overall content of a benefit.

D. An issuer may use, in addition to the benefit plan designations required in Subsection C, other designations to the extent permitted by law.

E. Make-up of Benefit Plans

1. Standardized Medicare supplement benefit plan "A" shall be limited to the basic (core) benefits common to all benefit plans, as defined in §515.A.2 of this regulation.

2. Standardized Medicare supplement benefit plan "B" shall include only the following: The core benefit as defined in §515.A.2 of this regulation, plus the Medicare Part A deductible as defined in §515.A.3 *Medicare Part A Deductible.*

3. Standardized Medicare supplement benefit plan "C" shall include only the following: The core benefit as defined in §515.A.2 of this regulation, plus the Medicare Part A deductible, skilled nursing facility care, Medicare Part B deductible and medically necessary emergency care in a foreign country, as defined in §515.A.3. *Medicare Part A Deductible, Skilled Nursing Facility Care, Medicare Part B Deductible and Medically Necessary Emergency Care in a Foreign Country,* respectively.

4. Standardized Medicare supplement benefit plan "D" shall include only the following: The core benefit as defined in §515.A.2 of this regulation, plus the Medicare Part A deductible, skilled nursing facility care, medically necessary emergency care in a foreign country, and the at-home recovery benefit as defined in §515.A.3.*Medicare Part A Deductible, Skilled Nursing Facility Care, Medically Necessary Emergency Care in a Foreign Country, and At-Home Recovery Benefit,* respectively.

5. Standardized Medicare supplement benefit plan "E" shall include only the following: The core benefit as defined in §515.A.2 of this regulation, plus the Medicare Part A deductible, skilled nursing facility care, medically necessary emergency care in a foreign country, and preventive medical

care as defined in §515.A.3.*Medicare Part A Deductible, Skilled Nursing Facility Care, Medically Necessary Emergency Care in a Foreign Country, and Preventive Medical Care Benefit,* respectively.

6. Standardized Medical supplement benefit plan "F" shall include only the following: The core benefit as defined in §515.A.2 of this regulation, plus the Medicare Part A deductible, the skilled nursing facility care, the Part B deductible, 100 percent of the Medicare Part B excess charges, and medically necessary emergency care in a foreign country, as defined in §515.A.3 *Medicare Part A Deductible, Skilled Nursing Facility Care, Medicare Part B Deductible, One Hundred Percent (100%) of the Medicare Part B Excess Charges, and Medically Necessary Emergency Care in a Foreign Country,* respectively.

7. Standardized Medicare supplement benefit high deductible plan “F” shall include only the following: 100% of covered expenses following the payment of the annual high deductible plan “F” deductible. The covered expenses include the core benefit as defined in §515.A.2 of this regulation, plus the Medicare Part A deductible, skilled nursing facility care, the Medicare Part B deductible, 100 percent of the Medicare Part B excess charges, and medically necessary emergency care in a foreign country as defined in §515.A.3 *Medicare Part A Deductible, Skilled Nursing Facility Care, Medicare Part B Deductible, 100 Percent of the Medicare Part B Excess Charges, and Medically Necessary Emergency Care in a Foreign Country* respectively. The annual high deductible plan "F" deductible shall consist of out-of-pocket expenses, other than premiums, for services covered by the Medicare supplement plan "F" policy, and shall be in addition to any other specific benefit deductibles. The annual high deductible Plan "F" deductible shall be $1500 for 1998 and 1999, and shall be based on the calendar year. It shall be adjusted annually thereafter by the Secretary to reflect the change in the Consumer Price Index for all urban consumers for the twelve-month period ending with August of the preceding year, and rounded to the nearest multiple of $10.

8. Standardized Medicare supplement benefit plan "G" shall include only the following: The core benefit as defined in §515.A.2 of this regulation, plus the Medicare Part A deductible, skilled nursing facility care, 80 percent of the Medicare Part B excess charges, medically necessary emergency care in a foreign country, and the at-home recovery benefit as defined in §515.A.3 *Medicare Part A Deductible, Skilled Nursing Facility Care, Eighty Percent (80%) of the Medicare Part B Excess Charges, Medically Necessary Emergency Care in a Foreign Country,* respectively.

9. Standardized Medicare supplement benefit plan "H" shall consist of only the following: The core benefit as defined in §515.A.2 of this regulation, plus the Medicare Part A deductible, skilled nursing facility care, basic outpatient prescription drug benefit, and medically necessary emergency care in a foreign country, as defined in §515.A.3 *Medicare Part A Deductible, Skilled Nursing Facility Care, Basic Outpatient Prescription Drug Benefit and Medically Necessary Emergency Care in a Foreign Country,* respectively.

10. Standardized Medicare supplement benefit plan "I" shall consist of only the following: The core benefit as defined in §515.A.2 of this regulation, plus the Medicare Part A deductible, skilled nursing facility care, 100 percent of the Medicare Part B excess charges, basic outpatient prescription drug benefit, medically necessary emergency care in a foreign country and at-home recovery benefit as defined in §515.A.3 *Medicare Part A Deductible, Skilled Nursing Facility Care, 100 Percent of the Medicare Part B Excess Charges, Basic Outpatient Prescription Drug Benefit, Medically Necessary Care in a Foreign Country and At-Home Recovery Benefit,* respectively.

11. Standardized Medicare supplement benefit plan "J" shall consist of only the following: The core benefit as defined in §515.A.2 of this regulation, plus the Medicare Part A deductible, skilled nursing facility care, Medicare Part B deductible, 100 percent of the Medicare Part B excess charges, extended prescription drug benefit, medically necessary emergency care in a foreign country, preventive medical care and at-home recovery benefit as defined in §515.A.3 *Medicare Part A Deductible, Skilled Nursing Facility Care, Medicare Part B Deductible, 100 Percent of the Medicare Part B Excess Charges, Extended Outpatient Prescription Drug Benefit, Medically Necessary Emergency Care in a Foreign Country, Preventive Medical Care Benefit and At-Home Recovery Benefit,* respectively.

12. Standardized Medicare supplement benefit high deductible plan "J" shall consist of only the following: 100 percent of covered expenses following the payment of the annual high deductible plan "J" deductible. The covered expenses include the core benefit as defined in §515.A.2 of this regulation, plus the Medicare Part A deductible, skilled nursing facility care, Medicare Part B deductible, 100 percent of the Medicare Part B excess charges, extended outpatient prescription drug benefit, medically necessary emergency care in a foreign country, preventive medical care benefit and at-home recovery benefit as defined in §515.A.3.*Medicare Part A Deductible, Skilled Nursing Facility Care, Medicare Part B Deductible, 100 Percent of the Medicare Part B Excess Charges, Extended Outpatient Prescription Drug Benefit, Medically Necessary Emergency Care in a Foreign Country, Preventive Medical Care Benefit and At-Home Recovery Benefit,* respectively. The annual high deductible plan "J" deductible shall consist of out-of-pocket expenses, other than premiums, for services covered by the Medicare supplement plan "J" policy, and shall be in addition to any other specific benefit deductibles. The annual deductible shall be $1500 for 1998 and 1999, and shall be based on a calendar year. It shall be adjusted annually thereafter by the Secretary to reflect the change in the Consumer Price Index for all urban consumers for the twelve-month period ending with August of the preceding year, and rounded to the nearest multiple of $10.

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§521. Reserved.
§522. Reserved.
§523. Reserved.
§524. Reserved.
§525. Medicare Select Policies and Certificates

A.1. This section shall apply to Medicare Select policies and certificates, as defined in this Section.

2. No policy or certificate may be advertised as a Medicare Select policy or certificate unless it meets the requirements of this Section.

B. For the purposes of this Section:

Complaint any dissatisfaction expressed by an individual concerning a Medicare Select issuer or its network providers.

Grievance dissatisfaction expressed in writing by an individual insured under a Medicare Select policy or certificate with the administration, claims practices, or provision of services concerning a Medicare Select issuer or its network providers.

Medicare Select Issuer an issuer offering, or seeking to offer, a Medicare Select policy or certificate.

Medicare Select Policy or *Medicare Select Certificate* respectively a Medicare supplement policy or certificate that contains restricted network provisions.

Network Provider a provider of health care, or a group of providers of health care, which has entered into a written agreement with the issuer to provide benefits insured under a Medicare Select policy.

Restricted Network Provision any provision, which conditions the payment of benefits, in whole or in part, on the use of network providers.

Service Area the geographic area approved by the Commissioner within which an issuer is authorized to offer a Medicare Select policy.

C. The Commissioner may authorize an issuer to offer a Medicare Select policy or certificate, pursuant to this section and Section 4358 of the Omnibus Budget Reconciliation Act (OBRA) of 1990 if the Commissioner finds that the issuer has satisfied all of the requirements of this regulation.

D. A Medicare Select issuer shall not issue a Medicare Select policy or certificate in this state until its plan of operation has been approved by the commissioner.

E. A Medicare Select issuer shall file a proposed plan of operation with the commissioner in a format prescribed by the commissioner. The plan of operation shall contain at least the following information:

1. evidence that all covered services that are subject to restricted network provisions are available and accessible through network providers, including a demonstration that:

a. services can be provided by network providers with reasonable promptness with respect to geographic location, hours of operation and after-hour care. The hours of operation and availability of after-hour care shall reflect usual practice in the local area. Geographic availability shall reflect the usual travel times within the community;

b. the number of network providers in the service area is sufficient, with respect to current and expected policyholders, either:

i. to deliver adequately all services that are subject to a restricted network provision; or

ii. to make appropriate referrals;

c. there are written agreements with network providers describing specific responsibilities;

d. emergency care is available 24 hours per day and seven days per week;

e. in the case of covered services that are subject to a restricted network provision and are provided on a prepaid basis, there are written agreements with network providers prohibiting the providers from billing or otherwise seeking reimbursement from or recourse against any individual insured under a Medicare Select policy or certificate. This paragraph shall not apply to supplemental charges or coinsurance amounts as stated in the Medicare Select policy or certificate;

2. a statement or map providing a clear description of the service area;

3. a description of the grievance procedure to be utilized;

4. a description of the quality assurance program, including:

a. the formal organizational structure;

b. the written criteria for selection, retention and removal of network providers; and

c. the procedures for evaluating quality of care provided by network providers, and the process to initiate corrective action when warranted;

5. a list and description, by specialty, of the network providers;

6. copies of the written information proposed to be used by the issuer to comply with §525.I;

7. any other information requested by the commissioner.

F.1. A Medicare Select issuer shall file any proposed changes to the plan of operation, except for changes to the list of network providers, with the Commissioner prior to implementing the changes. Changes shall be considered approved by the Commissioner after 30 days unless specifically disapproved.

2. An updated list of network providers shall be filed with the Commissioner at least quarterly.

G. A Medicare Select policy or certificate shall not restrict payment for covered services provided by non-network providers if:

1. the services are for symptoms requiring emergency care or are immediately required for an unforeseen illness, injury or a condition; and

2. it is not reasonable to obtain such services through a network provider.

H. A Medicare Select policy or certificate shall provide payment for full coverage under the policy for covered services that are not available through network providers.

I. A Medicare Select issuer shall make full and fair disclosure, in writing, of the provisions, restrictions, and limitations of the Medicare Select policy or certificate to each applicant. This disclosure shall include at least the following:

1. an outline of coverage sufficient to permit the applicant to compare the coverage and premiums of the Medicare Select policy or certificate with:

a. other Medicare supplement policies or certificates offered by the issuer; and

b. other Medicare Select policies or certificates;

2. a description (including address, phone number and hours of operation) of the network providers, including primary care physicians, specialty physicians, hospitals and other providers;

3. a description of the restricted network provisions, including payments for coinsurance and deductibles when providers other than network providers are utilized;

4. a description of coverage for emergency and urgently needed care and other out-of-service area coverage;

5. a description of limitations on referrals to restricted network providers and to other providers;

6. a description of the policyholder's rights to purchase any other Medicare supplement policy or certificate otherwise offered by the issuer;

7. a description of the Medicare Select issuer's quality assurance program and grievance procedure.

J. Prior to the sale of a Medicare Select policy or certificate, a Medicare Select issuer shall obtain from the applicant a signed and dated form stating that the applicant has received the information provided pursuant to Subsection I of this section and that the applicant understands the restrictions of the Medicare Select policy or certificate.

K. A Medicare Select issuer shall have and use procedures for hearing complaints and resolving written grievances from the subscribers. The procedures shall be aimed at mutual agreement for settlement and may include non-binding arbitration procedures.

1. The grievance procedure shall be described in the policy and certificates and in the outline of coverage.

2. At the time the policy or certificate is issued, the issuer shall provide detailed information to the policyholder describing how a grievance may be registered with the issuer.

3. Grievances shall be considered in a timely manner and shall be transmitted to appropriate decision-makers who have authority to fully investigate the issue and take corrective action.

4. If a grievance is found to be valid, corrective action shall be taken promptly.

5. All concerned parties shall be notified about the results of a grievance.

6. The issuer shall report no later than each March 31st to the Commissioner regarding its grievance procedure. The report shall be in a format prescribed by the Commissioner and shall contain the number of grievances filed in the past year and a summary of the subject, nature and resolution of such grievances.

L. At the time of initial purchase, a Medicare Select issuer shall make available to each applicant for a Medicare Select policy or certificate the opportunity to purchase any Medicare supplement policy or certificate otherwise offered by the issuer.

M.1. At the request of an individual insured under a Medicare Select policy or certificate, a Medicare Select issuer shall make available to the individual insured the opportunity to purchase a Medicare supplement policy or certificate offered by the issuer which has comparable or lesser benefits and which does not contain a restricted network provision. The issuer shall make such policies or certificates available without requiring evidence of insurability after the Medicare Select policy or certificate has been in force for six months.

2. For the purposes of this Subsection, a Medicare supplement policy or certificate will be considered to have comparable or lesser benefits unless it contains one or more significant benefits not included in the Medicare Select policy or certificate being replaced. For the purposes of this Paragraph, a significant benefit means coverage for the Medicare Part A deductible, coverage for prescription drugs, coverage for at-home recovery services or coverage for Part B excess charges.

N. Medicare Select policies and certificates shall provide for continuation of coverage in the event the Secretary of Health and Human Services determines that Medicare Select policies and certificates issued pursuant to this Section should be discontinued due to either the failure of the Medicare Select Program to be reauthorized under law or its substantial amendment.

1. Each Medicare Select issuer shall make available to each individual insured under a Medicare Select policy or certificate the opportunity to purchase any Medicare supplement policy or certificate offered by the issuer which has comparable or lesser benefits and which does not contain a restricted network provision. The issuer shall make the policies and certificates available without requiring evidence of insurability.

2. For the purposes of this Subsection, a Medicare supplement policy or certificate will be considered to have comparable or lesser benefits unless it contains one or more significant benefits not included in the Medicare Select policy or certificate being replaced. For the purposes of this Paragraph, a significant benefit means coverage for the Medicare Part A deductible, coverage for prescription drugs, coverage for at-home recovery services or coverage for Part B excess charges.

O. A Medicare Select issuer shall comply with reasonable requests for data made by state or federal agencies, including the United States Department of Health and Human Services, for the purpose of evaluating the Medicare Select Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1108 (June 1999), repromulgated LR 25:1488 (August 1999), amended LR 29:

§526. Reserved.

§527. Reserved.

§528. Reserved.

§529. Reserved.

§530. Open Enrollment

A. An issuer shall not deny or condition the issuance or effectiveness of any Medicare supplement policy or certificate available for sale in this state, nor discriminate in the pricing of a policy or certificate because of the health status, claims experience, receipt of health care, or medical condition of an applicant in the case of an application for a policy or certificate that is submitted prior to or during the six month period beginning with the first day of the first month in which an individual is enrolled for benefits under Medicare Part B. Each Medicare supplement policy and certificate currently available from an insurer shall be made

available to all applicants who qualify under this Subsection without regard to age.

B. 1. If an applicant qualifies under Subsection A and submits an application during the time period referenced in Subsection A and, as of the date of application, has had a continuous period of creditable coverage of at least six months, the issuer shall not exclude benefits based on a preexisting condition.

2. If the applicant qualifies under Subsection A and submits an application during the time period referenced in Subsection A and, as of the date of application, has had a continuous period of creditable coverage that is less than six (6) months, the issuer shall reduce the period of any preexisting condition exclusion by the aggregate of the period of creditable coverage applicable to the applicant as of the enrollment date. The Secretary shall specify the manner of the reduction under this Subsection.

C. Except as provided in Subsection B and §590, Subsection A shall not be construed as preventing the exclusion of benefits under a policy, during the first six months, based on a preexisting condition for which the policyholder or certificateholder received treatment or was otherwise diagnosed during the six months before the coverage became effective.

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HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1110 (June 1999), repromulgated LR 25:1490 (August 1999), LR 29:

§531. Reserved.

§532. Reserved.

§533. Reserved.

§534. Reserved.

§535. Guaranteed Issue for Eligible Persons

A. Guaranteed Issue

1. Eligible persons are those individuals described in Subsection B who seek to enroll under the policy during the period specified in Subsection C, and who submit evidence of the date of termination or disenrollment with the application for a Medicare supplement policy.

2. With respect to eligible persons, an issuer shall not deny or condition the issuance or effectiveness of a Medicare supplement policy described in Subsection E that is offered and is available for issuance to new enrollees by the issuer, shall not discriminate in the pricing of such a Medicare supplement policy because of health status, claims experience, receipt of health care, or medical condition, and shall not impose an exclusion of benefits based on a preexisting condition under such a Medicare supplement policy.

B. Eligible Persons. An eligible person is an individual described in any of the following paragraphs.

1. The individual is enrolled under an employee welfare benefit plan that provides health benefits that supplement the benefits under Medicare; and the plan terminates, or the plan ceases to provide some or all such supplemental health benefits to the individual; or the individual is enrolled under an employee welfare benefit plan that is primary to Medicare and the plan terminates or the plan ceases to provide some or all health benefits to the individual or the individual leaves the plan;

2. The individual is enrolled with a Medicare+Choice organization under a Medicare+Choice plan under part C of Medicare, and any of the following circumstances apply, or the individual is 65 years of age or older and is enrolled with a Program of All-Inclusive Care for the Elderly (PACE) provider under Section 1894 of the Social Security Act, and there are circumstances similar to those described below that would permit discontinuance of the individual's enrollment with such provider if such individual were enrolled in a Medicare + Choice plan.

a. The certification of the organization or plan has been terminated, or The organization has terminated or otherwise discontinued providing the plan in the area in which the individual resides;

c. The individual is no longer eligible to elect the plan because of a change in the individual's place of residence or other change in circumstances specified by the Secretary, but not including termination of the individual's enrollment on the basis described in Section 1851(g)(3)(B) of the federal Social Security Act (where the individual has not paid premiums on a timely basis or has engaged in disruptive behavior as specified in standards under section 1856), or the plan is terminated for all individuals within a residence area;

d. The individual demonstrates, in accordance with guidelines established by the Secretary, that:

i. the organization offering the plan substantially violated a material provision of the organization's contract under this part in relation to the individual, including the failure to provide an enrollee on a timely basis medically necessary care for which benefits are available under the plan or the failure to provide such covered care in accordance with applicable quality standards; or

ii. the organization, or agent or other entity acting on the organization's behalf, materially misrepresented the plan's provisions in marketing the plan to the individual; or

e. The individual meets such other exceptional conditions as the Secretary may provide.

3.a. The individual is enrolled with:

i. an eligible organization under a contract under Section 1876 of the Social Security Act (Medicare cost);

ii. a similar organization operating under demonstration project authority, effective for periods before April 1,1999;

iii. an organization under an agreement under Section 1833(a)(1)(A) of the Social Security Act (health care prepayment plan); or

iv. an organization under a Medicare Select policy; and

b. the enrollment ceases under the same circumstances that would permit discontinuance of an individual's election of coverage under §535.B.2.

4. The individual is enrolled under a Medicare supplement policy and the enrollment ceases because:

a.i. of the insolvency of the issuer or bankruptcy of the nonissuer organization; or

ii. of other involuntary termination of coverage or enrollment under the policy;

b. the issuer of the policy substantially violated a material provision of the policy; or

c. the issuer, or an agent or other entity acting on the issuer's behalf, materially misrepresented the policy's provisions in marketing the policy to the individual;

5.a. The individual was enrolled under a Medicare supplement policy and terminates enrollment and subsequently enrolls, for the first time, with any Medicare+Choice organization under a Medicare+Choice plan under part C of Medicare, any eligible organization under a contract under Section 1876 of the Social Security Act (Medicare cost), any similar organization operating under demonstration project authority, any Pace provider under Section 1894 of the Social Security Act, or a Medicare Select policy; and

b. the subsequent enrollment under Subparagraph a is terminated by the enrollee during any period within the first 12 months of such subsequent enrollment (during which the enrollee is permitted to terminate such subsequent enrollment under Section 1851(e) of the federal Social Security Act); or

6. the individual, upon first becoming enrolled for benefits under Medicare part B, enrolls in a Medicare+Choice plan under part C of Medicare, or with a PACE provider under Section 1894 of the Social Security Act, and disenrolls from the plan by not later 12 months after the effective date of enrollment.

C. Guaranteed Issue Time Periods

1. In the case of an individual described in Paragraph B.1, the guaranteed issue period begins on the date the individual receives a notice of termination or cessation of all supplemental health benefits (or, if a notice is not received, notice that a claim has been denied because of such a termination or cessation) and ends 63 days after the date of the applicable notice;

2. In the case of an individual described in Paragraphs B.2, 3, 5 or 6 whose enrollment is terminated involuntarily, the guaranteed issue period begins on the date that the individual receives a notice of termination and ends 63 days after the date the applicable coverage is terminated;

3. In the case of an individual described in Subparagraph B.4.a, the guaranteed issue period begins on the earlier of:

a. the date that the individual receives a notice of termination, a notice of the issuer's bankruptcy or insolvency, or other such similar notice if any; and

b. the date that the applicable coverage is terminated, and ends on the date that is 63 days after the date the coverage is terminated;

4. In the case of an individual described in Paragraphs B.2, 4.b, 4.c, 5 or 6 who disenrolls voluntarily, the guaranteed issue period begins on the date that is 60 days before the effective date of the disenrollment and ends on the date that is 63 days after the effective date; and

5. In the case of an individual described in Subsection B but not described in the preceding provisions of this Subsection, the guaranteed issue period begins on the effective date of disenrollment and ends on the date that is 63 days after the effective date.

D. Extended Medigap access for interrupted trial periods

1. In the case of an individual described in Paragraph B.5 (or deemed to be so described, pursuant to this paragraph) whose enrollment with an organization or provider described in Paragraph B.5.a is involuntarily terminated within the first 12 months of enrollment, and who, without an intervening enrollment, enrolls with another such organization or provider, the subsequent enrollment shall be deemed to be an initial enrollment described in Section 12B(5);

2. In the case of an individual described in Paragraph B.6 (or deemed to be so described, pursuant to this paragraph) who enrollment with a plan or in a program described in Paragraph B.6 is involuntarily terminated within the first 12 months of enrollment, and who, without an intervening enrollment, enrolls in another such plan or program, the subsequent enrollment shall be deemed to be an initial enrollment described in Section 12B(6); and

3. For purposes of Paragraphs B.5 and 6, no enrollment of an individual with an organization or provider described in Subparagraph B.5.a, or with a plan or in a program described in Paragraph B.6, may be deemed to be an initial enrollment under this paragraph after the two-year period beginning on the date on which the individual first enrolled with such an organization, provider, plan or program.

E. Products to Which Eligible Persons are Entitled. The Medicare supplement policy to which eligible persons are entitled under:

1. Section 535.B.1.2.3 and 4 is a Medicare supplement policy which has a benefit package classified as Plan A, B, C, or F offered by any issuer;

2. Section 535.B.5 is the same Medicare supplement policy in which the individual was most recently previously enrolled, if available from the same issuer, or, if not so available, a policy described in §535.C.1;

3. Section 535.B.6 shall include any Medicare supplement policy available by any issuer.

F. Notification Provisions

1. At the time of an event described in Subsection B of this Section because of which an individual loses coverage or benefits due to the termination of a contract or agreement, policy, or plan, the organization that terminates the contract or agreement, the issuer terminating the policy, or the administrator of the plan being terminated, respectively, shall notify the individual of his or her rights under this Section, and of the obligations of issuers of Medicare supplement policies under Subsection A. Such notice shall be communicated contemporaneously with the notification of termination.

2. At the time of an event described in Subsection B of this Section because of which an individual ceases enrollment under a contract or agreement, policy, or plan, the organization that offers the contract or agreement, regardless of the basis for the cessation of enrollment, the issuer offering the policy, or the administrator of the plan, respectively, shall notify the individual of his or her rights under this Section, and of the obligations of issuers of Medicare supplement policies under §535.A. Such notice shall be communicated within ten working days of the issuer receiving notification of disenrollment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1110 (June 1999), repromulgated LR 25:1490 (August 1999), amended LR 29:

§536. Reserved.

§537. Reserved.

§538. Reserved.

§539. Reserved.

§540. Standards for Claims Payment

A. An issuer shall comply with section 1882(c)(3) of the Social Security Act (as enacted by section 4081(b)(2)(C) of the Omnibus Budget Reconciliation Act of 1987 (OBRA) 1987, Pub. L. No. 100-203) by:

1. accepting a notice from a Medicare carrier on dually assigned claims submitted by participating physicians and suppliers as a claim for benefits in place of any other claim form otherwise required and making a payment determination on the basis of the information contained in that notice;

2. notifying the participating physician or supplier and the beneficiary of the payment determination;

3. paying the participating physician or supplier directly;

4. furnishing, at the time of enrollment, each enrollee with a card listing the policy name, number, and a central mailing address to which notices from a Medicare carrier may be sent;

5. paying user fees for claim notices that are transmitted electronically or otherwise; and

6. providing to the Secretary of Health and Human Services, at least annually, a central mailing address to which all claims may be sent by Medicare carriers.

B. Compliance with the requirements set forth in Subsection A above shall be certified on the Medicare supplement insurance experience reporting form.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1111 (June 1999), repromulgated LR 25:1491 (August 1999), LR 29:

§541. Reserved.

§542. Reserved.

§543. Reserved.

§544. Reserved.

§545. Loss Ratio Standards and Refund or Credit of Premium

A. Loss Ratio Standards

1.a. A Medicare Supplement policy form or certificate form shall not be delivered or issued for delivery unless the policy form or certificate form can be expected, as estimated for the entire period for which rates are computed to provide coverage, to return to policyholders and certificateholders in the form of aggregate benefits (not including anticipated refunds or credits) provided under the policy form or certificate form:

i. at least 75 percent of the aggregate amount of premiums earned in the case of group policies; or

ii. at least 65 percent of the aggregate amount of premiums earned in the case of individual policies.

b. Calculated on the basis of incurred claims experience or incurred health care expenses where coverage is provided by a health maintenance organization on a service rather than reimbursement basis and earned premiums for the period and in accordance with accepted actuarial principles and practices.

2. All filings of rates and rating schedules shall demonstrate that expected claims in relation to premiums comply with the requirements of this Section when combined with actual experience to date. Filings of rate revisions shall also demonstrate that the anticipated loss ratio over the entire future period for which the revised rates are computed to provide coverage can be expected to meet the appropriate loss ratio standards.

3. For purposes of applying Paragraph A.1 of this Section and §550.C.3. only, policies issued as a result of solicitations of individuals through the mails or by mass media advertising (including both print and broadcast advertising) shall be deemed to be individual policies.

4. For policies issued prior to January 20, 1991, expected claims in relation to premiums shall meet:

a. the originally filed anticipated loss ratio when combined with the actual experience since inception;

b. the appropriate loss ratio requirement from §545.A.1.a.i. and ii. when combined with actual experience beginning with January 1, 1998 to date; and

c. the appropriate loss ratio requirement from §545.A.1.a.i. and ii. over the entire future period for which the rates are computed to provide coverage.

B. Refund or Credit Calculation

1. An issuer shall collect and file with the Commissioner by May 31 of each year the data contained in the applicable reporting form contained in Appendix A for each type in a standard Medicare supplement benefit plan.

2. If, on the basis of the experience as reported, the benchmark ratio since inception (ratio 1) exceeds the adjusted experience ratio since inception (ratio 3), then a refund or credit calculation is required. The refund calculation shall be done on a statewide basis for each type in a standard Medicare supplement benefit plan. For purposes of the refund or credit calculation, experience on policies issued within the reporting year shall be excluded.

3. For the purposes of this Section, policies or certificates issued prior to January 20, 1991, the issuer shall make the refund or credit calculation separately for all individual policies (including all group policies subject to an individual loss ratio standard when issued) combined and all other group policies combined for experience after January 1, 1998. The first report shall be due by May 31, 2000.

4. A refund or credit shall be made only when the benchmark loss ratio exceeds the adjusted experience loss ratio and the amount to be refunded or credited exceeds a *de minimis* level. The refund shall include interest from the end of the calendar year to the date of the refund or credit at a rate specified by the Secretary of Health and Human Services, but in no event shall it be less than the average rate of interest for thirteen-week Treasury notes. A refund or credit against premiums due shall be made by September 30 following the experience year upon which the refund or credit is based.

C. Filing of Rates and Rating Schedules. All filings of rates and rating schedules shall demonstrate that expected claims in relation to premiums comply with the requirements of this Section when combined with actual experience to date. Filings of rate revisions shall also demonstrate that the anticipated loss ratio over the entire future period for which the revised rates are computed to provide coverage can be expected to meet the appropriate loss ratio standards.

1. Each Medicare supplement policy or certificate form shall be accompanied, upon submission for approval, by an original and one copy of an actuarial memorandum. The memorandum shall be prepared, signed and dated by a qualified actuary in accordance with generally accepted actuarial principles and practices. The filing shall contain at least the information listed in the following Subparagraphs:

a. the form number that the actuarial memorandum addresses;

b. a brief description of benefits provided;

c. a schedule of rates to be used;

d. a certification that the anticipated lifetime loss ratio is at least 65 percent (for individual coverage) or at least 75 percent (for group coverage);

e. a table of anticipated loss ratio experience for each year from issue over a reasonable number of years;

f. a certification that the premiums are reasonable in relation to the benefits provided; and

g. the entire filing shall be provided in duplicate;

h. any additional information requested by the Commissioner.

2. Subsequent rate adjustments filings, except for those rates filed solely due to a change in the Part A calendar year deductible, shall also provide an original and one copy of an actuarial memorandum, prepared, signed and dated by a qualified actuary, in accordance with generally accepted actuarial principles and practices. The filing shall contain at least the following:

a. the form number addressed by the actuarial memorandum;

b. a brief description of benefits provided;

c. a schedule of rates before and after the rate change;

d. a statement of the reason and basis for the rate change;

e. a demonstration and certification by the qualified actuary showing that the past plus future expected experience after the rate change will result in an aggregate loss ratio equal to, or greater than, the required minimum aggregate loss ratio:

i. this rate change and demonstration shall be based on the experience of the named form in Louisiana only, if that experience is credible;

ii. the rate change and demonstration shall be based on experience of the named form nationwide, if the named form is used nationwide and the Louisiana experience is not credible, but the nationwide experience is credible;

f. for policies or certificates in force less than three years, a demonstration shall be included to show that the third-year loss ratio is expected to be equal to, or greater than, the applicable percentage;

g. a certification by the qualified actuary that the resulting premiums are reasonable in relation to the benefits provided;

h. the entire filing shall be provided in duplicate;

i. any additional information requested by the Commissioner.

3.a. An issuer of Medicare supplement policies and certificates issued before or after the effective date of Regulation 33 (Revised, 1992) in this state shall file annually no later than December 31 its rates for the upcoming calendar year. Also, supporting documentation including ratios of incurred losses to earned premiums by policy duration shall be submitted for approval by the Commissioner. The supporting documentation shall also demonstrate in accordance with actuarial standards of practice using reasonable assumptions that the appropriate loss ratio standards can be expected to be met over the entire period for which rates are computed. The demonstration shall exclude active life reserves. An expected third-year loss ratio which is greater than or equal to the applicable percentage shall be demonstrated for policies or certificates in force less than 3 years.

b. The filing for purposes of this Subsection shall contain all Medicare supplement plans issued by the issuer and shall not include rate adjustments. An actuarial memorandum shall be prepared, signed and dated by a qualified actuary in accordance with generally accepted actuarial principles and practices. The filing shall contain at least the following:

i. the form number for each plan;

ii. plan type designation (for example: Plan A, Plan B, Pre-standardized);

iii. the rates for each plan;

iv. yearly loss ratios for each plan;

v. lifetime expected loss ratios for each plan;

vi. identify filing as "ANNUAL MEDICARE SUPPLEMENT FILING" on the face page of the memorandum;

vii. the entire filing shall be provided in duplicate;

viii. any additional information requested by the Commissioner.

4. As soon as practicable, but prior to the effective date of enhancements in Medicare benefits, every issuer of Medicare supplement policies or certificates in this state shall file with the commissioner, in accordance with the applicable filing procedures of this state:

i. appropriate premium adjustments necessary to produce loss ratios as anticipated for the current premium for the applicable policies or certificates. The supporting documents necessary to justify the adjustment shall accompany the filing.

ii. an issuer shall make premium adjustments necessary to produce an expected loss ratio under the policy or certificate to conform to minimum loss ratio standards for Medicare supplement policies and which are expected to result in a loss ratio at least as great as that originally anticipated in the rates used to produce current premiums by the issuer for the Medicare supplement policies or certificates. No premium adjustment which would modify the loss ratio experience under the policy other than the adjustments described herein shall be made with respect to a policy at any time other than upon its renewal date or anniversary date.

iii. if an issuer fails to make premium adjustments acceptable to the Commissioner, the Commissioner may order premium adjustments, refunds or premium credits deemed necessary to achieve the loss ratio required by this Section.

b. any appropriate riders, endorsements or policy forms needed to accomplish the Medicare supplement policy or certificate modifications necessary to eliminate benefit duplications with Medicare. The riders, endorsements or policy forms shall provide a clear description of the

Medicare supplement benefits provided by the policy or certificate.

D. Public Hearings. The Commissioner may conduct a public hearing to gather information concerning a request by an issuer for an increase in a rate for a policy form or certificate form issued before or after the effective date of Regulation 33 as revised July 20, 1992 if the experience of the form for the previous reporting period is not in compliance with the applicable loss ratio standard. The determination of compliance is made without consideration of any refund or credit for the reporting period. Public notice of the hearing shall be furnished in a manner deemed appropriate by the Commissioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1112 (June 1999), repromulgated LR 25:1492 (August 1999), amended LR 29:

§546. Reserved.

§547. Reserved.

§548. Reserved.

§549. Reserved.

§550. Filing and Approval of Policies and Certificates and Premium Rates

A. An issuer shall not deliver or issue for delivery a policy or certificate to a resident of this state unless the policy form or certificate form has been filed with and approved by the commissioner in accordance with filing requirements and procedures prescribed by the commissioner.

B. An issuer shall not use or change premium rates for a Medicare supplement policy or certificate unless the rates, rating schedule and supporting documentation have been filed with and approved by the commissioner in accordance with the filing requirements and procedures prescribed by the Commissioner.

C.1. Except as provided in Paragraph C.2 of this Subsection, an issuer shall not file for approval more than one form of a policy or certificate of each type for each standard Medicare supplement benefit plan.

2. An issuer may offer, with the approval of the Commissioner, up to four additional policy forms or certificate forms of the same type for the same standard Medicare supplement benefit plan, one for each of the following cases:

a. the inclusion of new or innovative benefits;

b. the addition of either direct response or agent marketing methods;

c. the addition of either guaranteed issue or underwritten coverage;

d. the offering of coverage to individuals eligible for Medicare by reason of disability.

3. For the purposes of this Section, a "type" means an individual policy, a group policy, an individual Medicare Select policy, or a group Medicare Select policy.

D.1. Except as provided in Subparaph D.1.a, an issuer shall continue to make available for purchase any policy form or certificate form issued after the effective date of this regulation that has been approved by the Commissioner. A policy form or certificate form shall not be considered to be available for purchase unless the issuer has actively offered it for sale in the previous 12 months.

a. An issuer may discontinue the availability of a policy form or certificate form if the issuer provides to the Commissioner, in writing, its decision at least 30 days prior to discontinuing the availability of the form of the policy or certificate. After receipt of the notice by the Commissioner, the issuer shall no longer offer for sale the policy form or certificate form in this state.

b. An issuer that discontinues the availability of a policy form or certificate form pursuant to Subparagraph (a) shall not file for approval a new policy form or certificate form of the same type for the same standard Medicare supplement benefit plan as the discontinued form for a period of 5 years after the issuer provides notice to the Commissioner of the discontinuance. The period of discontinuance may be reduced if the Commissioner determines that a shorter period is appropriate.

2. The sale or other transfer of Medicare supplement business to another issuer shall be considered a discontinuance for the purposes of this Subsection.

3. A change in the rating structure or methodology shall be considered a discontinuance under Paragraph D.1 unless the issuer complies with the following requirements:

a. The issuer provides an actuarial memorandum, in a form and manner prescribed by the Commissioner, describing the manner in which the revised rating methodology and resultant rates differ from the existing rating methodology and existing rates.

b. The issuer does not subsequently put into effect a change of rates or rating factors that would cause the percentage differential between the discontinued and subsequent rates as described in the actuarial memorandum to change. The Commissioner may approve a change to the differential, which is in the public interest.

E.1. Except as provided in Paragraph E.2, the experience of all policy forms or certificate forms of the same type in a standard Medicare supplement benefit plan shall be combined for purposes of the refund or credit calculation prescribed in §545 of this Regulation.

2. Forms assumed under an assumption reinsurance agreement shall not be combined with the experience of other forms for purposes of the refund or credit calculation.

F.1. An issuer that fails to implement an approved rate increase within six months after the approval date shall be prohibited from implementing such increase on future dates. The issuer shall notify the Commissioner when any approved rate increase has not been implemented.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1113 (June 1999), repromulgated LR 25:1494 (August 1999), amended LR 29:

§551. Reserved.

§552. Reserved.

§553. Reserved.

§554. Reserved.

§555. Permitted Compensation Arrangements

A. An issuer or other entity may provide commission or other compensation to an agent or other representative for the sale of a Medicare supplement policy or certificate only if the first year commission or other first year compensation is no more than 200 percent of the commission or other compensation paid for selling or servicing the policy or certificate in the second year or period.

B. The commission or other compensation provided in subsequent (renewal) years must be the same as that provided in the second year or period and must be provided for no fewer than 5 renewal years.

C. No issuer or other entity shall provide compensation to its agents or other producers, and no agent or producer shall receive compensation greater than the renewal compensation payable by the replacing issuer on renewal policies or certificates if an existing policy or certificate is replaced.

D. For purposes of this Section, "compensation" includes pecuniary or non-pecuniary remuneration of any kind relating to the sale or renewal of the policy or certificate including, but not limited to, bonuses, gifts, prizes, awards and finders fees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1114 (June 1999), repromulgated LR 25:1494 (August 1999), LR 29:

§556. Reserved.

§557. Reserved.

§558. Reserved.

§559. Reserved.

§560. Required Disclosure Provisions

A. General Rules

1. Medicare supplement policies and certificates shall include a renewal or continuation provision. The language or specifications of the provision shall be consistent with the type of contract issued. The provision shall be appropriately captioned and shall appear on the first page of the policy, and shall include any reservation by the issuer of the right to change premiums and any automatic renewal premium increases based on the policyholder's age.

2. Except for riders or endorsements by which the issuer effectuates a request made in writing by the insured, exercises a specifically reserved right under a Medicare supplement policy, or is required to reduce or eliminate benefits to avoid duplication of Medicare benefits, all riders or endorsements added to a Medicare supplement policy after date of issue or at reinstatement or renewal which reduce or eliminate benefits or coverage in the policy shall require a signed acceptance by the insured. After the date of policy or certificate issue, any rider or endorsement which increases benefits or coverage with a concomitant increase in premium during the policy term shall be agreed to, in writing, signed by the insured, unless the benefits are required by the minimum standards for Medicare supplement policies, or if the increased benefits or coverage is required by law. Where a separate additional premium is charged for benefits provided in connection with riders or endorsements, the premium charge shall be set forth in the policy.

3. Medicare supplement policies or certificates shall not provide for the payment of benefits based on standards described as "usual and customary," "reasonable and customary" or words of similar import.

4. If a Medicare supplement policy or certificate contains any limitations with respect to preexisting conditions, such limitations shall appear as a separate paragraph of the policy and be labeled as "Preexisting Condition Limitations."

5. Medicare supplement policies and certificates shall have a notice prominently printed on the first page of the policy or certificate stating in substance that the policyholder or certificateholder shall have the right to return the policy or certificate within 30 days of its delivery and to have the premium refunded if, after examination of the policy or certificate, the insured person is not satisfied for any reason.

6.a. Issuers of accident and sickness policies or certificates which provide hospital or medical expense coverage on an expense incurred or indemnity basis to persons eligible for Medicare shall provide to those applicants a Guide to Health Insurance for People with Medicare in the form developed jointly by the National Association of Insurance Commissioners and the Health Care Financing Administration and in a type size no smaller than 12 point type. Delivery of the Guide shall be made whether or not the policies or certificates are advertised, solicited, or issued as Medicare supplement policies or certificates, as defined in this regulation. Except in the case of direct response issuers, delivery of the Guide shall be made to the applicant at the time of application, and acknowledgement of receipt of the Guide shall be obtained by the issuer. Direct response issuers shall deliver the Guide to the applicant upon request but not later than at the time the policy is delivered.

b. For the purposes of this Section, *form* means the language, format, type size, type proportional spacing, bold character, and line spacing.

B. Notice Requirements.

1. As soon as practicable, but no later than 30 days prior to the annual effective date of any Medicare benefit changes, an issuer shall notify its policyholders and certificateholders of modifications it has made to Medicare supplement insurance policies or certificates in a format acceptable to the Commissioner. The notice shall:

a. include a description of revisions to the Medicare program and a description of each modification made to the coverage provided under the Medicare supplement policy or certificate; and

b. inform each policyholder or certificateholder as to when any premium adjustment is to be made due to changes in Medicare.

2. The notice of benefit modifications and any premium adjustments shall be in outline form and in clear and simple terms so as to facilitate comprehension.

3. The notices shall not contain or be accompanied by any solicitation.

C. Outline of Coverage Requirements for Medicare Supplement Policies.

1. Issuers shall provide an outline of coverage to all applicants at the time application is presented to the prospective applicant and, except for direct response policies, shall obtain an acknowledgement of receipt of the outline from the applicant; and

2. If an outline of coverage is provided at the time of application and the Medicare supplement policy or certificate is issued on a basis which would require revision of the outline, a substitute outline of coverage properly describing the policy or certificate shall accompany the policy or certificate when it is delivered and contain the following statement, in no less than twelve (12) point type, immediately above the company name: "NOTICE: Read this

outline of coverage carefully. It is not identical to the outline of coverage provided upon application and the coverage originally applied for has not been issued."

3.a. The outline of coverage provided to applicants pursuant to this Section consists of four parts:

i. a cover page;

ii. premium information;

iii. disclosure pages, and

iv. charts displaying the features of all benefit plansavailable by the issuer.

b. The outline of coverage shall be in the language and format prescribed below in no less than 12 point type. All plans A-J shall be shown on the cover page, and each Medicare supplement policy and certificate currently available by an issuer shall be prominently identified. Premium information for plans that are available shall be shown on the cover page or immediately following the cover page and shall be prominently displayed. The premium and mode shall be stated for all plans that are available to the prospective applicant. All possible premiums for the prospective applicant shall be illustrated.

4. The following items shall be included in the outline of coverage in the order prescribed below.

[COMPANY NAME]

Outline of Medicare Supplement Coverage-Cover Page:

Benefit Plan(s)_____[insert letter(s) of plan(s) available from the issuer]

Medicare supplement insurance can be sold in only ten standard plans plus two high deductible plans. This chart shows the benefits included in each plan. Every company must make available Plan A. Some plans may not be available in your state.

BASIC BENEFITS: Included in all plans.

Hospitalization: Part A coinsurance plus coverage for 365 additional days after Medicare benefits end.

Medical Expenses: Part B coinsurance (Generally, 20% of Medicare-approved expenses), or, in the case of hospital outpatient department services under a prospective payment system, applicable copayments.

Blood: First three pints of blood each year.

A	B	C	D	E	F F*	G	H	I	J J*
Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits
		Skilled Nursing Co-Insurance	Skilled Nursing Co-Insurance	Skilled Nursing Co-Insurance	Skilled Nursing Co-Insurance	Skilled Nursing Co-Insurance	Skilled Nursing Co-Insurance	Skilled Nursing Co-Insurance	Skilled Nursing Co-Insurance
	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible
		Part B Deductible			Part B Deductible				Part B Deductible
					Part B Excess (100%)	Part B Excess (80%)		Part B Excess (100%)	Part B Excess (100%)
		Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency
			At-Home Recovery			At-Home Recovery		At-Home Recovery	At-Home Recovery
							Basic Drugs ($1,250 Limit)	Basic Drugs ($1,250 Limit)	Extended Drugs ($3,000 Limit)
				Preventive Care					Preventive Care

*Plans F and J also have an option called a high deductible Plan F and a high deductible Plan J. These high deductible plans pay the same or offer the same benefits as Plan F and J after one has paid a calendar year [$1650] deductible. Benefits from high deductible Plans F and J will not begin until out-of-pocket expenses are [$1650]. Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. These expenses include the Medicare deductibles for Part A and Part B, but does not include, in Plan J, the plan's separate prescription drug deductible or, in Plans F and J, the plan's separate foreign travel emergency deductible.

PREMIUM INFORMATION [Boldface Type]

We [insert issuer's name] can only raise your premium if we raise the premium for all policies like yours in this State. [If the premium is based on the increasing age of the insured, include information specifying when premiums will change.]

DISCLOSURES [Boldface Type]

Use this outline to compare benefits and premiums among policies.

READ YOUR POLICY VERY CAREFULLY [Boldface Type]

This is only an outline describing your policy's most important features. The policy is your insurance contract. You must read the policy itself to understand all of the rights and duties of both you and your insurance company.

RIGHT TO RETURN POLICY [Boldface Type]

If you find that you are not satisfied with your policy, you may return it to [insert issuer's address]. If you send the policy back to us within 30 days after you receive it, we will treat the policy as if it had never been issued and return all of your payments.

POLICY REPLACEMENT [Boldface Type]

If you are replacing another health insurance policy, do NOT cancel it until you have actually received your new policy and are sure you want to keep it.

NOTICE [Boldface Type]

This policy may not fully cover all of your medical costs.

[for agents:]
Neither [insert company's name] nor its agents are connected with Medicare.

[for direct response:]
[insert company's name] is not connected with Medicare.

This outline of coverage does not give all the details of Medicare coverage. Contact your local Social Security Office or consult The Medicare Handbook for more details.

COMPLETE ANSWERS ARE VERY IMPORTANT [Boldface Type]

When you fill out the application for the new policy, be sure to answer truthfully and completely all questions about your medical and health history. The company may cancel your policy and refuse to pay any claims if you leave out or falsify important medical information. [If the policy or certificate is guaranteed issue, this paragraph need not appear.]

Review the application carefully before you sign it. Be certain that all information has been properly recorded.

[Include for each plan prominently identified in the cover page, a chart showing the services, Medicare payments, plan payments and insured payments for each plan, using the same language, in the same order, using uniform layout and format as shown in the charts below. No more than four plans may be shown on one chart. For purposes of illustration, charts for each plan are included in this regulation. An issuer may use additional benefit plan designations on these charts pursuant to §520.D of this Regulation.] [Include an explanation of any innovative benefits on the cover page and in the chart, in a manner approved by the Commissioner.]

Plan A

Medicare (Part A) --Hospital Services--Per Benefit Period

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

Services	Medicare Pays	Plan Pays	You Pay
Hospitalization*			
Semiprivate room and board, general nursing and miscellaneous services and supplies	All but $[840]	$0	$[840](Part A Deductible)
First 60 days	All but $[210] a day	$[210] a day	$0
61st thru 90th day	All but $[420] a day	$[420] a day	$0
91st day and after:	$0	100% of Medicare	$0
--While using 60 lifetime reserve days	$0	Eligible Expenses	All Costs
--Once lifetime reserve days are used:		$0	
--Additional 365 days			
--Beyond the additional 365 days			
Skilled Nursing Facility Care*			
You must meet Medicare's requirements including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital	All approved amounts	$0	$0
First 20 days	All but $[105.00] a day $0	$0	Up to $[105.00] a day
21st thru 100th day		$0	All costs
101st day and after			
Blood			
First 3 pints	$0	3 pints	$0
Additional amounts	100%	$0	$0
Hospice Care			
Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for out-patient drugs and inpatient respite care	$0	Balance

**NOTICE: When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

Plan A
Medicare (Part B) --Medical Services--Per Calendar Year

*Once you have been billed $100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

Services	Medicare Pays	Plan Pays	You Pay
Medical Expenses-- In Or Out Of The Hospital And Outpatient Hospital Treatment, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment,			
First $100 of Medicare Approved Amounts*	$0	$0	$100 (Part B Deductible)
Remainder of Medicare Approved Amounts	Generally, 80%	Generally, 20%	$0
Part B Excess Charges (Above Medicare Approved Amounts)	$0	$0	All Costs
Blood			
First 3 pints	$0	All Costs	$0
Next $100 of Medicare Approved Amounts*	$0	$0	$100 (Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	$0
Clinical Laboratory Services-- Blood Tests For Diagnostic Services	100%	$0	$0

Parts A and B

Home Health Care Medicare Approved Services --Medically necessary skilled care services and medical supplies	100%	$0	$0
--Durable medical equipment			
First $100 of Medicare Approved Amounts*	$0	$0	$100 (Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	$0

Plan B
Medicare (Part A) --Hospital Services--Per Benefit Period

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

Services	Medicare Pays	Plan Pays	You Pay
Hospitalization*			
Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but $[840]	$[840](Part A Deductible)	$0
61st thru 90th day	All but $[210] a day	$[210] a day	$0
91st day and after:			
--While using 60 lifetime reserve days	All but $[420] a day	$[420] a day	$0
--Once lifetime reserve days are used:	$0	100% of Medicare Eligible Expenses	
--Additional 365 days			$0
--Beyond the additional 365 days	$0	$0	All Costs
Skilled Nursing Facility Care*			
You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	$0	$0
21st thru 100th day	All but $[105.00] a day	$0	Up to $[105.00] a day
101st day and after	$0	$0	All costs
Blood			
First 3 pints	$0	3 pints	$0
Additional amounts	100%	$0	$0
Hospice Care			
Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for out-patient drugs and inpatient respite care	$0	Balance

**NOTICE: When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

Plan B

Medicare (Part B) --Medical Services--Per Calendar Year

*Once you have been billed $100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

Services	Medicare Pays	Plan Pays	You Pay
Medical Expenses-- In Or Out Of The Hospital And Outpatient Hospital Treatment, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment,			
First $100 of Medicare Approved Amounts*	$0	$0	$100(Part B Deductible)
Remainder of Medicare Approved Amounts	Generally, 80%	Generally, 20%	$0
Part B Excess Charges (Above Medicare Approved Amounts)	$0	$0	All Costs
Blood			
First 3 pints	$0	All Costs	$0
Next $100 of Medicare Approved Amounts*	$0	$0	$100(Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	$0
Clinical Laboratory Services-- Blood Tests For Diagnostic Services	100%	$0	$0

Parts A and B

Home Health Care Medicare Approved Services --Medically necessary skilled care services and medical supplies	100%	$0	$0
--Durable medical equipment			
First $100 of Medicare Approved Amounts*	$0	$0	$100(Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	$0

Plan C

Medicare (Part A) --Hospital Services--Per Benefit Period

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

Services	Medicare Pays	Plan Pays	You Pay
Hospitalization*			
Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but $[840]	$[840](Part A Deductible)	$0
61st thru 90th day	All but $[210] a day	$[210] a day	$0
91st day and after:			
--While using 60 lifetime reserve days	All but $[420] a day	$[420] a day	$0
--Once lifetime reserve days are used:		100% of Medicare	
--Additional 365 days	$0	Eligible Expenses	$0
--Beyond the additional 365 days	$0	$0	All Costs
Skilled Nursing Facility Care*			
You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	$0	$0
21st thru 100th day	All but $[105.00] a day	Up to $[105.00] a day	$0
101st day and after	$0	$0	All costs
Blood	$0	3 pints	$0
First 3 pints	100%	$0	$0
Additional amounts			
Hospice Care Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for out-patient drugs and inpatient respite care	$0	Balance

**NOTICE: When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

Plan C

Medicare (Part B) --Medical Services--Per Calendar Year

*Once you have been billed $100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

Services	Medicare Pays	Plan Pays	You Pay
Medical Expenses-- In Or Out Of The Hospital And Outpatient Hospital Treatment, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment,			
First $100 of Medicare Approved Amounts*	$0	$100(Part B Deductible)	$0
Remainder of Medicare Approved Amounts	Generally, 80%	Generally, 20%	$0
Part B Excess Charges (Above Medicare Approved Amounts)	$0	$0	All Costs
Blood			
First 3 pints	$0	All Costs	$0
Next $100 of Medicare Approved Amounts*	$0	$100(Part B Deductible)	$0
Remainder of Medicare Approved Amounts	80%	20%	$0
Clinical Laboratory Services-- Blood Tests For Diagnostic Services	100%	$0	$0

Parts A and B

Home Health Care Medicare Approved Services --Medically necessary skilled care services and medical supplies	100%	$0	$0
--Durable medical equipment First $100 of Medicare Approved Amounts*	$0	$100(Part B Deductible)	$0
Remainder of Medicare Approved Amounts	80%	20%	$0

Other Benefits--Not Covered By Medicare

Foreign Travel-- Not Covered By Medicare Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First $250 each calendar year	$0	$0	$250
Remainder of Charges	$0	80% to a lifetime maximum benefit of $50,000	20% and amounts over the $50,000 lifetime maximum

Plan D

Medicare (Part A) --Hospital Services--Per Benefit Period

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

Services	Medicare Pays	Plan Pays	You Pay
Hospitalization*			
Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but $[840]	$[840](Part A Deductible)	$0
61st thru 90th day	All but $[210] a day	$[210] a day	$0
91st day and after:			
--While using 60 lifetime reserve days	All but $[420] a day	$[420] a day	$0
--Once lifetime reserve days are used:		100% of Medicare	
--Additional 365 days	$0	Eligible Expenses	$0
--Beyond the additional 365 days	$0	$0	All Costs
Skilled Nursing Facility Care*			
You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	$0	$0
21st thru 100th day	All but $[105.00] a day	Up to $[105.00] a day	$0
101st day and after	$0	$0	All costs
Blood			
First 3 pints	$0	3 pints	$0
Additional amounts	100%	$0	$0
Hospice Care			
Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for out-patient drugs and inpatient respite care	$0	Balance

**NOTICE: When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

Plan D

Medicare (Part B) --Medical Services--Per Calendar Year

*Once you have been billed $100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

Services	Medicare Pays	Plan Pays	You Pay
Medical Expenses-- In Or Out Of The Hospital And Outpatient Hospital Treatment, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment,			
First $100 of Medicare Approved Amounts*	$0	$0	$100(Part B Deductible)
Remainder of Medicare Approved Amounts	Generally, 80%	Generally, 20%	$0
Part B Excess Charges (Above Medicare Approved Amounts)	$0	$0	All Costs
Blood			
First 3 pints	$0	All Costs	$0
Next $100 of Medicare Approved Amounts*	$0	$0	$100(Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	$0
Clinical Laboratory Services-- Blood Tests For Diagnostic Services	100%	$0	$0

Plan D (continued)
Parts A and B

Services	Medicare Pays	Plan Pays	You Pay
Home Health Care			
Medicare Approved Services			
--Medically necessary skilled care services and medical supplies	100%	$0	$0
--Durable medical equipment			
First $100 of Medicare Approved Amounts*	$0	$0	$100(Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	$0
At-Home Recovery Services--Not Covered By Medicare			
Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a Home Care Treatment Plan			
--Benefit for each visit	$0	Actual Charges to $40 a visit	Balance
--Number of visits covered (must be received within 8 weeks of last Medicare Approved visit)	$0	Up to the number of Medicare Approved visits, not to exceed 7 each week	
--Calendar year maximum	$0	$1,600	

Other Benefits--Not Covered By Medicare

Foreign Travel--			
Not Covered By Medicare			
Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First $250 each calendar year	$0	$0	$250
Remainder of Charges	$0	80% to a lifetime maximum benefit of $50,000	20% and amounts over the $50,000 lifetime maximum

Plan E
Medicare (Part A) --Hospital Services--Per Benefit Period

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

Services	Medicare Pays	Plan Pays	You Pay
Hospitalization*			
Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but $[840]	$[840](Part A Deductible)	$0
61st thru 90th day	All but $[210] a day	$[210] a day	$0
91st day and after:			
--While using 60 lifetime reserve days	All but $[420] a day	$[420] a day	$0
--Once lifetime reserve days are used:		100% of Medicare	
--Additional 365 days	$0	Eligible Expenses	$0
--Beyond the additional 365 days	$0	$0	All Costs
Skilled Nursing Facility Care*			
You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	$0	$0
21st thru 100th day	All but $[105.00] a day	Up to $[105.00] a day	$0
101st day and after	$0	$0	All costs
Blood			
First 3 pints	$0	3 pints	$0
Additional amounts	100%	$0	$0
Hospice Care			
Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for out-patient drugs and inpatient respite care	$0	Balance

**NOTICE: When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

Plan E

Medicare (Part B) --Medical Services--Per Calendar Year

*Once you have been billed $100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year

Services	Medicare Pays	Plan Pays	You Pay
Medical Expenses-- In Or Out Of The Hospital And Outpatient Hospital Treatment, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment,			
First $100 of Medicare Approved Amounts*	$0	$0	$100(Part B Deductible)
Remainder of Medicare Approved Amounts	Generally, 80%	Generally, 20%	$0
Part B Excess Charges (Above Medicare Approved Amounts)	$0	$0	All Costs
Blood			
First 3 pints	$0	All Costs	$0
Next $100 of Medicare Approved Amounts*	$0	$0	$100(Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	$0
Clinical Laboratory Services-- Blood Tests For Diagnostic Services	100%	$0	$0

Parts A and B

Home Health Care Medicare Approved Services --Medically necessary skilled care services and medical supplies	100%	$0	$0
--Durable medical equipment			
First $100 of Medicare Approved Amounts*	$0	$0	$100(Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	$0

Plan E (Continued)

Other Benefits--Not Covered By Medicare

Services	Medicare Pays	Plan Pays	You Pay
Foreign Travel-- Not Covered By Medicare Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First $250 each calendar year	$0	$0	$250
Remainder of Charges	$0	80% to a lifetime maximum benefit of $50,000	20% and amounts over the $50,000 lifetime maximum
***Preventive Medical Care Benefit--Not Covered By Medicare** Some annual physical and preventive tests and services such as: digital rectal exam, hearing screening, dipstick urinalysis, diabetes screening, thyroid function test, tetanus and diphtheria booster and education, administered or ordered by your doctor when not covered by Medicare			
First $120 each calendar year	$0	$120	$0
Additional charges	$0	$0	All Costs

***Medicare benefits are subject to change. Please consult the latest *Guide to Health Insurance for People* with Medicare.

Plan F Or High Deductible Plan F
Medicare (Part A) --Hospital Services--Per Benefit Period

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.
**This high deductible plan pays the same or offers the same benefits as Plan F after one has paid a calendar year [$1580] deductible. Benefits from the high deductible Plan F will not begin until out-of-pocket expenses are [$1580]. Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. This includes the Medicare deductibles for Part A and Part B, but does not include the plan's separate foreign travel emergency deductible.

Services	Medicare Pays	After You Pay$1650 Deductible,** Plan Pays	In Addition To $1650 Deductible,** You Pay
Hospitalization*			
Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days		$[840](Part A Deductible)	
61st thru 90th day	All but $[840]	$[210] a day	$0
91st day and after:	All but $[210] a day		$0
--While using 60 lifetime reserve days	All but $[420] a day	$[420] a day	$0
--Once lifetime reserve days are used:			
--Additional 365 days	$0	100% of Medicare Eligible Expenses	$0
--Beyond the additional 365 days	$0	$0	All Costs
Skilled Nursing Facility Care*			
You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	$0	$0
21st thru 100th day	All but $[105.00] a day	Up to $[105.00] a day	$0
101st day and after	$0	$0	All costs
Blood			
First 3 pints	$0	3 pints	$0
Additional amounts	100%	$0	$0
Hospice Care			
Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for out-patient drugs and inpatient respite care	$0	Balance

***NOTICE: When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance on any difference between its billed charges and the amount Medicare would have paid.

Plan F Or High Deductible Plan F (Continued)
Medicare (Part B) --Medical Services--Per Calendar Year

*Once you have been billed $100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.
**This high deductible plan pays the same or offers the same benefits as Plan F after one has paid a calendar year [$1650] deductible. Benefits from the high deductible Plan F will not begin until out-of-pocket expenses are [$1650]. Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. This includes the Medicare deductibles for Part A and Part B, but does not include the plan's separate foreign travel emergency deductible.

Services	Medicare Pays	After You Pay $1650 Deductible,** Plan Pays	In Addition To $1650 Deductible,** You Pay
Medical Expenses-- In Or Out Of The Hospital And Outpatient Hospital Treatment, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment,			
First $100 of Medicare Approved Amounts*	$0	$100(Part B Deductible)	$0
Remainder of Medicare Approved Amounts	Generally, 80%	Generally, 20%	$0
Part B Excess Charges (Above Medicare Approved Amounts)	$0	100%	$0
Blood			
First 3 pints	$0	All Costs	$0
Next $100 of Medicare Approved Amounts*	$0	$100(Part B Deductible)	$0
Remainder of Medicare Approved Amounts	80%	20%	$0
Clinical Laboratory Services-- Blood Tests For Diagnostic Services	100%	$0	$0

Parts A and B

Home Health Care Medicare Approved Services --Medically necessary skilled care services and medical supplies	100%	$0	$0
--Durable medical equipment First $100 of Medicare Approved Amounts*	$0	$100(Part B Deductible)	$0
Remainder of Medicare Approved Amounts	80%	20%	$0

Plan F Or High Deductible Plan F (Continued.)
Other Benefits--Not Covered By Medicare

Services	Medicare Pays	After You Pay $1650 Deductible,** Plan Pays	In Addition To $1650 Deductible,** You Pay
Foreign Travel--			
Not Covered By Medicare			
Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First $250 each calendar year	$0	$0	
Remainder of Charges	$0	80% to a lifetime maximum benefit of $50,000	$250 20% and amounts over the $50,000 lifetime maximum

Plan G

Medicare (Part A) --Hospital Services--Per Benefit Period

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

Services	Medicare Pays	Plan Pays	You Pay
Hospitalization*			
Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days			
61st thru 90th day	All but $[840]	$[840](Part A Deductible)	$0
91st day and after:	All but $[210] a day	$[210] a day	$0
--While using 60 lifetime reserve days	All but $[420] a day	$[420] a day	$0
--Once lifetime reserve days are used:		100% of Medicare	
--Additional 365 days	$0	Eligible Expenses	$0
--Beyond the additional 365 days	$0	$0	All Costs
Skilled Nursing Facility Care*			
You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	$0	$0
21st thru 100th day	All but $[105.00] a day	Up to $[105.00] a day	$0
101st day and after	$0	$0	All costs
Blood			
First 3 pints	$0	3 pints	$0
Additional amounts	100%	$0	$0
Hospice Care			
Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for out-patient drugs and inpatient respite care	$0	Balance

**NOTICE: When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

Plan G

Medicare (Part B) --Medical Services--Per Calendar Year

*Once you have been billed $100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

Services	Medicare Pays	Plan Pays	You Pay
Medical Expenses-- In Or Out Of The Hospital And Outpatient Hospital Treatment, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment,			
First $100 of Medicare Approved Amounts*	$0	$0	$100(Part B Deductible)
Remainder of Medicare Approved Amounts	Generally, 80%	Generally, 20%	$0
Part B Excess Charges (Above Medicare Approved Amounts)	$0	80%	20%
Blood			
First 3 pints	$0	All Costs	$0
Next $100 of Medicare Approved Amounts*	$0	$0	$100(Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	$0
Clinical Laboratory Services-- Blood Tests For Diagnostic Services	100%	$0	$0

Plan G (Continued)
Parts A and B

Services	Medicare Pays	Plan Pays	You Pay
Home Health Care			
Medicare Approved Services			
--Medically necessary skilled care services and medical supplies	100%	$0	$0
--Durable medical equipment			
First $100 of Medicare Approved Amounts*	$0	$0	$100(Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	$0
At-Home Recovery Services--Not Covered By Medicare			
Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a Home Care Treatment Plan			Balance
--Benefit for each visit	$0	Actual Charges to $40 a visit	
--Number of visits covered (must be received within 8 weeks of last Medicare Approved visit)	$0	Up to the number of Medicare Approved visits, not to exceed 7 each week	
--Calendar year maximum	$0	$1,600	

Other Benefits--Not Covered By Medicare

Foreign Travel-- Not Covered By Medicare Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First $250 each calendar year	$0	$0	$250
Remainder of Charges	$0	80% to a lifetime maximum benefit of $50,000	20% and amounts over the $50,000 lifetime maximum

Plan H

Medicare (Part A) --Hospital Services--Per Benefit Period

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

Services	Medicare Pays	Plan Pays	You Pay
Hospitalization*			
Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days			
61st thru 90th day	All but $[840]	$[840](Part A Deductible)	$0
91st day and after:	All but $[210] a day	$[210] a day	$0
--While using 60 lifetime reserve days	All but $[420] a day	$[420] a day	$0
--Once lifetime reserve days are used:			
--Additional 365 days	$0	100% of Medicare Eligible Expenses	$0
--Beyond the additional 365 days	$0	$0	All Costs
Skilled Nursing Facility Care*			
You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	$0	$0
21st thru 100th day	All but $[105.00] a day	Up to $[105.00] a day	$0
101st day and after	$0	$0	All costs
Blood			
First 3 pints	$0	3 pints	$0
Additional amounts	100%	$0	$0
Hospice Care			
Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for out-patient drugs and inpatient respite care	$0	Balance

**NOTICE: When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

Plan H

Medicare (Part B) --Medical Services--Per Calendar Year

*Once you have been billed $100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

Services	Medicare Pays	Plan Pays	You Pay
Medical Expenses-- In Or Out Of The Hospital And Outpatient Hospital Treatment, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment,			
First $100 of Medicare Approved Amounts*	$0	$0	$100(Part B Deductible)
Remainder of Medicare Approved Amounts	Generally, 80%	Generally, 20%	$0
Part B Excess Charges (Above Medicare Approved Amounts)	$0	$0	All Costs
Blood			
First 3 pints	$0	All Costs	$0
Next $100 of Medicare Approved Amounts*	$0	$0	$100(Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	$0
Clinical Laboratory Services-- Blood Tests For Diagnostic Services	100%	$0	$0

Parts A and B

Home Health Care	100%	$0	$0
Medicare Approved Services	$0	$0	$100(Part B Deductible)
--Medically necessary skilled care services and medical supplies	80%	20%	$0
--Durable medical equipment			
First $100 of Medicare Approved Amounts*			
Remainder of Medicare Approved Amounts			

Plan H (Continued)
Other Benefits--Not Covered By Medicare

Services	Medicare Pays	Plan Pays	You Pay
Foreign Travel-- Not Covered By Medicare Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First $250 each calendar year	$0	$0	$250
Remainder of Charges	$0	80% to a lifetime maximum benefit of $50,000	20% and amounts over the $50,000 lifetime maximum
Basic Outpatient Prescription Drugs--Not Covered By Medicare			
First $250 each calendar year	$0	$0	$250
Next $2,500 each calendar year	$0	50%--$1,250 calendar year maximum benefit	50%
Over $2,500 each calendar year	$0	$0	All Costs

Plan I
Medicare (Part A) --Hospital Services--Per Benefit Period

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

Services	Medicare Pays	Plan Pays	You Pay
Hospitalization* Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but $[840]	$[840](Part A Deductible)	$0
61st thru 90th day	All but $[210] a day	$[210] a day	$0
91st day and after:			
--While using 60 lifetime reserve days	All but $[420] a day	$[420] a day	$0
--Once lifetime reserve days are used:			
--Additional 365 days	$0	100% of Medicare Eligible Expenses	$0
--Beyond the additional 365 days	$0	$0	All Costs
Skilled Nursing Facility Care* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	$0	$0
21st thru 100th day	All but $[105.00] a day	Up to $[105.00] a day	$0
101st day and after	$0	$0	All costs
Blood			
First 3 pints	$0	3 pints	$0
Additional amounts	100%	$0	$0
Hospice Care Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for out-patient drugs and inpatient respite care	$0	Balance

**NOTICE: When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

Plan I

Medicare (Part B) --Medical Services--Per Calendar Year

*Once you have been billed $100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

Services	Medicare Pays	Plan Pays	You Pay
Medical Expenses-- In Or Out Of The Hospital And Outpatient Hospital Treatment, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment,			
First $100 of Medicare Approved Amounts*	$0	$0	$100(Part B Deductible)
Remainder of Medicare Approved Amounts	Generally, 80%	Generally, 20%	$0
Part B Excess Charges (Above Medicare Approved Amounts)	$0	100%	$0
Blood			
First 3 pints	$0	All Costs	$0
Next $100 of Medicare Approved Amounts*	$0	$0	$100(Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	$0
Clinical Laboratory Services-- Blood Tests For Diagnostic Services	100%	$0	$0

Plan I (Continued)
Parts A and B

Services	Medicare Pays	Plan Pays	You Pay
Home Health Care Medicare Approved Services			
--Medically necessary skilled care services and medical supplies	100%	$0	$0
--Durable medical equipment			
First $100 of Medicare Approved Amounts*	$0	$0	$100(Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	$0
At-Home Recovery Services--Not Covered By Medicare Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a Home Care Treatment Plan			
--Benefit for each visit	$0	Actual Charges to $40 a visit	Balance
--Number of visits covered (must be received within 8 weeks of last Medicare Approved visit)	$0	Up to the number of Medicare Approved visits, not to exceed 7 each week	
--Calendar year maximum	$0	$1,600	

Other Benefits--Not Covered By Medicare

Foreign Travel-- Not Covered By Medicare Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA First $250 each calendar year Remainder of Charges	 $0 $0	 $0 80% to a lifetime maximum benefit of $50,000	 $250 20% and amounts over the $50,000 lifetime maximum
Basic Outpatient Prescription Drugs--Not Covered By Medicare First $250 each calendar year Next $2,500 each calendar year Over $2,500 each calendar year	 $0 $0 $0	 $0 50%--$1,250 calendar year maximum benefit $0	 $250 50% All Costs

Plan J Or High Deductible Plan J

Medicare (Part A) --Hospital Services--Per Benefit Period

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

**This high deductible plan pays the same or offers the same benefits as Plan J after one has paid a calendar year [$1650] deductible. Benefits from high deductible Plan J will not begin until out-of-pocket expenses are [$1650]. Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. This includes the Medicare deductibles for Part A and Part B, but does not include the plan's separate prescription drug deductible or the plan's separate foreign travel emergency deductible.

Services	Medicare Pays	After You Pay $1650 Deductible, ** Plan Pays	In Addition To $1650 Deductible, ** You Pay
Hospitalization* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: --While using 60 lifetime reserve days --Once lifetime reserve days are used: --Additional 365 days --Beyond the additional 365 days	 All but $[840] All but $[210] a day All but $[420] a day $0 $0	 $[840](Part A Deductible) $[210] a day $[420] a day 100% of Medicare Eligible Expenses $0	 $0 $0 $0 $0 All Costs
Skilled Nursing Facility Care* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	 All approved amounts All but $[105.00] a day $0	 $0 Up to $[105.00] a day $0	 $0 $0 All costs
Blood First 3 pints Additional amounts	 $0 100%	 3 pints $0	 $0 $0
Hospice Care Available as long as your doctor certifies you are terminally ill and you elect to receive these services	 All but very limited coinsurance for out-patient drugs and inpatient respite care	 $0	 Balance

***NOTICE: When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

Plan J Or High Deductible Plan J (Continued)

Medicare (Part B) --Medical Services--Per Calendar Year

*Once you have been billed $100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

**This high deductible plan pays the same or offers the same benefits as Plan J after one has paid a calendar year [$1650] deductible. Benefits from high deductible Plan J will not begin until out-of-pocket expenses are [$1650]. Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. This includes the Medicare deductibles for Part A and Part B, but does not include the plan's separate prescription drug deductible or the plan's separate foreign travel emergency deductible.

Services	Medicare Pays	After You Pay $1650 Deductible, ** Plan Pays	In Addition To $1650 Deductible, ** You Pay
Medical Expenses--			
In Or Out Of The Hospital And Outpatient Hospital Treatment, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment,			
First $100 of Medicare Approved Amounts*	$0	$100(Part B Deductible)	$0
Remainder of Medicare Approved Amounts	Generally, 80%	Generally, 20%	$0
Part B Excess Charges (Above Medicare Approved Amounts)	$0	100%	$0
Blood			
First 3 pints	$0	All Costs	$0
Next $100 of Medicare Approved Amounts*	$0	$100(Part B Deductible)	$0
Remainder of Medicare Approved Amounts	80%	20%	$0
Clinical Laboratory Services--			
Blood Tests For Diagnostic Services	100%	$0	$0

Parts A and B

Home Health Care			
Medicare Approved Services			
--Medically necessary skilled care services and medical supplies	100%	$0	$0
--Durable medical equipment			
First $100 of Medicare Approved Amounts*	$0	$100(Part B Deductible)	$0
Remainder of Medicare Approved Amounts	80%	20%	$0

Plan J Or High Deductible Plan J (Continued)

Medicare (Part B) - Medical Services - Per Calendar Year
Parts A and B (Continued)

Services	Medicare Pays	After You Pay $1650 Deductible, ** Plan Pays	In Addition To $1650 Deductible, ** You Pay
Home Health Care(Cont'd)			
At-Home Recovery Services--Not Covered By Medicare			
Home care certified by your doctor, for personal care beginning during recovery from an injury or sickness for which Medicare approved a Home Care Treatment Plan			
--Benefit for each visit	$0	Actual Charges to $40 a visit	Balance
--Number of visits covered (must be received within 8 weeks of last Medicare Approved visit)	$0	Up to the number of Medicare Approved visits, not to exceed 7 each week	
--Calendar year maximum	$0	$1,600	

Plan J Or High Deductible Plan J (Continued)

Parts A And B (Continued)
Other Benefits--Not Covered By Medicare

Services	Medicare Pays	After You Pay $1650 Deductible, ** Plan Pays	In Addition To $1650 Deductible, ** You Pay
Foreign Travel--			
Not Covered By Medicare			
Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First $250 each calendar year	$0	$0	$250
Remainder of Charges	$0	80% to a lifetime maximum benefit of $50,000	20% and amounts over the $50,000 lifetime maximum
Extended Outpatient			
Prescription Drugs--Not Covered By Medicare			
First $250 each calendar year	$0	$0	$250
Next $6,000 each calendar year	$0	50%--$3,000 calendar year maximum benefit	50%
Over $6,000 each calendar year	$0	$0	All Costs
***Preventive Medical Care Benefit--Not Covered By Medicare**			
Some annual physical and preventive tests and services such as: digital rectal exam, hearing screening, dipstick urinalysis, diabetes screening, thyroid function test, tetanus and diphtheria booster and education, administered or ordered by your doctor when not covered by Medicare			
First $120 each calendar year	$0	$120	$0
Additional charges	$0	$0	All Costs

***Medicare benefits are subject to change. Please consult the latest *Guide to Health Insurance for People* with Medicare.

D. Notice Regarding Policies or Certificates Which Are Not Medicare Supplement Policies.

1. Any accident and sickness insurance policy or certificate, other than a Medicare supplement policy; a policy issued pursuant to a contract under Section 1876 of the Federal Social Security Act (42 U.S.C. §1395 et seq.), disability income policy; or other policy identified in §502.B of this regulation, issued for delivery in this state to persons eligible for Medicare shall notify insureds under the policy that the policy is not a Medicare supplement policy or certificate. The notice shall either be printed or attached to the first page of the outline of coverage delivered to insureds under the policy, or if no outline of coverage is delivered, to the first page of the policy, or certificate delivered to insureds. The notice shall be in no less than 12 point type and shall contain the following language: "This [policy or certificate] is not a medicare supplement [policy or contract]. If you are eligible for Medicare, review the Guide to Health Insurance for People with Medicare available from the company."

2. Applications provided to persons eligible for Medicare for the health insurance policies or certificates described in Paragraph D.1 shall disclose, using the applicable statement in Appendix C, the extent to which the policy duplicates Medicare. The disclosure statement shall be provided as a part of, or together with, the application for the policy or certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1114 (June 1999), repromulgated LR 25:1495 (August 1999), amended LR 29:

§561. Reserved.

§562. Reserved.

§563. Reserved.

§564. Reserved.

§565. Requirements for Application Forms and Replacement Coverage

A. Application forms shall include the following questions designed to elicit information as to whether, as of the date of the application, the applicant has another Medicare supplement or other health insurance policy or certificate in force or whether a Medicare supplement policy or certificate is intended to replace any other accident and sickness policy or certificate presently in force. A supplementary application or other form to be signed by the applicant and agent containing such questions and statements may be used.

B. An application for a Medicare Supplement policy shall not be combined with an application for any other type of insurance coverage. The application may not make reference to or include questions regarding other types of insurance coverage except for those questions specifically required under this section.

1. [Statements]

a. You do not need more than one Medicare supplement policy.

b. If you purchase this policy, you may want to evaluate your existing health coverage and decide if you need multiple coverages.

c. You may be eligible for benefits under Medicaid and may not need a Medicare supplement policy.

d. The benefits and premiums under your Medicare supplement policy can be suspended, if requested, during your entitlement to benefits under Medicaid for 24 months. You must request this suspension within 90 days of becoming eligible for Medicaid. If you are no longer entitled to Medicaid, your policy will be reinstituted if requested within 90 days of losing Medicaid eligibility.

e. Counseling services may be available in your state to provide advice concerning your purchase of Medicare supplement insurance and concerning medical assistance through the state Medicaid program, including benefits as a Qualified Medicare Beneficiary (QMB) and a Specified Low-Income Medicare Beneficiary (SLMB).

2. [Questions]

a. To the best of your knowledge,

i. Do you have another Medicare supplement policy or certificate in force?

(a). If so, with which company?

(b). If so, do you intend to replace your current Medicare supplement policy with this policy [certificate]?

ii. Do you have any other health insurance coverage that provides benefits similar to this Medicare supplement policy?

(a). If so, with which company?

(b). What kind of policy?

iii. Are you covered for medical assistance through the state Medicaid program:

(a). As a Specified Low-Income Medicare Beneficiary (SLMB)?

(b). As a Qualified Medicare Beneficiary (QMB)?

(c). For other Medicaid medical benefits?

C. Agents shall list any other health insurance policies they have sold to the applicant.

1. List policies sold which are still in force.

2. List policies sold in the past five years, which are no longer in force.

D. In the case of a direct response issuer, a copy of the application or supplemental form, signed by the applicant, and acknowledged by the insurer, shall be returned to the applicant by the insurer upon delivery of the policy.

E. Upon determining that a sale will involve replacement of Medicare supplement coverage, any issuer, other than a direct response issuer, or its agent, shall furnish the applicant, prior to issuance or delivery of the Medicare supplement policy or certificate, a notice regarding replacement of Medicare supplement coverage. One copy of the notice, signed by the applicant and the agent, except where the coverage is sold without an agent, shall be provided to the applicant and an additional signed copy shall be retained by the issuer. A direct response issuer shall deliver to the applicant, at the time of the issuance of the policy, the notice regarding replacement of Medicare supplement coverage.

F. The notice required by Subsection D above for an issuer shall be provided in substantially the following form in no less than 12 point type:

NOTICE TO APPLICANT REGARDING REPLACEMENT OF MEDICARE SUPPLEMENT INSURANCE

[Insurance company's name and address]

SAVE THIS NOTICE! IT MAY BE IMPORTANT TO YOU IN THE FUTURE.

According to [your application] [information you have furnished], you intend to terminate existing Medicare supplement insurance and replace it with a policy to be issued by [Company Name] Insurance Company. Your new policy will provide thirty (30) days within which you may decide without cost whether you desire to keep the policy.

You should review this new coverage carefully. Compare it with all accident and sickness coverage you now have. If, after due consideration, you find that purchase of this Medicare supplement coverage is a wise decision, you should terminate your present Medicare supplement coverage. You should evaluate the need for other accident and sickness coverage you have that may duplicate this policy.

STATEMENT TO APPLICANT BY ISSUER, AGENT [BROKER OR OTHER REPRESENTATIVE]:

I have reviewed your current medical or health insurance coverage. To the best of my knowledge, this Medicare supplement policy will not duplicate your existing Medicare supplement coverage because you intend to terminate your existing Medicare supplement coverage. The replacement policy is being purchased for the following reason (check one):

_____ Additional benefits.
_____ No change in benefit, but lower premiums.
_____ Fewer benefits and lower premiums.
_____ Other. (please specify)
_____
_____
_____

1. Health conditions which you may presently have (preexisting conditions) may not be immediately or fully covered under the new policy. This could result in denial or delay of a claim for benefits under the new policy, whereas a similar claim might have been payable under your present policy.

2. State law provides that your replacement policy or certificate may not contain new preexisting conditions, waiting periods, elimination periods or probationary periods. The insurer will waive any time periods applicable to preexisting conditions, waiting periods, elimination periods, or probationary periods in the new policy (or coverage) to the extent such time was spent (depleted) under the original policy.

3. If, you still wish to terminate your present policy and replace it with new coverage, be certain to truthfully and completely answer all questions on the application concerning your medical and health history. Failure to include all material medical information on an application may provide a basis for the company to deny any future claims and to refund your premium as though your policy had never been in force. After the application has been completed and before you sign it, review it carefully to be certain that all information has been properly recorded. [If the policy or certificate is guaranteed issue, this paragraph need not appear.]

Do not cancel your present policy until you have received your new policy and are sure that you want to keep it.

_____
(Signature of Agent, Broker or Other Representative)*

[Typed Name and Address of Issuer, Agent or Broker]

_____
(Applicant's Signature)

_____
(Date)

*Signature not required for direct response sales.

G. Paragraphs 1 and 2 of the replacement notice (applicable to preexisting conditions) may be deleted by an issuer if the replacement does not involve application of a new preexisting condition limitation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1130 (June 1999). repromulgated LR 25:1510 (August 1999), repromulgated LR 29:

§566. Reserved.

§567. Reserved.

§568. Reserved.

§569. Reserved.

§570. Filing Requirements for Advertising

A. An issuer shall provide a copy of any Medicare supplement advertisement intended for use in this state whether through written, radio or television medium to the Commissioner of Insurance of this state for review and approval by the Commissioner to the extent permitted under the Insurance Code, particularly under R.S. 22:1215.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1131 (June 1999), repromulgated LR 25:11512 (August 1999), repromulgated LR 29:

§571. Reserved.

§572. Reserved.

§573. Reserved.

§574. Reserved.

§575. Standards for Marketing

A. An issuer, directly or through its producers, shall:

1. establish marketing procedures to assure that any comparison of policies by its agents or other producers will be fair and accurate;

2. establish marketing procedures to assure excessive insurance is not sold or issued;

3. display prominently by type, stamp or other appropriate means, on the first page of the policy the following: "Notice to buyer: This policy may not cover all of your medical expenses."

4. inquire and otherwise make every reasonable effort to identify whether a prospective applicant or enrollee for Medicare supplement insurance already has accident and sickness insurance and the types and amounts of any such insurance;

5. establish auditable procedures for verifying compliance with this Subsection A.

B. In addition to the practices prohibited in Louisiana Revised Statutes 22:1211 et seq. the following acts and practices are prohibited:

1. Twisting. Making any misleading representation or incomplete or fraudulent comparison of any insurance policies or insurers for the purpose of inducing, or tending to induce, any person to lapse, forfeit, surrender, terminate, retain, pledge, assign, borrow on, or convert any insurance policy or to take out a policy of insurance with another insurer.

2. High pressure tactics. Employing any method of marketing having the effect of or tending to induce the purchase of insurance through force, fright, threat, whether explicit or implied, or undue pressure to purchase or recommend the purchase of insurance.

3. Cold lead advertising. Making use directly or indirectly of any method of marketing which fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by an insurance agent or insurance company.

C. The terms Medicare Supplement, Medigap, Medicare Wrap-Around and words of similar import shall not be used unless the policy is issued in compliance with this regulation.

D. No insurer providing Medicare supplement insurance in this state shall allow its agent to accept premiums except by check, money order, or bank draft made payable to the insurer. If payment in cash is made, the agent must leave the insurer's official receipt with the insured or the person paying the premium on behalf of the insured. This receipt shall bind the insurer for the monies received by the agent. Under this section, the agent is prohibited from accepting checks, money orders and/or bank drafts payable to the agent or his agency. The agent is not to leave any receipt other than the insurer's for premium paid in cash.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1131 (June 1999), repromulgated LR 25:1512 (August 1999), repromulgated LR 29:

§576. Reserved.

§577. Reserved.

§578. Reserved.

§579. Reserved.

§580. Appropriateness of Recommended Purchase and Excessive Insurance

A. In recommending the purchase or replacement of any Medicare supplement policy or certificate an agent shall make reasonable efforts to determine the appropriateness of a recommended purchase or replacement.

B. Any sale of Medicare supplement coverage that will provide an individual more than one Medicare supplement policy or certificate is prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1132 (June 1999), repromulgated LR 25:1512 (August 1999), repromulgated LR 29:

§581. Reserved.

§582. Reserved.

§583. Reserved.

§584. Reserved.

§585. Reporting of Multiple Policies

A. On or before March 1 of each year, an issuer shall report the following information for every individual resident of this state for which the issuer has in force more than one Medicare supplement policy or certificate:

1. policy and certificate number; and
2. date of issuance.

B. The items set forth above must be grouped by individual policyholder.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1132 (June 1999), repromulgated LR 25:1512 (August 1999), LR 29:

§586. Reserved.

§587. Reserved.

§588. Reserved.

§589. Reserved.

§590. Prohibition Against Preexisting Conditions, Waiting Periods, Elimination Periods and Probationary Periods in Replacement Policies or Certificates

A. If a Medicare supplement policy or certificate replaces another Medicare supplement policy or certificate, the replacing issuer shall waive any time periods applicable to preexisting conditions, waiting periods, elimination periods and probationary periods in the new Medicare supplement policy or certificate to the extent such time was spent under the original policy.

B. If a Medicare supplement policy or certificate replaces another Medicare supplement policy or certificate which has been in effect for at least six months, the replacing policy shall not provide any time period applicable to preexisting conditions, waiting periods, elimination periods and probationary periods.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25.1132 (June 1999), repromulgated LR 25:1512 (August 1999), LR 29:

§591. Reserved.

§592. Reserved.

§593. Reserved.

§594. Reserved.

§595. Separability

A. If any provision of this regulation or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the regulation and the application of such provision to other persons or circumstances shall not be affected thereby.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1132 (June 1999), repromulgated LR 25:1513 (August 1999), LR 29:

§596. Appendix A

MEDICARE SUPPLEMENT REFUND CALCULATION FORM
FOR CALENDAR YEAR _____

Type[1] _____ SMSBP[2] _____
For the State of_____ Company Name_____
NAIC Group Code_____ NAIC Company Code_____
Address_____ Person Completing Exhibit _____
Title_____ Telephone Number _____

LINE		(a) Earned Premium[3]	(b) Incurred Claims[4]
1.	Current Year's Experience		
	a. Total (all policy years)		
	b. Current year's issues[5]		
	c. Net (for reporting purposes = 1a-1b		
2.	Past Year's Experience (all policy years)		
3.	Total Experience (Net Current Year + Past Year)		
4.	Refunds Last Year (Excluding Interest)		
5.	Previous Since Inception (Excluding Interest)		
6.	Refunds Since Inception (Excluding Interest)		
7.	Benchmark Ratio Since Inception (wee worksheet for Ratio 1)		
8.	Experienced Ratio Since Inception (Ratio 2) Total Actual Incurred Claims (line 3, col.b) Total Earned Prem. (line 3, col. a)-Refunds Since Inception (line 6)		
9.	Life Years Exposed Since Inception If the Experienced Ratio is less than the Benchmark Ratio, and there are more than 500 life years exposure, then proceed to calculation of refund.		
10.	Tolerance Permitted (obtained from credibility table)		

Medicare Supplement Credibility Table

Life Years Exposed Since Inception	Tolerance
10,000+	0.0%
5,000 – 9,999	5.0%
2,500 – 4,999	7.5%
1,000 – 2,499	10.0%
500 - 999	15.0%
If less than 500, no credibility.	

1. Individual, Group, Individual Medicare Select, or Group Medicare Select Only.
2. "SMSBP" = Standardized Medicare Supplement Benefit Plan – Use "P" for pre-standardized plans.
3. Includes Modal Loadings and Fees Charged
4. Excludes Active Life Reserves
5. This is to be used as "Issue Year Earned Premium" for Year 1 of next year's "Worksheet for Calculation of Benchmark Ratio"

MEDICARE SUPPLMENT REFUND CALCULATION FORM
FOR CALENDAR YEAR

Type[1] _____ SMSBP[2] _____
For the State of_____ Company Name_____
NAIC Group Code_____ NAIC Company Code_____
Address_____ Person Completing Exhibit _____
Title_____ Telephone Number _____

11.	Adjustment to Incurred Claims for Credibility Ratio 3 = Ratio 2 + Tolerance	

If Ratio 3 is more than Benchmark Ratio (Ratio 1), a refund or credit to premium is not required.
If Ratio 3 is less than the Benchmark Ratio, then proceed.

12.	Adjusted Incurred Claims [Total Earned Premiums (line 3, col. a)-Refunds Since Inception (line 6)] x Ratio 3 (line 11)	
13.	Refund = Total Earned Premiums (line 3, col. a)-Refunds Since Inception (line 6) -[Adjusted Incurred Claims (line 12) / Benchmark Ratio (Ratio 1)]	

If the amount on line 13 is less than .005 times the annualized premium in force as of December 31 of the reporting year, then no refund is made. Otherwise, the amount on line 13 is to be refunded or credited, and a description of the refund or credit against premiums to be used must be attached to this form.

I certify that the above information and calculations are true and accurate to the best of my knowledge and belief.

_____
Signature

_____
Name – Please Type

_____
Title

_____
Date

REPORTING FORM FOR THE CALCULATION OF BENCHMARK RATIO SINCE INCEPTION FOR GROUP POLICIES FOR CALENDAR YEAR _____

Type[1] _____ SMSBP[2] _____
For the State of_____ Company Name_____
NAIC Group Code_____ NAIC Company Code_____
Address_____ Person Completing Exhibit _____
Title_____ Telephone Number _____

(a)3 Year	(b)4 Earned Premium	(c) Factor	(d) (b)x(c)	(e) Cumulative Loss Ratio	(f) (d)x(e)	(g) Factor	(h) (b)x(g)	(i) Cumulative Loss Ratio	(j) (h)x(i)	(o)5 Policy Year Loss Ratio
1		2.770		0.507		0.000		0.000		0.46
2		4.175		0.567		0.000		0.000		0.63
3		4.175		0.567		1.194		0.759		0.75
4		4.175		0.567		2.245		0.771		0.77
5		4.175		0.567		3.170		0.782		0.80
6		4.175		0.567		3.998		0.792		0.82
7		4.175		0.567		4.754		0.802		0.84
8		4.175		0.567		5.445		0.811		0.87
9		4.175		0.567		6.075		0.818		0.88
10		4.175		0.567		6.650		0.824		0.88
11		4.175		0.567		7.176		0.828		0.88
12		4.175		0.567		7.655		0.831		0.88
13		4.175		0.567		8.093		0.834		0.89
14		4.175		0.567		8.493		0.837		0.89
15		4.175		0.567		8.684		0.838		0.89
Total:			(k):		(l):		(m):		(n):	

Benchmark Ratio Since Inception: (l + n)/(k + m): _____

[1]Individual, Group, Individual Medicare Select, or Group Medicare Select Only.

[2]"SMSBP" = Standardized Medicare Supplement Benefit Plan - Use "P" for pre-standardized plans

[3]Year 1 is the current calendar year - 1. Year 2 is the current calendar year - 2 (etc.) (Example: If the current year is 1991, then: Year 1 is 1990; Year 2 is 1989, etc.)

[4]For the calendar year on the appropriate line in column (a), the premium earned during that year for policies issued in that year.

[5]These loss ratios are not explicitly used in computing the benchmark loss ratios. They are the loss ratios, on a policy year basis, which result in the cumulative loss ratios displayed on this worksheet. They are shown here for informational purposes only.

REPORTING FORM FOR THE CALCULATION OF BENCHMARK RATIO SINCE INCEPTION FOR INDIVIDUAL POLICIES FOR CALENDAR YEAR _____

Type1 _____ SMSBP2 _____
For the State of_____ Company Name_____
NAIC Group Code_____ NAIC Company Code_____
Address_____ Person Completing Exhibit _____
Title_____ Telephone Number _____

(a)3	(b)4	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(o)5
Year	Earned Premium	Factor	(b)x(c)	Cumulative Loss Ratio	(d)x(e)	Factor	(b)x(g)	Cumulative Loss Ratio	(h)x(i)	Policy Year Loss Ratio
1		2.770		0.442		0.000		0.000		0.40
2		4.175		0.493		0.000		0.000		0.55
3		4.175		0.493		1.194		0.659		0.65
4		4.175		0.493		2.245		0.669		0.67
5		4.175		0.493		3.170		0.678		0.69
6		4.175		0.493		3.998		0.686		0.71
7		4.175		0.493		4.754		0.695		0.73
8		4.175		0.493		5.445		0.702		0.75
9		4.175		0.493		6.075		0.708		0.76
10		4.175		0.493		6.650		0.713		0.76
11		4.175		0.493		7.176		0.717		0.76
12		4.175		0.493		7.655		0.720		0.77
13		4.175		0.493		8.093		0.723		0.77
14		4.175		0.493		8.493		0.725		0.77
15		4.175		0.493		8.684		0.725		0.77
Total:			(k):		(l):		(m):		(n):	

Benchmark Ratio Since Inception: (l + n)/(k + m): _____

[1]Individual, Group, Individual Medicare Select, or Group Medicare Select Only.

[2]"SMSBP" = Standardized Medicare Supplement Benefit Plan - Use "P" for pre-standardized plans

[3]Year 1 is the current calendar year - 1. Year 2 is the current calendar year - 2 (etc.) (Example: If the current year is 1991, then: Year 1 is 1990; Year 2 is 1989, etc.)

[4]For the calendar year on the appropriate line in column (a), the premium earned during that year for policies issued in that year.

[5]These loss ratios are not explicitly used in computing the benchmark loss ratios. They are the loss ratios, on a policy year basis, which result in the cumulative loss ratios displayed on this worksheet. They are shown here for informational purposes only.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1132 (June 1999), repromulgated LR 25:1513 (August 1999), repromulgated LR 29:

§597. Appendix B

FORM FOR REPORTING
MEDICARE SUPPLEMENT POLICIES

Company Name: _____
Address: _____
Phone Number: _____

Due: March 1, annually

The purpose of this form is to report the following information on each resident of this state who has in force more than one Medicare supplement policy or certificate. The information is to be grouped by individual policyholder.

Policy and Certificate #	Date of Issuance

_____
Signature

_____
Name and Title (please type)

_____
Date

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1136 (June 1999), repromulgated LR 25:1516 (August 1999), repromulgated LR 29:

§598. Appendix C

DISCLOSURE STATEMENTS

Instructions for Use of the Disclosure Statements for Health Insurance Policies Sold to Medicare Beneficiaries that Duplicate Medicare

1. Section 1882(d) of the federal Social Security Act [42 U.S.C. 1395ss] prohibits the sale of a health insurance policy (the term policy includes certificates) to Medicare beneficiaries that duplicates Medicare benefits unless it will pay benefits without regard to a beneficiary's other health coverage and it includes the prescribed disclosure statement on or together with the application for the policy.

2. All types of health insurance policies that duplicate Medicare shall include one of the attached disclosure statements, according to the particular policy type involved, on the application or together with the application. The disclosure statement may not vary from the attached statements in terms of language or format (type size, type proportional spacing, bold character, line spacing, and usage of boxes around text).

3. State law and federal law prohibits insurers from selling a Medicare supplement policy to a person that already has a Medicare supplement policy except as a replacement policy.

4. Property/casualty and life insurance policies are not considered health insurance.

5. Disability income policies are not considered to provide benefits that duplicate Medicare.

6. Long-term care insurance policies that coordinate with Medicare and other health insurance are not considered to provide benefits that duplicate Medicare.

7. The federal law does not pre-empt state laws that are more stringent than the federal requirements.

8. The federal law does not pre-empt existing state form filing requirements.

9. Section 1882 of the federal Social Security Act was amended in Subsection (d)(3)(A) to allow for alternative disclosure statements. The disclosure statements already in Appendix C remain. Carriers may use either disclosure statement with the requisite insurance product. However, carriers should use either the original disclosure statements or the alternative disclosure statements and not use both simultaneously.

[Original disclosure statement for policies that provide benefits for expenses incurred for an accidental injury only.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance provides limited benefits, if you meet the policy conditions, for hospital or medical expenses that result from accidental injury. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when it pays:

- hospital or medical expenses up to the maximum stated in the policy

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- other approved items and services

Before You Buy This Insurance

√ Check the coverage in all health insurance policies you already have.

√ For more information about Medicare and Medicare Supplement insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.

√ For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

[Original disclosure statement for policies that provide benefits for specified limited services.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance provides limited benefits, if you meet the policy conditions, for expenses relating to the specific services listed in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when:

- any of the services covered by the policy are also covered by Medicare

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- other approved items and services

Before You Buy This Insurance

√ Check the coverage in all health insurance policies you already have.

√ For more information about Medicare and Medicare Supplement insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.

√ For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

[Original disclosure statement for policies that reimburse expenses incurred for specified diseases or other specified impairments. This includes expense-incurred cancer, specified disease and other types of health insurance policies that limit reimbursement to named medical conditions.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance provides limited benefits, if you meet the policy conditions, for hospital or medical expenses only when you are treated for one of the specific diseases or health conditions listed in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when it pays:

- hospital or medical expenses up to the maximum stated in the policy

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- hospice
- other approved items and services

Before You Buy This Insurance

√ Check the coverage in all health insurance policies you already have.

√ For more information about Medicare and Medicare Supplement insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.

√ For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

[Original disclosure statement for policies that pay fixed dollar amounts for specified diseases or other specified impairments. This includes cancer, specified disease, and other health insurance policies that pay a scheduled benefit or specific payment based on diagnosis of the conditions named in the policy.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance pays a fixed amount, regardless of your expenses, if you meet the policy conditions, for one of the specific diseases or health conditions named in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits because Medicare generally pays for most of the expenses for the diagnosis and treatment of the specific conditions or diagnoses named in the policy.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- hospice
- other approved items and services

Before You Buy This Insurance

√ Check the coverage in all health insurance policies you already have.

√ For more information about Medicare and Medicare Supplement insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.

√ For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

[Original disclosure statement for indemnity policies and other policies that pay a fixed dollar amount per day, excluding long-term care policies.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance pays a fixed dollar amount, regardless of your expenses, for each day you meet the policy conditions. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when:

- any expenses or services covered by the policy are also covered by Medicare

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- hospice
- other approved items and services

Before You Buy This Insurance

√ Check the coverage in all health insurance policies you already have.

√ For more information about Medicare and Medicare Supplement insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.

√ For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

[Original disclosure statement for policies that provide benefits upon both an expense-incurred and fixed indemnity basis]

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance pays limited reimbursement for expenses if you meet the conditions listed in the policy. It also pays a fixed amount, regardless of your expenses, if you meet other policy conditions. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when:

- any expenses or services covered by the policy are also covered by Medicare; or
- it pays the fixed dollar amount stated in the policy and Medicare covers the same event.

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- hospice
- other approved items and services

Before You Buy This Insurance

√ Check the coverage in all health insurance policies you already have.

√ For more information about Medicare and Medicare Supplement insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.

√ For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

[Original disclosure statement for other health insurance policies not specifically identified in the preceding statements.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance provides limited benefits if you meet the conditions listed in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when it pays:

- the benefits stated in the policy and coverage for the same event is provided by Medicare

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- hospice
- other approved items and services

Before You Buy This Insurance

√ Check the coverage in all health insurance policies you already have.

√ For more information about Medicare and Medicare Supplement insurance, reviewthe Guide to Health Insurance for People with Medicare, available from the insurance company.

√ For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

[Alternative disclosure statement for policies that provide benefits for expenses incurred for an accidental injury only.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS IS NOT SUPPLEMENT INSURANCE

Some health care services paid for by Medicare may also trigger the payment of benefits from this policy.

This insurance provides limited benefits, if you meet the policy conditions, for hospital or medical expenses that result from accidental injury. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- other approved items and services

This policy must pay benefits without regard to other health benefit coverage to which you may be entitled under Medicare or other insurance.

Before You Buy This Insurance

√ Check the coverage in all health insurance policies you already have.

√ For more information about Medicare and Medicare Supplement insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.

√ For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

[Alternative disclosure statement for policies that provide benefits for specified limited services.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS IS NOT SUPPLEMENT INSURANCE

Some health care services paid for by Medicare may also trigger the payment of benefits under this policy.

This insurance provides limited benefits, if you meet the policy conditions, for expenses relating to the specific services listed in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- other approved items and services

This policy must pay benefits without regard to other health benefit coverage to which you may be entitled under Medicare or other insurance.

Before You Buy This Insurance

√ Check the coverage in all health insurance policies you already have.

√ For more information about Medicare and Medicare Supplement insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.

√ For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

[Alternative disclosure statement for policies that reimburse expenses incurred for specified diseases or other specified impairments. This includes expense-incurred cancer, specified disease and other types of health insurance policies that limit reimbursement to named medical conditions.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS IS NOT SUPPLEMENT INSURANCE

Some health care services paid for by Medicare may also trigger the payment of benefits from this policy. Medicare generally pays for most or all of these expenses.

This insurance provides limited benefits, if you meet the policy conditions, for hospital or medical expenses only when you are treated for one of the specific diseases or health conditions listed in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- hospice
- other approved items and services

This policy must pay benefits without regard to other health benefit coverage to which you may be entitled under Medicare or other insurance.

Before You Buy This Insurance

√ Check the coverage in all health insurance policies you already have.

√ For more information about Medicare and Medicare Supplement insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.

√ For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

[Alternative disclosure statement for policies that pay fixed dollar amounts for specified diseases or other specified impairments. This includes cancer, specified disease, and other health insurance policies that pay a scheduled benefit or specific payment based on diagnosis of the conditions named in the policy.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS IS NOT SUPPLEMENT INSURANCE

Some health care services paid for by Medicare may also trigger the payment of benefits from this policy.

This insurance pays a fixed amount, regardless of your expenses, if you meet the policy conditions, for one of the specific diseases or health conditions named in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- hospice
- other approved items and services

This policy must pay benefits without regard to other health benefit coverage to which you may be entitled under Medicare or other insurance.

Before You Buy This Insurance

√ Check the coverage in all health insurance policies you already have.

√ For more information about Medicare and Medicare Supplement insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.

√ For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

[Alternative disclosure statement for indemnity policies and other policies that pay a fixed dollar amount per day, excluding long-term care policies.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS IS NOT SUPPLEMENT INSURANCE

Some health care services paid for by Medicare may also trigger the payment of benefits from this policy.

This insurance pays a fixed dollar amount, regardless of your expenses, for each day you meet the policy conditions. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- hospice
- other approved items and services

This policy must pay benefits without regard to other health benefit coverage to which you may be entitled under Medicare or other insurance.

Before You Buy This Insurance

√ Check the coverage in all health insurance policies you already have.

√ For more information about Medicare and Medicare Supplement insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.

√ For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

[Alternative disclosure statement for policies that provide benefits upon both an expense-incurred and fixed indemnity basis]

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS IS NOT SUPPLEMENT INSURANCE

Some health care services paid for by Medicare may also trigger the payment of benefits from this policy.

This insurance pays limited reimbursement for expenses if you meet the conditions listed in the policy. It also pays a fixed amount, regardless of your expenses, if you meet other policy conditions. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- hospice
- other approved items and services

This policy must pay benefits without regard to other health benefit coverage to which you may be entitled under Medicare or other insurance.

Before You Buy This Insurance

√ Check the coverage in all health insurance policies you already have.

√ For more information about Medicare and Medicare Supplement insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.

√ For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

[Alternative disclosure statement for other health insurance policies not specifically identified in the preceding statements.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS IS NOT SUPPLEMENT INSURANCE

Some health care services paid for by Medicare may also trigger the payment of benefits from this policy.

This insurance provides limited benefits if you meet the conditions listed in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- hospice
- other approved items and services

This policy must pay benefits without regard to other health benefit coverage to which you may be entitled under Medicare or other insurance.

Before You Buy This Insurance

√ Check the coverage in all health insurance policies you already have.

√ For more information about Medicare and Medicare Supplement insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.

√ For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1136 (June 1999), repromulgated LR 25:1516 (August 1999), LR 29:

§599 Effective Date

A. This regulation shall become effective upon final publication in the Louisiana Register.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:224 and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1142 (June 1999), repromulgated LR 25:1522 (August 1999), amended LR 29:

A public on this proposed regulation will be held on August 29, 2003 at 10:00 am in the Poydras Fourth Floor Conference Room of the Poydras Building located at 1702 North Third Street, Baton Rouge, LA. All interested persons will be afforded with an opportunity to submit and make comments. The comment period will end on the close of business of August 29, 2003.

Interested persons may obtain a copy of this proposed regulation, a may submit oral or written comments Claire Lemoine, Chief Health Attorney, Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, (225) 342-4242.

J. Robert Wooley
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Regulation 33C Medicare Supplement Insurance Minimum Standards

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

It is not anticipated that the Department of Insurance will incur any costs or savings as a result of implementing this regulation; no new duties are imposed upon DOI by the regulation.

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

Adoption of this regulation revision will not have any effect on revenue collections by local governmental units. No provision in the regulation calls for fines or other fees; therefore, there would be no additional revenue generated for the state.

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

The Department of Insurance does not anticipate any fiscal impact on insurers or policyholders as a result of the amendment(s) to Regulation 33.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is not anticipated that this regulation would have any effect on employment or competition.

Chad M. Brown	Robert E. Hosse
Deputy Commissioner	General Government Section Director
Management and Finance	Legislative Fiscal Office

0307#052

NOTICE OF INTENT

Department of Revenue
Policy Services Division

Collection of Tax on Vehicles (LAC 61:I.4307)

Under the authority of R.S. 47:303 and R.S. 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, proposes to amend LAC 61:I.4307 relative to the collection of sales and use tax on the sale of vehicles.

This proposal repeals LAC 61:I.4307.B.4.h.ii.(a) through (d)(ii), which pertain to the Local Sales Tax Recovery Surcharge. This surcharge, provided for under R.S. 47:303(B)(6), allows automobile lessors or renters subject to the Automobile Rental Tax levied by R.S. 47:551 to transfer the cost of local sales and use tax paid on automobiles purchased for lease or rental to their customers by allocating the local taxes to each automobile rental contract. Previously, the Rule accomplished this by allowing dealers to charge two dollars per rental day per contract as reimbursement for the local sales and use tax paid on their rental fleet. Since 1996, automobiles have been excluded from local sales and use tax when purchased for subsequent lease or rental and therefore the Local Sales Tax Recovery Surcharge is obsolete.

The repealed Subclauses have been replaced with LAC 61:I.4307.B.5. This proposal also renumbers the remainder of Subsection B as LAC 61:I.4307.B.6 through 9.b.

Title 61
REVENUE AND TAXATION
Part I. Taxes Collected and Administered by the Secretary of Revenue
Chapter 43. Sales and Use Tax
§4307. Collection

A. - B.4.h.ii. …

5. R.S. 47:303(B)(6) allows automobile lessors or renters that are subject to the Automobile Rental Tax imposed by R.S. 47:551 to transfer to their customers any local sales or use tax paid on automobiles purchased for their rental fleet. However, since July 1, 1996, R.S. 47:301(10)(a)(iii) has excluded automobiles purchased for subsequent lease or rental from local sales or use tax. Therefore, the transfer of local sales and use tax allowed by R.S. 47:303(B)(6) is obsolete and automobile lease or rental dealers are no longer allowed to collect this surcharge.

6. The sales tax exemption for isolated or occasional sales of tangible personal property provided by R.S. 47:301(10)(c)(ii) does not apply to sales of motor vehicles. R.S. 47:303(4) provides that isolated or occasional sales of vehicles are specifically defined to be sales at retail and subject to the sales tax.

7. The vehicle commissioner may require any dealer engaged in the business of selling motor vehicles, automobiles, motorcycles, trucks, truck-tractors, trailers, semi-trailers, motor buses, house trailers, or any other vehicle subject to the vehicle registration license tax law or the title registration law to furnish information relative to their sales on any periodic basis designated by the vehicle commissioner. The statements shall include the serial number, motor number, type, year, model of the vehicle sold, the total sales price, any allowance for trade-in, a description of the trade-in, the total cash difference to be paid by the purchaser, and any sales or use taxes to be paid. The vehicle commissioner is also authorized to secure whatever other additional information is necessary for proper administration of this Subsection.

8. R.S. 47:303(A)(3) allows a credit against the use tax for taxes paid to another state provided the other state allows a similar credit for taxes paid to Louisiana.

9.a. Generally, a certificate of title or vehicle registration will not be issued to any purchaser for any vehicle on which the sales taxes have not been paid. However, R.S. 47:303(B)(5) provides an exception for purchasers who paid the proper taxes due to the vehicle dealer at the time the vehicle was purchased, but the dealer did not remit the taxes to the vehicle commissioner. Under this provision, a motor vehicle purchaser who has not been issued a certificate of title or vehicle registration license within six months after the date of the sale, may submit a written request to the secretary showing that:

i. all state and local sales taxes and fees due by the purchaser were paid in good faith to the motor vehicle dealer at the time of purchase;

ii. the motor vehicle dealer has not yet remitted the taxes and fees to the vehicle commissioner;

iii. the motor vehicle dealer has refused or is unable to respond to a written demand by the purchaser for payment of the taxes and fees to the vehicle commissioner; and

iv. the certificate of title or vehicle registration license has not been issued within the six months after the date of the sale.

b. If the purchaser's request appears reasonable and the facts represented are found to be accurate, the secretary may authorize the vehicle commissioner to issue a certificate of title or a vehicle registration license. If the secretary denies the purchaser's request, the denial will be in writing and the purchaser may file an appeal with the Board of Tax Appeals within 60 days after the date of denial by the secretary.

C. - F. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:303 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by Department of Revenue and Taxation, LR 13:107 (February 1987), amended by the Department of Revenue and Taxation, Sales Tax Division, LR 20:316 (March 1994), amended by the Department of Revenue, Policy Services Division, LR 29:

Family Impact Statement

As required by Act 1183 of the 1999 Regular Session of the Louisiana Legislature the following Family Impact Statement is submitted to be published with the notice of intent in the *Louisiana Register*. A copy of this statement will also be provided to our legislative oversight committees.

1. The Effect on the Stability of the Family. Implementation of this proposed Rule will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of Their Children. Implementation of this proposed Rule will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. Implementation of this proposed Rule will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. Implementation of this proposed Rule will have no effect on family earnings and family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. Implementation of this proposed Rule will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. Implementation of this proposed Rule will have no effect on the ability of the family or a local government to perform this function.

Interested persons may submit data, views, or arguments, in writing to Raymond E. Tangney, Senior Policy Consultant, Policy Services Division, P.O. Box 44098, Baton Rouge, LA 70804-4098 or by fax to (225) 219-2759. All comments must be submitted by 4:30 p.m., Wednesday, August 27, 2003. A public hearing will be held on Thursday, August 28, 2003, at 1:30 p.m. at the Department of Revenue Headquarters Building, 617 N. Third Street, Baton Rouge, LA.

Raymond E. Tangney
Senior Policy Consultant

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Collection of Tax on Vehicles

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

There would be no implementation costs or savings to state or local authorities for this proposal.

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

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

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

This proposed amendment should have no effect on automobile rental dealers' costs or revenues. This proposed amendment clarifies that automobile rental dealers required to collect the automobile rental tax imposed by R.S. 47:551 cannot collect the local sales tax recovery surcharge from their customers to recover the local sales taxes paid on the purchase of the vehicles since this tax is no longer paid by the dealers. Automobile rental customers who would have been charged this fee will benefit by not having this fee added to their rental charges.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed amendment should ensure equal competition among automobile rental dealers because it notifies all dealers that customers may not be charged the local sales tax recovery surcharge. This proposed amendment should have no effect on employment.

Cynthia Bridges
Secretary
0307#066

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Revenue
Policy Services Division

Sales and Use Tax For-Hire Carriers
(LAC 61:I.4353)

Under the authority of R.S. 47:301 and R.S. 47:1511, in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, proposes to amend LAC 61:I.4353 relative to the apportionment method provided to for-hire carriers under R.S. 47:306.1 for reporting sales and use taxes.

These proposed amendments provide guidance regarding the application of the for-hire apportionment method allowed by R.S. 47:306.1. Specifically, they describe the proper procedure for calculating the mileage factor to be used in the apportionment ratio and the types of purchases that qualify for this method.

Title 61
REVENUE AND TAXATION
Part I. Taxes Collected and Administered by the Secretary of Revenue
Chapter 43. Sales and Use Tax
§4353. Collection from Interstate and Foreign Transportation Dealers

A. Revised Statute 47:306.1 allows interstate for-hire carriers to register as dealers and pay the taxes imposed by R.S. 47:302(A) on an apportionment basis. Since the intent of the statute is apparent, this option also applies to the tax imposed by R.S. 47:321(A), R.S. 47:331(A), and Section 2(A) of the Louisiana Tourism Promotion District Ordinance.

1. Interstate for-hire carriers may use this apportionment method for purchases and importations of tangible personal property used directly in interstate or foreign commerce activity.

2. Tangible personal property that is not used directly in interstate or foreign commerce activity, such as truck, bus, or airport terminal equipment or office equipment and supplies may not be apportioned. Sales or use tax must be paid on these purchases or importations in the manner prescribed by R.S. 47:306.

3. An interstate for-hire carrier engaged in activities other than transporting passengers or property for-hire in interstate or foreign commerce cannot apply this apportionment method to the purchases and importations of tangible personal property for those activities. Sales or use tax must be paid on these purchases or importations in the manner prescribed by R.S. 47:306.

B. Carriers that do not elect to report and pay Louisiana sales and use taxes under the optional formula provided by R.S. 47:306.1 must pay Louisiana sales tax on all purchases made within the state of Louisiana and report and pay use tax on all tangible personal property imported into Louisiana when it becomes part of the mass of the taxpayer's property located within this state in the manner prescribed by R.S. 47:306.

C. Interstate for-hire carriers that elect to report and pay Louisiana sales and use taxes under the optional formula

provided by R.S. 47:306.1 must conform to the provisions of LAC 61:I.4353.D-J.

D. For purposes of this regulation, the following definitions apply.

Apportionment Basis for Sales and Use Tax Purchases the gross importations and gross purchases, however no transaction shall be included more than once, less those gross purchases or gross importations that are exempt or excluded from sales and use tax in Louisiana by a provision of law other than R.S. 47:306.1.

Gross Importations all tangible personal property on which no Louisiana sales or use tax has been paid that is imported into Louisiana subsequent to the effective date of this regulation and used directly in interstate or foreign commerce activity.

Gross Purchases all tangible personal property purchased within and beyond this state that is used directly in interstate or foreign commerce activity.

Interstate For-Hire Carrier a person engaged in the transportation of goods or passengers in interstate or foreign commerce for compensation. Persons that transport goods or passengers in intrastate commerce in addition to transporting goods or passengers in interstate commerce are interstate for-hire carriers for the purposes of this regulation. This designation does not apply to any other activity engaged in by an interstate for-hire carrier.

Louisiana Mileage all miles traveled by a for-hire carrier within the State of Louisiana while transporting goods or passengers for compensation in intrastate, interstate, or foreign commerce.

Louisiana Taxable Base the apportionment basis for sales and use tax purchases multiplied by the ratio of Louisiana mileage to total mileage. The miles traveled in Louisiana for purpose of this calculation include all Louisiana miles, regardless of whether a part of intrastate trips or part of interstate trips.

Tangible Personal Property Used Directly in Interstate or Foreign Commerce Activity property purchased or acquired by an interstate for-hire carrier that is intended for movement between states of the United States, the United States and foreign nations, or states of the United States and offshore areas beyond the territorial limits of any state. This definition includes, but is not limited to, aircraft, trucks, trailers, rail cars, the fuel (except for fuel that is exempt from sales tax by Article VII, Section 27 of the Constitution of the State of Louisiana), parts, and supplies used in the maintenance and operation of these vehicles, and food items served to passengers during the trip. Property that is not intended for movement between states, such as truck terminal equipment, office equipment or supplies, or airport equipment is not tangible personal property used directly in interstate or foreign commerce activity and does not qualify for apportionment under R.S. 47:306.1. Sales or use tax must be paid on these purchases or importations in accordance with R.S. 47:306.

Total Mileage all miles traveled by a for-hire carrier within and beyond the State of Louisiana while transporting property for compensation in intrastate, interstate, or foreign commerce.

E. Interstate for-hire carriers that have not previously registered with the secretary to use this optional formula, may apply to the secretary for an interstate or foreign carrier dealer's number. Applicants must submit satisfactory proof to the secretary that they are engaged in the transporting of passengers or property for-hire in interstate or foreign commerce. Documentation showing that the for-hire carrier is subject to the authority of the United States Department of Transportation will be treated as prima facie proof of qualification. The secretary will issue to the interstate for-hire carrier a registration number that may be used to make purchases or importations in this state of tangible personal property without the payment of sales or use taxes at the time of purchase or importation.

F. Interstate for-hire carriers registered with the secretary to use the formula allowed by R.S. 47:306.1 as of the effective date of this Rule will be presumed to have chosen to continue to remit sales and use taxes under the formula unless they make a specific election and receive consent from the secretary not to report under the formula. Interstate for-hire carriers that are not registered with the secretary to use this optional method as of the effective date of this Rule that wish to do so must expressly signify their election, in writing, and receive consent from the secretary before they can purchase or import tangible personal property tax-free and apportion the taxes under this formula. All carriers who do not expressly so elect to report under the optional formula shall be presumed conclusively to have elected not to report under the formula.

G. Interstate for-hire carriers must obtain approval from the secretary before reporting and paying taxes under the formula provided by R.S. 47:306.1. A written request must be submitted to the secretary and once approved, the carrier must report under the formula for all subsequent reporting periods. If a carrier wishes to discontinue using the formula method, a written request must be submitted to the secretary for approval.

H. Vendors may sell tangible personal property used directly in interstate or foreign commerce activity to interstate for-hire carriers without charging sales tax if the buyer submits a blanket certificate, Form LGST 12, to the vendor. The form must be signed by the buyer (or an authorized representative) and include the buyer's name, address and registration number. When a buyer provides this form to vendors, he is asserting that the property purchased will be used directly in foreign or interstate commerce activity and the he will pay the taxes owed directly to the secretary under the provisions of R.S. 47:306.1. Blank certificates may be obtained from the secretary. Sellers will be responsible for the collection of tax on all sales made to persons who have not secured the proper registration number. Any dealer who fails to obtain or keep for the secretary exemption certificates signed by the buyer will be liable for and must pay the tax himself.

I. On or before the twentieth day of each month, the carrier must file, on forms furnished by the secretary, returns showing the Louisiana taxable base of gross purchases and gross importations. This amount is determined as follows.

1. The apportionment basis for sales and use tax purchases is determined by subtracting purchases or importations of tangible personal property that are not subject to sales and use tax in Louisiana from gross purchases and gross importations.

(Gross purchases and gross importations) – (Purchases and importations of tangible personal property that are exempt or excluded from sales and use tax in Louisiana) = (Apportionment basis for sales and use tax purchases)

2. The Louisiana taxable base is calculated by multiplying the apportionment basis for sales and use tax purchases by the ratio of Louisiana mileage divided by total mileage. This amount is reported on Line 2 of the Louisiana General Sales Tax return.

(Apportionment basis for sales and use tax purchases) x (Louisiana mileage ÷ Total mileage) = (Louisiana taxable base)

J. Revised Statute 47:306.1 applies only to the tax imposed on the sales and use of tangible personal property as set forth in R.S. 47:301(A), R.S. 47:321(A), R.S. 47:331(A), and Section 2(A) of the Louisiana Tourism Promotion District Ordinance. The tax imposed on the lease or rental of tangible personal property under R.S. 47:302(B), R.S. 47:321(B), R.S. 47:331(B), and Section 2(B) of the Louisiana Tourism Promotion District Ordinance and the tax on sales of services under R.S. 47:302(C), R.S. 47:321(C), R.S. 47:331(C), and Section 2(C) of the Louisiana Tourism Promotion District Ordinance may not be paid and reported under the optional method provided by R.S. 47:306.1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:306.1.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Divisions LR 13:107 (February 1987), amended by the Department of Revenue, Policy Services Division, LR 29:

Family Impact Statement

As required by Act 1183 of the 1999 Regular Session of the Louisiana Legislature the following Family Impact Statement is submitted to be published with the Notice of Intent in the *Louisiana Register*. A copy of this statement will also be provided to our legislative oversight committees.

1. The Effect on the Stability of the Family. Implementation of this proposed Rule will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of Their Children. Implementation of this proposed Rule will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. Implementation of this proposed Rule will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. Implementation of this proposed Rule will have no effect on family earnings and family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. Implementation of this proposed Rule will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. Implementation of this proposed Rule will have no effect on the ability of the family or a local government to perform this function.

Interested persons may submit data, views, or arguments, in writing to Raymond E. Tangney, Senior Policy Consultant, Policy Services Division, P.O. Box 44098, Baton Rouge, LA 70804-4098 or by fax to (225) 219-2759. All comments must be submitted by 4:30 p.m., Monday, August 25, 2003. A public hearing will be held on Wednesday, August 27, 2003, at 10 a.m. at the Department of Revenue Headquarters Building, 617 North Third Street, Baton Rouge, LA.

Raymond E. Tangney
Senior Policy Consultant

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Sales and Use Tax—For-Hire Carriers

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

There would be no implementation costs or savings to state or local authorities for this proposal. This proposed amendment only clarifies the method of apportioning sales and use taxes under R.S. 47:306.1 and will have no impact on the agency's costs.

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

There should be no impact on state sales tax revenue as a result of this proposed amendment, which clarifies how for-hire carriers engaged in interstate or foreign commerce must report sales and use taxes under R.S. 47:306.1. Because R.S. 47:306.1 only applies to state sales taxes, the proposed amendment would have no impact on local sales and use tax revenues.

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

This proposed amendment should have no effect on economic benefits or costs of for-hire carriers engaged in interstate or foreign commerce that elect to report their state sales and use taxes under the method authorized by R.S. 47:306.1.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed amendment should have no effect on competition or employment by "for-hire" carriers engaged in foreign or interstate commerce that report state sales and use taxes under the method allowed in R.S. 47:306.1.

Cynthia Bridges	H. Gordon Monk
Secretary	Staff Director
0307#099	Legislative Fiscal Office

NOTICE OF INTENT

Department of Revenue
Policy Services Division

Ships and Ships' Supplies (LAC 61:I.4403)

Under the authority of R.S. 47:305.1 and R.S. 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, proposes to amend LAC 61:I.4403 relative to the exemption for ships and ships' supplies.

These proposed amendments are necessary due to changes made to R.S. 47:305.1 by Acts 40 and 41 of the 2002

Regular Legislative Session and legal jurisprudence since the Rule's adoption. These proposed amendments supersede any previously issued internal Policy and Procedure Memoranda or other oral or written instructions issued to taxpayers.

Title 61
REVENUE AND TAXATION
Part I. Taxes Collected and Administered by the Secretary of Revenue
Chapter 44. Sales and Use Tax Exemptions
§4403. Ships and Ships' Supplies

A. To qualify for exemption under R.S. 47:305.1(A), materials, machinery, and equipment that become component parts of ships, vessels, or barges of 50 tons load displacement and over built in Louisiana must be added during construction. Materials, machinery and equipment that replace original components after construction are not exempt under R.S. 47:305.1(A).

B.1. For the purposes of the exemption provided in R.S. 47:305.1(B), vendors may assume that ships supplies and materials delivered to the dock will be loaded upon the vessel for use or consumption in the maintenance of the vessel.

2. The exemption provided in R.S. 47:305.1(B) for repair services performed upon ships and vessels operating exclusively in foreign or interstate coastwise commerce also applies to component parts removed from those ships, vessels, or barges and repaired elsewhere.

C. For the purposes of the exemption granted under R.S. 47:305.1, the following definitions apply.

Commerce the transporting of goods or persons by ship, vessel, or barge for profit.

Load Displacement the weight of the volume of water displaced by a ship, vessel, or barge when loaded to its maximum capacity.

Owner or *Operator* any person who has title to or possession of, or control over the operation of, any ship, vessel, or barge defined in R.S. 47:305.1.

Ship, Vessel, or *Barge* any craft used primarily for transporting persons or property by water, or any craft designed or altered to perform specialized marine-related services, such as dredging, fleeting, geological surveying, cargo transferring, and which possesses all of the following characteristics:

a. performs its services in navigable waters;

b. is capable of being moved by floatation from one location to another in navigable waters; and

c. is registered as a vessel with the United States Coast Guard or is eligible for registration.

Ships' Supplies and Materials all tangible personal property loaded on and used or consumed in the maintenance or operation of a ship, vessel, or barge and its crew.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:305.1.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:107 (February 1987), amended by Department of Revenue, Policy Services Division, LR 29:

Interested persons may submit data, views, or arguments, in writing to Raymond E. Tangney, Senior Policy Consultant, Policy Services Division, P.O. Box 44098, Baton Rouge, LA 70804-4098 or by fax to (225) 219-2759. All comments must be submitted by 4:30 p.m., Monday, August 25, 2003. A public hearing will be held on Wednesday, August 27, 2003, at 1:30 p.m. at the Department of Revenue Headquarters Building, 617 North Third Street, Baton Rouge, LA.

Family Impact Statement

As required by Act 1183 of the 1999 Regular Session of the Louisiana Legislature the following Family Impact Statement is submitted to be published with the notice of intent in the *Louisiana Register*. A copy of this statement will also be provided to our legislative oversight committees.

1. The Effect on the Stability of the Family. Implementation of this proposed Rule will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of Their Children. Implementation of this proposed Rule will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. Implementation of this proposed Rule will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. Implementation of this proposed Rule will have no effect on family earnings and family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. Implementation of this proposed Rule will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as contained in the Proposed Rule. Implementation of this proposed Rule will have no effect on the ability of the family or a local government to perform this function.

Raymond E. Tangney
Senior Policy Consultant

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Ships and Ships' Supplies

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

There would be no implementation costs or savings to state or local authorities for this proposal.

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

There should be no impact on state or local sales tax revenues as a result of this proposed amendment, which implements the amendments to R.S. 47:305.1 enacted by Acts 2002, Nos. 40 and 41 and judicial interpretations of the statute. However, it was estimated that Acts 2002, Nos. 40 and 41, which amended the definition of "foreign or interstate coastwise commerce," resulted in a significant although indeterminable state and local sales and use tax revenue loss.

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

There should be no economic costs or benefits to builders of ships of 50 tons load displacement and over and vendors that sell to vessels engaged in foreign or interstate commerce. These amendments only reflect the changes that have been made to R.S. 47:305.1 by Acts 2002, Nos. 40 and 41 and court rulings involving the statute.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

These proposed amendments should have no effect on employment or competition between builders of vessels of 50 tons load displacement and vendors that sell to vessels operating in foreign or interstate commerce.

Cynthia Bridges	H. Gordon Monk
Secretary	Staff Director
0307#065	Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

2004 Turkey Season
(LAC 76:XIX.113, 115, and 117)

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend the turkey rules and regulations for the 2004 season.

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent and the final Rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Title 76
WILDLIFE AND FISHERIES
Part XIX. Hunting and WMA Regulations
Chapter 1. Resident Game Hunting Season
§113. Turkey Hunting Regulations

A. Daily limit is one gobbler, two gobblers per season. Taking of hen turkeys, including bearded hens, is illegal. Still hunting only. Use of dogs, baiting, electronic calling devices and live decoys is illegal. Turkeys may be hunted with shotguns, including muzzleloading shotguns, using shot not larger than #2 lead or BB steel shot, and bow and arrow but by no other means. Shooting turkeys from a moving or stationary vehicle is prohibited. Shotguns capable of holding more than three shells prohibited.

B. No person shall hunt, trap or take turkeys by the aid of baiting or on or over any baited area. Baiting means placing, exposing, depositing or scattering of corn (shelled, shucked or unshucked), wheat or other grain, salt, or other feed so as to constitute a lure, attraction or enticement to, on or over any areas where hunters are attempting to take turkeys.

C. A baited area is any area where corn (shelled, shucked or unshucked), wheat or other grain, salt, or other feed capable of luring, attracting or enticing turkeys is directly or indirectly placed, exposed, deposited, distributed or scattered. Such areas remain baited areas for 15 days following complete removal of all such corn, wheat or other grain, salt, or other feed.

D. Wildlife agents are authorized to close such baited areas and to place signs in the immediate vicinity designating closed zones and dates of closure.

E. The Department of Wildlife and Fisheries strongly discourages feeding agricultural grains to wild turkeys as this practice increases the risk of birds contracting potentially lethal diseases. Repeatedly placing grain in the same area may expose otherwise healthy birds to disease contaminated soils, grain containing lethal toxins and other diseased turkeys using the same feeding site. Properly distributed food plots (clovers, wheat, millet and chufa) are far more desirable for turkeys and have the added benefit of appealing to a wide variety of wildlife.

F. It is unlawful to take from the wild or possess in captivity any live wild turkeys or their eggs. No pen raised turkeys from within or without the state shall be liberated (released) within the state.

G. All licensed turkey hunters are required to have a Turkey Stamp in their possession while turkey hunting in addition to basic and big game hunting licenses. Additionally, a WMA Hunting Permit is required of any person (age 18-59) who hunts on land administered by the Department of Wildlife and Fisheries, including Wildlife Management Areas, Wildlife Refuges, and Habitat Conservation Areas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:2263 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2375 (November 2002), LR 29:

§115. Statewide Turkey Hunting Areas-Resident Game Birds and Animals

A. Shooting hours one-half hour before sunrise to one-half hour after sunset.

Species	Season Dates	Daily Bag Limit	Possession Limit
Turkey	See Schedule	1	2/Season

B. Turkey season will open in designated areas on the fourth Saturday in March. The Area A turkey season will be 30 consecutive days in length, the Area B turkey season will be 23 consecutive days in length, and the Area C turkey season will be 9 consecutive days in length. Wildlife Management Areas, National Forests, National Wildlife Refuges, and U.S. Army Corps of Engineers land may vary from this framework.

C. Statewide Youth Turkey Season on private lands shall be the weekend prior to the statewide turkey season. Only youths younger than 16 years of age may hunt. Youth must possess a hunter safety certification or proof of successful completion of a hunter safety course. Each youth must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm or bow. Youths may possess only one firearm or bow while hunting. Legal weapons and shot are the same as described for the turkey season. The supervising adult shall maintain visual and voice contact with the youth at all times. An adult may supervise only one youth during this special hunt. Only one gobbler per day may be taken and any gobbler taken by the youth during this special season counts towards their seasonal bag limit of 2.

D. 2004 Turkey Hunting Schedule

Area	Season Dates
A	March 27-April 25
B	March 27-April 18
C	March 27-April 4
Private Lands Youth Hunt	March 20-21

E. 2004 Turkey Hunting Season Open Only in the Following Areas

1. Area A March 27-April 25

a. All of the following parishes are open:

i. Beauregard;

ii. East Baton Rouge;

iii. East Feliciana;

iv. LaSalle;

v. Livingston;

vi. Natchitoches (Exception See Federal Lands Hunting Schedule for Kisatchie National Forest dates);

vii. Sabine;

viii. St. Helena;

ix. St. Tammany;

x. Tangipahoa;

xi. Vernon (Exception See Federal Lands Hunting Schedule for Kisatchie National Forest dates);

xii. Washington;

xiii. West Baton Rouge;

xiv. West Feliciana (including Raccourci Island);

xv. Winn (Exception See Federal Lands Hunting Schedule for Kisatchie National Forest dates).

b. Portions of the following parishes are also open.

i. Allen North of LA 104, west of LA 26 south of junction of LA 104 to US 190, north of US 190 east of Kinder, west of US 165 south of Kinder;

ii. Avoyelles That portion bounded on the east by the Atchafalaya River, on the north by Red River to the Brouillette Community, on the west by LA 452 from Brouillette to LA 1, on the south by LA 1, eastward to Hamburg, thence by the West Atchafalaya Basin Protection levee southward;

iii. Calcasieu North of I-10;

iv. Caldwell West of Ouachita River southward to Catahoula Parish line, east of LA 165 from LaSalle Parish line to the junction of LA 126, north of LA 126 westward to the Winn Parish line;

v. Catahoula West of Ouachita River southward to LA 559 at Duty Ferry, north of LA 559 to LA 124, south and west of LA 124 from Duty Ferry to LA 8 at Harrisonburg and north of LA 8 to LA 126, north and east of LA 126. ALSO that portion lying east of LA 15;

vi. Concordia That portion east of LA 15 and west of US 65 from its juncture with LA 15 at Clayton;

vii. Evangeline North and west of LA 115, north of LA 106 from St. Landry to LA 13, west of LA 13 from Pine Prairie to Mamou and north of LA 104 west of Mamou;

viii. Franklin That portion lying east of LA 17 and east of LA 15 from its juncture with LA 17 at Winnsboro;

ix. Grant All of the parish except that portion of land that lies north of the Red River between US 71 and LA 8. Exception See Federal Lands Hunting Schedule for Kisatchie National Forest dates;

x. Iberville West of LA 1. Exception see Sherburne WMA for special season dates on all state, federal and private lands within Sherburne boundaries;

xi. Jefferson Davis North of US 190 from junction with LA 26 to Kinder, west of US 165 and north of I-10 west from junction of US 165;

xii. Madison That portion lying west of US 65 and south of US 80;

xiii. Pointe Coupee All of the parish except that portion bounded on the north by LA Hwy. 1, from Innis to the junction of LA Hwy 417, on the west by LA Hwy. 417 southward toward McCrea, on the south by LA Hwy. 417 from McCrea to its junction with Delhi Lane, then by Delhi Lane to LA Hwy. 418, then LA Hwy. 418 northward to LA Hwy. 1 at Innis. Exception see Sherburne WMA for special season dates on all state, federal and private lands within Sherburne boundaries;

xiv. Rapides All of the parish except that portion of lands that lies north of the Red River and south of US 71 from its juncture with the Red River northward to the Grant Parish line. Exception See Federal Lands Hunting Schedule for Kisatchie National Forest season dates;

xv. Richland That portion south of US 80 and east of LA 17;

xvi. St. Landry That portion bounded on the west by the West Atchafalaya Basin Protection Levee and on the east by the Atchafalaya River. Exception the Indian Bayou Area, see Federal Lands Hunting Schedule for Indian Bayou Area dates;

xvii. Upper St. Martin All within the Atchafalaya Basin. Exceptions Sherburne WMA and Indian Bayou Area, see WMA Turkey Hunting Schedule for special season dates on all state, federal and private lands within Sherburne WMA boundaries and see Federal Lands Hunting Schedule for Indian Bayou dates;

xviii. Tensas That portion west of US 65 from the Concordia Parish line to its juncture with LA 128, north of LA 128 to St. Joseph; west and north of LA 605, 604 and 3078 northward to Port Gibson Ferry. Also all lands east of the main channel of the Mississippi River.

2. Area B March 27-April 18

a. All of the following parishes are open.

i. Bienville;

ii. Bossier;

iii. Caddo;

iv. Claiborne;

v. DeSoto;

vi. Jackson;

vii. Lincoln;

viii. Red River;

ix. Union;

x. Webster (Exception See Federal Lands Hunting Schedule for Kisatchie National Forest dates).

b. Portions of the following parishes are open.

i. East Carroll East of US 65 from Arkansas state line to Madison Parish line;

ii. Ouachita East of LA 143 from Union Parish line to US 80 in West Monroe, north of US 80 to LA 139, west of LA 139 to the Morehouse Parish line;

iii. Madison South of US 80 and east of US 65 to Tensas Parish line and all lands lying east of the main channel of the Mississippi River;

iv. Morehouse West of US 165 from the Arkansas line to Bonita, north and west of LA 140 to junction of LA 830-4 (Cooper Lake Road), west of LA 830-4

to US 165, north of US 165 to LA 139, west of LA 139 to Ouachita Parish line.

3. Area C March 27-April 4

a. Portions of the following parishes are open.

i. Ascension All east of the Mississippi River;

ii. Catahoula That portion lying south of Deer Creek to Boeuf River, east of Boeuf and Ouachita Rivers to LA 8 at Harrisonburg, west of LA 8 to LA 913, west of LA 913 and LA 15 to Deer Creek;

iii. Concordia North and east of Sugar Mill Chute (Concordia Parish) from the state line westward to Red River, east of Red River northward to Cocodrie Bayou, east of Cocodrie Bayou northward to US 84, south of US 84 eastward to LA 15 (Ferriday), east of LA 15 northward to US 65 (Clayton), east of US 65 northward to Tensas Parish line;

iv. Franklin That portion lying west of LA 17, from Richland Parish line to LA 577 at Crowville, north of LA 577 to LA 15 at Baskin, east of LA 15 to Big Creek, and south and east of Big Creek to Richland Parish line;

v. Iberville All east of the Mississippi River;

vi. Richland West of LA 17 from Franklin Parish line to Ringle Rd., south of Ringle Rd. to Ferguson Rd., south of Ferguson Rd. to Little Rd., south of Little Rd. to Big Creek, east of Big Creek to Franklin Parish line;

vii. Tensas East and south of US 65 from Concordia Parish line to LA 128, south of LA 128 to St. Joseph, east and south of LA 605, 604 and 3078 northward to Port Gibson Ferry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:2264 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2376 (November 2002), LR 29:

§117. 2004 Wildlife Management Area Turkey Hunting Regulations

A. General

1. The following rules and regulations concerning management, protection and harvest of wildlife have been officially approved and adopted by the Wildlife and Fisheries Commission in accordance with the authority provided in Louisiana Revised Statutes of 1950, Section 109 of Title 56. Failure to comply with these regulations will subject the individual to citation and/or expulsion from the management area.

2. Only those Wildlife Management Areas listed are open to turkey hunting.

3. ATVs, ATCs and motorcycles cannot be left overnight on WMAs EXCEPT in designated camping areas. ATVs are prohibited from two hours after sunset to 3:00 AM. All roads including trails and roads designated as ATV only trails shall be closed to ATVs from March 1 through August 31 unless otherwise specified. ATV off-road or off-trail travel is prohibited. Certain trails may be open during this time period to provide access for fishing or other purposes. These trails will be marked by signs at the entrance of the trail. Otherwise, only walk-in hunting is permitted (bicycles permitted).

4. Bag limits on WMAs are part of the season bag limit. Only one turkey is allowed to be taken during special lottery hunts.

B. Permits

1. Self-Clearing Permits. All turkey hunts, including lottery hunts, are self-clearing. Hunters must check in daily by obtaining a permit from a self-clearing station prior to hunting. The self-clearing permit must be in the hunter's possession while hunting. Upon completion of each days hunt, the hunter must check out by completing and depositing the hunter report portion of the permit in the check-out box at a self-clearing station before exiting the WMA.

2. Lottery Hunts. Bayou Macon, Boise-Vernon, Loggy Bayou, Sabine, Sherburne, Sicily Island, Tunica Hills, Union and West Bay WMAs are restricted to those persons selected as a result of the pre-application lottery. Special youth only lottery hunts will be held on Big Lake, Bens Creek, Fort Polk/Peason Ridge, Jackson-Bienville, Loggy Bayou, Sherburne, and West Bay WMAs. Deadline for receiving applications for all lottery hunts is February 13, 2004. An application fee of $5 must be sent with each application. Applicants may submit only one application and will be selected for one WMA Turkey Lottery Hunt annually. Submitting more than one application will result in disqualification. Contact any district office for applications. Hunters must abide by self-clearing permit requirements. Youths chosen for special youth only hunts will be guided by members of the Louisiana Chapter of the National Wild Turkey Federation. One family member may accompany the youth and guide, but may not hunt.

C. Wildlife Management Area Turkey Hunting Schedule*

WMA	Season Dates	Permit Requirements	Lottery Dates**
Bayou Macon	April 10-11	Self-Clearing	April 10-11
Bens Creek[1]	March 27-April 18	Self-Clearing	None
Big Lake	March 27-April 4	Self-Clearing	None
Bodcau	March 27-April 11	Self-Clearing	None
Boeuf	March 27-April 4	Self-Clearing	None
Boise Vernon	March 27-28 April 3-25	Self-Clearing	March 27-28 April 3-4
Camp Beauregard	March 27-April 11	Self-Clearing	None
Fort Polk	March 27-April 25	Self-Clearing	None
Grassy Lake	March 27-April 11	Self-Clearing	None
Hutchinson Creek	March 27-April 25	Self-Clearing	None
Jackson-Bienville	March 27-April 11	Self-Clearing	None
Lake Ramsey	March 27-April 11	Self-Clearing	None
Little River	March 27-April 11	Self-Clearing	None
Loggy Bayou	April 17-18	Self-Clearing	April 17-18
Pearl River	March 27-April 18	Self-Clearing	None
Peason Ridge	March 27-April 25	Self-Clearing	None
Pomme de Terre	March 27-April 11	Self-Clearing	None
Red River	March 27-April 4	Self-Clearing	None
Sabine	March 27-28 April 3-4	Self-Clearing	March 27-28 April 3-4
Sandy Hollow[1]	March 27-April 18	Self-Clearing	None
Sherburne[2]	March 27-April 4	Self-Clearing	March 27-28 March 29-31
Sicily Island	March 27-April 4	Self-Clearing	March 27-29 March 30-April 1 April 2-4

Three Rivers	March 27-April 4	Self-Clearing	None
Tunica Hills South Tract	March 27-28 April 3-4 April 10-11 April 17-18	Self-Clearing	March 27-28 April 3-4 April 10-11 April 17-18
Tunica Hills Angola Tract[3]	March 27-28 April 3-4 April 10-11 April 17-18	Self-Clearing	March 27-28 April 3-4 April 10-11 April 17-18
Union	April 10-11	Self-Clearing	April 10-11
Walnut Hills	March 27-April 25	Self-Clearing	None
West Bay	March 27-28 April 3-4	Self-Clearing	March 27-28 April 3-4

*Only those Wildlife Management Areas listed have a turkey hunting season. All other areas are closed.
**The deadline for receiving applications for all turkey Lottery Hunts on WMAs is February 13, 2004.
[1]No turkey hunting within 100 yards of food plots identified by two yellow paint rings around the nearest tree.
[2]All turkeys harvested on Sherburne WMA must be weighed and checked at WMA headquarters.
[3]Scouting access limited. Contact Region 7 office for details (225) 765-2360.

D. Wildlife Management Area Youth Hunts

WMA	Lottery Youth Hunt Date
Bens Creek	March 20
Big Lake	March 20
Fort Polk/Peason Ridge	March 20
Jackson-Bienville	March 20
Loggy Bayou	April 10
Sherburne	March 20
West Bay	March 20

E. Federal Lands Turkey Hunting Schedule

1. Kisatchie National Forest (KNF) Turkey Hunting Schedule Caney Ranger District, March 27-April 11; all remaining KNF lands, March 27-April 18 (including Catahoula and Red Dirt National Wildlife Management Preserves).

2. Indian Bayou Area (U.S. Army Corps of Engineers), Turkey Hunting Schedule March 20 handicap only hunt, March 27- April 4, lottery hunt only on March 27-28 and March 29-31. Contact USCOE at 337-585-0853 for further information.

3. National Wildlife Refuges Bogue Chitto NWR, March 27 April 25; Lake Ophelia NWR, March 27-29 (lottery only), April 3-25; Tensas NWR, March 20-21 (youth lottery only), March 27 April 11. Contact the U.S. Fish and Wildlife Service for information regarding NWR hunts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission LR 25:2265 (November 1999), amended LR 26:2636 (November 2000), LR 27:2272 (December 2001), LR 28:2377 (November 2002), LR 29:

Family Impact Statement

In accordance with Act 1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Interested persons may submit written comments relative to the proposed Rule to Mr. Tommy Prickett, Administrator, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, until Thursday, September 4, 2003.

Terry D. Denmon
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: 2004 Turkey Season

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

Establishment of hunting regulations is an annual process. The cost of implementing the proposed Rules to the state, aside from biologist staff time, is the production of the turkey regulation pamphlets and the issuance of turkey stamps. Implementation cost is estimated at $14,346. The state agency currently has sufficient funds to implement the proposed action and local governmental units will incur no implementation costs or savings from the proposed Rule.

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

License revenue from the sale of the turkey stamps is estimated to be $53,350. Failure to adopt this Rule would result in no turkey hunting seasons and loss of state revenue collections from the sale of turkey stamps. In addition, loss of tax revenues of an undeterminable amount may occur to both state and local governmental units from the sale of supplies and equipment used in the pursuit of turkeys.

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

Approximately 15,000 resident and nonresident sportsmen and an undeterminable amount of sporting goods distributors, retail outlets and landowners are directly affected by this proposal. Turkey hunters in Louisiana generate income to retail outlets, landowners and commercial operations that cater to the hunting public through hunting leases and the sale of outdoor related equipment and associated items (food, fuel, clothing shotgun shells, etc.). These land and business owners will be negatively impacted if turkey hunting seasons, rules and regulations are not established and promulgated. The actual amount of this impact is not estimable at this time. Both resident and nonresident turkey hunters who do not have a lifetime license or who are not exempt from purchasing a Wild Turkey Stamp will incur an additional cost of $5.50 and $20.50, respectively. This Rule merely sets the 2004 Wild Turkey hunting season.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Hunting supports approximately 9,184 full and part-time jobs in Louisiana of which a proportion is directly related to turkey hunting. Failure to establish turkey hunting seasons may have a negative impact on some of these jobs. It is anticipated that there will be little or no effect on competition in both the public and private sectors resulting from the proposed action.

James H. Jenkins, Jr.
Secretary
0307#056

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

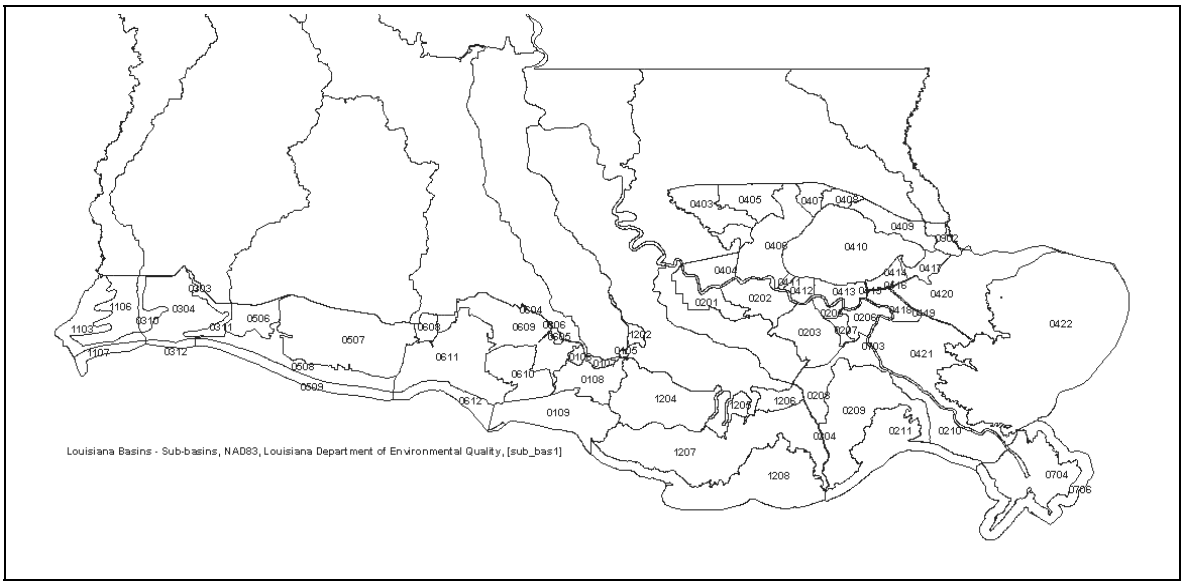
Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Oyster Harvest Area Grid System
(LAC 76:VII.519)

The Wildlife and Fisheries Commission does hereby give notice to amend the oyster harvest area grid system pursuant to R.S. 56:430.1.

Title 76
WILDLIFE AND FISHERIES
Part VII. Fish and Other Aquatic Life
Chapter 5. Oysters
§519. Establishment of an Oyster Harvest Area Grid System

A. For the purpose of submission of oyster leaseholder production information, as required in R.S. 56:430.1, the oyster harvest area grid system is established as those grid areas detailed on the map which is attached hereto and made a part hereof.



AUTHORITY NOTE: Promulgated in accordance with R.S. 56:430.1.B.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission LR 28:524 (March 2002), amended LR 29:

Family Impact Statement

In accordance with Act 1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Interested persons may submit comments relative to the proposed Rule to Ms. Heather Warner-Finley, Marine Fisheries Division, Department of Wildlife and Fisheries, P.O. Box 98000, Baton Rouge, LA 70898-9000, prior to Thursday, September 4, 2003.

Terry D. Denmon
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Oyster Harvest Area Grid System

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

No implementation costs or savings to sate or local governmental units are anticipated.

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

No effects to state or local governmental revenue collections are anticipated.

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

No costs or economic benefits to directly affected persons or non-governmental groups are anticipated as a result of the proposed Rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effects on competition or employment are anticipated.

James L. Patton
Undersecretary
0307#045

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Responsibilities and Powers of Enforcement Officers
(LAC 76:I.305)

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend the responsibilities and powers of enforcement officers within the department.

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this Notice of Intent and the final Rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Title 76
WILDLIFE AND FISHERIES
Part I. Wildlife and Fisheries Commission and Agencies Thereunder
Chapter 3. Special Powers and Duties
Subchapter B. Enforcement Officers
§305. Responsibilities and Powers of Enforcement Officers

A. - B.2. …

C. Nets, Traps, Guns, Boats, Lights and other Equipment

1. - 3. …

4. Rods, Reels, Tackle and Nets. In addition to the other allowable methods of disposal provided for in this Subsection, and notwithstanding any other provisions of this Subsection, all rods, reels, fishing poles, tackle and nets may, upon the passage or occurrence of all pertinent time periods or events provided for in Subparagraph C.1.a supra, be donated to bona fide charitable organizations, youth groups or schools. This disposition may be exercised in lieu of other dispositions when the secretary determines it is in the best interest of the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:60.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 15:554 (July 1989), amended LR 29:

Family Impact Statement

In accordance with Act 1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Interested persons may submit written comments relative to the proposed Rule to Col. Winton Vidrine, Administrator, Enforcement Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, until Thursday, September 4, 2003.

Terry D. Denmon
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Responsibilities and Powers of Enforcement Officers

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

No implementation costs or savings to state or local governmental units are anticipated.

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

The proposed Rule will reduce annual revenues to the Louisiana Department of Wildlife and Fisheries (LDWF) and to the Louisiana Property Assistance Agency (LPAA) by an estimated $1,996 and $499, respectively.

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

Under the proposed Rule, charitable organizations and/or youth groups will annually receive fishing gear with an estimated value of $29,700 (new)/$2,495 (salvage). These non-governmental organizations will not incur any additional costs.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effects on competition or employment are anticipated.

James L. Patton	Robert E. Hosse
Undersecretary	General Government Section Director
0307#054	Legislative Fiscal Office