

# Rules

## RULE

### Department of Agriculture and Forestry Office of Forestry

#### Forest Landowner Assistance (LAC 7:XXXIX.701)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and under the authority of R.S. 3:4274 and R.S. 3:3, the Commissioner of Agriculture and Forestry amends the rules and regulations for the adjustment of the fee schedule for certain forest management services provided by the Office of Forestry.

The amendment of this Section increases fees for certain forest management services provided to private landowners by the Louisiana Department of Agriculture and Forestry, Office of Forestry by \$30 per hour with a minimum of one hour for forest management services. The fee for tractor work will increase from \$70 an hour, with a minimum of one hour, to \$100 an hour with a minimum of one hour.

This Rule is enabled by R.S. 3:4276.

#### Title 7

### AGRICULTURE AND ANIMALS

#### Part XXXIX. Forestry

#### Chapter 7. Forest Landowner Assistance

#### §701. Management Service Fees

A. The Department of Agriculture and Forestry, Office of Forestry, shall, under the direction of the state forester, provide private landowners with assistance in the management of their forestlands.

1. Basic Services. Performed on an as-requested basis in all Office of Forestry districts.

- a. Prescribed Burning Services
  - i. Reforestation (cutover areas) \$25/acre plus \$70/hour for fireline establishment \$300 minimum charge
  - ii. Afforestation (pasture, etc.) \$15/acre plus \$70/hour for fireline establishment. \$300 minimum charge.
  - iii. Helicopter Assisted Burns \$10/acre plus \$70/hour for fireline establishment. \$300 minimum charge.
  - iv. Other Prescribed Burns (fuel reduction, hardwood control, wildlife habitat, etc.) \$20/acre \$300 minimum charge.
  - v. Fireline Plowing Only \$70/hour \$100 minimum charge.
- b. Timber Marking \$25/acre

2. Special Services. Performed when approved on a case-by-case basis.

- a. Tree Planting\* \$46/acre
- b. Direct Seeding\* \$10/acre
- c. Light tractor (dozer) work \$70/hour (1 hour minimum) [650 John Deere (or other brand of equal power) or less]

- d. Heavy tractor (dozer) work \$100/hour (1 hour minimum) [over 650 John Deere or other brand of equal power]
- \*Seedlings or seed not included.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4276, R.S. 3: 4274 and R.S. 3:3.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Forestry, LR 8:419 (August 1982), amended by the Department of Agriculture and Forestry, Office of Forestry, Forestry Commission, LR 11:1178 (December 1985), LR 19:1414 (November 1993), LR 23:553 (May 1997), amended by the Department of Agriculture and Forestry, Office of Forestry, LR 32:1782 (October 2006).

Bob Odom  
Commissioner

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## RULE

### Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for  
State Certification of School Personnel  
(LAC 28:CXXXI.Chapters 1-10)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education adopted *Bulletin 746—Louisiana Standards for State Certification of School Personnel*. Bulletin 746 will be printed in codified format as Part CXXXI of the Louisiana Administrative Code. This document replaces any previously advertised versions. Bulletin 746 has not been updated for many years; this revision will give clear, precise information on the guidelines for Louisiana certification. Bulletin 746 will assist individuals, principals, school districts, higher education personnel, and policy makers with policy adopted by the state board and will identify all certification guidelines for Louisiana school employees and administrators.

#### Title 28

### EDUCATION

#### Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel

#### Chapter 1. Introduction

#### §101. Purpose

A. Certification is a licensing process whereby qualified professionals become legally authorized to teach or to perform designated duties in K-12 schools under the jurisdiction of the Louisiana Board of Elementary and Secondary Education (BESE). The certification process provides a systematic and nondiscriminatory procedure for the credentialing of teachers and other school personnel.

B. Certification policies and statutes are designed to identify and support high quality teachers in all Louisiana classrooms; promote higher standards in the teaching

profession; and provide for growth and development of the teaching profession. The Louisiana Department of Education, Division of Teacher Certification and Higher Education, implements and maintains teacher certification procedures as mandated by legislation and BESE policy.

C. Certification policies are adopted and implemented in a manner, and with a timeline, that allows for smooth transition from old to new requirements. Any certification change made by the BESE shall include implementation dates to be specified at the time of recommendation to the BESE for action. In particular, changes in Praxis exam scores will allow for a 12-month period from the date of adoption by the BESE to the effective date.

D. When revised certification policy requirements necessitate a program change at the college level, a notice shall be given to those institutions of higher education that have teacher preparation programs so that catalogs can be revised and incoming freshman can be notified of the changes.

E. This bulletin will serve as a reference for current state policy relative to initial certification and to certification endorsement options for those who wish to become teachers, those who are practicing teachers, personnel from both school districts and institutions of higher education, and anyone else who may seek certification assistance.

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 32:1782 (October 2006).

## **Chapter 2. Louisiana Teacher Preparation Programs**

### **§201. Overview**

A. Louisiana Revised Statutes 17:7 provides for the duties, functions, and responsibilities of the board of Elementary and Secondary Education (BESE). Specifically, 17:7(6)(a)(i) states that BESE shall prescribe qualifications and provide for certification of teachers in accordance with applicable law, and that such qualifications and requirements shall ensure that certification shall be a reliable indicator of minimum current ability and proficiency of the teacher to educate at the grade level and in the subject(s) to which the teacher is assigned.

B. Louisiana teacher preparation programs are jointly reviewed by the Louisiana Board of Regents and by the BESE in a program approval process that culminates in formal adoption of each approved program. The BESE first approves certification structures that specify minimum semester hours, types of coursework, and other guidelines to be included in a teacher preparation program. Louisiana institutions of higher education and private program providers then propose programs designed to these specifications for official approval by the state through the program approval process. For a listing of state-approved teacher preparation programs by grade level and content area, see the Teach Louisiana website at [teachlouisiana.net](http://teachlouisiana.net).

C. When a candidate has successfully completed a state-approved program and met state testing and grade point average certification requirements, the program provider recommends the candidate for certification.

NOTE: The Louisiana Department of Education will accept no final grade below a "C" in coursework within the approved undergraduate program, with the exception of the general education requirements. All coursework used for certification

purposes must be for regular credit and not of a remedial or developmental nature.

D. There are two types of teacher preparation programs:

1. A *traditional teacher preparation program* is a Bachelor of Arts or Bachelor of Science degree program that includes general education courses, a certification focus area, professional education courses, field experiences, and student teaching in a school setting.

2. An *alternate teacher preparation program* is a pathway designed for candidates with a minimum of a baccalaureate degree earned at a regionally accredited institution. Applicants must demonstrate content mastery for admission to an alternate program, which combines professional knowledge with field experiences, including a student teaching experience or a one year supervised internship in a school setting.

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 32:1783 (October 2006).

## **Subchapter A. Traditional Teacher Preparation Programs**

### **§203. Introduction**

A. For the traditional teacher preparation program certification structures that BESE has adopted, the following notes apply.

1. Students must spend a minimum of 270 clock hours in student teaching, with at least 180 of such hours spent in actual teaching. A substantial portion of the 180 hours shall be on an all-day basis.

2. In addition to the student teaching experience, the student should be provided actual teaching experience (in addition to observations) in classroom settings during the sophomore, junior, and senior years within schools with varied socioeconomic and cultural characteristics. It is recommended that pre-service teachers be provided a minimum of 180 hours of direct teaching experience in field-based settings prior to student teaching.

3. Three of the flexible hours allowed in the program structure must be in the "humanities." This must occur to meet general education requirements for the board of regents.

4. If students do not possess basic technology skills, they should be provided coursework or opportunities to develop those skills early in their program.

5. Minimum credit hours have been listed. Programs may use the flexible hours to add more content hours to the various elements of the 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 32:1783 (October 2006).

### **§205. Minimum Requirements for Approved Regular Education Programs for Grades PK-3: Adopted May 24, 2001; Effective July 1, 2002**

A. For certification as a teacher in grades pre-kindergarten through third (PK-3) in the state of Louisiana, the focus is on the areas of Early Childhood, Reading/Language Arts, and Mathematics.

1. General Education—39 semester hours: Requirements provide the prospective PK-3 teacher with basic essential knowledge and skills.

English	12 semester hours
Mathematics	9 semester hours
Sciences	9 semester hours
Social studies	6 semester hours
Arts	3 semester hours

2. Focus on Early Childhood, Reading/Language Arts, and Mathematics—33 semester hours: Requirements provide a greater depth of knowledge in early childhood education.

Nursery school and kindergarten coursework	12 semester hours
Reading/language arts (Additional Content and Teaching Methodology)	12 semester hours
Mathematics	9 semester hours
Knowledge of the Learner and the Learning Environment, with the Emphasis on Early Childhood	15 semester hours

a. Requirements provide the prospective PK-3 teacher with a fundamental understanding of the learner and the teaching and learning process. Coursework should address the needs of the regular and the exceptional child, as follows:

- i. child/adolescent development/psychology;
- ii. educational psychology;
- iii. the learner with special needs;
- iv. classroom organization and management;
- v. multicultural education.

3. Methodology and Teaching—15 semester hours: Requirements provide the prospective PK-3 teacher with fundamental pedagogical skills.

Teaching methodology	6 semester hours
Student teaching	9 semester hours
Flexible hours for the university's use	22 semester hours
Total required hours in the program	124 semester hours

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 32:1783 (October 2006).

**§207. Minimum Requirements for Approved Regular Education Programs for Grades 1-5: Adopted May 24, 2001; Effective July 1, 2002**

A. For certification as a teacher in elementary grades 1-5 in the state of Louisiana, the focus is on the areas of Reading/Language Arts and Mathematics.

1. General Education—54 semester hours. Requirements provide the prospective elementary grades 1-5 teacher with basic essential knowledge and skills.

English	12 semester hours
Mathematics	12 semester hours
Sciences	15 semester hours
Social studies	12 semester hours
Arts	3 semester hours

2. Focus on Reading/Language Arts and Mathematics—21 semester hours. Requirements provide the prospective elementary grades 1-5 teacher with fundamental pedagogical skills.

Reading/language arts (additional content and teaching methodology)	12 semester hours
Mathematics (additional content and teaching methodology)	9 semester hours
Knowledge of the Learner and the Learning Environment, with the Emphasis on the Elementary School Student	15 semester hours

a. Requirements provide the prospective elementary grades 1-5 teacher with a fundamental understanding of the learner and the teaching and learning process. Coursework should address the needs of the regular and the exceptional child, as follows:

- i. child/adolescent development or psychology;
- ii. educational psychology;
- iii. the learner with special needs;
- iv. classroom organization and management;
- v. multicultural education.

3. Methodology and Teaching: 15 semester hours. Requirements provide the prospective elementary grade 1-5 teacher with fundamental pedagogical skills.

Teaching methodology	6 semester hours
Student teaching	9 semester hours
Flexible hours for the university's use	19 semester hours
Total required hours in the program	124 semester hours

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 32:1784 (October 2006).

**§209. Minimum Requirements for Approved Regular Education Programs for Grades 4-8: Adopted May 24, 2001; Effective July 1, 2002**

A. For certification as a teacher in middle grades 4-8 in the state of Louisiana, the focus is on two in-depth teaching areas.

1. General Education—54 semester hours. Requirements provide prospective middle grades 4-8 teachers with basic essential knowledge and skills.

English	12 semester hours
Mathematics	12 semester hours
Sciences	15 semester hours
Social Studies	12 semester hours
Arts	3 semester hours

2. Focus Area #1—19 hours total combined general education and focus area coursework.

English	7 or more hours
Mathematics	7 or more hours
Social Studies	7 or more hours
Science	4 or more hours

3. Focus Area #2—19 hours total combined general education and focus area coursework.

English	7 or more hours
Mathematics	7 or more hours
Social Studies	7 or more hours
Science	4 or more hours

4. Knowledge of the Learner and the Learning Environment, with the Emphasis on the Middle School Student—15 semester hours.

a. Requirements provide the prospective middle grades 4-8 teacher with a fundamental understanding of the learner and the teaching and learning process. Coursework should address the needs of the regular and the exceptional child:

- i. child/adolescent development/psychology;
- ii. educational psychology;
- iii. the learner with special needs;
- iv. classroom organization and management;
- v. multicultural education.

5. Methodology and Teaching—24 semester hours. Requirements provide the prospective middle grades 4-8 teacher with fundamental pedagogical skills.

Teaching methodology	9 semester hours
Reading	6 semester hours
Student teaching	9 semester hours
Flexible hours for the university's use	19 semester hours
Total required hours in the program	124 semester hours

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 32:1784 (October 2006).

**§211. Minimum Requirements for Approved Regular Education Programs for Grades 6-12: Adopted May 24, 2001; Effective July 1, 2002**

A. For certification as a secondary teacher in grades 6-12 in the state of Louisiana, the focus is on content, with a primary teaching area and a secondary teaching area.

1. General Education—30 semester hours. Requirements provide prospective secondary grades 6-12 teachers with basic essential knowledge and skills.

English	6 semester hours
Mathematics	6 semester hours
Sciences	9 semester hours
Social Studies	6 semester hours
Arts	3 semester hours

2. Primary Teaching Area—A total of 31 hours of combined general education and focus area coursework. These focus hours prepare a prospective secondary teacher of grades 6-12 in the content area essential to the primary certification area.

English, Social Studies, or Mathematics	25 or more hours
-or-	
Science	22 or more hours
-or-	
Other focus areas	31 or more hours

3. Secondary Teaching Area—A total of 19 hours of combined general education and focus area coursework. These focus hours prepare a prospective teacher of grades 6-12 with the essential knowledge to be certified in a secondary teaching area.

English, social studies, or mathematics	13 or more hours
-or-	

Science	10 or more hours
-or-	
Other focus areas	19 or more hours

NOTE: To achieve certification in the secondary teaching focus area, a candidate must either pass the content specialty Praxis exam or comply with endorsement guidelines for add-on certification as specified in Chapter 6 of this bulletin.

4. Knowledge of the Learner and the Learning Environment, with the Emphasis on the Secondary School Student—15 semester hours.

a. Requirements provide the prospective secondary grades 6-12 teacher with a fundamental understanding of the learner and the teaching/learning process. Coursework should address the needs of the regular and the exceptional child:

- i. child/adolescent development or psychology;
- ii. educational psychology;
- iii. the learner with special needs;
- iv. classroom organization and management;
- v. multicultural education.

5. Methodology and Teaching—18 semester hours. Requirements provide the prospective secondary grade 6-12 teacher with fundamental pedagogical skills.

Teaching methodology	6 semester hours
Reading	3 semester hours
Student teaching	9 semester hours
Flexible hours for the university's use	17-26 semester hours
Total required hours in the program	124 semester hours

NOTE: The following areas are approved primary teaching focus areas, to include a minimum of 31 semester hours of credit: Agriculture; Biology; Business; Chemistry; Computer Science; Earth Science; English; Environmental Science; Family and Consumer Sciences; a specific Foreign Language; General Science; Marketing; Mathematics; Physics; Social Studies; Speech; Technology Education.

NOTE: The following areas are approved secondary teaching focus areas, to include a minimum of 19 semester hours of credit: Biology; Business; Chemistry; Computer Science; Earth Science; English; Environmental Science; a specific Foreign Language; Journalism; Marketing; Mathematics; Physics; Social Studies; Speech.

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 32:1785 (October 2006).

**§213. College of Arts/Humanities/Sciences Degree Pathway to Secondary Education Certification (Grades 6-12): Adopted November 18, 2003; Effective January 1, 2004**

A. This certification structure identifies courses that candidates must complete if pursuing a degree through the College of Arts/Humanities/Sciences, with an education minor, to become certified to teach secondary grades 6-12.

1. General Education—30 semester hours. These requirements provide prospective secondary grades 6-12 teachers with basic essential knowledge and skills.

English	6 semester hours
Mathematics	6 semester hours
Sciences	9 semester hours
Social Studies	6 semester hours
Arts	3 semester hours

2. Focus Areas—Content Area (semester hours can include general education coursework, if appropriate, and additional coursework)—31 semester hours.

3. Focus Areas—Education—33 semester hours.

a. Knowledge of the Learner and the Learning Environment with the Emphasis on the Secondary School Student—15 semester hours:

- i. adolescent development or psychology;
- ii. educational psychology;
- iii. the learner with special needs;
- iv. classroom organization and management;
- v. multicultural education.

b. Methodology and Teaching—18 semester hours.

Requirements provide the prospective secondary grades.

i. 6-12 teacher with fundamental pedagogical skills:

- ii. teaching methodology (six semester hours);
- iii. reading (three semester hours);
- iv. student teaching (nine semester hours).

4. Flexible hours for the university's use—30-39 semester hours. The number of flexible hours is dependent upon the number of general education courses in English, mathematics, science, and social studies that can be applied toward the major. The number of hours for a content area focus should be a minimum of 31 hours, and the total curriculum (including flexible hours) should be 124 hours.

5. Total required hours in the program 124 semester hours.

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 32:1785 (October 2006).

**§215. Minimum Requirements for Approved Regular Education All-Level Programs for Grades K-12: Adopted November 2003; Effective August 1, 2005**

A. General Education—A minimum of 30 semester hours of credit designed to develop a broad cultural background. The work must be taken in the following five areas.

English	6 semester hours
Mathematics	6 semester hours
Sciences	9 semester hours
Social Studies	6 semester hours
Arts	3 semester hours

B. Focus Area

Art	31 semester hours of Art coursework
Dance	31 semester hours of Dance coursework
Health and Physical Education	31 semester hours of Health and Physical Education coursework
Vocal Music	31 semester hours of Vocal Music coursework
Instrumental Music	31 semester hours of Instrumental Music coursework
Vocal and Instrumental Music	50 semester hours vocal and instrumental music coursework

Foreign Language	31 semester hours of the language (If French, at least 12 hours must be earned through a two (2) semester residence in a university abroad or through two (2) summers of intensive immersion study on a Louisiana campus, an out-of-state university, or abroad)
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C. Knowledge of the Learner and the Learning Environment—18 semester hours.

1. Coursework should address needs of the regular and exceptional child and certification grade categories PK-3, 1-5, 4-8, and 6-12:

- a. child development;
- b. adolescent psychology;
- c. educational psychology;
- d. the learner with special needs;
- e. classroom organization and management;
- f. multicultural education.

D. Methodology and Teaching—18 semester hours.

Reading	3 semester hours
Teaching methodology	6 semester hours
Student teaching	9 semester hours
Flexible hours for university use	22 semester hours
Total required hours in the program	124 semester hours

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 32:1786 (October 2006).

**§217. Minimal Requirements for Approved Teacher Education Programs for Teachers of Mild/Moderate Impairments 1-12; Effective September 1, 1998**

A. General Education\*—a minimum of 46 semester hours of credit designed to develop a broad cultural background. The work must be taken in the five areas listed below.

1. English—12 semester hours, including three semester hours in grammar and three semester hours in composition.

2. Social Studies (anthropology, economics, geography, history, political science, psychology, sociology, and survey of social science)—12 semester hours, including at least three semester hours in United States history and three semester hours in geography (other than the geography of a state).

3. Science—12 semester hours, including at least three semester hours in biological science and at least three semester hours in physical science.

4. Mathematics—six semester hours.

5. Health and Physical Education—four semester hours.

B. \*Universities that wish to require three hours of computer science should require a minimum of six hours in mathematics and a minimum of nine hours in science.

C. Professional Education—a minimum of 27 semester hours of credit, taken in the four areas listed below.

1. History of education, introduction to education, foundations of education, and/or philosophy of education—three semester hours.

2. Educational psychology and/or principles of teaching—three semester hours.

3. Student teaching in elementary or secondary mild/moderate\*—nine semester hours.

4. Professional teacher education courses—12 semester hours, as follows:

a. child or adolescent psychology—three semester hours;

b. teaching of reading—nine semester hours, including at least three semester hours of credit for a practicum or laboratory situation involving work with children and materials of instruction.

\*In the event that student teaching cannot be done in a mild/moderate classroom, student teaching must be done in at least two categorical situations (MR, LD, OH, ED, SL) in the public and/or nonpublic schools supervised according to certification requirements for supervisor of student teachers referred to in Bulletin 746 and according to mandates R.S. 17:7.1-R.S. 17:7.2. For students pursuing a double major in regular and special education, the student teaching requirement will be fulfilled according to mandates of R.S. 17:7.1-R.S. 17:7.2 and will be equally divided between regular education and special education.

D. Specialized Academic Education, Elementary and Secondary—33 semester hours of credit, as follows.

1. General Knowledge—three semester hours in one of the following:

a. Introduction to Education of the Exceptional Child; or

b. Introduction to Education of Students with Mild/Moderate Disabilities.

2. Methods and Materials—nine semester hours, including 60 contact hours of field experiences, as follows:

a. Vocational and Transition Services for Students with Disabilities—three semester hours;

b. Methods of Teaching Students with Learning and Behavior Problems—three semester hours;

c. Methods of Teaching Basic Subjects to Students with Mild/Moderate Disabilities—three semester hours.

3. Management—six semester hours, including at least 60 contact hours of field experiences, as follows:

a. Methods of Classroom Organization and Management—three semester hours;

b. Approaches to Managing Students with Mild/Moderate Disabilities—three semester hours.

4. Practicum in Assessment—three semester hours.

5. Mainstreaming/Inclusive Education Practicum, including at least 60 contact hours—three semester hours.

NOTE: For students pursuing a double major in regular education and special education, the student teaching in regular education will fulfill the requirement for the practicum.

6. Professional Electives—nine semester hours.

NOTE: Electives must include competencies in inclusive education and coordination with regular education and be approved by the Dean of the College of Education.

E. Specialized Academic Education: Secondary: The secondary teacher of students with mild/moderate disabilities who is to award Carnegie units in various subjects must meet minimal requirements for the various subjects in addition to the general education and professional education requirements as outlined in Bulletin 746 minimal 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 32:1786 (October 2006).

**§219. Minimum Requirements for Approved Blended General/Special Education Mild-Moderate Program for Grade Levels 1-5: Adopted September 14, 2004; Effective July 1, 2007.**

A. Students who complete an approved blended general/special education mild/moderate program for elementary grade levels 1-5 are eligible for certification in the areas of mild/moderate and elementary grades 1-5. The program focus is on the areas of Reading/Language Arts and Mathematics.

1. General Education—54 semester hours. Requirements provide the prospective elementary grades 1-5 teacher with basic essential knowledge and skills.

English	12 semester hours
Mathematics	12 semester hours
Sciences	15 semester hours
Social studies	12 semester hours
Arts	3 semester hours

2. Focus Area, Special Education and Content—39 semester hours.

Additional Content and Teaching Methodology	
Reading/language arts	12 semester hours
Mathematics	9 semester hours
Special Education Content*	18 semester hours

\*NOTE: Council for Exceptional Children (CEC) performance-based standards for accreditation and licensure must be met.

3. Knowledge of the Learner and the Learning Environment, with Emphasis on the Elementary School Student—15 semester hours.

a. Requirements provide the prospective elementary grades 1-5 teacher with a fundamental understanding of the learner and the teaching and learning process. Coursework should address the needs of the regular and the exceptional child:

- i. child/adolescent development or psychology;
- ii. educational psychology;
- iii. the learner with special needs;
- iv. classroom organization and management;
- v. multicultural education.

4. Methodology and Teaching—15 semester hours.

a. Requirements provide the prospective elementary grades 1-5 teacher with fundamental pedagogical skills.

Teaching methodology (science and social studies must be addressed)	6 semester hours
Student teaching*	9 semester hours
*(50 percent of the student teaching must include working with and actual teaching of students with disabilities)	
Flexible hours for the university's use	19 semester hours
Total required hours in the program	124 semester hours

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 32:1787 (October 2006).

**§221. Minimum Requirements for Approved Blended General/Special Education Mild-Moderate Program for Grade Levels 4-8: Adopted September 14, 2004; Effective July 1, 2007.**

A. Students who complete an approved blended general/special education mild/moderate program for middle grades 4-8 are eligible for certification in the areas of mild/moderate and the selected middle grades 4-8 content area. The program focus is on special education and one middle school content area.

1. General Education—54 semester hours. Requirements provide the prospective middle grades 4-8 teacher with basic essential knowledge and skills.

English	12 semester hours
Mathematics	12 semester hours
Sciences	15 semester hours
Social studies	12 semester hours
Arts	3 semester hours

2. Focus Area, Special Education and Content—37 semester hours (combined general education and focus area content semester hours should equal 19).

Middle School Content Area (English, mathematics, science, or social studies)	19 semester hours
Special Education Content*	18 semester hours

\*NOTE: Council for Exceptional Children (CEC) performance-based standards for accreditation and licensure must be met.

3. Knowledge of the Learner and the Learning Environment, with the Emphasis on the Middle School Student—15 semester hours.

a. Requirements provide the prospective middle grades 4-8 teacher with a fundamental understanding of the learner and the teaching/learning process. Coursework should address the needs of the regular and the exceptional child:

- i. child/adolescent development or psychology;
- ii. educational psychology;
- iii. the learner with special needs;
- iv. classroom organization and management;
- v. multicultural education.

4. Methodology and Teaching—21 semester hours. These requirements provide the prospective middle grades 4-8 teacher with fundamental pedagogical skills.

Reading	6 semester hours
Teaching methodology	6 semester hours
Student teaching	9 semester hours
(50 percent of the student teaching must include working with and actual teaching of students with disabilities)	
Flexible hours for the university's use	9-12 semester hours
Total required hours in the program	124 semester hours

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 32:1788 (October 2006).

**§223. Minimum Requirements for Approved Blended General/Special Education Mild-Moderate Program for Grade Levels 6-12: Adopted September 14, 2004; Effective July 1, 2007.**

A. Students who complete an approved blended general/special education mild/moderate program for secondary grade levels 6-12 are eligible for certification in the areas of mild/moderate and in the selected secondary grades 6-12 content area. The program focus is on special education and one high school content area.

1. General Education—30 semester hours. These requirements provide the prospective secondary grades 6-12 teacher with basic essential knowledge and skills.

English	6 semester hours
Mathematics	6 semester hours
Sciences	9 semester hours
Social studies	6 semester hours
Arts	3 semester hours

2. Focus Area, Special Education and Content—49 semester hours (combined general education and focus area content semester hours should equal 31).

Secondary school content area	31 semester hours
Special education content	18 semester hours

\*NOTE: Council for Exceptional Children (CEC) performance-based standards for accreditation and licensure must be met.

3. Knowledge of the Learner and the Learning Environment—15 semester hour.

a. These requirements provide the prospective secondary grades 6-12 teacher with a fundamental understanding of the learner and the teaching/learning process. Coursework should address the needs of the regular and the exceptional child:

- i. child/adolescent development or psychology;
- ii. educational psychology;
- iii. the learner with special needs;
- iv. classroom organization and management;
- v. multicultural education.

4. Methodology and Teaching—18 semester hours. These requirements provide the prospective secondary grades 6-12 teacher with fundamental pedagogical skills.

Reading	3 semester hours
Teaching methodology	6 semester hours
Student teaching*	9 semester hours
*(50 percent of the student teaching must include working with and actual teaching of students with disabilities)	
Flexible hours for the university's use	12-21 semester hours
Total required hours in the program	124 semester hours

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 32:1788 (October 2006).

**§225. Minimum Requirements for Approved Early Interventionist Special Education Birth to Five Years Program: Adopted November 18, 2004; Effective January 1, 2007.**

A. For Louisiana certification as a teacher for Early Interventionist: Birth to Five Years, the focus of the program is on early childhood and early interventionist.

1. General Education—48 semester hours. These requirements provide the prospective early interventionist teacher with basic essential knowledge and skills.

English	12 semester hours
Mathematics	12 semester hours
Sciences	12 semester hours
Social studies	9 semester hours
Arts	3 semester hours

2. Focus Area—The Young Child: 30 semester hours.

Nursery school and kindergarten.	9 semester hours
Reading content.	3 semester hours
Special education content* (with emphasis on infants, toddlers, and preschoolers): Foundations In early childhood education and early intervention; physical and medical management; motor speech/language development; sensory and communication differences; understanding and working with families	18 semester hours

\*NOTE: Council for Exceptional Children (CEC) performance-based standards for accreditation and licensure must be met.

3. Knowledge of the Learner and the Learning Environment, with the Emphasis on Infants, Toddlers, and Preschoolers—15 semester hours.

a. These requirements provide prospective Early Interventionist teachers with a fundamental understanding of the learner and the teaching/learning process. Coursework should address the needs of the regular and the exceptional child:

- i. child development/psychology;
- ii. learning environments/diversity/behavior analysis;
- iii. curriculum;
- iv. assessment;
- v. interdisciplinary and interagency teaming and consultation.

4. Methodology and Teaching—15 semester hours. These requirements provide the prospective early interventionist teacher with fundamental pedagogical skills.

Reading methodology	6 semester hours
Teaching methodology (early intervention methods infant, toddler, preschool), understanding and facilitating play, teaching mathematics	9 semester hours
Student teaching (infant, toddler, preschool areas)	9 semester hours
Flexible hours for the university's use	7 semester hours
Total required hours in the program	124 semester hours

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 32:1789 (October 2006).

**§227. Minimal Guidelines for Approved Teacher Education Program for Speech, Language, and Hearing Specialists**

A. For certification as a Speech, Language, and Hearing Specialist through a traditional teacher preparation program, emphasis is placed upon general, professional, and special education coursework.

1. General Education—46 semester hours designed to develop a broad cultural background. The work must be taken in the five areas listed below.

English, including at least three semester hours in grammar and three semester hours in composition	12 semester hours
Social studies (anthropology, economics, geography, history, political science, sociology, and survey of social science), including at least three semester hours in United States history	12 semester hours
Science, including at least three semester hours in biological science, three semester hours in physical science, and three semester hours in anatomy and physiology	12 semester hours
Mathematics	6 semester hours
Health and physical education	4 semester hours

a. Universities that wish to require three semester hours of computer science should require a minimum of six semester hours in mathematics and a minimum of nine semester hours in science.

2. Professional Education—33 semester hours, which must be taken in the four areas listed below.

a. History of education, introduction to education, foundations of education, and/or philosophy of education—3 semester hours.

b. Educational psychology and/or principles of teaching—3 semester hours.

c. Student teaching in speech, language, and hearing therapy with individuals from birth to 22 years of age, in public or nonpublic schools—9 semester hours.

i. Student teaching must be supervised according to certification requirements for supervisor of student teachers referred to in Bulletin 746 and according to the mandates of R.S. 17:7.1-R.S. 17:7.2.

d. At least 18 hours of professional education, to include the following.

Adolescent psychology	3 semester hours
Child psychology	3 semester hours
Introduction to exceptional children	3 semester hours
Teaching of reading	3 semester hours

3. Special Education Requirements for Speech, Language, and Hearing Services (\*Indicates those courses recommended to be taught at the bachelor's level)

a. Basic Requirements

i. \*Educational and/or psychological tests and measurements—3 semester hours.

ii. \*Counseling methods for teaching or psychological counseling—3 semester hours.

iii. \*Abnormal psychology (e.g., Psychology of adjustment, mental hygiene, psychology of the emotionally disturbed)—3 semester hours.

b. Basic Professional Courses:

i. \*American phonetics—3 semester hours.

- ii. \*Anatomy and physiology of the speech and hearing mechanism—3 semester hours.
- iii. \*Normal speech and language acquisition (to include cultural and regional variations)—3 semester hours.
- iv. Voice science and/or acoustics—3 semester hours.
- v. \*Methods and materials in speech, language, and hearing therapy in public schools—3 semester hours.

c. Hearing and Hearing Disorders

- i. \*General foundations in audiology (including hearing testing)—3 semester hours.
- ii. Advanced hearing testing—3 semester hours.
- iii. \*Aural rehabilitation—3 semester hours.
- d. Speech and Language Disorders: A minimum of 30 hours, to include the following:

NOTE: No more than six of the following semester hours may be counted in clinical practicum credits.

- i. \*Survey or introduction to communicative disorders—3 semester hours;
- ii. \*Articulation disorders—3 semester hours;
- iii. \*Language disorders—3 semester hours;
- iv. \*Disorders of rhythm (to include stuttering)—3 semester hours;
- v. \*Voice disorders—3 semester hours;
- vi. Cleft palate, orofacial disorders—3 semester hours;
- vii. Neurological disorders (cerebral and peripheral neurological disorders)—3 semester hours;
- viii. Aphasia—3 semester hours;
- ix. Diagnosis and diagnostic practicum with speech and language disorders—3 semester hours;
- x. A minimum of 30 semester hours must be earned at the graduate level, excluding six semester hours of practicum.

e. A minimum of 375 clock hours of supervised clinical practicum is required, of which at least *100 clock hours must have been earned at the undergraduate level*. These hours must include experiences with individuals from birth to 21 years of age and shall include at a minimum the following distribution of hours or the distribution of hours as specified for clinical practicum be the American Speech-Language-Hearing Association (ASHA). A minimum of:

- i. 50 hours in diagnosis;
- ii. 50 hours in hearing, testing, and auditory rehabilitation;
- iii. 75 hours in language disorders;
- iv. 30 hours in articulation disorders;
- v. 30 hours in rhythm disorders.

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 32:1789 (October 2006).

**Subchapter B. Alternate Teacher Preparation Programs**  
**§231. Introduction**

A. Current BESE policy allows for alternate certification pathways listed in this section. Previous policy was limited to the alternate program pathway entitled "Post-Baccalaureate Program." In the period in which the State transitions from previous policy to current policy, the following are deadline dates for candidates enrolled in a Louisiana post-baccalaureate alternate program prior to

implementation of the current Practitioner Teacher, Master's Degree, and Non-master's/Certification-Only alternate certification programs.

B. Candidates in Early Childhood Education, Elementary, Secondary, and Mild/Moderate Special Education

1. Spring Semester 2003—last date for students to be accepted into Post-Baccalaureate Programs.

2. August 31, 2006—last date for candidates who were already in the Post-Baccalaureate Programs to complete those programs.

C. Candidates in the all-level (K-12) areas of art, dance, foreign language, health and physical education, and music.

1. Spring Semester 2005—last date for students to be accepted into Post-Baccalaureate Programs.

2. August 31, 2008—last date for candidates who are already in Post-Baccalaureate Programs to complete those programs.

D. Candidates in the areas of Early Interventionist, Hearing Impaired, Significant Disabilities, and Visual Impairments/Blind.

1. Spring Semester 2006—last date for candidates to be accepted into Post-Baccalaureate Programs.

2. August 31, 2009—last date for candidates who are already in Post-Baccalaureate Programs to complete those programs.

E. The alternate program certification structures shown below became effective on July 1, 2002, and supersede previous alternate program guidelines.

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 32:1790 (October 2006).

**§233. The Practitioner Teacher Program Alternative Path to Certification (Minimum Requirements)**

A. State-approved private providers and Louisiana colleges or universities with an approved teacher education program may choose to offer a Practitioner Teacher Program for certification in Grades PK-3, 1-5, 4-8, 6-12, All-Level K-12 (art, dance, foreign language, health and physical education, and music), or Mild-Moderate Special Education. The Practitioner Teacher Program is a streamlined certification path that combines intensive coursework and full-time teaching.

B. Admission to the Program. Program providers work with district personnel to identify Practitioner Teacher Program candidates who will be employed by districts during fall and spring. For admission, candidates must:

1. possess a non-education baccalaureate degree from a regionally accredited university;

2. have 2.50 or higher grade point average (GPA) on a 4.00 scale to enter a private provider program;

3. have 2.20 or higher grade point average (GPA) on a 4.00 scale to enter a college or university program;

4. pass the Praxis Pre-Professional Skills Tests (PPSTs) in reading, writing, and mathematics. Candidates who already possess a graduate degree will be exempted from this requirement;

5. pass the Praxis content specific examinations:

a. candidates for grades PK-3: pass Elementary Education: Content Knowledge (#0014);

b. candidates for grades 1-5 (regular education and mild/moderate): pass Elementary Education: Content Knowledge (#0014);

c. candidates for grades 4-8 (regular education and mild/moderate): pass the middle school subject-specific licensing examination(s) for the content area(s) to be certified;

d. candidates for grades 6-12 (regular education and mild/moderate): pass the secondary subject-specific examination(s) for the content area(s) to be certified. Special education mild/moderate candidates seeking admission to an alternate program must pass a Praxis core subject area exam (English/language arts, foreign language, mathematics, the sciences, or social studies). If no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 31 semester hours of coursework specific to the content area;

e. candidates for all-level K-12 areas of art, dance, foreign language, health and physical education, and music: pass the subject-specific examination for content area(s) to be certified. If no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 31 semester hours of coursework specific to the content area for admission to the program. The provider must develop a process to ensure that candidates demonstrate necessary performance skills in the all-level certification area;

6. meet other non-course requirements established by college or university.

#### C. Teaching Preparation (Summer)

1. All teachers will participate in field-based experiences in school settings while completing the summer courses (or equivalent contact hours).

2. Grades PK-3 practitioner teachers will successfully complete courses or equivalent contact hours that focus on child development or psychology, family and community relationships, the diverse learner, classroom management/organization, assessment, instructional design, and instructional strategies before starting their teaching internships. (12 credit hours or equivalent 180 contact hours)

3. Grades 1-5, 4-8, and 6-12 practitioner teachers will successfully complete courses or equivalent contact hours that focus on child or adolescent development or psychology, the diverse learner, classroom management/organization, assessment, instructional design, and instructional strategies before starting their teaching internships. (9 credit hours or equivalent 135 contact hours)

4. Mild/Moderate Special Education practitioner teachers will successfully complete courses or equivalent contact hours that focus on special needs of the mild/moderate exceptional child, classroom management, behavioral management, assessment and evaluation, methods and materials for mild/moderate exceptional children, and vocational and transition services for students with disabilities. (9 credit hours or equivalent 135 contact hours)

5. All-Level K-12 practitioner teachers will successfully complete courses or equivalent contact hours that focus on child and adolescent psychology, the diverse learner, classroom management and organization, assessment, instructional design, and instructional strategies

across grade levels K-12 before starting their teaching internships. (9 credit hours or equivalent 135 contact hours)

D. Teaching Internship and First-Year Support: 12 credit hours or equivalent 180 contact hours.

1. Practitioner teachers assume full-time teaching positions in districts. During the school year, candidates participate in two seminars (during the fall and during the spring) that address immediate needs of the Practitioner Teacher Program teachers, and receive one-on-one supervision through an internship provided by the program providers.

2. Practitioner teachers participating in the LaTAAP will receive support from school-based mentor teachers provided by the Louisiana Teacher Assistance and Assessment Program (LaTAAP) and principals. Practitioner teachers who are not participating in the LaTAAP or who have successfully completed the LaTAAP will be provided a mentor by the program provider.

3. For all-level areas (art, dance, foreign language, health and physical education, and music), field experiences should be provided across grades K-12.

#### E. Teaching Performance Review (End of First Year)

1. Program providers, principals, mentors, and practitioner teachers form teams to review first-year teaching performance of practitioner teachers and determine the extent to which the practitioner teachers have demonstrated teaching proficiency.

2. If weaknesses are cited, teams will identify additional types of instruction to address areas of need. Prescriptive plans that require from one to nine credit hours of instruction, or 15 to 135 equivalent contact hours, will be developed for practitioner teachers.

F. Prescriptive Plan Implementation (Second Year)—One to nine credit hours, or 15 to 135 contact hours. Candidates who demonstrate areas of need will complete prescriptive plans.

#### G. Total Hours Required in the Program

1. Grades PK-3 Program—24-33 credit hours (or equivalent 360-495 contact hours).

2. Grades 1-5, 4-8, 6-12, All-Level (K-12), and Mild/Moderate Special Education Programs—21-30 credit hours (or equivalent 315-450 contact hours).

H. Praxis Review (Second Year). Program providers will offer review sessions to prepare practitioner teachers to pass remaining components of the Praxis.

I. Program Requirements must be met within a three year time period. For certification purposes, private providers and colleges or universities will submit signed statements to the Department of Education indicating that the student completing the Practitioner Teacher Program alternative certification path met the following requirements:

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

2. completed all program requirements including the internship with a 2.50 or higher GPA (this applies to candidates in a university program);

3. completed prescriptive plans (if weaknesses were demonstrated);

4. passed the Praxis specialty examination for the area(s) of certification. (Note: This test was required for admission);

a. grades PK-3: Elementary Education: Content Knowledge (#0014);

b. grades 1-5 (regular and special education): Elementary Education: Content Knowledge (#0014);

c. grades 4-8 (regular and special education): Middle school subject-specific licensing examination(s) for the content area(s) to be certified;

d. grades 6-12 (regular and special education): Secondary subject-specific examination(s) for the content area(s) to be certified. Special education mild/moderate candidates must pass a Praxis core subject area exam (English/language arts, foreign language, mathematics, the sciences, or social studies). If no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 31 semester hours of coursework specific to the content area for admission to the program;

e. all-level K-12 areas (art, dance, foreign language, health and physical education, and music): Subject-specific examination(s) for content area(s) to be certified. If no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 31 semester hours of coursework specific to the content area for admission to the program;

5. passed the pedagogy examination (Praxis):

a. grades PK-3: Early Childhood Education (#0020);

b. grades 1-5: Principles of Learning and Teaching K-6 (#0522);

c. grades 4-8: Principles of Learning and Teaching 5-9 (#0523);

d. grades 6-12: Principles of Learning and Teaching 7-12 (#0524);

e. all-level K-12 Certification: Principles of Learning and Teaching K-6, 5-9, or 7-12;

f. mild/moderate special education: Education of Exceptional Students: Core Content Knowledge (#0353) and Education of Exceptional Students: Mild to Moderate Disabilities (#0542);

6. all candidates entering an alternate certification program after May 1, 2004, must demonstrate proficiency in the Reading Competencies as adopted by the BESE through either of the following:

a. successfully complete the same number of semester hours in reading as required for undergraduate teacher preparation programs:

i. early childhood PK-3 or elementary 1-5 programs, nine hours;

ii. middle grades 4-8 programs, six hours;

iii. secondary 6-12 or all-level K-12 programs, three hours;

iv. special education areas (Early Interventionist, Hearing Impaired, Mild/Moderate 1-12, Significant Disabilities, or Visually Impaired), nine hours; or

b. pass a reading competency assessment.

J. Ongoing Support (Second and Third Year): Program providers will give support services to practitioner teachers during their second and third years of teaching. Support types may include online support, internet resources, special seminars, etc.

K. Professional License: A practitioner teacher will be issued a Practitioner License in a specific level and area upon entrance to the program. The practitioner teacher is

restricted to the specific level and area as designated on the Practitioner License. He/she will be issued a Level 1 Professional License upon successful completion of all program requirements. After three years of teaching in the area of certification and successful completion of the Louisiana Teacher Assistance and Assessment Program, he/she will be eligible for a Level 2 license.

L. Undergraduate, Graduate Courses; Graduate Programs. Universities may offer the Practitioner Teacher Program courses at the undergraduate or graduate level. Efforts should be made to allow students to use graduate hours as electives if they are pursuing a graduate degree.

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 32:1790 (October 2006).

### **§235. The Master's Degree Program Alternative Path to Certification (Minimum Requirements)**

A. A Louisiana college or university with an approved teacher education program may choose to offer an alternative certification program that leads to a master's degree. The college or university may offer the master's degree program as either a Master of Education or a Master of Arts in Teaching. Master's Degree Programs may offer certification in Grades PK-3, 1-5, 4-8, 6-12, All-Level K-12 (art, dance, foreign language, health and physical education, music), Early Interventionist Birth to Five Years, Mild/Moderate, Significant Disabilities 1-12, Hearing Impaired K-12, and Visual Impairments/Blind K-12.

B. For all special education programs, the Council for Exceptional Children (CEC) performance-based standards for accreditation and licensure must be met.

C. Admission to the Program. To be admitted, candidates must:

1. possess a non-education baccalaureate degree from a regionally accredited university;

2. have a 2.50 or higher grade point average (GPA) on a 4.00 scale;

3. pass the Praxis Pre-Professional Skills Tests (PPSTs) in reading, writing, and mathematics (individuals who already possess a graduate degree will be exempted from this requirement);

4. pass the Praxis content-specific subject area examination:

a. candidates for PK-3 (regular education)—Elementary Education: Content Knowledge (#0014);

b. candidates for Grades 1-5 (regular education and mild/moderate)—Elementary Education: Content Knowledge (#0014);

c. candidates for Grades 4-8 (regular education and mild/moderate)—the middle school subject-specific licensing examination(s) for the content area(s) to be certified;

d. candidates for Grades 6-12 (regular education and mild/moderate)—the secondary subject-specific examination(s) for the content area(s) to be certified. Special education mild/moderate candidates seeking admission to an alternate program must pass a Praxis core subject area exam (English/language arts, foreign language, mathematics, the sciences, or social studies). If no examination has been adopted for Louisiana in the certification area, candidates

must present a minimum of 31 semester hours of coursework specific to the content area;

e. candidates for All-Level K-12 areas of art, dance, foreign language, health and physical education, and music—the subject-specific examination(s) for the content area(s) to be certified. If no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 31 semester hours of coursework specific to the content area for admission to the program. The provider must develop a process to ensure that candidates demonstrate necessary performance skills in the all-level certification area;

f. candidates for special education Early Interventionist Birth to Five Years, Significant Disabilities 1-12, Hearing Impaired K-12, Visual Impairments/Blind K-12—Elementary Education: Content Knowledge (#0014);

5. meet other non-course requirements established by the college/university.

#### D. Program Requirements

1. Knowledge of Learner and the Learning Environment: 15 credit hours.

a. Grades PK-3, 1-5, 4-8, 6-12—Child or adolescent development or psychology; the diverse learner; classroom management/organization; assessment; instructional design and instructional strategies.

b. Special education Mild/Moderate—Special needs of the mild/moderate exceptional child; classroom management; behavioral management; assessment and evaluation; methods and materials for mild/moderate exceptional children; vocational and transition services for students with disabilities.

c. All-Level (grades K-12)—Coursework across grade levels K-12, as follows: Child and adolescent psychology; the diverse learner; classroom management/organization; assessment; instructional design and instructional strategies.

d. Special Education Early Interventionist Birth to Five Years (coursework specific to infants, toddlers, and preschoolers)—Child development or psychology; learning environment and behavior analysis; motor, sensory, and communication differences; teaming, physical, and medical management; understanding and working with families; communication and literacy in early intervention.

e. Special Education Significant Disabilities 1-12 (coursework specific to needs of children with significant disabilities)—Assessment and evaluation, including IEP and ESYP; communication strategies; behavior support; collaborative techniques and family partnerships; physical support, health and safety; special education law; characteristics of individuals with significant disabilities.

f. Special Education Hearing Impaired K-12 (coursework specific to the needs of general education students)—Assessment and evaluation; special needs of students with disabilities; transition; instructional strategies and planning in the content areas; instructional strategies in literacy; education law, special education law, school structure; technology in schools; diversity in schools.

g. Special education Visual Impairments/Blind K-12 (coursework specific to the needs of visually impaired students)—Educational implications of low vision and blindness; orientation and mobility for the classroom teacher; assessment/evaluation techniques, including

functional vision evaluation and reading media assessment; assistive technology for the visually impaired; education law, special education law, school structure; transition.

2. Methodology and Teaching: 12 to 15 credit hours.

a. For Grades PK-3, 1-5, 4-8, 6-12, All-Level K-12 (art, dance, foreign language, health and physical education, and music), and special education mild/moderate: Methods courses and field experiences.

NOTE: For All-Level K-12 areas (art, dance, foreign language, health and physical education, and music), experiences should be provided across grades K-12.

b. For special education Early Interventionist Birth to Five Years (coursework specific to needs of infants, toddlers, and preschoolers)—Curriculum; assessment; early intervention methods; understanding and facilitating play; teaching of reading and mathematics.

c. For special education Significant Disabilities 1-12 (coursework specific to needs of children with significant disabilities, across grades 1-12)—Curriculum development and modifications; transition planning; instructional strategies; inclusive education practices.

d. For special education Hearing Impaired K-12 (coursework specific to needs of children with hearing impairments across grades K-12)—Language development and linguistic principles in language acquisition; speech development, speech reading, audition training; assessment and evaluation; instructional strategies; audiology, and audiology training; anatomy and physiology of the hearing mechanism; auditory assistive devices; history and psychology of deafness; assistive devices and technology; proficiency in either signed, cued, or oral communication.

e. For special education Visual Impairments/Blind K-12 (coursework specific to needs of visually impaired students, across grades K-12)—Instructional strategies; Braille code, teaching Braille reading (with proficiency as defined in LA State Competencies); Nemeth code, teaching Braille mathematics; using slate and stylus.

3. Student Teaching or Internship—6-9 credit hours

NOTE: For all-level K-12 areas of art, dance, foreign language, health and physical education, and music, experiences should be provided across grades K-12.

4. Total hours required in the program—33-39 credit hours

E. Certification Requirements. Colleges/universities will submit signed statements to the Louisiana Department of Education indicating that the student completing the Master's Degree Program alternative certification path met the following requirements:

1. passed PPST components of Praxis (as required for admission);

2. completed all coursework in the Master's Degree alternate certification program with a 2.50 or higher grade point average (GPA);

3. passed the specialty examination (Praxis) for the area of certification (this test was required for admission):

a. grades PK-3 (regular education)—Elementary Education: Content Knowledge (#0014);

b. grades 1-5 (regular education and mild/moderate)—Elementary Education: Content Knowledge (#0014);

c. grades 4-8 (regular education and mild/moderate)—Middle school subject-specific licensing examination for content area to be certified;

d. grades 6-12 (regular education and mild/moderate)—Secondary subject-specific examination for content area(s) to be certified. Special education mild/moderate candidates must pass a Praxis core subject area exam (English/language arts, foreign language, mathematics, the sciences, or social studies). If no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 31 semester hours of coursework specific to the content area for admission to the program;

e. all-level K-12 Certification—Subject-specific examination for content area(s) to be certified. If no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 31 semester hours of coursework specific to the content area for admission to the program;

f. Special Education Early Interventionist (Birth to Five Years), Significant Disabilities 1-12, Hearing Impaired K-12, and Visual Impairments/Blind K-12—Elementary Education: Content Knowledge (#0014) specialty examination;

4. passed the pedagogy examination (Praxis):

a. grades PK-3—Early Childhood Education (#0020);

b. grades 1-5—Principles of Learning and Teaching K-6 (#0522);

c. grades 4-8—Principles of Learning and Teaching 5-9 (#0523);

d. grades 6-12—Principles of Learning and Teaching 7-12 (#0524);

e. all-level K-12 Certification—Principles of Learning and Teaching K-6, 5-9, or 7-12;

f. Special Education Mild/Moderate—Education of Exceptional Students: Core Content Knowledge (#0353) and Education of Exceptional Students: Mild to Moderate Disabilities (#0542);

g. Special Education Early Interventionist Birth to Five Years—Education of Exceptional Students: Core Content Knowledge (#0353) and Early Childhood Education (#0020);

h. Special Education Significant Disabilities 1-12—Education of Exceptional Students: Core Content Knowledge (#0353) and Education of Exceptional Students: Severe to Profound Disabilities (#0544);

i. Special Education Hearing Impaired K-12—Education of Exceptional Students: Core Content Knowledge (#0353) and Education of Exceptional Students: Hearing Impairment (#0271);

j. Special Education Visual Impairments/Blind K-12—Education of Exceptional Students: Core Content Knowledge (#0353);

5. prior to receiving a Level 1 or higher professional teaching certificate, a candidate who entered an alternate certification program after May 1, 2004, is required to demonstrate proficiency in the Reading Competencies as adopted by the BESE through either of the following:

a. successfully complete the same number of semester hours in reading as required for undergraduate teacher preparation programs:

i. early Childhood PK-3 or Elementary 1-5 programs, nine hours;

ii. middle Grades 4-8 programs, 6 hours;

iii. secondary 6-12 or All-Level K-12 programs, 3 hours;

iv. special Education areas (Early Interventionist, Hearing Impaired, Mild/Moderate 1-12, Significant Disabilities, or Visually Impaired), nine hours; or

b. pass a reading competency 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 32:1792 (October 2006).

### **§237. Non-Masters/Certification-Only Program Alternative Path to Certification**

A. This program is designed to serve candidates who may not elect participation in or be eligible for certification under either the Practitioner Teacher Alternate Certification Program or the Master's Degree Alternate Certification Program. The program may also be accessible in some areas of the state in which the other alternate certification programs are not available.

B. Non-Master's/Certification-Only Programs may offer certification in Grades PK-3, 1-5, 4-8, 6-12, All-Level K-12 (art, dance, foreign language, health and physical education, and music), Early Interventionist Birth to Five Years, Mild/Moderate, Hearing Impaired K-12, Significant Disabilities 1-12, and Visual Impairments/Blind K-12.

C. For all special education programs, the Council for Exceptional Children (CEC) performance-based standards for accreditation and licensure must be met.

D. Admission to the Program—Candidates must:

1. possess a non-education baccalaureate degree from a regionally accredited university;

2. have a 2.20 or higher grade point average (GPA) on a 4.00 scale;

3. pass the Praxis Pre-Professional Skills Tests (PPSTs). Candidates who already possess a graduate degree will be exempted from this requirement;

4. pass the Praxis content-specific subject area examination:

a. candidates for PK-3 (regular education)—Elementary Education: Content Knowledge (#0014);

b. candidates for Grades 1-5 (regular education and mild/moderate)—Elementary Education: Content Knowledge (#0014);

c. candidates for Grades 4-8 (regular education and mild/moderate)—Pass the middle school subject-specific examination for the content area(s) to be certified;

d. candidates for Grades 6-12 (regular education and mild/moderate)—Pass the secondary subject-specific examination for the content area(s) to be certified. Special education mild/moderate candidates seeking admission to an alternate program must pass a Praxis core subject area exam (English/language arts, foreign language, mathematics, the sciences, or social studies). If no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 31 semester hours of coursework specific to the content area;

e. candidates for All-Level K-12 areas of art, dance, foreign language, health and physical education, and music—Pass the subject-specific examination for the content area(s) to be certified. If no examination has been adopted for Louisiana in the certification area, candidates must

present a minimum of 31 semester hours of coursework specific to the content area for admission to the program. Provider must develop a process to ensure that candidates demonstrate necessary performance skills in the all-level certification area;

f. candidates for special education Early Interventionist Birth to Five Years, Significant Disabilities 1-12, Hearing Impaired K-12, and Visual Impairments/Blind K-12—Elementary Education: Content Knowledge (#0014).

#### E. Program Requirements and Structure

1. Knowledge of the Learner and the Learning Environment—12 hours. All courses for regular and special education will integrate effective teaching components, content standards, technology, reading, and portfolio development. Field-based experiences will be embedded in each course. Courses must address the following:

a. Grades PK-3, 1-5, 4-8, 6-12—child/adolescent development or psychology, the diverse learner, classroom management/organization/ environment, assessment, instructional design, and reading/ instructional strategies that are content and level appropriate;

b. Special Education Mild/Moderate (1-5, 4-8, 6-12)—special needs of the special education mild/moderate exceptional child, classroom management, behavioral management, assessment and evaluation, methods and materials for Special Education Mild/Moderate exceptional children, vocational and transition services for students with disabilities;

c. All-Level K-12 areas—child psychology and adolescent psychology; the diverse learner; classroom management/organization/environment; assessment; instructional design; and reading/instructional strategies (all coursework should address grade levels K-12);

d. Special Education Early Interventionist birth to five years (coursework specific to infants, toddlers, and preschoolers)—child development or psychology; foundations in early childhood education; teaming, physical, and medical management; understanding and working with families; communication and literacy in early intervention;

e. Special Education Significant Disabilities 1-12 (coursework specific to needs of children with significant disabilities)—assessment and evaluation; communication strategies; behavior support; collaborative techniques and family partnerships; physical support, health and safety; special education law; characteristics of individuals with significant disabilities;

f. Special Education Hearing Impaired K-12 (coursework specific to the needs of general education students)—assessment and evaluation; special needs of students with disabilities; transition; instructional strategies and planning in the content areas; instructional strategies in literacy; education law, special education law, school structure; technology in schools; diversity in schools;

g. Special Education Visual Impairments/Blind K-12 (coursework specific to the needs of visually impaired students)—educational implications of low vision and blindness; orientation and mobility for the classroom teacher; assessment/evaluation techniques, including functional vision evaluation and reading media assessment; assistive technology for the visually impaired; education law, special education law, school structure; transition.

2. Methodology and Teaching: Content-specific methods courses and field/clinical experiences, six hours.

a. For Grades PK-3, 1-5, 4-8, 6-12, All-Level K-12 (art, dance, foreign language, health and physical education, and music), and special education mild/moderate—methods courses to include case studies and field experiences. NOTE: For All-Level K-12 areas (Art, Dance, Foreign Language, Health and Physical Education, and Music), experiences should be provided across grades K-12.

b. For special education Early Interventionist Birth to Five Years (coursework specific to needs of infants, toddlers, and preschoolers)—curriculum; assessment; early intervention methods (including understanding and facilitating play); teaching of reading and mathematics.

c. For special education Significant Disabilities 1-12 (coursework specific to the needs of children with significant disabilities)—curriculum development and modifications; transition planning; instructional strategies; inclusive education practices.

d. For special education Hearing Impaired K-12 (coursework specific to needs of children with hearing impairments, across grades K-12)—language development and linguistic principles in language acquisition; speech development, speech reading, audition training; assessment and evaluation; instructional strategies; audiology and audiology training; anatomy and physiology of the hearing mechanism; auditory assistive devices; history and psychology of deafness; assistive devices and technology; proficiency in either signed, cued, or oral communication.

e. For special education Visual Impairments/Blind K-12 (coursework specific to needs of visually impaired students, across grades K-12)—instructional strategies; Braille code, teaching Braille reading (with proficiency as defined in LA State Competencies); Nemeth code, teaching Braille mathematics; using slate and stylus.

3. Internship or Student Teaching—six hours, to include participant-oriented methodology seminars.

a. For all-level K-12 areas (art, dance, foreign language, health and physical education, and music), internship or student teaching experiences should be provided across grades K-12.

b. If the candidate has accumulated three years of successful teaching experience in an approved Louisiana school in the area(s) of certification, the university may substitute the three years of successful teaching experience for the required internship or student teaching portion of the program. Experience accumulated by elementary education certification candidates must be in core content areas at appropriate grade levels. Successful experience is determined by the following:

i. recommendation for certification from the most recent employing school district;

ii. verification of assessment results:

(a) in the case of a public school candidate, successfully complete the Louisiana Teacher Assistance and Assessment Program (LaTAAP);

(b) in the case of a nonpublic school candidate, provide evidence of successful completion of a teacher assessment program.

4. Prescriptive Plan—one to nine hours. The prescriptive plan can be pre-planned courses for individual

programs or can be individualized courses for the candidate who demonstrates areas of need, not to exceed nine semester hours.

5. Total hours required in the program—24-33 credit hours.

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

1. passed the PPST components of the Praxis (Note: These tests were required for admission). Individuals who already possess a graduate degree will be exempted from this requirement;

2. completed all coursework in the Non-Master/s alternate certification program with a 2.50 or higher GPA;

3. passed the specialty examination (Praxis) for the area(s) of certification (Note: This test was required for admission);

a. grades PK-3 (regular education)—Elementary Education: Content Knowledge (#0014);

b. grades 1-5 (regular education and mild/moderate)—Elementary Education: Content Knowledge (#0014);

c. grades 4-8 (regular education and mild/moderate)—Middle school subject-specific licensing examination for area(s) to be certified;

d. grades 6-12 (regular education and mild/moderate) and all-level K-12 certification—Subject-specific examination for content areas to be certified. Special education mild/moderate candidates must pass a Praxis core subject area exam (English/language arts, foreign language, mathematics, the sciences, or social studies). If no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 31 semester hours of coursework specific to the content area for admission to the program;

e. all-level K-12 certification—subject-specific examination for content area(s) to be certified. If no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 31 semester hours of coursework specific to the content area for admission to the program;

f. Special Education Early Interventionist (birth to five years), Significant Disabilities 1-12, Hearing Impaired K-12, and Visual Impairments/Blind K-12—Elementary Education: Content Knowledge (#0014);

4. passed the pedagogy examination (Praxis):

a. grades PK-3—Early Childhood Education (#0020);

b. grades 1-5—Principles of Learning and Teaching K-6 (#0522);

c. grades 4-8—Principles of Learning and Teaching 5-9 (#0523);

d. grades 6-12—Principles of Learning and Teaching 7-12 (#0524);

e. all-level K-12 certification—Principles of Learning and Teaching K-6, 5-9, or 7-12;

f. Special Education Mild/Moderate—Education of Exceptional Students: Core Content Knowledge (#0353) and Education of Exceptional Students: Mild to Moderate Disabilities (#0542);

g. Special Education Early Interventionist Birth to Five Years—Education of Exceptional Students: Core Content Knowledge (#0353) and Early Childhood Education (#0020);

h. Special Education Significant Disabilities 1-12—Education of Exceptional Students: Core Content Knowledge (#0353) and Education of Exceptional Students: Severe to Profound Disabilities (#0544);

i. Special Education Hearing Impaired K-12—Education of Exceptional Students: Core Content Knowledge (#0353) and Education of Exceptional Students: Hearing Impairment (#0271);

j. Special Education Visual Impairments/Blind K-12—Education of Exceptional Students: Core Content Knowledge (#0353);

k. prior to receiving a Level 1 or higher professional teaching certificate candidates entering an alternate certification program after May 1, 2004, are required to demonstrate proficiency in the reading competencies as adopted by the BESE through either of the following options:

i. successfully complete same number of semester hours in reading as required for undergraduate teacher preparation programs;

ii. early childhood PK-3 or elementary 1-5 programs, nine hours;

iii. middle grades 4-8 programs, six hours;

iv. secondary 6-12 or all-level K-12 programs, three hours;

v. special education areas (Early Interventionist, Hearing Impaired, Mild/Moderate 1-12, Significant Disabilities, or Visually Impaired), nine hours; or

5. pass a reading competency 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 32:1794 (October 2006).

### **§239. The State as a Private Provider**

A. The Louisiana Department of Education, Division of Teacher Certification and Higher Education, may act as a program provider in directing certification efforts of candidates who meet these criteria.

1. Candidate must accumulated three years of successful experience in an approved Louisiana school in the area(s) of certification, which experience can be used by the Louisiana Department of Education in lieu of the internship or student teaching portion of the program. Experience accumulated by elementary education certification candidates must be in core content areas at appropriate grade levels.

2. Successful experience is determined by the following:

a. in the case of a public school candidate, successfully complete the Louisiana Teacher Assistance and Assessment Program (LaTAAP);

b. in the case of a nonpublic school candidate, provide evidence of successful completion of a teacher assessment program.

B. Candidate must have experienced difficulty in completing alternate program requirements, through no fault of his/her own.

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 32:1796 (October 2006).

### **Chapter 3. Teaching Authorizations and Certifications**

#### **§301. Overview**

A. An individual must have an official teaching authorization to provide instructional or other designated services in the Louisiana K-12 schools. Louisiana issues three categories of teaching authorizations: Standard; Nonstandard; and Ancillary. The first three Subchapters of this Chapter are devoted to these categories; a fourth Subchapter presents a policy entitled "Special Considerations for Teachers Called to Active Military Duty."

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 32:1797 (October 2006).

#### **Subchapter A. Standard Teaching Authorizations**

#### **§303. Introduction**

A. There are six types of standard teaching authorizations issued by the state of Louisiana:

1. professional Level 1, 2, and 3 certificates;
2. type C, B, and A certificates;
3. out-of-state certificate;
4. foreign language special certificate PK-8;
5. practitioner 1, 2, 3, and 4 licenses; and
6. standard certificates for teachers in non-public schools.

B. A Level 1 certificate is the entry-level professional certificate typically held during the first three years of the teaching career while a teacher completes the state's Louisiana Teacher Assistance and Assessment Program (LaTAAP) and gains experience.

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 32:1797 (October 2006).

#### **§305. Professional Level Certificates**

A. Issued beginning July 1, 2002, at three levels. Level 1 is the entry-level professional certificate, valid for three years and allowing the holder to complete the Louisiana Teacher Assistance and Assessment Program (LaTAAP) and accrue three years of teaching experience in the area of certification. The Level 2 and Level 3 certificates are valid for five years, with renewal involving completion of a specified number of Continuing Learning Units (CLUs) of professional development.

1. Level 1 Professional Certificate—valid for three years.

a. Eligibility Requirements

i. Louisiana graduate:

(a). successfully complete a state-approved traditional or alternate teacher preparation program;

(b). have a minimum 2.50 grade point average (GPA) on a 4.00 scale;

(c). present appropriate scores on the NTE core battery (common exams) or the corresponding Praxis exams (Pre-Professional Skills Tests in reading, writing, and

mathematics); the Principles of Learning and Teaching (PLT) or other pedagogy exam required for the area(s) of certification; and the specialty area exam in the certification area in which the teacher preparation program was completed or in which the initial certificate was issued; and

(d). be recommended by a state-approved university or private program provider for certification.

b. Out-of-State Graduate

i. Eligibility requirements:

(a). possess a minimum of a baccalaureate degree from a regionally accredited college or university;

(b). hold a standard out-of-state teaching certificate; or if no certificate was issued, a letter from the State Department of Education in the state of origin verifying eligibility in that state for a certificate in the certification area(s);

(c). pass all parts of Praxis exam(s) required for Louisiana certification:

(i). present appropriate scores on the NTE core battery (common exams) or the corresponding Praxis exams (Pre-Professional Skills Tests in reading, writing, and mathematics); the Principles of Learning and Teaching (PLT) or other pedagogy exam required for the area(s) of certification; and the specialty area exam in the certification area in which the teacher preparation program was completed or in which the initial certificate was issued;

(ii). if applicant has obtained National Board Certification (NBC) in corresponding areas for which certification is being sought as well as certification/licensure in the state of origin, the examination required for NBC will be accepted to fulfill the testing requirements for certification.

(d). has completed student teaching, an internship, or three years of teaching experience in the candidate's area of certification; and

(e). has not been out of teaching in the five years immediately preceding first employment or application for a Louisiana certificate.

ii. A candidate who is certified in another state can qualify for exclusion from the Praxis exam(s) required for Louisiana certification under the following criteria.

(a). He/she meets all requirements for Louisiana certification except the Praxis exam requirements; has at least four years of successful teaching experience in another state, as determined by the board; and teaches on an out-of-state certificate for one year in a Louisiana public school system.

(b). The teacher's employing authority must verify that he/she has completed one year of successful teaching experience in a Louisiana public school and that he/she has been recommended for further employment.

(c). The employing authority must request that he/she be granted a valid Louisiana teaching certificate.

2. Renewal Guidelines. A Level 1 certificate is valid for three years and may be renewed once. While holding a Level 1 certificate, a teacher must successfully complete the LaTAAP and accrue three years of teaching experience in the area of certification.

B. Level 2 Professional Certificate—valid for five years and renewable with Continuing Learning Units (CLUs) of approved professional development during the five year period immediately preceding request for renewal.

1. Eligibility requirements:
  - a. hold or meet eligibility requirements for a Level 1 certificate;
  - b. successfully complete the Louisiana Teacher Assistance and Assessment Program (LaTAAP); and
  - c. accrue three years of experience in area(s) of certification in an approved educational setting.

2. If the Level 2 certificate is the applicant's first certificate, a state-approved teacher preparation program provider must submit the request.

3. If the Level 1 certificated teacher qualifies for advancement to a Level 2 certificate, the request for the higher certificate must be submitted directly to the Louisiana Department of Education by the employing authority.

C. Level 3 Professional Certificate—valid for five years and renewable with Continuing Learning Units (CLUs) of approved professional development during the five year period immediately preceding request for renewal.

1. Eligibility requirements:
  - a. hold or meet eligibility requirements for a Level 2 certificate;
  - b. a master's degree from a regionally accredited college or university;
  - c. five years of experience in area(s) of certification in an approved educational setting.

2. If the Level 3 certificate is applicant's first certificate, a state-approved teacher preparation program provider must submit the request.

3. If the Level 2 certificated teacher qualifies for advancement to a Level 3 certificate, the request for the higher certificate must be submitted directly to the Louisiana Department of Education by the employing authority.

D. Renewal Guidelines for Level 2 and Level 3 Certificates

1. A teacher must complete 150 continuing learning units (CLUs) of district-approved and verified professional development over the five year time period during which he/she holds the certificate, or during the five year time period immediately preceding the request for renewal. The Louisiana employing authority must request renewal of a Level 2 or Level 3 certificate.

2. A teacher with an existing Level 2 or Level 3 teaching certificate may renew that certificate based upon completion of NBC during the period of certificate validity, as satisfaction in full of the 150 CLUs required for renewal.

3. If the holder of an expired Level 2 or Level 3 certificate has not earned the required 150 CLUs of professional development, the expired certificate may be reactivated upon request of the employing authority (at the level that was attained prior to expiration) for a period of one year, during which time the certificate holder must present evidence of successful completion of the required 150 CLUs to the Division of Teacher Certification and Higher Education. Failure to complete necessary CLUs during the one year reactivation period will result in an expired certificate that cannot be reinstated until evidence is provided of completed professional development requirements.

4. A continuing learning unit (CLU) is a professional development activity that builds capacity for effective, research-based, content-focused teaching and learning that positively impacts student achievement. As a unit of

measure, the CLU is used to quantify an educator's participation in a district- or system-approved, content-focused professional development activity aligned with the educator's individual professional growth plan.

a. Educators may earn one CLU for each clock hour of active engagement in a district- or system-approved high quality professional development activity. Each educator is responsible for maintaining required documentation and for reporting earned CLUs in a manner prescribed by the district or system. Earned CLUs transfer across Local Education Agencies (LEAs).

b. An educator who holds a Level 2 or Level 3 Professional license is responsible for maintaining documentation regarding acquisition of 150 CLUs for purposes of renewal and for completing the necessary paperwork every five years to renew his/her license. Upon submission of the renewal application to the State, the district or system must provide an assurance statement signed by the superintendent or his/her designee, with the required listing of earned CLUs as documented by the educator seeking licensure.

E. Process for Reinstating Lapsed Level 1, 2, 3 Certificate

1. A certificate will lapse for disuse if the holder allows a period of five consecutive calendar years to pass in which he/she is not a regularly employed teacher for at least one semester, or 90 consecutive days.

2. To reinstate a lapsed certificate, the holder must present evidence that he/she earned six semester hours of credit in state-approved courses (see Appendix C) during the five year period immediately preceding request for reinstatement.

3. If the holder did not earn six semester hours or equivalent, the lapsed certificate may be reactivated upon request (at the level that was attained prior to disuse) for a period of one year, during which time the holder must complete reinstatement 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 32:1797 (October 2006).

### **§307. Type C, B, and A Certificates**

A. Effective July 1, 2002, these certificates are no longer issued for initial certification. The Type C certificate is valid for three years to allow time for the holder to complete the Louisiana Teacher Assistance and Assessment Program (LaTAAP) and to accrue three years of teaching experience in the candidate's area(s) of certification. Teachers who hold Type B and Type A lifetime certificates will continue to hold these certificates.

B. Type C Certificate—valid for three years.

1. Eligibility Requirements:

a. successfully complete a state-approved traditional or alternate teacher preparation program;

b. a minimum 2.50 GPA on a 4.00 scale;

c. present appropriate scores on the NTE core battery (common exams) or the corresponding Praxis exams—the Pre-Professional Skills Tests (PPST) in reading, writing, and mathematics; the Principles of Learning and Teaching (PLT) or other pedagogy exam required for the area(s) of certification; and the specialty area exam in the certification area(s) in which the teacher preparation

program was completed or in which the initial certificate was issued;

d. be recommended by a university or private program provider for certification; or meet the requirements of an out-of-state certified teacher (see below for requirements for the Out-of-State Certificate).

2. Renewal Guidelines. The Type C certificate may be renewed for an additional three year period upon the request of the Louisiana employing authority, subject to the approval of the Division of Teacher Certification and Higher Education.

C. Type B Certificate—a lifetime certificate for continuous service, provided the holder does not allow any period of five or more consecutive years of disuse to accrue in which he is not a regularly employed teacher for at least one semester, or 90 consecutive days, and/or the certificate is not revoked by the State Board of Elementary and Secondary Education (BESE).

1. Eligibility requirements:

a. hold or meet eligibility requirements for a Type C certificate;

b. successfully complete the Louisiana Teacher Assistance and Assessment Program (LaTAAP); and

c. three years of experience in area(s) of certification in an approved educational setting.

2. The request for the higher certificate must be submitted directly to the Louisiana Department of Education by the employing authority.

D. Type A Certificate—a lifetime certificate for continuous service, provided the holder does not allow any period of five or more consecutive years of disuse to accrue in which he/she is not a regularly employed teacher for at least one semester, or 90 consecutive days, and/or the certificate is not revoked by the State Board of Elementary and Secondary Education (BESE).

1. Eligibility requirements:

a. hold or meet eligibility requirements for a Type C certificate;

b. successfully complete the LaTAAP;

c. a master's degree from a regionally accredited institution of higher education; and

d. five years of experience in area(s) of certification in an approved educational setting.

2. The request for the higher certificate must be submitted directly to the Louisiana Department of Education by the employing authority.

E. Process for Reinstating Lapsed Type C, B, and A Certificates

1. A certificate will lapse for disuse if the holder allows a period of five consecutive calendar years to pass in which he/she is not a regularly employed teacher for at least one semester, or 90 consecutive days.

2. To reinstate a lapsed certificate, the holder must present evidence that he/she earned six semester hours of credit in state-approved courses (see Appendix C) during the five year period immediately preceding request for reinstatement.

3. If the holder did not earn six semester hours or equivalent, the lapsed certificate may be reactivated upon request (at the level that was attained prior to disuse) for a period of one year, during which time the holder must complete reinstatement 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 32:1798 (October 2006).

### **§309. Out-of-State (OS) Certificate**

A. An Out-of-State (OS) Certificate, valid for a three year period, is not renewable. It is issued to a teacher who has completed an out-of-state teacher preparation program and either holds or is eligible for a certificate in the state in which the program was completed. The teacher is not initially eligible for a Level 1, 2, or 3 Louisiana certificate but meets Louisiana certification requirements with the exception of the Praxis/National Teacher Exam requirements. It provides a transition period that permits the holder to be employed in Louisiana K-12 schools while he/she complies with Louisiana Praxis/NTE requirements or meets Praxis exclusion eligibility requirements. For continued employment as a teacher in a Louisiana school system after the three year period has elapsed, the OS certificate holder must fulfill guidelines for a Level 1 or higher-level certificate.

B. Eligibility requirements:

1. baccalaureate degree from a regionally accredited college or university;

2. completed a teacher preparation program in another state;

3. standard teaching certificate issued by the state in which the teacher preparation program was completed; or if no certificate was issued, a letter from the State Department of Education verifying eligibility in that state for a certificate in the certification area(s);

4. completed student teaching or internship in a certification area, or in lieu of student teaching or internship has three years of successful teaching experience in a certification area; and

5. if applicant earned a degree five or more years prior to the date of application, he/she must have been a regularly employed teacher for at least one semester, or 90 consecutive days, within the five year period immediately preceding first employment in Louisiana or application for a Louisiana certificate. Lacking this experience, he/she must earn six semester hours of credit in state-approved courses (see Appendix C) during the five year period immediately preceding application.

C. Advancing from OS to Professional Level 1, 2, or 3 Certificate

1. Pass all parts of Praxis exam(s) required for Louisiana certification:

a. present appropriate scores on the NTE core battery (common exams) or the corresponding Praxis exams (Pre-Professional Skills Tests in reading, writing, and mathematics); the Principles of Learning and Teaching (PLT) or other pedagogy exam required for the area(s) of certification; and the specialty area exam in the certification area in which the teacher preparation program was completed or in which the initial certificate was issued;

b. if applicant has obtained National Board Certification (NBC) in corresponding areas for which certification is being sought as well as certification/licensure in the state of origin, the examination required for NBC will be accepted to fulfill the testing requirements for certification;

c. a candidate who is certified in another state can qualify for exclusion from the Praxis exam(s) required for Louisiana certification under these criteria:

i. he/she meets all requirements for Louisiana certification except the Praxis exam requirements; has at least four years of successful teaching experience in another state, as determined by the board; and teaches on an OS certificate for one year in a Louisiana public school system;

ii. the teacher's Louisiana employing authority verifies that he/she has completed one year of successful teaching experience in a Louisiana public school and that he/she has been recommended for further employment; and

iii. the employing authority requests that he/she be granted a valid Louisiana teaching certificate.

iv. Louisiana Teacher Assistance and Assessment Program (LaTAAP) Exclusion Options

(a). For an out-of-state teacher to be considered for LaTAAP exclusion, the Request for Exclusion and Release of Evaluation Information Form must be completed, signed, and returned to the employing school system within six weeks of employment. The teacher's signature indicates willingness to release the results of previous evaluation information to the Louisiana Department of Education. An unsigned form will automatically deny a request for exclusion.

(b). Out-of-state teachers who provide NBC or appropriate evaluation results from their immediate previous teaching assignment will be exempt from participation in LaTAAP. Appropriate evaluation results shall be defined as satisfactory annual evaluation results identified by and certified by the immediate previous out-of-state school district(s).

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 32:1799 (October 2006).

### **§311. Foreign Language Special Certificate PK-8**

A. Valid for three years and renewable once for an additional three years, with evidence of an offer of employment in a Louisiana school district.

B. This certificate may be issued to a foreign associate teacher who participates in the Louisiana Department of Education (LDE) Foreign Associate Teacher Program, and who teaches Foreign Language in the Elementary School (FLES) in grades PK-8 and/or foreign language immersion in grades PK-8.

C. This certificate allows the holder to receive the same benefits as any other regularly certified teacher.

D. Eligibility guidelines:

1. a bachelor's degree in education or equivalent preparation in education from a foreign country. The status of this degree will be determined by the Louisiana Department of Education (LDE), Division of Student Standards and Assessments. If LDE staff cannot make a degree equivalent determination, the candidate's credentials must be evaluated by the American Association of Collegiate Registrars and Admissions Officers (AACRAO). In the case of an AACRAO evaluation, the determination must be on "safe script" paper and must include a course-by-course evaluation;

2. a teaching certificate in the foreign country for the certification area and/or grade level that the candidate will teach in Louisiana;

3. evidence of two years of successful teaching experience in the country of origin; and

4. a native speaker of the language to be taught.

E. Renewal Guidelines. May be renewed for an additional three year period upon request of the Louisiana employing authority, subject to the approval of the Division of Teacher Certification and Higher Education.

F. A teacher may hold a Foreign Language Special certificate for no more than six years. After three years on such a certificate, the teacher may apply for a Louisiana Level 1 professional teaching certificate. To receive a Level 1 teaching certificate, the teacher must meet all certification requirements, including Praxis examinations for the area(s) and level(s) of certification.

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 32:1800 (October 2006).

### **§313. Practitioner Licenses**

A. Practitioner licenses may be issued for one school year, renewed annually, and held a maximum of three years while the holder completes an alternate program. Upon completion of the three years of employment on this certificate, the holder must fulfill guidelines for a Level 1 or higher-level certificate for continued employment in a Louisiana school system.

B. Practitioner License 1—issued to a candidate who is admitted to and enrolled in a state-approved Practitioner Teacher Program.

1. Eligibility requirements:

a. baccalaureate degree from regionally accredited college or university;

b. 2.50 or higher grade point average (GPA) on a 4.00 scale to enter a private provider program; or a 2.20 or higher grade point average (GPA) on a 4.00 scale to enter a college or university program; and

c. passing scores on Praxis Pre-Professional Skills Tests (PPST) and current Praxis content area exam(s). If no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 31 semester hours of coursework specific to the content area for admission to the program. Candidates possessing a graduate degree from a regionally accredited college or university will be exempted from the PPST requirement.

NOTE: Special education mild/moderate certification candidates must qualify for admission to alternate programs by passing a Praxis specialty area exam. Secondary education candidates (grades 6-12) must pass a Praxis core subject area exam. If there is no content Praxis exam adopted by the State in the specific secondary core subject area, candidates must demonstrate content mastery by presenting 31 semester credit hours in the core subject area.

2. The approved teacher preparation program provider must submit the request for the initial practitioner license directly to the Louisiana Department of Education.

3. Renewal Requirements. The candidate must remain enrolled in the Practitioner Teacher Program and fulfill a minimum of six semester hours of coursework or equivalent

contact hours per year (to the extent that required semester hours remain in the program to be completed), teaching assignments, and prescribed activities identified by the program provider.

4. Program requirements must be completed within the three year maximum that the license can be held.

C. Practitioner License 2—issued to a candidate who is admitted to and enrolled in a state-approved Non-Master's/Certification-Only Alternate Certification Program.

1. Eligibility requirements:

a. baccalaureate degree from regionally accredited college or university;

b. a 2.20 GPA on a 4.00 scale; and

c. passing scores on Praxis Pre-Professional Skills Tests (PPST) and current Praxis content area exam(s). If no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 31 semester hours of coursework specific to the content area for admission to the program. Candidates possessing a graduate degree from a regionally accredited college or university will be exempted from the PPST requirement.

NOTE: Special education mild/moderate certification candidates must qualify for admission to alternate programs by passing a Praxis specialty area exam. Secondary education candidates (grades 6-12) must pass a Praxis core subject area exam. If no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 31 semester hours of coursework specific to the content area.

2. The request for the initial practitioner license as well as renewals of the license must be submitted directly to the Louisiana Department of Education by the employing authority.

3. Renewal Requirements. The candidate must remain enrolled in the Non-Master's/Certification-Only Alternate Certification Program and fulfill a minimum of nine semester hours of coursework per year (to the extent that required semester hours remain in the program to be completed), teaching assignments, and prescribed activities identified by the program provider.

4. Program requirements must be completed within the three year maximum that the license can be held.

D. Practitioner License 3—issued to a candidate who is admitted to and enrolled in a state-approved Master's Degree Alternate Certification Program.

1. Eligibility requirements:

a. baccalaureate degree from regionally accredited college or university;

b. 2.50 GPA on a 4.00 scale; and

c. passing scores on Praxis Pre-Professional Skills Tests (PPST) and current Praxis content area exam(s). If no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 31 semester hours of coursework specific to the content area for admission to the program. Candidates possessing a graduate degree from a regionally accredited college or university will be exempted from the PPST requirement.

NOTE: Special education mild/moderate certification candidates must qualify for admission to alternate programs by passing a Praxis specialty area exam. Secondary education candidates (grades 6-12) must pass a Praxis core subject area exam. If no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 31 semester hours of coursework specific to the content area.

2. The request for the initial practitioner license as well as renewals of the license must be submitted directly to

the Louisiana Department of Education by the employing authority.

3. Renewal Requirements: The candidate must remain enrolled in the Master's Degree Alternate Certification Program and fulfill a minimum of nine semester hours of coursework per year (to the extent that required semester hours remain in the program to be completed), teaching assignments, and prescribed activities identified by the program provider.

4. Program requirements must be completed within the three year maximum that the license can be held.

E. Practitioner License 4

1. Eligibility requirements:

a. current enrollment in (or has completed) an Alternate Post-Baccalaureate Program; cannot be enrolled in a redesigned program (Practitioner Teacher, Master's Degree, or Non-Master's/Certification-Only Alternate Program);

b. passed the Praxis Pre-Professional Skills Tests (PPSTs) and current Praxis content area exam(s). If no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 31 semester hours of coursework specific to the content area for admission to the program;

c. has achieved a 2.50 GPA on a 4.00 scale; and

d. has not yet completed all requirements for full certification.

2. The request for the initial practitioner license as well as renewals of the license must be submitted directly to the Louisiana Department of Education by the employing authority.

3. Renewal Requirements: Program requirements must be completed within the three year maximum that the license can be held. A candidate must remain enrolled in the alternate program, if applicable, and address his/her specific certification deficiency in all areas that apply:

a. if deficient in coursework, candidate must fulfill a minimum of six semester hours of coursework per year (to the extent that required semester hours remain in the program to be completed);

b. if deficient in Praxis requirements for the area of certification, he/she must attempt any remaining exams at least twice per year; or

c. if deficient in program requirements for the internship, he/she must demonstrate progress toward fulfillment of these 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 32:1800 (October 2006).

### **§315. Standard Certificates for Teachers in Nonpublic Schools**

A. A standard certificate with an asterisk (\*) following the certificate type is issued to a teacher in a non-public school setting who has not participated in the state's Louisiana Teacher Assistance and Assessment Program (LaTAAP). The asterisk (\*) refers to a statement printed at the bottom of the certificate: "If this teacher enters a public school system in Louisiana, he/she will be required to successfully complete the state teacher assessment program."

B. Level 2\* (2-asterisk) Certificate—valid for five years and renewable with Continuing Learning Units (CLUs) of approved professional development during the five year period immediately preceding request for renewal.

1. Eligibility requirements:

- a. a Louisiana Level 1 certificate;
- b. successfully taught for three years in area(s) of certification;
- c. completed a teacher assessment program for three years at the same nonpublic school, with the principal as evaluator and the teacher performance rated as satisfactory in the areas of planning, management, instruction, and professional development.

2. The request for the Level 2\* certificate must be submitted directly to the Louisiana Department of Education by the Louisiana employing authority.

3. The Level 2\* certificate is valid in a nonpublic school setting. If the teacher enters a Louisiana public school system, he/she will be required to successfully complete the Louisiana Teacher Assistance and Assessment Program. Upon employment in a public school system, this teacher must begin to complete 150 clock hours of professional development over a five year period to renew the higher level certificate.

C. Level 3\* (3-asterisk) Certificate—valid for five years and renewable with Continuing Learning Units (CLUs) of approved professional development during the five year period immediately preceding request for renewal.

1. Eligibility requirements:

- a. a Louisiana Level 1 or Level 2\* certificate;
- b. successfully taught for five years in the area(s) of certification;
- c. master's degree from a regionally accredited college or university; and
- d. completed a teacher assessment program for three consecutive years at the same nonpublic school, with the principal as evaluator and the teacher performance rated as satisfactory in the areas of planning, management, instruction, and professional development.

2. The request for the Level 3\* certificate must be submitted directly to the Louisiana Department of Education by the Louisiana employing authority.

3. The Level 3\* certificate is valid in a nonpublic school setting. If the teacher enters a Louisiana public school system, he/she will be required to successfully complete the Louisiana Teacher Assistance and Assessment Program. Upon employment in a public school system, this teacher must begin to complete 150 clock hours of professional development over a five year period to renew the higher level certificate.

D. Type B\* (B-asterisk) Certificate—a lifetime nonpublic school certificate for continuous service, provided the holder does not allow any period of five or more consecutive years of disuse to accrue in which he is not a regularly employed teacher for at least one semester, or 90 consecutive days, and/or certificate is not revoked by the Louisiana Board of Elementary and Secondary Education (BESE).

1. Eligibility requirements:

- a. a Louisiana Type C certificate;
- b. successfully taught for three years in area(s) of certification; and

- c. completed a teacher assessment program for three consecutive years at the same nonpublic school, with the principal as evaluator and the teacher performance rated as satisfactory in the areas of planning, management, instruction, and professional development.

2. The request for the Type B\* certificate must be submitted directly to the Louisiana Department of Education by the Louisiana employing authority.

3. The Type B\* certificate is valid for life of continuous service in a nonpublic school setting. If the teacher enters a Louisiana public school system, he/she will be required to successfully complete the Louisiana Teacher Assistance and Assessment Program.

E. Type A\* (A-asterisk) Certificate—a lifetime nonpublic school certificate for continuous service, provided the holder does not allow any period of five or more consecutive years of disuse to accrue in which he is not a regularly employed teacher for at least one semester, or 90 consecutive days, and/or certificate is not revoked by the State Board of Elementary and Secondary Education (BESE).

1. Eligibility requirements:

- a. a Louisiana Type C, Type B, or Type B\* certificate;
- b. successfully taught for five years in the area(s) of certification;
- c. master's degree from a regionally accredited college or university;
- d. completed a teacher assessment program for three consecutive years at the same nonpublic school, with the principal as evaluator and the teacher performance rated as satisfactory in the areas of planning, management, instruction, and professional development.

2. The request for the Type A\* certificate must be submitted directly to the Louisiana Department of Education by the Louisiana employing authority.

3. The Type A\* certificate is valid for life of continuous service in a nonpublic school setting. If this teacher enters a Louisiana public school system, he/she will be required to successfully complete the Louisiana Teacher Assistance and Assessment Program.

F. Renewal Guidelines for Level 2\* and Level 3\* Certificates

1. A teacher must complete 150 continuing learning units (CLUs) of district-approved and verified professional development over the five year time period during which he/she holds the certificate, or during the five-year time period immediately preceding the request for renewal. The request for the Level 2\* or Level 3\* certificate must be submitted directly to the Louisiana Department of Education by the Louisiana employing authority.

2. A teacher with an existing Level 2\* or Level 3\* teaching certificate may renew that certificate based upon completion of NBC during the period of certificate validity, as satisfaction in full of the 150 CLUs required for renewal.

3. If the holder of an expired Level 2\* or Level 3\* certificate has not earned the required 150 CLUs of professional development, the expired certificate may be reactivated upon request of the Louisiana employing authority (at the level that was attained prior to expiration) for a period of one year, during which time the certificate holder must present evidence of successful completion of the

required 150 CLUs to the Division of Teacher Certification and Higher Education. Failure to complete necessary CLUs during the one year reactivation period will result in an expired certificate that cannot be reinstated until evidence is provided of completed professional development requirements.

4. A Continuing Learning Unit (CLU) is a professional development activity that builds capacity for effective, research-based, content-focused teaching and learning that positively impacts student achievement. As a unit of measure, the CLU is used to quantify an educator's participation in a district- or system-approved, content-focused professional development activity aligned with the educator's individual professional growth plan.

a. Educators may earn one CLU for each clock hour of active engagement in a high quality professional development activity approved by the employing authority. Each educator is responsible for maintaining required documentation and for reporting earned CLUs in a manner prescribed by the employing authority. Earned CLUs transfer across Local Education Agencies (LEAs).

b. An educator who holds a Level 2\* or Level 3\* professional license is responsible for maintaining documentation regarding acquisition of 150 CLUs for purposes of renewal and for completing the necessary paperwork every five years to renew his/her license. Upon submission of the renewal application to the State, the employing authority must provide an assurance statement signed by the superintendent or his/her designee, with the required listing of earned CLUs as documented by the educator seeking licensure.

G. Reinstating Lapsed Levels 2\* or 3\*, Types B\* or A\* Certificates

1. If the holder of a Level 2\*, Level 3\*, Type B\*, or Type A\* certificate allows a period of five consecutive calendar years to pass in which he/she is not a regularly employed teacher for at least one semester, or 90 consecutive days, the certificate will lapse for disuse.

2. To reinstate a lapsed certificate, the holder must present evidence that he/she earned six semester hours of credit in state-approved courses (see Appendix C) during the five year period immediately preceding request for reinstatement.

3. If the holder did not earn six semester hours or equivalent, the lapsed certificate may be reactivated upon request (at the level that was attained prior to disuse) for a period of one year, during which time the holder must complete reinstatement 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 32:1801 (October 2006).

## Subchapter B. Nonstandard Teaching Authorizations

### §321. Introduction

A. There are four types of nonstandard teaching authorizations issued in Louisiana: Temporary Authority to Teach (TAT); Out-of-Field Authorization to Teach (OFAT); Temporary Employment Permit (TEP); and Nonpublic Temporary Certificate (T). Nonstandard authorizations are of a temporary nature but may be renewed under specified guidelines.

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 32:1803 (October 2006).

### §323. Temporary Authority to Teach (TAT)

A. Temporary Authority to Teach (TAT)—issued for one school year, renewed annually, and held a maximum of three years while the holder pursues alternate certification program admission requirements or certification requirements. Upon completion of the three years of employment on this certificate, for continued employment as a teacher in a Louisiana school system, the holder must fulfill guidelines for a Practitioner License or a higher-level certificate.

B. An applicant must have passing scores on the Praxis Pre-professional Skills Tests (PPSTs) Reading and Writing examinations and at least a 2.0 GPA. Applicants who meet this eligibility standard can apply for a TAT based on the following four conditions of eligibility.

1. Condition 1: Issued to an applicant who graduates from a teacher preparation program, does not pass all Praxis exams, and who has not previously qualified for a Louisiana standard teaching authorization.

a. Renewal Guidelines 1: The teacher must take the necessary Praxis examinations at least twice a year.

2. Condition 2: Issued to an applicant who holds a minimum of a baccalaureate degree from a regionally-accredited institution, who applies for admission to a Practitioner Teacher or other alternate program, but does not pass the Praxis examination(s) required for admission to the program, and/or has a minimum of a 2.0 GPA but does not have the required 2.20 GPA for admission to an alternate program:

a. Renewal Guidelines. Teacher must successfully complete a minimum of six credit hours per year in the subject area(s) that he/she is attempting to pass on the Praxis and take the necessary examinations at least once a year; and/or

b. Renewal Guidelines. The teacher must successfully complete a minimum of six credit hours per year to raise the GPA to a 2.20 as required for admission to an alternate program.

3. Condition 3: Issued to an applicant who holds a minimum of a baccalaureate degree from a regionally-accredited college or university and is hired after the start of an available alternate certification program.

a. Renewal Guidelines 3: The teacher must take the appropriate Praxis examinations required for admission to an alternate certification program and, if successful, apply for admission to the alternate program.

4. Condition 4: Issued to an applicant who has a minimum of a 2.35 GPA on a 4.00 scale and has completed all other requirements for certification.

a. Renewal Guidelines 4: Teacher must successfully complete a minimum of six credit hours per year to obtain the required 2.50 GPA on a 4.00 scale that is required for certification purposes.

#### C. TAT Stipulations

1. Districts may recommend that teachers be given the one year TAT according to the stipulated eligibility and renewal conditions.

2. Districts submit the application and provide an affidavit signed by the local superintendent verifying that good faith efforts for recruiting certified personnel have been made, including posting all positions for which TATs are issued on the Teach Louisiana website; that "there is no regularly certified, competent, and suitable person available for the position;" and that applicant is the best-qualified person for the position.

D. If an applicant fails to complete required renewal guidelines, the TAT will not be renewed. Exception to this policy will be considered in the case of a serious medical condition.

1. Medical Excuse: When serious medical problems of the teacher or his/her immediate family exist, a doctor's statement is required with a letter of assurance from the teacher that the unmet requirements will be completed prior to the beginning of the next school year. See Appendix D of this bulletin for the form entitled "Certification of Teacher's or Family Member's Serious Health Condition" and for definition of "Serious Health Condition" as set forth under the Family and Medical Leave Act of 1993.

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 32:1803 (October 2006).

### **§325. Out-of-Field Authorization to Teach (OFAT)**

A. Out-of-Field Authorization to Teach (OFAT)—issued for one school year, renewable annually, and may be held a maximum of three years while the holder pursues endorsement (add-on) certification requirements. If the teacher is actively pursuing certification in the field and the Louisiana Department of Education has designated the area as an area that requires extensive hours for completion, up to two additional years of renewal may be granted.

B. Eligibility Requirements: Issued to an applicant who holds a valid Louisiana Out-of-State Certificate; Temporary Employment Permit; or a Type C, Type B, Type A, Level 1, Level 2, or Level 3 teaching certificate but is teaching outside of the certified area(s).

C. Renewal Requirements: Teacher must successfully complete one of the following:

1. six semester hours per year in the area(s) that he/she is teaching;

2. the Praxis exam(s) required for certification in the area(s) that he/she is teaching. Under this stipulation, the exam(s) must be attempted at least twice per year.

NOTE: The coursework and Praxis exam(s) required for certification will be per official evaluation provided by the Division of Teacher Certification and Higher Education.

#### **D. OFAT Stipulations**

1. Districts must submit the application and provide an affidavit signed by the local superintendent verifying that good faith efforts for recruiting certified personnel have been made, including consulting the Teach Louisiana website; that "there is no regularly certified, competent, and suitable person available for the position;" and that the applicant is the best-qualified person for the position.

2. If the teacher is actively pursuing certification in the field and the Louisiana Department of Education designates the area as an area that requires extensive hours for completion, up to two additional years of renewal may be granted. Designated areas are as follows.

a. Applicants pursuing certification in Academically Gifted, Significant Disabilities, Early Interventionist, Hearing Impaired, and Visual Impairments/Blind may be granted two additional years of renewal.

b. Applicants pursuing certification in Mild/Moderate may be granted one additional year of renewal.

3. If an applicant fails to complete the required renewal guidelines, the OFAT will not be renewed. Exception to this policy will be considered in the case of a serious medical condition or the unavailability of required coursework.

a. Medical Excuse. When serious medical problems of the teacher or his/her immediate family exist, a doctor's statement is required with a letter of assurance from the teacher that the unmet requirements will be completed prior to the beginning of the next school year. See Appendix D of this bulletin for the form entitled "Certification of Teacher's or Family Member's Serious Health Condition" and for definition of "Serious Health Condition" as set forth under the Family and Medical Leave Act of 1993.

b. Required Courses not Available. Documentation that necessary coursework was not available must be provided in the form of letters of verification from all universities in the accessible geographic area of the teacher's domicile. The university letter must verify that the necessary coursework was not offered.

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 32:1804 (October 2006).

### **§326. Temporary Employment Permit (TEP)**

A. Temporary Employment Permit (TEP)—Issued for one school year, renewable annually, and may be held a maximum of three years while the holder pursues satisfaction of state Praxis requirements. Upon completion of the three years of employment on this certificate, for continued employment in a Louisiana school system, the holder must fulfill guidelines for a Level 1 or higher-level certificate.

B. Eligibility Guidelines 1: Issued to an applicant who meets all certification requirements with the exception of passing all portions of the NTE Commons examination completed prior to February 20, 1985, but who scores within 10 percent of the composite score required for passage of all exams.

NOTE: This was formerly classified as an Emergency Permit.

1. The Louisiana employing authority must submit the application to the Department of Education.

2. The Louisiana employing authority must submit a signed affidavit to the State Department of Education stipulating that there is no other applicant meeting all certification requirements who is available for employment for a specific teaching position.

3. Granting of this permit shall not waive the requirement that the person successfully complete the exam.

C. Eligibility Guidelines 2: Issued to an individual who meets all certification requirements with the exception of passing one of the components of the NTE/Praxis examination(s) completed after February 20, 1985, but who has an aggregate score equal to or above the total required

on all NTE/Praxis exams for the area of certification. The individual must submit the application and all required materials to the Department of Education.

D. Renewal Requirements: An individual can be reissued a permit two times only if evidence is presented that the required exam has been retaken twice within one year from the date the permit was last issued.

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 32:1804 (October 2006).

### **§327. Nonpublic Temporary Certificate (T)**

A. Nonpublic Temporary Certificate (T)—valid for one year; renewable.

B. Eligibility Guidelines. This certificate is granted to teachers practicing in a nonpublic school setting who need temporary credentialing to meet nonpublic school standards.

C. Renewal Guidelines. The holder must earn six semester hours of professional coursework annually. Exception to this policy will be considered in the case of serious medical condition or unavailability of required coursework.

D. Medical Excuse. When serious medical problems of the teacher or immediate family exist, a doctor's statement is required with a letter of assurance from the teacher that the unmet requirements will be completed prior to the beginning of the next school year. See Appendix D of this bulletin for the form entitled "'Certification of Teacher' or Family Member's Serious Health Condition" and for definition of "Serious Health Condition" as set forth under the Family and Medical Leave Act of 1993.

E. Required Courses Not Available. Documentation that necessary coursework was not available must be provided in the form of letters of verification from all universities in the accessible geographic area of the teacher. The university letter must verify that the necessary coursework was not offered.

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 32:1805 (October 2006).

## **Subchapter C. Ancillary Teaching Certificates**

### **§341. Introduction**

A. Ancillary certificates are issued by Louisiana for those who provide teaching, support, administrative, or supervisory services to children in K-12 schools. See Chapter 4 of this bulletin for an explanation of ancillary certificates issued for those who provide support services in K-12 schools. See Chapter 7 of this bulletin for an explanation of ancillary certificates issued for those who provide administrative and supervisory services in K-12 schools. There are three types of ancillary teaching certificates: Ancillary Artist or Talented Certificate; Nonpublic Montessori Teacher Certificate; and Certificate for Family and Consumer Sciences—Occupational 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 32:1805 (October 2006).

### **§343. Artist or Talented Certificate**

A. An Ancillary Artist or Talented certificate is issued to an applicant who has earned an advanced degree in an artistic or talented field, or who has produced evidence of creative accomplishments over an extended period of time. An Ancillary Artist or Ancillary Talented certificate allows the holder to provide artistic and/or creative services in a regular classroom to children at any age level.

B. Artists Certificate (Art, Creative Writing, Drama, Dance, Music, Theatre, Visual Arts)—valid for one year.

1. Eligibility requirements:

a. a written request from the Louisiana employing authority indicating that the person will be employed once the certification is granted;

b. substantive evidence of artistic and/or creative accomplishment over an extended period of time, submitted in the form of newspaper articles, brochures, catalogs, playbills, programs, magazines, published music, letters from accomplished peers, etc. (photographs, slides and actual artwork are not acceptable).

2. Renewal Guidelines. The Louisiana employing school district must request renewal of this certificate for each school year of employment at the time of re-employment.

3. The person holding such certification is not eligible for tenure.

C. Talented Certificate (Music, Theatre, or Visual Arts)—Valid for continuous service in one school system.

1. This certificate allowing the certificate holder to provide talented services is valid only for the period and district of employment.

2. Certification is granted only in the specific talented area requested (visual art, music, or theatre).

3. Eligibility requirements:

a. master's degree in Art, Music, Theatre Liberal Arts, or Theatre Education; or substantive evidence of artistic and/or creative accomplishment over an extended period of time, submitted in the form of newspaper articles, brochures, catalogs, playbills, programs, magazines, published music, letters from accomplished peers, etc. (photographs, slides and actual artwork are not acceptable);

b. written request from the Louisiana employing authority indicating that the person will be employed as a talented teacher once the certification is granted; and

c. the individual must have a minimum of one year of successful experience working with students in the specific arts area and at the level for which employment is being sought.

4. Renewal Guidelines: If the holder of this certificate changes school systems, the Louisiana employing school district must request a change of job assignment.

5. Persons holding a talented certificate are not eligible for tenure.

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 32:1805 (October 2006).

### **§345. Nonpublic Montessori Teacher Certificate**

A. Nonpublic Montessori Teacher Certificate—Valid for life of continuous service.

B. Louisiana Montessori teachers will be certified and issued Louisiana Montessori teaching certificates by the Louisiana Department of Education.

C. Eligibility Guidelines

1. For a Type C Montessori Certificate—the teacher shall have completed training from one of the following:

- a. American Montessori Society;
- b. Association Montessori Internationale;
- c. St. Nicholas Training Course of London;
- d. The Montessori World Education Institute;
- e. Montessori Institute of America;
- f. Southwestern Montessori Training Institute;
- g. Any other training course jointly approved by the

Louisiana Board of Elementary and Secondary Education and the Louisiana Montessori Association.

2. For a Type B Montessori Certificate:

- a. at least one year of successful teaching experience in a Montessori school; and
- b. completed training from one of the following:
  - i. American Montessori Society;
  - ii. Association Montessori Internationale;
  - iii. St. Nicholas Training Course of London;
  - iv. The Montessori World Education Institute;
  - v. Montessori Institute of America;
  - vi. Southwestern Montessori Training Institute;
  - vii. Any other training course jointly approved by

the Board of Elementary and Secondary Education and the Louisiana Montessori Association.

3. For Type A, Junior Class A, and Junior Montessori certificates:

- a. a bachelor's degree from a regionally accredited college or university;
- b. at least one year of successful teaching experience in a Montessori school; and
- c. completed training from one of the following:
  - i. American Montessori Society;
  - ii. Association Montessori Internationale;
  - iii. St. Nicholas Training Course of London;
  - iv. The Montessori World Education Institute;
  - v. Montessori Institute of America;
  - vi. Southwestern Montessori Training Institute;
  - vii. Any other training course jointly approved by

the Board of Elementary and Secondary Education and the Louisiana Montessori Association.

D. The certificate lapses for disuse if the holder allows a period of five consecutive calendar years to pass in which he/she is not a regularly employed teacher for at least one semester, or 90 consecutive days. To reinstate a lapsed certificate, the holder must present evidence that he/she earned six semester hours of credit in state-approved courses (see Appendix C) during the five year period immediately preceding request for reinstatement.

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 32:1805 (October 2006).

**§346. Family and Consumer Sciences (Occupational Programs)**

A. An ancillary certificate issued in Family and Consumer Sciences (Occupational Programs) authorizes an individual to teach in the areas of child care, clothing

service, food service, housing and interior design, and institutional home management.

B. Provisional Certification: Valid for three years.

1. Eligibility requirements:

- a. bachelor's degree in a Family and Consumer Sciences specialty area;
- b. 12 semester hours in professional education courses, to include organization and administration of Family and Consumer Sciences occupational programs; and
- c. minimum of 2,000 hours of successful work experience in the area of occupational certification.

2. Renewal Guidelines. May be renewed upon request of the Louisiana employing authority.

C. Permanent Certification. Valid for life with continuous service.

1. Eligibility requirements:

- a. completed requirements for provisional certification;
- b. three years of teaching experience in Family and Consumer Sciences occupational programs; and
- c. reinstatement of a lapsed certificate: If the certificate holder allows a period of five consecutive calendar years to pass in which he/she is not a regularly employed teacher for at least one semester (90 consecutive days), the certificate lapses for disuse. To reinstate a lapsed certificate, the holder must present evidence that he/she earned six semester hours of credit in state-approved courses during the five year period immediately preceding request for reinstatement (see Appendix C).

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 32:1806 (October 2006).

**Subchapter D. Special Considerations for Teachers Called to Active Military Duty**

**§361. Introduction**

A. A teacher employed on a Louisiana certificate of any type 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.

B. 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.

C. 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.

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 32:1806 (October 2006).

## Chapter 4. Ancillary School Service Certificates

### §401. Introduction

A. An individual must have an official authorization from the state to provide services to children in a Louisiana school setting. An ancillary certificate allows a qualified person who is not a certified teacher to provide such services. The holder of an ancillary certificate is authorized to perform only those services that are specifically stated on the certificate in the school systems of Louisiana.

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 32:1807 (October 2006).

### Subchapter A. Child Nutrition Program Supervisor

#### §403. Introduction

A. Child Nutrition Program Supervisor—Valid for life with continuous service.

B. Basic Eligibility Requirements: A master's degree in home economics, institutional management, nutrition, dietetics, business administration, food technology, or public health nutrition from a regionally accredited institution of higher education.

C. Eligibility Requirements in Areas of Specialty

1. Specialty in food service:

a. a minimum of three years of successful experience in home economics education or quantity food service management; and

b. a minimum of 21 semester hours—six semester hours in nutrition related to humans, three semester hours in quantity food preparation, and 12 semester hours in at least four of the following subjects:

- i. Quantity Food Service;
- ii. Organization and Management;
- iii. Quantity Food Service Equipment and Layout;
- iv. Accounting;
- v. Statistics;
- vi. Microbiology;
- vii. Food Service or Technology.

2. Specialty in nutrition:

a. a minimum of three years of successful experience in teaching, nutrition education, public health nutrition, clinical or administrative dietetics, cooperative extension, or food service management;

b. graduate and/or undergraduate course work, as follows:

i. nutrition, 18 semester hours—six semester hours in nutrition related to humans, and 12 semester hours may include nutrition, physiology, biochemistry, microbiology, or bacteriology;

ii. foods, nine semester hours;

iii. statistics, research methodology, or evaluative techniques, three semester hours; and

iv. a minimum of 12 semester hours in at least two of the following subjects:

(a). Quantity Food Preparation or Quantity Cookery;

(b). Child or Adolescent Psychology;

(c). Communication and Speech;

(d). Educational Materials and/or Methods;

(e). Personnel or Institutional Management.

D. Reinstatement of a lapsed Certificate: If certificate holder allows a period of five consecutive calendar years to pass in which he/she is not regularly employed as a Child Nutrition Program Supervisor for at least one semester, or 90 consecutive days, he/she must present evidence of having earned six semester hours of credit in state-approved courses (see Appendix C). The six semester credit hours must be earned during the five year period immediately preceding reinstatement.

E. A special provisional certificate, Acting Child Nutrition Program Supervisor, may be issued to an individual employed in this capacity.

1. Eligibility Requirements. A baccalaureate or master's degree in home economics, institutional management, nutrition, dietetics, business administration, food technology, or public health nutrition from a regionally accredited institution of higher education.

2. Renewal Guidelines. Valid for one year and renewable each year thereafter upon presentation of six semester hours of applicable credit toward completion of all requirements for permanent certification as a Child Nutrition Program Supervisor.

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 32:1807 (October 2006).

#### §405. Counselor K-12 (Counselor in a School Setting)

A. Counselor K-12 (Counselor in a School Setting)—Valid for three years; upon verification by employer of three years of successful experience as a school counselor, the certificate becomes valid for life of continuous service.

B. Eligibility requirements:

1. master's degree in school counseling from a regionally accredited institution, or a master's degree with the equivalent hours and courses required for a master's degree in school counseling; and

2. graduate training must include 24 semester hours of professional courses distributed so that at least one course will be taken in each of the basic areas listed below:

a. Principles and Administration of School Counseling Programs;

b. Career and Lifestyle Development;

c. Individual Appraisal;

d. Counseling Theory and Practice;

e. Group Processes;

f. Human Growth and Development;

g. Social and Cultural Foundations in Counseling;

h. Supervised Practicum in a School Setting.

C. Renewal Guidelines. If certificate holder allows a period of five consecutive calendar years to pass in which he/she is not a regularly employed educator for at least one semester [90 consecutive days], the certificate lapses for disuse. To reinstate a lapsed certificate, the holder must present evidence that he/she earned six semester hours of credit in state-approved courses during the five year period immediately preceding request for reinstatement (see Appendix C).

D. Professional Counselor in the School Setting: Applicant must meet the above requirements for counselor in a school setting and hold current licensure as a Licensed

Professional Counselor in Louisiana (LPC), in accordance with Act 892 L.S. 1987 et seq.

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 32:1807 (October 2006).

**§407. Educational Interpreter and/or Transliterater:  
Effective December 6, 2001**

A. An Educational Interpreter and/or Transliterater is an individual who facilitates communication within an instructional environment via an enhanced visual and/or tactile mode between and among deaf/hard of hearing and hearing individuals in situations in which those individuals are unable to communicate with one another using a speech and hearing mode.

B. These certifications are issued to individuals who have at least a standard high school diploma or a General Equivalency Diploma (GED) and who meet the guidelines outlined in this document.

C. Provisional Certificate

1. Eligibility Requirements—fulfill one of the following:

a. complete an accredited interpreter preparation program with a minimum of a certificate of completion;

b. certification as a cued speech transliterater from a national or state recognized organization or certifying body;

c. certification as a sign language interpreter/transliterater by a national or state organization or certifying body;

d. advanced level or higher, as measured by the Sign Language Proficiency Interview (SLPI) or Sign Communication Proficiency Interview (SCPI); or

e. specified level or higher as measured on the Pre-Hiring Assessment of the Educational Interpreter Performance Assessment (EIPA) or the Cued American English Competency Screening expressive and receptive.

2. Renewal Guidelines. Valid for one year and renewable at the request of a Louisiana employing authority.

D. Qualified Certificate

1. Issued to persons who meet the criteria for certification as an educational interpreter or transliterater.

2. The certificate has endorsement areas of Elementary and/or Secondary, indicating competency in one of the following modes of sign language systems: American Sign Language (ASL), Manually Coded English (MCE), Signing Exact English (SEEI), or Cued Speech.

3. Eligibility requirements:

a. candidate satisfies conditions for ancillary provisional certificate and meets the criteria for this certificate; or

b. candidate was providing interpreter or transliterater services prior to the implementation of these standards (December 6, 2001), as verified by the Division of Special Populations, and satisfies one of the following:

i. 20 hours of professional development accrued beginning December 6, 2001;

ii. interpreters shall pass the Educational Interpreter Performance Assessment, Written Test;

iii. passes the standardized videotape version of the Educational Interpreter Performance Assessment at a level of 3.0; transliterators shall pass the Cued Language Transliterater State level Assessment.

4. Renewal Guidelines

a. May be renewed every five years if the applicant satisfactorily completes six semester hours of credit or the equivalent of continuing professional development (90 contact hours).

b. The six hours of credit or 90 equivalent clock hours shall be directly and substantively related to one or more of the permits or certificates held by applicant or related to the applicant's professional competency.

c. These hours shall be accrued beginning the date of issuance of the Ancillary Qualified Certificate.

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 32:1808 (October 2006).

**§409. School Librarian**

A. School Librarian—valid for five years.

1. Eligibility requirements:

a. master's degree in library science from a regionally accredited institution; and

b. passing score on Praxis Library Media Specialist examination (#0310).

2. Renewal guidelines:

a. complete 150 continuing learning units of district-approved and verified professional development over the five year time period during which the certificate is held;

b. the Louisiana employing authority must request renewal of an Ancillary School Librarian Certificate.

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 32:1808 (October 2006).

**§411. School Nurse**

A. Type C School Nurse—valid for three years.

1. Eligibility requirements:

a. current Louisiana licensure as a registered professional nurse; and

b. minimum of two years experience as a registered nurse.

2. Renewal Guidelines. May be renewed once for a three year period, upon presentation of a copy of current Louisiana licensure as a registered professional nurse and upon request of Louisiana employing authority.

B. Type B School Nurse—valid for five years.

1. Eligibility requirements:

a. current Louisiana licensure as a registered professional nurse; and

b. three years of experience as a Type C School Nurse.

2. Renewal guidelines:

a. six semester hours earned in nursing, education, or other health-related subjects completed since the Type B certificate was issued; and

b. current Louisiana licensure as a registered professional nurse.

C. Type A School Nurse—valid for life with continuous service.

1. Eligibility requirements:
  - a. current Louisiana licensure as a registered professional nurse;
  - b. baccalaureate degree in nursing or a health-related field from a regionally accredited college or university; and
  - c. five years experience as a certified Type B school nurse.
2. Renewal guidelines:
  - a. six semester hours of nursing, education, or other health-related subjects completed since the Type A certificate was issued; and
  - b. current Louisiana licensure as a registered professional nurse.

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 32:1808 (October 2006).

#### §413. Social Worker

A. Social Worker—issued to individuals with master's degrees in social work or social welfare.

B. Provisional School Social Worker—valid for three years.

1. Eligibility requirements:
  - a. a provisional Graduate Social Work Certificate (GSW) issued under R.S. 37:2701 et seq;
  - b. an individual must work under the supervision of a Licensed Clinical Social Worker (LCSW) for a minimum of one hour per week if providing clinical social work services.

2. Renewal guidelines: nonrenewable.

C. Qualified School Social Worker

1. Eligibility requirements—one of the following:
  - a. Licensed Clinical Social Worker (LCSW), in accordance with R.S.37:2701 et seq.
  - b. Certificate as a Graduate Social Worker (GSW), in accordance with R.S. 37:201 et seq.; receive a minimum of one hour per week of supervision by a LCSW, if providing clinical social work services; and have work experience in one or more of the following social work practice settings within the past five years:
    - i. school setting;
    - ii. mental health setting;
    - iii. correction setting;
    - iv. family/child/community service agency;
    - v. medical social services in which social services were delivered to families and children;
    - vi. private clinical practice in which social work services were delivered to adults, children, and families; or
    - vii. have graduate Social Worker field experience in the above Social Work practice settings plus two years of work experience, to be judged by the Louisiana State Board of Certified Social Work Examiners.

2. This certificate is valid provided the holder maintains current Louisiana licensure as a Social Worker. A social worker who changes employing school systems must provide a copy of his/her current Louisiana license to serve as a social worker.

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 32:1809 (October 2006).

#### §415. Special Education Examiners (Required by R.S. 17:1941)

A. State statute requires that each school district have assessment teams for the purpose of identifying and evaluating the individual needs of each child with exceptionalities. These teams may include any number of the specialists outlined in this Section.

NOTE: Persons serving on multidisciplinary teams who have competent authority numbers may continue to serve in this capacity.

B. Audiologist

1. Provisional certificate—valid for three years.
  - a. Eligibility requirements:
    - i. master's degree in audiology or equivalent, as specified in R.S. 37:2651 et seq.;
    - ii. must work under supervision of a licensed audiologist.
  - b. Renewal guidelines: nonrenewable.

2. Qualified Licensed Audiologist—valid for life with continuous service.

- a. Eligibility requirements:
  - i. master's degree in audiology or equivalent, as specified in R.S. 37:2651 et seq.;
  - ii. current Louisiana licensure as an Audiologist.
- b. Renewal guidelines: holder must present current Louisiana credential as a licensed Audiologist.

C. Educational Diagnostician. This is not an ancillary certification area but rather an endorsement to a standard certificate. See certification guidelines for Educational Diagnostician in Chapter 6 of this bulletin.

D. School Psychologist

1. Standard certificate—valid for five years.
  - a. Eligibility requirements—one of the following:
    - i. completion of a school psychology training program that meets requirements of the current Standards for Training and Field Placement Programs in School Psychology established by the National Association of School Psychologists;
    - ii. evidence of current and continuous certification as a Nationally Certified School Psychologist.
  - b. Levels
    - i. Level A—Applicants must meet requirements for the standard certificate and possess a doctoral degree (such as Ph.D., Ed. D., or Psy.D.) from a regionally accredited institution in school psychology or in psychology with a program of study emphasizing child development and knowledge and skills in education and assessment.
    - ii. Level B—Applicants must meet requirements for the standard certificate and possess a master's or specialist degree from a school psychology training program in a regionally accredited institution.
  - c. Renewal Guidelines: The standard certificate must be renewed by the expiration date, every five years. A one month grace period is allowed before the certificate is considered lapsed. The certificate may be renewed upon completion of the following:

i. at least one year of experience, or equivalent, as a school psychologist;

ii. one of the following:

(a). six semester hours of additional graduate credit in any of the areas specified in the Standards for Training and Field Placement Programs in School Psychology established by the National Association of School Psychologists;

(b). an equivalent number of Continuing Professional Development/Education Units (9.0 CEU or 90 contact hours) in a variety of activities designed to maintain and expand a school psychologist's skills, and to ensure the provision of quality services;

(c). a combination of graduate credit hours and Continuing Professional Development/Education Units equivalent to six semester hours (each semester hour equals 1.5 Continuing Professional Development/Education Units), for a total of 9.0 Continuing Professional Development/Education Units;

(d). evidence of current and continuous certification as a Nationally Certified School Psychologist since the last date of state certification or renewal.

2. Provisional Certificate—Valid for one year and renewable once for the completion of internship for the standard Level A or B certificate.

a. Eligibility requirements:

i. completed academic preparation in school psychology that meets requirements of current Standards for Training and Field Placement Programs in School Psychology established by the National Association of School Psychologists, except for the internship. The internship shall be completed during the time of the provisional certificate, in accordance with internship requirements in current Standards for Training and Field Placement Programs in School Psychology established by the National Association of School Psychologists;

ii. holder of a lapsed standard Level A or B certificate who has not met requirements for certification renewal.

b. Renewal Guidelines: May be renewed for one additional year when necessary to complete the internship, and upon written request of applicant and of the director of the training program or intern supervisor.

3. Lapsed School Psychologist certificates may be reinstated upon verification that the following conditions have been met. Credits submitted must have been earned within the five years of the last renewal request. A provisional certificate may be awarded for a one year period, during which time the individual must meet renewal requirements for the standard certificate:

a. at least one year of experience or equivalent as a school psychologist;

b. one of the following:

i. six semester hours of additional graduate credit in any of the areas specified in the Standards for Training and Field Placement Programs in School Psychology established by the National Association of School Psychologists;

ii. an equivalent number of Continuing Professional Development/Education Units (9.0 CEU or 90 contact hours) in a variety of activities designed to maintain

and expand a school psychologist's skills, and to ensure the provision of quality services;

iii. a combination of graduate credit hours and Continuing Professional Development/Education Units equivalent to six semester hours (each semester hour equals 1.5 Continuing Professional Development/Education Units), for a total of 9.0 Continuing Professional Development/Education Units;

iv. evidence of current and continuous certification as a Nationally Certified School Psychologist since the last date of State certification or renewal.

E. Supervisor of School Psychological Services—eligibility guidelines:

1. hold valid Louisiana Level A or Level B School Psychologist certification under current requirements; and

2. have at least three years of supervised experience as a school psychologist, of which at least two years have been in Louisiana.

F. Speech Pathology Assistant—valid for three years and renewable.

1. The word *assistant* designates that direct supervision by a certified and licensed speech/language pathologist is required.

2. Ancillary Speech/Language Pathology Assistant certificates authorize service as a speech pathology assistant only, not as a regular classroom teacher.

3. Eligibility requirements:

a. an earned baccalaureate degree in speech/language pathology from a regionally accredited institution;

b. completed at least 100 clock hours of supervised clinical practicum.

4. Renewal guidelines:

a. may be renewed by request of the Louisiana employing authority;

b. certificate may be changed to "valid for life with continuous service" with verification of three years of service as a speech therapist.

5. Reinstatement of a Lapsed Certificate. If certificate holder allows a period of five consecutive calendar years to pass in which he/she is not a regularly employed speech pathology assistant for at least one semester, or 90 consecutive days, the certificate lapses for disuse. To reinstate a lapsed certificate, the holder must present evidence that he/she earned six semester hours of credit in state-approved courses during the five year period immediately preceding the request for reinstatement (see Appendix C).

G. Speech Pathologist

1. Provisional Certificate in Speech Pathology—valid for three years.

a. Eligibility requirements: master's degree from a regionally accredited college or university in speech pathology.

b. Renewal guidelines: nonrenewable.

2. Qualified Certificate in Speech Pathology—valid for life with continuous service, provided holder maintains current Louisiana license to serve as a speech pathologist. Eligibility Requirements:

a. master's degree from a regionally accredited college or university in speech pathology, as specified under Speech Pathology Guidelines; and

b. a valid Louisiana license to serve as a speech pathologist.

3. Reinstatement of a Lapsed Certificate. If certificate holder allows a period of five consecutive calendar years to pass in which he/she is not regularly employed as a school speech pathologist for at least one semester, or 90 consecutive days, he/she must present evidence of having earned six semester hours of credit in state-approved courses (see Appendix C). The six semester credit hours must be earned during the five year period immediately preceding reinstatement.

H. Speech Therapist/American Speech and Hearing Association (ASHA)—A person who provides speech therapy services to students with speech and/or language impairments. Valid for three years.

1. Eligibility requirements—one of the following:

a. verification that applicant holds ASHA Certificate of Clinical Competence;

b. ASHA verification that individual has met requirements for Certificate of Clinical Competence (with possible exception of the clinical fellowship year); or

c. verification from the director of an ASHA-certified training program, in which the applicant has completed a master's degree, that ASHA requirements for the Certificate of Clinical Competence have been met (with the possible exception of the clinical fellowship year).

2. For those persons who have not completed the clinical fellowship year, this designation will be so noted on the certificate.

3. Renewal Guidelines

a. Louisiana employing authority may request renewal of the certificate.

b. Certificate may be changed to "valid for life with continuous service" with verification of three years of service as a speech therapist.

4. Reinstatement of a Lapsed Certificate: If certificate holder allows a period of five consecutive calendar years to pass in which he/she is not regularly employed as a speech therapist in a school setting for at least one semester, or 90 consecutive days, the certificate lapses for disuse. To reinstate a lapsed certificate, the holder must present evidence that he/she earned six semester hours of credit in state-approved courses during the five year period immediately preceding request for reinstatement (see Appendix C).

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 32:1809 (October 2006).

## Subchapter B. School Therapists

### §421. Overview

A. School Art Therapist—Valid as long as holder remains in the same school system.

1. Eligibility requirements:

a. evidence of successful completion of accredited art therapy degree program, and current registration/membership in the American Art Therapy Association;

b. requirements of the educational program:

i. three semester hours, Introduction to Education of Exceptional Children;

ii. three semester hours, Psychology of Exceptional Children;

c. 50 percent of preclinical experience must have been directed toward a population aged zero through 21 years, in both institutional and school settings.

2. Renewal Guidelines. The Louisiana employing authority must request renewal at the time of any change of employment systems.

B. Dance Therapist—valid as long as holder remains in same school system.

1. Master's Level

a. Eligibility requirements:

i. master's degree in dance therapy;

ii. requirements of the educational program:

(a) three semester hours, Introduction to Education of Exceptional Children; and

(b) three semester hours, Psychology of Exceptional Children;

iii. current registration or membership in the American Dance Therapy Association.

b. Renewal Guidelines: The Louisiana employing authority must request a renewal at the time of any change of employment systems.

2. Bachelor's Level

a. Eligibility requirements:

i. bachelor's degree in dance therapy;

ii. requirements of the educational program:

(a) three semester hours, Introduction to Education of Exceptional Children; and

(b) three semester hours, Psychology of Exceptional Children.

iii. practicum for two semesters in both a clinical and a school setting. Fifty percent of the practicum must involve work with a population aged zero through 21 years; and

iv. current registration or membership the American Dance Therapy Association.

b. Renewal Guidelines. The Louisiana employing authority must request renewal at the time of any change of employment systems.

C. Music Therapist—valid as long as holder remains in same school system.

1. Eligibility requirements:

a. evidence of successful completion of an accredited music therapy degree program, and registration by the National Association of Music Therapy, Inc.;

b. meet the following course requirements of the music therapy component of the degree program:

c. three semester hours, Introduction to Education of Exceptional Children;

d. three semester hours, Psychology of Exceptional Children; and

e. recreational music; school music;

f. fifty percent of pre-clinical and clinical experiences should be directed toward a population aged zero through 21 years, in both institutional and school settings.

2. Renewal Guidelines. The Louisiana employing authority must request renewal at the time of any change of employment systems.

D. Occupational Therapist

1. Provisional Certification—valid for two years.
  - a. Eligibility Requirements. A temporary license to practice occupational therapy in Louisiana in compliance with R.S. 37:3009, as administered by the Louisiana State Board of Medical Examiners.
  - b. Renewal guidelines: nonrenewable.
2. Full Certificate—valid for five years; renewable.
  - a. Eligibility requirements:
    - i. a valid license to practice occupational therapy in Louisiana in compliance with R.S. 37:3001-3014, as administered by the Board of Medical Examiners; and
    - ii. two years of successful work experience as an occupational therapist with children, and the recommendation of applicant's employer;
  - b. Renewal Guidelines: Applicant must present copy of current licensure, and request by the Louisiana employing authority.

E. Physical Therapist

1. Provisional Certification—valid for two years.
  - a. Eligibility Requirements. A temporary license to practice physical therapy in compliance with R.S. 37:2402, as administered by the Louisiana State Board of Physical Therapy Examiners.
  - b. Renewal guidelines: nonrenewable.
2. Full Certificate—valid for five years.
  - a. Eligibility requirements:
    - i. a valid Louisiana license to practice physical therapy in compliance with R.S. 37:2402, as administered by the Louisiana State Board of Physical Therapy Examiners; and
    - ii. two years of successful work experience as a physical therapist with children, and the recommendation of applicant's employer.
  - b. Renewal guidelines: current licensure, and request of the Louisiana employing authority.

F. Recreational Therapist—valid as long as individual is employed in the same school system.

1. Master's Level
  - a. Eligibility requirements:
    - i. evidence of successful completion of an accredited recreation therapy degree program, and registration with the National Therapeutic Society;
    - ii. requirements as part of recreation therapy degree program:
      - (a). three semester hours, Introduction to Education of Exceptional Children; and
      - (b). three semester hours, Psychology of Exceptional Children;
    - iii. 50 percent of pre-clinical and clinical experiences should be directed toward a population aged zero through 21 years in both institutional and school settings.
  - b. Renewal Guidelines. The Louisiana employing authority must request renewal at the time of any change of employment systems.
2. Bachelor's Level
  - a. Eligibility requirements:
    - i. evidence of successful completion of an accredited recreation therapy degree program, and registration with the National Therapeutic Society; and

ii. requirements as part of Recreation Therapy Degree Program:

- (a). three semester hours, Introduction to Education of Exceptional Children; and
- (b). three semester hours, Psychology of Exceptional Children;
- iii. fifty percent of preclinical and clinical experiences should be directed toward a population aged zero through 21 years in both institutional and school settings;
- iv. current registration/membership in the National Therapeutic Society, with a rating on level no lower than Therapeutic Recreation Leader (TRL).

b. Renewal Guidelines. The Louisiana employing authority must request renewal at the time of any change of employment locations.

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 32:1811 (October 2006).

**Chapter 5. Standards for Secondary Career and Technical Trade and Industrial Education Personnel**

**§501. Introduction**

A. Career and Technical Trade and Industrial Education (CTTIE) certificates authorize employment for instructors of CTTIE classes. The applicant being certified under requirements found in this bulletin may teach CTTIE programs (e.g., Auto Mechanics, Carpentry, Certified Nursing Assistant, Welding) in secondary grades 9-12 only. CTTIE does not apply to Technology Education (Industrial Arts).

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 32:1812 (October 2006).

**§503. CTTIE Certificate Types**

A. Vocational Technical Industrial Education (VTIE) Certificates—Issued prior to July 1, 2004.

1. Vocational Temporary (VT)—Valid for one year; renewable for a maximum of five years while holder completes required coursework.

2. Vocational Permanent (VP)—Lifetime certificate for continuous service.

B. Career and Technical Trade and Industrial Education (CTTIE) Certificates—Issued between July 1, 2004, and June 30, 2006.

1. CTTIE Temporary Certificate (CT)—Valid for one year; renewable for a maximum of five years while holder completes required coursework.

2. CTTIE Permanent Certificate (CP)—Lifetime certificate for continuous-service.

C. Career and Technical Trade and Industrial Education Certificates 1 and 2 (CTTIE-1, CTTIE-2)—Issued beginning July 1, 2006.

1. CTTIE-1 Certificate—Valid for one year; renewable for a maximum of five years while holder completes required coursework.

2. CTTIE-2 Certificate—Valid for five years and renewable. To qualify for this certificate, an individual must

meet requirements for a CTTIE-1 certificate and have earned the appropriate CTTIE coursework.

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 32:1812 (October 2006).

### **§505. CTTIE-1 and CTTIE-2 Certificates**

A. CTTIE-1 and CTTIE-2 certificates are issued to instructors in the areas of Trade and Industrial Education (T&I), Health Professions, and Jobs for America's Graduates (JAG). CTTIE courses are not required prior to issuance of an initial CTTIE-1 certificate.

B. Trade and Industrial Education Instructor (e.g., Carpentry, Air Conditioning/Refrigeration, Culinary Arts, Cosmetology, Graphic Arts, Electronics, Plumbing, Welding) Eligibility Requirements

1. Applicant must hold a high school diploma, or have passed an equivalency test approved by the State Department of Education.

2. Applicant must have a minimum of four years of successful full-time experience in the selected career and technical field:

a. at least one full year of the work experience must have been served within the five years immediately prior to certification;

b. graduates of community and technical colleges may receive credit for up to two years of occupational experience if the training is in the area for which the applicant is applying; and

c. graduates with a bachelor's degree from a regionally accredited college or university will be given credit for two of the four years of experience. The remaining two years of work experience must be continuous and full-time.

3. If requested by the Louisiana Department of Education, applicant must show that one year of the required work experience has been at a level above starting requirements and that he/she has progressed in knowledge and skills of the trade.

4. Applicants holding current approved industry-based certification or who pass the approved NOCTI exam if industry-based certification is not available may be given credit for two of the required four years of work experience. An industry-based certification may not be combined with educational attainment to qualify for a waiver from all required work experience, except as stipulated in Paragraph 5 below.

5. Applicants with an earned baccalaureate degree and who hold an industry-based certification in an information technology area may also apply years of teaching experience toward the required work experience.

6. Applicants with prior teaching experience at a postsecondary institution in the selected CTTIE field may apply those years of teaching at a postsecondary institution toward the required work experience.

7. In addition to CTTIE certification, a current license must be held when a state or national license is required in the workplace. A state or national license will be recognized as an industry-based certification.

C. Certified Nursing Assistant (CNA) Eligibility Requirements

1. Applicant must be a professional diploma nursing program graduate with current Louisiana licensure as a registered nurse or practical nurse.

2. Applicant must have a minimum of two of the past four years of experience in staff nursing or nursing education (school nurses must have staff nursing experience within five years of the date of application).

3. Licensed practical nurses may serve as a certified nursing assistant instructor under the direct supervision of a registered nurse.

4. All instructors must have a "Train the Trainer Certificate" and meet Certified Nursing Assistant Regulations, as mandated by the Louisiana Department of Health and Hospitals (DHH).

D. Emergency Medical Technician/First Responder

1. An Emergency Medical Technician (EMT) instructor must be a paramedic in good standing with the Emergency Medical Services (EMS) Board or be a registered nurse with current license as well as EMT-Basic certification and be in good standing with the EMS Board.

2. First Responder instructors must meet one of the following:

a. EMT-basic or paramedic in good standing with the State EMS Board;

b. registered nurse with current license and First Responder Certification or Emergency Medical Technician Certification and is in good standing with the State EMS Board; or

c. secondary instructor with a valid Louisiana secondary teacher certificate and participate in the Department of Education's First Responder Training conducted during the Super Summer Institute (SSI) and be in good standing with the State EMS Board.

E. Other Health Professions/Related Fields Instructor (e.g., Dental Assistant, Sports Medicine, Pharmacy Technician, Patient Care Technician)—Eligibility Requirements

1. Applicant must be a graduate of an approved program in the area to be taught, with current state license or national certification where required. Nutrition instructors in nursing programs may meet certification requirements with a degree in Family and Consumer Sciences and a minimum of 12 semester hours in Foods and Nutrition.

2. Applicant must have a minimum of two years of occupational experience in the area in which he/she is to teach. One year of this experience must have been served within the last five years.

3. Pharmacy Technician instructors shall have a valid Louisiana secondary mathematics or science certification or CTTIE certification in a health occupations field and must provide proof of participation in the Department of Education's SSI Pharmacy Technical Session.

4. Sports Medicine instructors shall have a Bachelor of Science degree in sports medicine or athletic training and have received a state or national certification as an athletic trainer and meet all CTTIE requirements.

5. All instructors must meet requirements mandated by the Louisiana Department of Health and Hospitals (DHH).

F. Health Professions, Department Head—Eligibility Requirements

1. Applicant must be a professional diploma nursing program graduate with current Louisiana licensing as a Registered Nurse.

2. Applicant must have a minimum of three years teaching experience as a certified Practical Nursing Instructor in Louisiana, as specified by DHH.

G. Jobs for America's Graduates (JAG) Louisiana Job Specialist eligibility requirements (one of the following):

1. a bachelor's degree from a state-approved and regionally accredited college or university, preferably in education, business administration, marketing, or related field, plus two years of full-time work experience, preferably in business, marketing, or related field; or

2. a high school diploma or general equivalency diploma (GED) plus five years of full-time work experience, preferably in business, marketing, or related field. (Exceptions to the number of required years of experience may be approved by the Board of Elementary and Secondary 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 32:1813 (October 2006).

#### **§507. VTIE, CTTIE, and CTTIE-1 Certificates Renewal Guidelines**

A. Holder must earn at least three semester hours in professional coursework each year until a minimum number of required semester hours have been completed, as follows:

1. with no degree—15 semester hours;
2. with an associate degree—12 semester hours;
3. with a baccalaureate or graduate degree—nine semester hours;
4. with a degree in education—six semester hours.

B. The coursework must be completed from the following approved list:

1. New Instructor Workshop (mandatory for all instructors);
2. Foundations of Vocational Technical Education;
3. Preparation of Vocational Technical Education Instructional Materials;
4. Management of the Vocational Technical Education Classroom(s)/Laboratory(ies);
5. Occupational Safety and Health;
6. Testing and Evaluation in Vocational Technical Education;
7. Teaching Special Needs Students in Vocational Technical Education;
8. Methods of Teaching Vocational Technical Education;
9. Occupational Analysis and Course Development;
10. Ethics and Diversity in the Workplace/Classroom;
11. Computer Technology in the Classroom.

C. If a state or national license is required in the workplace, a current license must be held. A state or national license will be recognized as an industry-based certification.

D. Upon successful completion of the required hours, and upon written request, a VTIE or a CTTIE temporary certificate was converted to a permanent CTTIE certificate until June 30, 2006. After June 30, 2006, certificates for all holders of VTIE, CTTIE, and CTTIE-1 certificates who are completing the required hours will be converted to five year CTTIE-2 certificates upon written request.

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 32:1814 (October 2006).

#### **§509. CTTIE-2 Certificates Renewal Guidelines**

A. Certificate holder must complete 150 continuing learning units (CLUs) of district-approved and district-verified professional development over the five year time period during which the certificate is held.

B. The Louisiana employing authority must request renewal of the certificate directly from the State Department of Education.

C. If holder of an expired certificate has not earned the required 150 CLUs of professional development, the expired certificate may be reactivated upon request of the Louisiana employing authority (at the level that was attained prior to expiration) for a period of one year, during which time holder must complete the required 150 CLUs and present evidence of successful completion to the Division of Teacher Certification and Higher Education. Failure to complete necessary CLUs during the one year reactivation period will result in an expired certificate that cannot be reinstated until evidence is provided of completed professional development 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 32:1814 (October 2006).

#### **§511. Process for Reinstating Lapsed CTTIE or VTIE Certificates**

A. If holder allows a period of five consecutive calendar years to pass in which he/she is not a regularly employed teacher for at least one semester, or 90 consecutive days, the certificate will lapse for disuse.

B. To reinstate a CTTIE or VTIE certificate if a license is required in the workplace, holder must present evidence that he/she has a current state or national license. Holder must also present evidence that he/she earned six semester hours of credit in state-approved courses (see III.B.) during the five year period immediately preceding request for reinstatement.

C. If a license is not required in the workplace, to reinstate a CTTIE or VTIE certificate the holder must present evidence that he/she earned six semester hours of credit in state-approved courses (see III.B.) during the five year period immediately preceding request for reinstatement.

D. If holder did not earn the required six semester hours, the lapsed certificate may be reactivated upon request (at the level that was attained prior to disuse) for a period of one year, during which time the holder must complete reinstatement 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 32:1814 (October 2006).

#### **Chapter 6. Endorsements to Existing Certificates §601. Introduction**

A. Endorsement areas are permanent authorizations added to a teaching certificate. Upon completing all requirements for an additional area of certification, as outlined in this bulletin, the holder of a valid Louisiana

teaching certificate may have the certificate authorization extended to include the newly achieved qualifications. For endorsement purposes, the following notes apply:

1. when a generalized reference is made to a Praxis exam, this means the current applicable exam(s) in policy, with the current established passing score(s);

2. semester hours earned to add certification areas and/or levels to an existing certificate cannot include repeat (or duplicate) coursework;

3. a National Board Certified (NBC) teacher with an existing Louisiana teaching certificate is eligible for the addition (add-on) or endorsement to his/her certificate of the corresponding area for which NBC is held.

B. A formal request for an additional authorization on a certificate must be directed to the Louisiana Department of Education, Division of Teacher Certification and Higher Education. For authorizations that require coursework, an official transcript from a regionally accredited institution must accompany the request. The final authority for approval of an additional authorization is the Louisiana Department of Education.

C. This Chapter has been divided into three sections, as follows:

1. regular education level and area endorsements;
2. special education level and area endorsements; and
3. all other endorsement 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 32:1814 (October 2006).

#### **Subchapter A. Regular Education Level and Area Endorsements**

##### **§603. Introduction**

A. The following requirements must be completed to add an education certification level and/or a certification area to an existing valid teaching certificate.

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 32:1815 (October 2006).

##### **§605. Requirements to add Early Childhood (Grades PK-3)**

A. Individuals holding a valid elementary certificate (e.g., 1-4, 1-5, 1-6, or 1-8) must achieve one of the following:

1. passing score for Praxis Early Childhood Education exam (#0020); or
2. 12 semester hours of combined Nursery School and Kindergarten coursework.

B. Individuals holding a valid upper elementary or middle school certificate (e.g., 4-8, 5-8, 6-8), secondary school certificate (e.g., 6-12, 7-12, 9-12), special education certificate (other than Early Interventionist), or an All-Level K-12 certificate (art, dance, foreign language, health, physical education, health and physical education, music) must achieve the following:

1. passing score for Praxis Elementary Education: Content Knowledge exam (#0014);

2. passing score for Praxis Early Childhood Education exam (#0020) OR accumulate 12 credit hours of combined Nursery School and Kindergarten coursework;

3. nine semester hours of reading coursework.

C. Individuals holding a valid Early Interventionist Certificate must achieve the following:

1. passing score for Praxis Elementary Education: Content Knowledge exam (#0014);

2. 12 credit hours of combined Nursery School and Kindergarten coursework (art, math, science, social studies); and

3. nine semester hours of reading coursework.

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 32:1815 (October 2006).

##### **§607. Requirements to add Elementary (Grades 1-5)**

A. Individuals holding a valid early childhood certificate (e.g., PK-K, PK-3) must achieve the following:

1. passing score for Praxis Elementary Education: Content Knowledge exam (#0014);

2. passing score for Praxis Principles of Learning and Teaching K-6 exam; and

3. nine semester hours of reading, 12 semester hours of mathematics, 12 semester hours of science, and 12 semester hours of social studies coursework.

B. Individuals holding a valid upper elementary or middle school certificate (e.g., 4-8, 5-8, 6-8), secondary certificate (e.g., 6-12, 7-12, 9-12), special education certificate, or all-level K-12 certificate (art, dance, foreign language, health, physical education, health and physical education, and music) must achieve the following:

1. passing score for Praxis Elementary Education: Content Knowledge exam (#0014); or accumulate 12 semester hours of mathematics, 12 semester hours of science, 12 semester hours of English language arts, and 12 semester hours of social studies;

2. passing score for Praxis Principles of Learning and Teaching K-6 exam; and

3. nine semester hours of reading.

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 32:1815 (October 2006).

##### **§609. Requirements to add Middle School (Grades 4-8) Specialty Area Endorsement for English, Mathematics, Science, or Social Studies**

A. Individuals holding a valid early childhood certificate (e.g., PK-K, PK-3), elementary certificate (e.g., 1-4, 1-5, 1-6, 1-8), upper elementary or middle school certificate (e.g., 4-8, 5-8, 6-8), secondary certificate (e.g., 6-12, 7-12, 9-12), special education certificate, or an All-Level K-12 certificate (art, dance, foreign language, health, physical education, health and physical education, and music) must achieve the following:

1. passing score for Praxis middle school specialty area exam in the specific content area; or accumulate 30 credit hours in the specialty content area;

2. passing score for Praxis Principles of Learning and Teaching 5-9 exam; and

3. six semester hours of reading.

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 32:1815 (October 2006).

**§611. Requirements to add a Secondary (grades 6-12) Specialty Core Content Area as defined in the No Child Left Behind (NCLB) Act of 2001 (English, Math, Foreign Language, Science, and Social Studies)**

A. Individuals holding a valid early childhood certificate (e.g., PK-K, PK-3), elementary certificate (e.g., 1-4, 1-5, 1-6, 1-8), upper elementary or middle school certificate (e.g., 4-8, 5-8, 6-8), or special education certificate must achieve the following:

1. passing score for Praxis secondary specialty area exam in the content area; or 30 credit hours in the specialty content area; and

2. passing Praxis score for Principles of Learning and Teaching 7-12 exam.

B. Individuals holding a valid secondary certificate (e.g., 6-12, 7-12, 9-12) or an All-Level K-12 certificate (art, dance, foreign language, health, physical education, health and physical education, and music), achieve one of the following:

1. passing score for Praxis secondary specialty area exam(s) required for the content area; or

2. 30 credit hours in the specialty content area.

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 32:1816 (October 2006).

**§613. Requirements to Add a Non-NCLB Secondary (grades 6-12) Specialty Content Area (Agriculture, Business, Computer Science, Family and Consumer Sciences, Journalism, Marketing, Speech, Technology Education)**

A. Individuals holding a valid early childhood certificate (e.g., PK-K, PK-3), elementary certificate (e.g., 1-4, 1-5, 1-6, 1-8), upper elementary or middle school certificate (e.g., 4-8, 5-8, 6-8), or special education certificate must achieve the following:

1. passing score for Praxis secondary specialty area exam in the content area; or 21 credit hours in the specialty content area; and

2. passing Praxis score for Principles of Learning and Teaching 7-12 exam.

B. Individuals holding a valid secondary certificate (e.g., 6-12, 7-12, 9-12) or an all-level K-12 certificate (art, dance, foreign language, health, physical education, health and physical education, and music) must achieve one of the following:

1. passing score for the Praxis secondary specialty area exam; and

2. 21 credit hours in the specialty content area.

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 32:1816 (October 2006).

**§615. Requirements to Add an All-Level (K-12) Area (Art, Dance, Foreign Language, Health and Physical Education, and Music)**

A. Individuals holding a valid early childhood certificate (e.g., PK-K, PK-3), elementary certificate (e.g., 1-4, 1-5, 1-6, 1-8), upper elementary or middle school certificate (e.g., 4-8, 5-8, 6-8), secondary certificate (e.g., 6-12, 7-12, 9-12), special education certificate, or an all-level K-12 certificate (art, dance, foreign language, health, physical education, health and physical education, and music) must achieve one of the following:

1. passing score for Praxis specialty area exam in the area of endorsement; and

2. 30 semester hours in the specialty area.

B. To Add a Second Music Area Endorsement: An individual already certified in either Instrumental Music or Vocal Music may add the second music area with coursework, as follows:

1. to add Instrumental Music, 12 semester hours to include brass, percussion, string, and woodwind instruments; or

2. to add Vocal Music, 12 semester hours to include piano and voice.

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 32:1816 (October 2006).

**Subchapter B. Special Education Level and Area Endorsements**

**§621. Requirements**

A. The following requirements must be completed to add a special education certification level and/or area to an existing valid teaching certificate.

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 32:1816 (October 2006).

**§623. Requirements to add Academically Gifted**

A. Individuals holding a valid early childhood certificate (e.g., PK-K, PK-3), elementary certificate (e.g., 1-4, 1-5, 1-6, 1-8), upper elementary or middle school certificate (e.g., 4-8, 5-8, 6-8), secondary certificate (e.g., 6-12, 7-12, 9-12), special education certificate, or an All-Level K-12 certificate (art, dance, foreign language, health, physical education, health and physical education, and music) must achieve A-C below:

1. master's degree from an accredited institution of higher education;

2. 15 graduate semester hours of prescribed coursework from the following list, either within a master's degree program or as an add-on to an existing master's degree:

a. characteristics/study of gifted individuals;

b. methods of teaching the gifted;

c. social and emotional needs of the gifted;

d. creative thinking and problem solving or curriculum development for the gifted;

e. educational technology;

3. three semester hours in a practicum for academically gifted; or an internship for college credit in academically gifted; or three years of successful teaching experience in academically gifted.

4. special notes relative to Academically Gifted Certification.

a. Academically gifted certification will be valid only in the teaching area(s) in which the individual is certified.

b. The secondary teacher of academically gifted students who is to award Carnegie Units in the secondary subject area(s) must be certified in the subject area(s) in which Carnegie Units are awarded.

c. Elementary and secondary teachers who are also certified in academically gifted may offer approved special education elective (enrichment) courses at either the elementary or secondary level.

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 32:1816 (October 2006).

#### **§625. Requirements to add Early Interventionist Birth to Five Years**

A. Individuals holding a valid early childhood certificate (e.g., PK-K, PK-3), elementary certificate (e.g., 1-4, 1-5, 1-6, 1-8), upper elementary or middle school certificate (e.g., 4-8, 5-8, 6-8), secondary certificate (e.g., 6-12, 7-12, 9-12), special education certificate, or an All-Level K-12 certificate (art, dance, foreign language, health, physical education, health and physical education, and music) must achieve the following:

1. passing score for Praxis exams: Early Childhood Education (#0020) and Education of Exceptional Children: Core Content Knowledge (#0353);

2. 18 credit hours that pertain to infants, toddlers, and preschoolers, as follows:

a. foundations in early childhood education and early intervention;

b. understanding and working with families of young children;

c. assessment in early intervention;

d. early intervention methods;

e. teaming, physical and medical management in early intervention;

f. communication and literacy in early intervention;

3. nine semester hours of reading coursework.

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 32:1817 (October 2006).

#### **§627. Requirements to add Hearing Impaired K-12**

A. Individuals holding a valid early childhood certificate (e.g., PK-K, PK-3), elementary certificate (e.g., 1-4, 1-5, 1-6, 1-8), upper elementary or middle school certificate (e.g., 4-8, 5-8, 6-8), secondary certificate (e.g., 6-12, 7-12, 9-12), special education certificate, or All-Level K-12 certificate (art, dance, foreign language, health, physical education, health and physical education, and music) must achieve the following:

1. 21 semester credit hours that pertain to children with hearing impairments, as follows:

2. introduction to special education;

3. physiological, psychosocial, historical, sociological, and cultural aspects of deafness;

4. language development that includes linguistic principles and assessment strategies in language acquisitions for deaf and hard of hearing;

5. speech and speech reading;

6. educational audiology, auditory assistive devices and technology;

7. instructional strategies and curriculum development for deaf and hard of hearing students;

8. communication methodology.

B. Three semester hours of internship of students with hearing impairments; or three years of successful teaching experience of students with hearing impairments.

C. Proficiency in signed, cued, or oral communication, as evidenced by one or more of the following means:

1. signed: one of the following:

a. Intermediate on the Educational Sign Skills Evaluation: Teacher (ESSE:T);

b. Advanced on the Signed Communication Proficiency Interview (SCPI);

c. Level III of the Educational Interpreter Performance Assessment;

2. cued: mini-proficiency, as measured on the Basic Cued Speech Proficiency Rating Test (BCSPR c1983, Beaupre); or

3. oral: successfully passing an additional course in Methods in Oral/Auditory Education.

D. Passing score for Praxis exams: Education of Exceptional Students: Core Content Knowledge (#0353) and Education of Exceptional Students: Hearing Impairment (#0271).

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 32:1817 (October 2006).

#### **§629. Requirements to add Mild/Moderate**

A. Individuals holding a valid early childhood certificate (e.g., PK-K, PK-3), elementary certificate (e.g., 1-4, 1-5, 1-6, 1-8), upper elementary or middle school certificate (e.g., 4-8, 5-8, 6-8), secondary certificate (e.g., 6-12, 7-12, 9-12), special education certificate, or an All-Level K-12 certificate (art, dance, foreign language, health, physical education, health and physical education, and music) must achieve the following:

1. 15 semester hours of special education coursework, as follows:

a. methods/materials for mild/moderate exceptional children;

b. assessment and evaluation of exceptional learners;

c. behavioral management of mild/moderate exceptional children;

d. vocational and transition services for students with disabilities;

e. practicum in assessment and evaluation of M/M exceptional learners.

2. Passing score for Praxis exams: Education of Exceptional Students: Core Content Knowledge (#0353) and Education of Exceptional Students: Mild Moderate Disabilities (#0542).

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 32:1817 (October 2006).

### **§631. Requirements to add Significant Disabilities 1-12**

A. Individuals holding a valid early childhood certificate (e.g., PK-K, PK-3), elementary certificate (e.g., 1-4, 1-5, 1-6, 1-8), upper elementary or middle school certificate (e.g., 4-8, 5-8, 6-8), secondary certificate (e.g., 6-12, 7-12, 9-12), special education certificate, or All-Level K-12 certificate (art, dance, foreign language, health, physical education, health and physical education, and music) must achieve the following:

1. 21 semester hours that pertain to children with significant disabilities, as follows:

- a. assessment and evaluation;
- b. curriculum development, modifications, and transition planning;
- c. behavior support;
- d. instructional strategies;
- e. communication;
- f. collaborative techniques and family partnerships;
- g. characteristics of students with significant disabilities, physical support, health and safety;

2. three semester hours of internship of students with significant disabilities; or three years of successful teaching experience of students with significant disabilities; and

3. passing score for Praxis exams: Education of Exceptional Students: Core Content Knowledge (#0353) and Education of Exceptional Students: Severe to Profound Disabilities (#0544).

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 32:1818 (October 2006).

### **§633. Requirements to add Visual Impairments/Blind K-12**

A. Individuals holding a valid early childhood certificate (e.g., PK-K, PK-3), elementary certificate (e.g., 1-4, 1-5, 1-6, 1-8), upper elementary or middle school certificate (e.g., 4-8, 5-8, 6-8), secondary certificate (e.g., 6-12, 7-12, 9-12), special education certificate, or All-Level K-12 certificate (art, dance, foreign language, health, physical education, health and physical education, and music) must achieve the following:

1. 21 semester hours that pertain to children with visual impairments:

- a. educational implications of low vision and blindness;
- b. orientation and mobility for the classroom teacher;
- c. assessment and evaluation techniques, including functional vision evaluation and reading media assessment;
- d. assistive technology for students with visual impairments;
- e. instructional strategies and materials for students with visual impairments;
- f. introduction to Braille, including literary and Nemeth codes;
- g. Braille II;

2. three semester hours of internship of students who are visually impaired; or three years of successful teaching experience of students who are visually impaired or blind;

3. a passing score for Praxis Education of Exceptional Students: Core Content Knowledge exam (#0353).

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 32:1818 (October 2006).

## **Subchapter C. All Other Teaching Endorsement Areas**

### **§641. Introduction**

A. Information on endorsements for administrative and supervisory areas can be found in Chapter 7 of this bulletin.

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 32:1818 (October 2006).

### **§643. Adapted Physical Education**

A. Adapted physical education eligibility requirements:

1. valid Louisiana teaching certificate in physical education;

2. basic requirements—three semester hours in each of the following:

- a. motor development and learning;
- b. introduction to the study of exceptional children;
- c. tests and measurements (physical education, or educational, or psychological);

3. specialized coursework requirements, as follows:

a. introducing physical education for all children with disabilities, three semester hours;

b. behavioral and educational impairment and physical education, two semester hours; plus practicum in behavioral and educational impairment and physical education, one semester hour (for a total of three semester hours);

c. chronic disability and physical education, two semester hours; plus practicum in chronic disability and physical education, one semester hour (for a total of three semester hours); and

d. the physical education curriculum for children with disabilities, three semester hours (Prerequisite: Courses in 1-2 above).

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 32:1818 (October 2006).

### **§645. Adult Education Instructor**

A. Eligibility Requirements:

1. valid standard Louisiana teaching certificate; and

2. one of the following:

a. five years of adult education experience prior to implementation of certification requirements (September 1982); or

b. 12 semester hours, as follows:

i. introduction to or foundations of adult education, three semester hours;

ii. practicum in adult education, three semester hours; and

iii. six semester hours from the following areas:

- (a). materials, methods, and/or curricular development in adult education;
- (b). reading instruction in adult education;
- (c). adult learning and development;
- (d). use of community resources;
- (e). administration and supervision of adult education;
- (f). guidance and counseling in adult education;
- (g). competency-based adult education;
- (h). independent study, special problems, or issues in adult education.

B. An individual who holds certification both as an adult education instructor and as a parish/city supervisor of instruction may qualify to serve as Administrator and/or Supervisor of Adult 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 32:1818 (October 2006).

#### **§647. Aerospace Education**

A. Aerospace education eligibility requirements:

- 1. valid Louisiana teaching certificate;
  - a. one of the following:
    - i. six semester credit hours in approved aerospace education; or
    - ii. valid private pilot's license or higher rating and at least three semester hours of credit in an approved aerospace education workshop.

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 32:1819 (October 2006).

#### **§649. Bilingual Specialist**

A. An elementary, secondary, or all-level certified foreign language teacher may be certified as a bilingual specialist upon completion of the following:

- 1. Bilingual Methods I (practical training in the teaching of language arts and social studies in a bilingual-bicultural setting)—three semester hours; and
- 2. Bilingual Methods II (practical training in the teaching of math and science in a bilingual-bicultural setting)—three semester hours.

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 32:1819 (October 2006).

#### **§651. Child Search Coordinator**

A. Eligibility requirements:

- 1. certification as a teacher, social worker, guidance counselor, school psychologist, psychologist, speech therapist, or other related special education field;
- 2. master's degree;
- 3. six semester hours in special education; and
- 4. three years of experience in the certified or licensed special education area.

B. Persons functioning as Child Search Coordinators prior to September 1, 1989, who are certified/licensed special education personnel are not bound by these requirements and will be certified, provided they are recommended for continuation of employment by the parish

supervisor/director of special education and approved by the superintendent of the LEA.

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 32:1819 (October 2006).

#### **§655. Computer Literacy**

A. Eligibility requirements:

- 1. elementary or secondary certificate; and
- 2. nine semester hours of coursework in educational technology or computer science.

B. For certified business education teachers who completed a data processing course and a word processing course that included computer applications, six semester hours of the requirement for computer literacy certification (A.1.b. and A.1.c.) may be waived.

C. A person who was successfully employed as a teacher of computer education for a minimum of three years prior to September 1, 1986, may be certified in computer literacy and have the authorization added to his/her Louisiana elementary or secondary teaching certificate, entitling him/her to teach computer literacy at the elementary or the secondary level, depending upon the level of certification.

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 32:1819 (October 2006).

#### **§657. Cooperative Office Education**

A. Cooperative office education eligibility requirements:

- 1. hold a secondary teaching certificate in Business Education;
- 2. have completed six semester hours, to include Principles and/or Philosophy of Vocational Education and Cooperative Education Methods (Method and/or Techniques of Teaching Cooperative Education);
- 3. have a minimum of 1,500 hours of employment in business and office occupations approved by the Office of Vocational Education, Louisiana Department of Education. Partial fulfillment of this work experience may be met through completion of a practicum for credit (supervised work experience) offered by the institution concerned. Two hours will be credited for each hour of supervised practicum work experience.

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 32:1819 (October 2006).

#### **§659. Counselor K-12 (Counselor in a School Setting)**

A. Eligibility requirements:

- 1. valid teaching certificate;
- 2. master's degree in school counseling from a regionally accredited institution, or a master's degree with the equivalent hours and courses required for a master's degree in school counseling; and
- 3. graduate training must include 24 semester hours of professional courses distributed so that at least one course will be taken in each of the basic areas listed below:
  - a. Principles and Administration of School Counseling Programs;
  - b. Career and Lifestyle Development;

- c. Individual Appraisal;
- d. Counseling Theory and Practice;
- e. Group Processes;
- f. Human Growth and Development;
- g. Social and Cultural Foundations in Counseling;
- h. Supervised Practicum in a School Setting.

B. **Renewal Guidelines:** If certificate holder allows a period of five consecutive calendar years to pass in which he/she is not a regularly employed educator for at least one semester (90 consecutive days), the certificate lapses for disuse. To reinstate a lapsed certificate, the holder must present evidence that he/she earned six semester hours of credit in state-approved courses during the five year period immediately preceding request for reinstatement (see Appendix C).

C. **Professional Counselor in the School Setting:** Applicant must meet the above requirements for counselor in a school setting and hold current licensure as a Licensed Professional Counselor in Louisiana (LPC), in accordance with Act 892 L.S. 1987 et seq.

**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 32:1819 (October 2006).

**§661. Driver and Traffic Safety Education**

A. Eligibility requirements:

- 1. valid Louisiana teaching certificate;
- 2. valid Louisiana driver's license;
- 3. driving record free of conviction of major accidents and/or repeated traffic violations; and
- 4. specialized education, as follows:
  - a. general safety education, three semester hours (basic safety information—home, school, traffic, community, and industrial safety—and general information on the psychology of accident prevention);
  - b. basic information course in driver education, three semester hours (investigation of problems facing drivers, such as those of pedestrians, cycles, alcohol and drugs, and traffic engineering; and study in the philosophy of driver education as it exists in our society); and
  - c. curricular innovations and instructional devices, three semester hours (in-depth study of driver education and traffic safety curricular materials, and familiarization with related instructional devices).

B. Conviction of repeated traffic violations or any major crime or accident involved in or related to the operation of a motor vehicle could result in revocation of this endorsement.

**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 32:1820 (October 2006).

**§663. Educational Diagnostician (Special Education)**

A. Eligibility requirements:

- 1. a minimum of a master's degree in education earned from a regionally accredited institution of higher education;
- 2. hold a valid Type B or Level 2 Louisiana teaching certificate, and meet one of the following guidelines:
  - a. hold generic special education certification, with at least one year of classroom teaching experience in a properly certified area of special education;

- b. hold certification in at least two special education disability areas (e.g., mentally retarded, learning disabled), with at least one year of teaching experience in a properly certified area of special education. Academically gifted is not an accepted special education area;

3. reading credit, as follows:

- a. elementary/middle grades majors: six semester hours in diagnosis and remediation of reading problems, three semester hours of which may be undergraduate coursework; or

- b. secondary/all-level majors: nine semester hours of reading coursework, with six of the semester hours in diagnosis and remediation of reading problems and three of the semester hours in foundations of reading. Three of the required semester hours may be undergraduate coursework;

4. have completed a minimum of 21 semester hours of graduate credit, as follows:

- a. applied learning theory, three semester hours;
- b. behavioral intervention strategies, including systematic behavioral assessment (this course must include 25 child contact hours), three semester hours;
- c. consulting teacher strategies, three semester hours;
- d. precision assessment and diagnostic/prescriptive strategies, three semester hours;
- e. test theory, three semester hours;
- f. educational diagnosis, three semester hours; and
- g. supervised internship, to include 100 child contact clock hours\*, three semester hours.

\*This course must include fieldwork involving the administration, scoring, and interpretation of norm-referenced and criterion-referenced individual educational tests; working with School Building Level Committees; teacher consultation, and implications for educational intervention through the development of the individualized assessment/intervention plan. This course may be completed while employed on a provisional endorsement.

B. **Provisional Educational Diagnostician.** A one year provisional endorsement as an Educational Diagnostician may be issued if all requirements have been completed, with the exception of the 100-contact-hour internship. The intern employed on a provisional endorsement must work under a certified Educational Diagnostician who has a minimum of five years of field experience in that position. At the time of employment, the Louisiana employing authority must submit verification of the supervision component. Until the internship is completed and the provisional status is removed from the intern's certificate, the supervising Educational Diagnostician shall sign all reports and evaluations involving the intern.

**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 32:1820 (October 2006).

**§665. Educational Technology Areas**

A. Educational Technology Facilitation

1. Eligibility requirements:

- a. valid Type B or Level 2 Louisiana teaching certificate (requires three years of teaching experience);
- b. complete one of the following options:
  - i. Option A: a minimum of nine semester hours of graduate credit in educational technology (three semester hours per course);

(a). design and development of multimedia instructional units;

(b). educational telecommunications, networks, and the internet;

(c). technology leadership in schools; or

ii. Option B: a minimum of three online courses, to include:

(a). effective instructional technology: an introduction (this course focuses on the National Education Technology for Teachers Standards (NETS-T) and will include an introduction to educational telecommunications, networks and the Internet);

(b). effective instructional technology: building a portfolio of exemplars (this course focuses on building a portfolio of teacher and student work that demonstrates the understandings and skills as they relate to the NETS-T and the Louisiana K-12 Educational Technology Standards); and

(c). an additional course to be selected from a menu of department-approved online course offerings, which includes lessons by design; bridging the gap; universal design for learning—technology support for math and the K-12 classroom; and universal design for learning—technology support for reading and the K-12 classroom;

c. a certified teacher who serves as facilitator of educational technology at the building level may petition the Division of Teacher Certification and Higher Education to be granted an Educational Technology Facilitation endorsement if he/she met one of the following qualifications by August 31, 2002:

i. hold certification in computer literacy; earned an additional six semester hours in educational technology courses; and served as a facilitator of educational technology at the school, district, regional, or state level successfully for the past three years as verified by the employing authority; or

ii. served as a facilitator of educational technology at school, district, regional, or state level successfully for the past five years, as verified by the employing authority.

#### B. Educational Technology Leadership

##### 1. Eligibility requirements:

a. valid Type A or Level 3 Louisiana teaching certificate (requires five years of teaching experience);

b. master's degree from a regionally accredited institution of higher education; and

c. minimum of 21 semester hours of graduate credit, as follows:

i. education technology coursework, nine semester hours:

(a). design and development of multimedia instructional units;

(b). educational telecommunications, networks, and the internet;

(c). technology leadership in schools;

ii. educational technology leadership coursework, 12 semester hours:

(a). technology planning and administration;

(b). professional development for K-12 technology integration;

(c). educational technology research, evaluation, and assessment;

(d). advanced telecommunications and distance education.

2. Persons who have met requirements B.1.a and B.1.c may be issued a non-renewable, non-extendable Educational Technology Leadership provisional certificate that is valid for three years.

3. Certified teachers who served as coordinators of educational technology at the district, regional, and/or state levels may petition the Division of Teacher Certification and Higher Education to be granted an Educational Technology Leadership certification if they met the following qualifications by August 31, 2002:

a. hold certification in computer literacy; earned an additional nine semester hours in educational technology courses; and served as a coordinator of educational technology above the building level (at the district, regional, or state level) for the past three years, as verified by the employing authority; or

b. served as a coordinator of educational technology above the building level (at the district, regional, or state level) successfully for the past five years, as verified by the employing authority.

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 32:1820 (October 2006).

### §667. English as a Second Language

#### A. Eligibility requirements:

1. valid standard teaching certificate; and

2. successful completion of the following coursework:

a. Methods for Teaching English as a Second Language, three semester hours (theories and practical approaches and techniques for teaching English as a second language to elementary, secondary, and adult education students);

b. Introduction to Language and Culture, three semester hours (the relationship of language acquisition to social and cognitive development);

c. Structure of the English Language, three semester hours (a study of the distinctive sound patterns and grammatical systems of American English); and

d. Curriculum Design for the Multicultural Classroom, three semester hours (adapting curricula for the multi-ethnic classroom as well as a review of existing English as a second language materials—elementary, secondary, and adult education levels).

B. English as a Second Language certification will be valid only in the teaching area(s) in which an individual is certified and in teaching English as a Second Language I, II, III, and IV elective 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 32:1821 (October 2006).

### §669. Montessori Teacher Certification

A. An authorization to teach Montessori at the age levels prescribed by the training institution may be added to a standard teaching certificate for teachers who have completed training from one of the following entities:

1. American Montessori Society;

2. Association Montessori Internationale;
3. St. Nicholas Training Course of London;
4. The Montessori World Education Institute;
5. Montessori Institute of America;
6. Southwestern Montessori Training Institute;
7. Any other course jointly approved by the State Board of Elementary and Secondary Education and the Louisiana Montessori Association.

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 32:1821 (October 2006).

### **§671. Reading Specialist**

A. This certification will be valid for teaching and/or supervision of reading in grades 1-12.

B. Eligibility requirements:

1. valid Type B or Level 2 Louisiana teaching certificate;
2. advanced degree from a regionally accredited institution; and
3. included in or beyond the advanced degree of study must be 12 graduate hours of course work in reading education, including:
  - a. three semester hours of foundations or survey of reading instruction;
  - b. six semester hours of diagnosis and correction of reading difficulties, including a testing/tutorial practicum under the supervision of qualified personnel; and
  - c. reading in the content areas, three semester hours.

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 32:1822 (October 2006).

### **§673. School Librarian**

A. School library service eligibility requirements:

1. valid Louisiana elementary or secondary teaching certificate;
2. 18 semester hours in library science, as follows:
  - a. elementary and/or secondary school library materials, nine semester hours;
  - b. organization, administration, and interpretation of elementary and/or secondary school library service, six semester hours; and
  - c. elementary and/or secondary school library practice, three semester hours.

NOTE: Persons who have already served three years as full-time school librarians and who completed all library science courses except elementary and secondary school library practice, may satisfy this requirement by a minimum one year, on-the-job internship with supervision provided by the Library Science faculty of the College of Education for six semester hours 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 32:1822 (October 2006).

## **Chapter 7. Administrative and Supervisory Credentials**

### **§701. Overview**

A. An individual who serves as an administrator and/or supervisor in Louisiana schools is required to obtain the appropriate credential for the area of assignment. A teacher already certified in Louisiana can have a leadership or supervisory endorsement added to an existing certificate.

B. This Chapter is divided into three parts, as follows:

1. Educational Leadership Certification Structure;
2. Administrative and Supervisory Endorsements that were superseded by the Educational Leadership Certification Structure, including a section showing educational leadership title equivalencies; and
3. all Other Supervisory Endorsements.

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 32:1822 (October 2006).

### **Subchapter A. The Educational Leadership Certification Structure—Effective July 1, 2006**

#### **§703. Introduction**

A. The Educational Leadership Certification structure, effective July 1, 2006, provides for four levels of leader certification: Teacher Leader; Educational Leader Level 1; Educational Leader Level 2; and Educational Leader Level 3. The Teacher Leader Endorsement is an option for a teacher to be identified as a teacher leader; it is not a state-required credential for a specific administrative position. The Educational Leader Level 1 license is an entry-level license for individuals seeking to qualify for school and/or district leadership positions (e.g., assistant principals, principals, parish or city supervisors of instruction, supervisors of child welfare and attendance, special education supervisors, or comparable school/district leader positions). An individual moves from a Level 1 to a Level 2 license upon completion of the Educational Leader Induction Program and the required years of experience. The Level 3 license qualifies an individual for employment as a district superintendent.

B. Educational leadership preparation programs, induction programs, and continuing learning units required for re-licensure are aligned with the following state and national standards:

1. Standards for School Principals in Louisiana;
2. Interstate School Leaders License Consortium [ISLLC] Standards for School Leaders; and
3. Educational Leadership Constituent Council [ELCC] Standards for Advanced Programs in Educational Leadership, the standards used by the National Council for the Accreditation of Colleges of Teachers Evaluation [NCATE] for university program reviews.

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 32:1822 (October 2006).

### **§705. Educational Leader Certificate Level 1**

A. This is the certification authorization needed by those who fill school and district educational leadership positions (e.g., assistant principal, principal, parish or city supervisor of instruction, supervisor of child welfare and attendance, special education supervisor, or comparable school/district leader positions). This endorsement is valid for five years and is renewable every five years based upon successful completion and verification of required continuing learning units. An Educational Leader Certificate Level 1 may be obtained through either a master's degree path or through an alternate program path.

1. Master's Degree Path. To receive an entry-level certificate in educational leadership, the candidate must:

a. hold or be eligible to hold a valid Louisiana Type A or Level 3 teaching certificate or have a comparable level out-of-state teaching certificate and five years of teaching experience in his/her area of certification;

b. complete a competency-based graduate degree preparation program in the area of educational leadership from a regionally accredited institution of higher education; and

c. have a passing score on the School Leaders Licensure Assessment (SLLA), in accordance with state requirements.

2. Alternate Program Path. The Alternate Program Path is for persons who already hold a master's degree and are seeking to add Educational Leader certification to a valid teaching certificate:

a. hold or be eligible to hold a valid Louisiana Type A or Level 3 teaching certificate or have a comparable level out-of-state teaching certificate and five years of teaching experience in his/her area of certification;

b. have previously completed a graduate degree program from a regionally accredited institution of higher education;

c. meet competency-based requirements, as demonstrated by completion of an individualized program of educational leadership from a regionally accredited institution of higher education. An individualized program will be developed based on a screening of each candidate's competencies upon entering into the graduate alternative certification program; and

d. have a passing score on the School Leaders Licensure Assessment (SLLA) in accordance with state requirements.

3. Renewal Requirements. For purposes of maintaining a valid endorsement, holders of an Educational Leader Level 1 endorsement are required to complete 150 continuing learning units of professional development consistent with the Individual Professional Growth Plan (IPGP) over a five year time period. The starting date of the five year cycle depends on the type of teaching certificate that the individual holds.

a. If an individual holds a Louisiana Professional Teaching Certificate Level 3, then the renewal date is tied to the renewal date on the professional teaching certificate.

b. If an individual holds a Louisiana Type A Teaching Certificate or a comparable level out-of-state teaching certificate, then the renewal time period begins with the date of issue of the Educational Leader Level 1 endorsement.

4. Upon employment as a school/district educational leader, an individual with an Educational Leader Level endorsement must enroll in the state-approved Educational Leader Induction Program under the direction of the Louisiana Department of Education. Once employed as a school/district educational leader, the individual has three years to complete the induction 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 32:1823 (October 2006).

### **§707. Educational Leader Certificate Level 2**

A. This endorsement is valid for five years and is renewable every five years based upon successful completion and verification of required continuing learning units.

1. To receive an Educational Leader Certificate Level 2, the individual must:

a. hold a valid Level 1 Educational Leader certificate, Louisiana provisional principal certification, or comparable level out-of-state educational leader certificate;

b. have five years of teaching experience in his/her area of certification;

c. have completed the Educational Leader Induction Program under the administration of the Louisiana Department of Education;

i. the induction period begins upon the candidate's first full-time administrative appointment (permanent or acting) as an assistant principal, principal, parish or city supervisor of instruction, supervisor of child welfare and attendance, or comparable school/district leader position;

ii. the Educational Leader Induction Program must be completed within a three year period;

d. have three years of educational leadership experience at the level of assistant principal or above.

2. Renewal Requirements: For purposes of maintaining a valid endorsement, holders of an Educational Leader Level 2 endorsement are required to complete 150 continuing learning units of professional development consistent with the Individual Professional Growth Plan (IPGP) over a fiveyear time period. The starting date of the five year cycle depends on the type of teaching certificate that the individual holds.

a. If an individual holds a Louisiana Professional Teaching Certificate Level 3, then the renewal date is tied to the renewal date on the professional teaching certificate.

b. If an individual does not hold a Louisiana Professional Teaching Certificate Level 3, but does hold an Educational Leader Level 1 endorsement, then the renewal date is tied to the renewal date on the Educational Leader Level 1 endorsement.

c. If an individual holds neither a Louisiana Professional Teaching Certificate Level 3 nor an Educational Leader Level 1 endorsement, then the renewal time period begins with the date of issue of the Educational Leader Level 2 endorsement.

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 32:1823 (October 2006).

**§709. Education Leader Certificate Level 3 (Superintendent)**

A. This certification endorsement is required to serve as a school system superintendent or assistant superintendent. This certificate is valid for five years and is renewable every five years, based upon successful completion and verification of required continuing learning units.

1. Eligibility requirements:

a. valid Louisiana Level 2 Educational Leader certificate or one of the Louisiana administrative/supervisory certifications that preceded the 2006 Educational Leadership Certification structure;

b. five years of teaching experience in his/her area of certification;

c. five years of successful administrative or management experience in education at the level of assistant principal or above. The assistant principal experience would be limited to a maximum of two years of experience in that position; and

d. passing score on the School Superintendent Assessment (SSA), in keeping with state requirements.

2. Renewal Requirements: For purposes of maintaining a valid endorsement, holders of an Educational Leader Level 3 endorsement are required to complete 150 continuing learning units of professional development consistent with the Individual Professional Growth Plan (IPGP) over a five year time period. The starting date of the five year cycle depends on the type of teaching certificate that the individual holds.

a. If an individual holds a Louisiana Professional Teaching Certificate Level 3, then the renewal date is tied to the renewal date on the professional teaching certificate.

b. If an individual does not hold a Louisiana Professional Teaching Certificate Level 3, but does hold an Educational Leader Level 2 endorsement, then the renewal date is tied to the renewal data that is in use for the previous Educational Leader endorsement.

c. If an individual holds neither a Louisiana Professional Teaching Certificate Level 3, nor an Educational Leader Level 2 endorsement, then the renewal time period begins with the date of issue of the Educational Leader Level 3 endorsement.

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 32:1824 (October 2006).

**§711. Teacher Leader Endorsement (Optional)**

A. As part of the educational leader certification structure, there is an option for a teacher to become certified as a teacher leader. Eligibility requirements:

1. valid Type B, Level 2, or higher Louisiana teaching certificate;

2. completion of a state-approved teacher leader program that requires, at minimum, the equivalent of six graduate hours, or 90 contact hours, including a combination of face-to-face and field-based professional development activities that:

a. may include the use of a cohort approach;

b. provides support from and monitoring by current outstanding administrators serving as mentors and/or facilitators;

c. includes an electronic component (online and/or compressed video) to ensure each participant's access to key resources and to build a statewide network of qualified administrator candidates that could include the development of cohorts; and

d. requires the development and presentation of a culminating portfolio that provides evidence that knowledge gained and skills acquired are aligned with national and state leader 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 32:1824 (October 2006).

**Subchapter B. Out-of-State Administrative Certification Structure**

**§721. Out-of-State Principal Level 1 (OSP1)**

A. This is a standard, three year, non-renewable Louisiana certificate issued to an individual who holds out-of-state certification as a principal (or comparable educational leader certificate) and has not met Louisiana's Praxis and/or NTE requirements. It authorizes the individual to serve as a principal in a Louisiana public school system, and is issued when the individual anticipates immediate administrative employment in a Louisiana public school system.

1. Eligibility requirements:

a. a valid out-of-state certificate as a principal or comparable educational leader certificate;

b. a minimum of four years of successful experience as a principal in another state, as verified by the previous out-of-state school district(s) from satisfactory annual evaluation results;

c. the candidate meets all other requirements for a Louisiana certificate as required by law or board policy.

2. An applicant who meets the above stated eligibility requirements shall not have to complete the required examinations or to submit scores from any examinations previously taken in another state as a prerequisite to the granting of certification as out-of-state principal level 2 (OSP2), provided that:

a. the applicant completes one year of employment as a principal in a Louisiana public school system while holding the three-year OSP1 certificate; and

b. the local superintendent (or designee) of the employing Louisiana public school system has recommended him/her for continued administrative employment in the following school year.

3. Upon employment as a principal or an assistant principal in a Louisiana public school system, an individual holding an OSP1 certificate must enroll or be enrolled in the state-approved Educational Leader Induction Program under the direction of the Louisiana Department of Education. The individual has three years to complete the induction 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 32:1824 (October 2006).

### **§723. Out-of-State Principal Level 2 (OSP2)**

A. This certificate is valid for five years and is renewable every five years, based upon successful completion and verification of required continuing learning units.

1. Eligibility requirements:

a. a valid OSP1 certificate and satisfaction of Louisiana Praxis and/or NTE requirements;

b. completed the Educational Leader Induction Program under the administration of the Louisiana Department of Education:

i. the induction period begins upon the candidate's first full-time administrative appointment (permanent or acting) as an assistant principal or principal;

ii. the Educational Leader Induction Program must be completed within a three year period;

c. three years of educational leadership experience at the level of assistant principal or above.

2. Renewal Requirements. To maintain a valid OSP2 certificate, the holder is required to complete 150 continuing learning units of professional development consistent with the Individual Professional Growth Plan (IPGP) over a five year time period, beginning with issuance date of the OSP2 certificate.

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 32:1825 (October 2006).

### **§725. Out-of-State Superintendent (OSS)**

A. This special Out-of-State Superintendent (OSS) certificate is valid only for the employing Louisiana public school district requesting its issuance. It is valid for five years from date of first appointment as a superintendent and is renewable every five years.

1. Eligibility requirements:

a. employed by a Louisiana public school system to serve as a superintendent or an assistant superintendent;

b. a valid teaching certificate from another state with authorization to serve as a school superintendent;

c. a master's degree from a regionally accredited institution of higher education;

d. five years of successful administrative or management experience in education at the level of assistant principal or above. The assistant principal experience would be limited to a maximum of two years of experience in that position; and

e. five years of successful teaching experience in a properly certified field.

2. Renewal Requirements. Over a five year time period from date of appointment as a superintendent, the holder of an OSS certificate must complete a minimum of 150 continuing learning units of professional development that is consistent with the leader's Individual Professional Growth Plan (IGP).

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 32:1825 (October 2006).

## **Subchapter C. Administrative and Supervisory Endorsements Superseded by the Educational Leadership Certification Structure**

### **§741. Introduction**

A. The effective date for implementation of redesigned leadership programs is July 1, 2006. After June 30, 2006, universities cannot admit candidates into a leadership/administration program that has not undergone the redesign and review process. Since some individuals will already be in the process of working toward one of the older leadership certifications (e.g., Principal, Supervisor, Superintendent), those individuals will be given a transition time to complete all coursework. Consequently, some universities may be admitting students into a redesigned educational leadership program and at the same time allowing students to pursue coursework that meets old certification requirements. Individuals attempting to add one of the older, job-specific certifications outlined in this Section of Chapter 7 to their certificate can do so until December 31, 2008. The certificates identified below will not be issued after December 31, 2008:

1. Elementary School Principal;
2. Secondary School Principal;
3. Parish or City School Superintendent;
4. Parish or City School Supervisor of Instruction;
5. Parish or City School Supervisor/Director of Special Education;
6. Special School Principal;
7. Supervisor of Child Welfare and Attendance.

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 32:1825 (October 2006).

### **§743. Elementary School Principal**

A. Eligibility requirements:

1. Type A or Level 3 Louisiana teaching certificate for the elementary school;

2. master's degree from regionally accredited institution of higher education;

3. five or more years of classroom teaching at elementary school level;

4. score of 620 on the Educational Administration and Supervision Area Exam of the NTE (mandatory for individuals seeking initial certification as a principal on or after August 16, 1986);

5. minimum of 30 semester hours of graduate credit, as follows:

a. educational administration and instructional supervision, nine semester hours:

i. Foundations of or Introduction to Educational Administration, or Theory of Educational Administration;

ii. Elementary School Principal;

iii. Principles of Instructional Supervision in the Elementary School;

b. professional education, 21 semester hours:

i. eighteen semester hours:

(a). Educational Research (three);

(b). History or Philosophy of Education (three);

(c). Elementary School Curriculum (three);

- (d). School Law (three);
- (e). School Finance (three);
- (f). School Personnel Administration (three);
- ii. three semester hours of educational administration electives to be selected from the following:
  - (a). School-Community Relations;
  - (b). School Facilities;
  - (c). Program Development and Evaluation (either in professional education or in areas outside of professional education).

B. Persons who meet requirements of Item A above are eligible for a provisional elementary school principal endorsement. Upon employment as a principal or assistant principal, an individual with provisional principal endorsement must enroll in the two year Principal Internship Program.

C. A regular elementary school principal endorsement will be added to the standard Type A certificate upon satisfactory completion of the two year Principal Internship Program.

D. Persons holding provisional or regular principal endorsements at the elementary school level may serve as principal of an elementary, middle, secondary, or combination grade-level school.

E. Elementary school assistant principals are required to meet the same standards as elementary school principals.

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 32:1825 (October 2006).

#### **§745. Secondary School Principal**

- A. Eligibility requirements:
1. valid Type A or Level 3 Louisiana teaching certificate for the secondary school;
  2. master's degree from regionally accredited institution of higher education;
  3. five or more years of classroom teaching at secondary school level;
  4. score of 620 on the Educational Administration and Supervision Area Exam of the NTE (mandatory for individuals seeking initial certification as a principal on or after August 16, 1986);
  5. minimum of 30 semester hours of graduate credit, as follows:
    - a. Educational Administration and Instructional Supervision, nine semester hours:
      - i. Foundations of or Introduction to Educational Administration, or Theory of Educational Administration (three);
      - ii. Secondary School Principal (three);
      - iii. Principles of Instructional Supervision in the Secondary School (three);
    - b. Professional Education, 21 semester hours:
      - i. 18 semester hours, to include three semester hours from each of the following:
        - (a). Educational Research;
        - (b). History or Philosophy of Education;
        - (c). Secondary School Curriculum;
        - (d). School Law;
        - (e). School Finance;
        - (f). School Personnel Administration;

ii. three semester hours of educational administration electives to be selected from the following courses:

- (a). School-Community Relations;
- (b). School Facilities;
- (c). Program Development and Evaluation (either in professional education or in areas outside of professional education).

B. Persons who meet the requirements of Item A above are eligible for a provisional secondary school principal endorsement. Upon employment as a principal or assistant principal, an individual with provisional principal endorsement must enroll in the two year Principal Internship Program under the auspices of the Administrative Leadership Academy.

C. A regular secondary school principal endorsement will be added to the standard Type A certificate upon satisfactory completion of the two year Principal Internship Program.

D. Persons holding provisional or regular principal endorsements at the secondary school level may serve as principal of an elementary, middle, secondary, or combination grade-level school.

E. Secondary school assistant principals are required to meet the same standards as elementary school principals.

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 32:1826 (October 2006).

#### **§747. Parish or City School Superintendent**

- A. Eligibility requirements:
1. valid Type A or Level 3 Louisiana teaching certificate;
  2. five years of successful school experience (state, parish, or city) as superintendent, assistant superintendent, supervisor of instruction, principal, or assistant principal in a State-approved system, or experience certified as equivalent to any of these by the Board of Elementary and Secondary Education. Assistant principal experience is limited to a maximum of two years of experience in that position;
  3. master's degree from regionally accredited institution of higher education;
  4. 48 semester hours of graduate credit:
    - a. 30 semester hours in educational administration and supervision of instruction, as follows:
      - i. 18 semester hours, to include three semester hours in each of the following areas:
        - (a). Foundations of (Introductory) Educational Administration; or Theory of Educational Administration;
        - (b). School Law;
        - (c). Principles of Instructional Supervision (Elementary or Secondary);
        - (d). School Community Relations;
        - (e). Principalship (Secondary or Elementary School);
        - (f). School Finance;
      - ii. 12 semester hours of electives in educational administration and instructional supervision from the following areas:
        - (a). School Facilities;
        - (b). School Personnel Administration;

- (c). Group Dynamics;
- (d). Office and Business Management;
- (e). Clinical Supervision or Internship or Practicum in Educational Administration or Instructional Supervision;

(f). Program Development and Evaluation (in professional education or areas outside professional education).

5. professional education, 12 semester hours to include three semester hours in each of the following:

- a. Educational Research;
- b. History or Philosophy of Education;
- c. Elementary School Curriculum;
- d. Secondary School Curriculum;

6. electives from cognate fields outside of professional education, six semester hours, related to educational administration and supervision in business, political science, psychology, sociology, or speech.

B. Assistant superintendents who supervise any part of the instructional program are required to meet the same standards as superintendents.

C. Assistant superintendents for non-instructional areas (finance, management, facilities planning, and ancillary programs) shall be certified as a school superintendent or meet the following requirements:

1. a minimum of five years of demonstrated successful administrative experience at a managerial level in education and/or related fields, either in the public or private sector;

2. master's degree from a regionally accredited institution of higher education in educational administration, business administration, public administration, or a related area of study including but not limited to accounting, finance, banking, insurance and law;

3. responsibilities assumed by this category of administrators must be related to non-instructional programs, and experience obtained while at that level may not be used for meeting the certification requirements for 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 32:1826 (October 2006).

#### **§749. Parish or City School Supervisor of Instruction**

A. Eligibility requirements:

1. valid Type A or Level 3 Louisiana Teaching Certificate;

2. master's degree from regionally accredited institution of higher education; and

3. minimum of 33 semester hours of graduate credit, to include:

a. 15 semester hours in Educational Administration and Supervision:

i. Foundations and Theory of Educational Administration (three);

ii. Principles of Instructional Supervision (six);

iii. Elementary School Curriculum (three);

iv. Secondary School Curriculum (three);

b. Professional Education, 15 semester hours:

i. Educational Research (three);

ii. History or Philosophy of Education (three);

iii. School Law (three);

iv. six semester hours of electives from Instructional Evaluation, Statistics, Testing and Measurement, Learning Theory, or Program Development and Evaluation (in professional education or area/s outside professional education);

c. three semester hours to be selected from Practicum in Instructional Supervision or Internship in Instructional Supervision. Internship or clinical experience as an elementary or secondary school principal or instructional supervisor may be substituted for this requirement.

B. Persons who meet requirements of Paragraphs A.1, 2, and Subparagraph 3.a may be issued a non-renewable, non-extendable supervisor of instruction provisional certificate valid for three years.

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 32:1827 (October 2006).

#### **§751. Parish or City School Supervisor/Director of Special Education**

A. Eligibility requirements:

1. valid Type A or Level 3 Louisiana teaching certificate with certification as a special education teacher;

2. five years of successful professional experience, at least three of which must have been in special education;

3. master's degree from regionally accredited institution of higher education;

4. minimum of 33 semester hours of graduate credit:

a. six semester hours of special education administration, with three semester hours in each area of special education administration that address the following competencies:

i. administration and organization of special education;

ii. special education compliance;

b. professional education, 24 semester hours of instructional supervision, to include three semester hours in each of the following:

i. Foundations and Theory of Educational Administration;

ii. Educational Research;

iii. History and Philosophy of Education;

iv. School Law;

v. School Finance;

vi. Curriculum;

vii. Principles of Instructional Supervision;

viii. three semester hours of electives to be selected from Instructional Evaluation, Statistics, Testing and Measurement, Learning Theory, or Program Development and Evaluation (in professional education or areas outside professional education);

c. three semester hours in either Practicum in Special Education Administration or Internship in Special Education Administration.

B. Persons who have met the requirements of Paragraphs A.1-3, three semester hours from A.4.a, and 12 semester hours from A.4.b may be issued a non-renewable, non-extendable Supervisor/Director of Special Education provisional certificate, valid for three years.

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 32:1827 (October 2006).

**§753. Special School Principal**

**A. Special School Principal Eligibility Requirements**

1. Certification requirements for elementary or secondary school principal must be completed. The same certification standards as those required of principals apply if an individual is serving as an assistant principal;

2. graduate training in special education, including at least one course in administration/supervision of special education, and generic certification in one or more areas of exceptionalities served by that school; and

C. five years of successful professional experience, at least three years of which must have been in special 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 32:1828 (October 2006).

**§755. Supervisor of Child Welfare and Attendance and/or Visiting Teacher**

**A. Eligibility requirements:**

1. valid Type A or Level 3 Louisiana teaching certificate;

2. master's degree from regionally accredited institution, including 15 semester hours of professional education at the graduate level to include three semester hours in each of the following areas:

- a. principles of guidance and counseling;
- b. supervision of child welfare and attendance and/or visiting teacher work;
- c. school law;
- d. social psychology;
- e. psychology of child growth and development or human growth and development.

B. Social Workers licensed under R.S. 37:2701 et seq. may be certified as visiting teachers.

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 32:1828 (October 2006).

**Subchapter D. Educational Leadership Title Equivalencies**

**§761. Title Equivalencies**

Administrative Guidelines from Bulletin 741	Certification Endorsement Prior to Educational Leader Licensure Structure	Certification under Educational Leader Licensure Structure
Superintendent	School Superintendent	Educational Leader Level 3
Assistant Superintendent	School Superintendent	Educational Leader Level 3
Special Education Supervisor	Parish/City Supervisor/Director of Special Education	Educational Leader Level 1
Child welfare and Attendance Supervisor	Supervisor of Child welfare and Attendance and/or Visiting Teacher	Educational Leader Level 1 Educational Leader Level 2

Principal or Assistant Principal	Provisional Elementary Principal Elementary Principal Provisional Secondary Principal Secondary Principal Provisional Principal Principal Combination School Principal	Educational Leader Level 1 Educational Leader Level 2
Supervisor	Parish/City Supervisor of Instruction	Educational Leader Level 1 Educational Leader Level 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 32:1828 (October 2006).

**Subchapter E. All Other Supervisory Endorsements**

**§781. Introduction**

A. In addition to those areas of supervision/administration embraced within the Educational Leader Certification Structure, the following supervisory endorsements are available to candidates holding a Louisiana teaching certificate:

- 1. Supervisor of School Libraries;
- 2. Supervisor of Parish or City Materials and Media Centers;
- 3. Supervisor of Student 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 32:1828 (October 2006).

**§783. Supervisor of School Libraries—Eligibility Requirements**

**A. Supervisor of school libraries eligibility requirements:**

- 1. Type A or Level 3 Louisiana certificate authorizing school library service;
- 2. five or more years of successful experience as a school librarian;
- 3. master's degree in library science from a regionally accredited institution, including 12 semester hours of graduate training in library science and a minimum of 21 semester hours of undergraduate credit in library 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 32:1828 (October 2006).

**§785. Supervisor of Parish or City Materials and/or Media Centers**

A. Supervisor of parish or city materials and/or media centers eligibility requirements:

- 1. Type A or Level 3 Louisiana teaching certificate;
- 2. advanced degree from a regionally accredited institution;
- 3. 15 semester hours of graduate course work in non-book media:
  - a. utilization of audiovisual materials (three);
  - b. media design and production (three);
  - c. administration of media programs (three);
  - d. six semester hours of electives from courses such as photography, educational television, programmed

instruction, media research, advanced production techniques, and communication theory.

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 32:1828 (October 2006).

### **§787. Supervisor of Student Teaching**

A. This is no longer a required endorsement that must appear on a certificate.

B. To qualify to perform this supervisory service, a teacher must meet one of the following eligibility criteria:

1. valid Type A or Level 3 Louisiana certificate in the field of the supervisory assignment;

2. valid Type B or Level 2 Louisiana certificate in the field of the supervisory assignment and successfully complete the three semester-hour course in the supervision of student teaching;

3. valid Type B or Level 2 Louisiana certificate in the field of the supervisory assignment and successfully complete assessor training through the Louisiana Teacher Assistance and Assessment Program; and

4. valid Type B or Level 2 Louisiana certificate in the field of the supervisory assignment and National Board Certification in the field of the supervisory assignment.

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 32:1829 (October 2006).

## **Chapter 8. Certification Appeal Process**

### **§801. Overview**

A. The certification appeal process is available to an individual who has applied for certification and has been denied the requested certification due to the absence of certification requirements. The process provides such an individual the opportunity to petition the Teacher Certification Appeals Council (TCAC) to consider other factors and evidence, in lieu of the missing certification 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 32:1829 (October 2006).

### **§803. Appeal Process**

A. An applicant who is denied certification but who believes that he/she has legitimate grounds for an appeal, may submit a Certification Appeal Application to the Board of Elementary and Secondary Education (BESE) office. Only an individual who has been evaluated and denied certification through the Division of Teacher Certification and Higher Education is eligible to file an appeal. The following restrictions apply:

1. an appeal cannot be initiated until an applicant has submitted a complete certification application to the Louisiana Department of Education, Division of Teacher Certification and Higher Education; the application is reviewed by a certification specialist; and the applicant is notified that he/she is denied the requested certification;

2. the BESE Office must receive an appeal within 120 days from the date that the certification request was denied;

3. certification requirements mandated by state or federal law, as cited below, cannot be waived through the appeal process:

a. NTE/Praxis requirements for initial certification;

b. a grade point average of 2.50 for initial certification;

c. for those who have participated in any undergraduate teacher education program, reading requirements per 17:7.1.A.(4)(a) of the Louisiana Revised Statutes provide for a prescribed number of semester hours in the teaching of reading, as established in policy by the State Board of Elementary and Secondary Education in accordance with the level of certification to be awarded, such requirement to be in addition to requirements for English courses, and such courses in the teaching of reading to emphasize techniques of teaching reading and the recognition and correction of reading problems of the student. State Board policy has set these requirements as follows:

i. for elementary grades undergraduate programs, nine hours of reading coursework;

ii. for middle grades undergraduate programs, six hours of reading coursework; or

iii. for secondary grades undergraduate programs, three hours of reading coursework;

d. for those who have participated in any alternate teacher education program, as provided pursuant to reading requirements per 17:7.1.A.(4)(b) and to rules and regulations adopted by the State Board of Elementary and Secondary Education, the applicant shall be given the option of either completing the same amount of semester hours as required for the teaching of reading for undergraduate program applicants as shown in Subparagraph A.3.c above or in lieu of such semester hour requirements shall possess the reading and literacy competencies identified in scientifically based reading research at the national level and approved by the State Board of Elementary and Secondary Education for the teaching of reading.

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 32:1829 (October 2006).

### **§805. Application Packet**

A. An individual seeking an appeal of his/her certification decision is advised to read carefully all information about completing the BESE Certification Appeal Application before beginning the process. The complete application packet is located in the Board of Elementary and Secondary Education (BESE) section of the Department of Education website at [teachlouisiana.net](http://teachlouisiana.net). If there are questions regarding the appeal packet, an applicant can contact the BESE office at 225-342-5840.

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 32:1829 (October 2006).

**Chapter 9. Actions Related to Criminal Offenses and/or the Submission of Fraudulent Documentation**

**§901. Overview**

A. Teaching certificates can be denied, suspended, or revoked for certain criminal offenses and/or for the submission of fraudulent documentation. This Chapter presents those circumstances plus the circumstances under which certificates can possibly be reinstated.

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 32:1830 (October 2006).

**§903. Definitions**

A. For the purposes of this policy:

*Applicant*—any person applying for a Louisiana teaching authorization of any kind.

*Board*—the Board of Elementary and Secondary Education as a whole and/or any of its standing committees.

*Convicted or Conviction*—any proceedings in which the accused person pleads guilty or no contest, and those proceedings that are tried and result in a judgment of guilty.

*Department*—the Louisiana Department of Education.

*Fraudulent Document*—any paper, instrument, or other form of writing that is false, altered, or counterfeit and that is used as a subterfuge or device to induce the issuance of a certificate.

*Offense or Crime*—those listed in R.S. 15.587.1(C) and any felony offense whatsoever.

*Teaching Certificate or Certificate*—any license, permit, or certificate issued by the Division of Teacher Certification and Higher Education of the Department of Education.

B. The following crimes are reported under R.S.15:587.1:

1. R.S. 14:30, R.S. 14:30.1, R.S. 14:31, R.S. 14:41 through R.S.14:45, R.S. 14:74, R.S. 14:78, R.S. 14:79.1, R.S. 14:80 through R.S. 14:86, R.S. 14:89, R.S. 4:89.1, R.S. 14:92, R.S. 14:93, R.S. 14:93.2.1, R.S. 14:93.3, R.S. 14:106, R.S. 14:282, R.S. 14:286, R.S. 40:966(A), R.S. 40:967(A), R.S. 40:968(A), R.S. 40:969(A), and R.S. 40:970(A) or convictions for attempt or conspiracy to commit any of those offenses;

2. those of a jurisdiction other than Louisiana which, in the judgment of the bureau employee charged with responsibility for responding to the request, would constitute a crime under the provisions cited in this Subsection, and Those under the *Federal Criminal Code* having analogous elements of criminal and moral turpitude. (Federal Criminal Code provisions are in Title 18 of U.S.C.A.) Specifically:

* R.S. 14:30	First degree murder
* R.S. 14:30.1	Second degree murder
R.S. 14:31	Manslaughter
* R.S. 14:41	Rape
* R.S. 14:42	Aggravated rape
* R.S. 14:42.1	Forcible rape
* R.S. 14:43	Simple rape
* R.S. 14:43.1	Sexual battery
* R.S. 14:43.2	Aggravated sexual battery
* R.S. 14:43.3	Oral sexual battery
* R.S. 14:43.4	Aggravated oral sexual battery
* R.S. 14:43.5	Intentional exposure to the AIDS virus

* R.S. 14:44	Aggravated kidnapping
* R.S. 14:44.1	Second degree kidnapping
* R.S. 14:45	Simple kidnapping
R.S. 14:74	Criminal neglect of family
* R.S. 14:78	Incest
* R.S. 14:79.1	Criminal abandonment
* R.S. 14:80	Carnal knowledge of a juvenile
* R.S. 14:81	Indecent behavior with a juvenile
* R.S. 14:81.1	Pornography involving juveniles
* R.S. 14:81.2	Molestation of a juvenile
R.S. 14:82	Prostitution
* R.S. 14:82.1	Prostitution; Persons under seventeen; Additional offenses
R.S. 14:83	Soliciting for prostitutes
R.S. 14:83.1	Inciting prostitution
R.S. 14:83.2	Promoting prostitution
R.S. 14:83.3	Prostitution by massage
R.S. 14:83.4	Massage; sexual content prohibited
R.S. 14:84	Pandering
R.S. 14:85	Letting premises for prostitution
R.S. 14:85.1	Letting premises for obscenity
* R.S. 14:86	Enticing persons into prostitution
* R.S. 14:89	Crime against nature
* R.S. 14:89.1	Aggravated crime against nature
R.S. 14:92	Contributing to the delinquency of juveniles
* R.S. 14:93	Cruelty to juveniles
* R.S. 14:93.2.1	Child desertion
R.S. 14:93.3	Cruelty to the infirm
R.S. 14:106	Obscenity
R.S. 14:282	Operation of places of prostitution
* R.S. 14:286	Sale of minor children
R.S. 40:966(A)	Penalty for distribution or possession with intent to distribute narcotic drugs listed in Schedule I; Manufacture; Distribution
R.S. 40:967(A)	Prohibited acts; Schedule II, penalties; Manufacture; Distribution
R.S. 40:968(A)	Prohibited acts; Schedule III; penalties; Manufacture; Distribution
R.S. 40:969(A)	Prohibited acts; Schedule IV; penalties; Manufacture; Distribution
R.S. 40:970(A)	Prohibited acts; Schedule V; penalties; Manufacture; Distribution

\*Certificate issuance/reinstatement will never be considered for crimes marked with an asterisk.

C. Convictions that are set aside pursuant to Articles 893 or 894 of the *Louisiana Code of Criminal Procedures*, expunged, or which are pardoned subject to Louisiana first offender pardon laws nonetheless, shall be treated as convictions for the purpose of denial.

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 32:1830 (October 2006).

**§905. Denial of Certificates for Criminal Offenses and/or for the Submission of Fraudulent Documentation**

A. An application for a Louisiana teaching certificate shall be denied if the individual applying for the certificate

has been convicted of any offense listed in R.S. 15:587.1(C) or any felony offense whatsoever and/or has submitted fraudulent documentation as determined by the department. A person convicted of an offense as defined herein and/or has submitted fraudulent documentation as determined by the department may apply for a certificate after three years have elapsed from date of entry of final conviction or from date of the submission of fraudulent documentation.

B. The applicant shall be notified by certified mail and by any other appropriate means of notice that his/her certificate has been denied. The applicant shall provide copies of any documents that verify his/her identity, refute the existence of a criminal conviction, and/or verify the accuracy of documentation as submitted. If a conviction upon which the certificate has been denied is reversed, such action should be communicated to the department through documentation provided by the applicant.

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 32:1830 (October 2006).

#### **§907. Suspension and Revocation of Certificates for Criminal Offenses**

A. A Louisiana teaching certificate shall be suspended and revoked if the individual holding the certificate has been convicted of any offense listed in R.S. 15:587.1(C) (See Section I.B) or any felony offense whatsoever.

B. When the Department is Notified that any Teacher has been Convicted of a Specific Crime

1. Department staff shall attempt to contact the teacher to inform him/her that the department has information regarding a criminal conviction and is proceeding under this policy to suspend the certificate.

2. The teacher shall have 10 working days from the date of notification to provide verification that he/she has not been convicted of a criminal offense. This opportunity for response is intended as a check against mistaken identity or other incorrect information and the requested verification may be provided through a telephone conversation or written correspondence.

3. If the teacher cannot be reached and/or if his/her employment status cannot be determined, suspension of the certificate shall proceed, as will all other steps in the process outlined in this policy.

4. If the department determines that there is evidence that a teacher has been convicted of a criminal offense, that teacher's certificate shall be suspended. The board, the teacher, and the employing school system shall be notified that the teacher's certificate has been suspended pending official board action.

5. The teacher shall be notified by certified mail and by any other appropriate means of notice that his/her certificate has been suspended and that the certificate will be revoked unless the teacher can provide documentation that he/she was not convicted of the crime. The teacher shall provide copies of any documentation that verifies his/her identity and refutes the existence of a criminal conviction.

6. If the conviction upon which a teacher's certificate has been suspended and/or revoked is reversed, such action shall be communicated to the board through documentation provided by the applicant. The board may receive such

information and order reinstatement of the teacher's certificate

7. Upon official action by the board, any teacher whose certificate has been revoked shall be notified of such action by certified mail. The correspondence shall include instructions for and identification of the date when the individual may apply to the board for reinstatement of his/her certificate.

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 32:1831 (October 2006).

#### **§909. Suspension and Revocation of Certificates due to Fraudulent Documentation Pertaining to Certification**

A. A Louisiana teaching certificate may be suspended and/or revoked if a teacher presents fraudulent documentation pertaining to his/her certificate to the State Board of Elementary and Secondary Education or the Department of Education.

B. The department shall investigate prior to determining that a teacher has submitted fraudulent documentation pertaining to his/her teaching certificate. Upon confirmation of the information investigated, the department shall notify the teacher by certified mail that his/her certificate has been suspended pending official board action and that a hearing will be conducted by the board to consider revocation.

C. Such hearing will be limited to the issue of whether or not the document submitted was fraudulent. The teacher shall provide the board with documentation that will refute the fraudulent nature of the document.

D. The Due Process Committee shall make a recommendation to the full board, based on documentation received from the department and the teacher, whether the teaching certificate should be revoked. The decision of the board shall be transmitted to the local school board and to the teacher affected.

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 32:1831 (October 2006).

#### **§911. Procedures and Rules for Issuance or Reinstatement of Certificates Suspended or Revoked due to Criminal Convictions and/or Submission of Fraudulent Documents**

A. Issuance/reinstatement will never be considered for teachers convicted of the following crimes: 14:30, 14:30.1, 14:41, 14:42, 14:42.1, 14:43, 14:43.1, 14:43.2, 14:43.3, 14:43.4, 14:43.5, 14:44, 14:44.1, 14:45, 14:78, 14:79.1, 14:80, 14:81, 14:81.1, 14:81.2, 14:82.1, 14:86, 14:89, 14:89.1, 14:93, 14:93.2.1, and 14:286.

B. Issuances/reinstatements of certificates shall not be considered until at least three years have elapsed from the date of entry of final conviction or from date of the submission of fraudulent documentation.

C. An applicant may apply to the board for issuance/reinstatement of his/her teaching certificate after the lapse of time indicated above and under the following conditions.

1. There have been no further convictions and/or submissions of fraudulent documentation. The applicant

must provide a current state and FBI criminal history background check from state police that is clean and clear.

2. There has been successful completion of all conditions/requirements of any parole and/or probation. The applicant must provide relevant documentation.

#### D. Applicant Responsibilities

1. Contact the office of the Board of Elementary and Secondary Education and request a hearing for issuance/reinstatement of the certificate.

2. Provide each applicable item identified above in Section C, evidence that all requirements for certification have been successfully completed, and further documentation evidencing rehabilitation. The applicant is recommended to provide letters of support from past/present employers, school board employees and officials, faculty, and administrative staff from the college education department, law enforcement officials and/or from other community leaders.

#### E. State Board Responsibilities

1. The board will consider the request for issuance/reinstatement and documentation provided. The board is not required to conduct an issuance/reinstatement hearing and may summarily deny a request for issuance/reinstatement.

2. If the board or its designees decide to conduct an issuance/reinstatement hearing, board staff shall notify the applicant of a date, time, and place when a committee of the board shall consider the applicant's request. The applicant may be represented and/or accompanied by legal counsel. In addition to the applicant and his/her legal counsel, a maximum of three witnesses may be called to provide testimony regarding the applicant's rehabilitation. Testimony and information considered will be limited to evidence of rehabilitation. Any conviction will be given full faith and credit, and no testimony will be taken to refute the finding of the court. The written documentation provided prior to the hearing will also be considered.

3. The Board of Elementary and Secondary Education reserves the right to accept or reject any document or testimony offered as evidence of rehabilitation and the right to determine if adequate rehabilitation has occurred and will itself determine if and when an applicant is eligible for issuance/reinstatement of a teaching certificate. The board further reserves the right to deny a request for issuance/reinstatement based upon the applicant's dishonesty in failing to disclose a prior criminal conviction and/or for falsifying academic records. (If the board denies issuance/reinstatement, the applicant must wait one year prior to re-application.)

4. The committee of the board shall make a recommendation to the full board regarding whether the applicant's teaching certificate should be issued, reinstated, suspended for an additional period of time, or remain revoked. Board staff shall notify the applicant of the board's action.

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 32:1831 (October 2006).

## Chapter 10. Definitions

### §1001. Terms

*Alternate Teacher Preparation Program*—a pathway designed for candidates with a minimum of a baccalaureate degree earned at a regionally accredited institution. An alternate program combines professional knowledge with field experiences, including a one year supervised internship in a school setting. For admission to an alternate program, applicants must demonstrate content mastery.

*Ancillary Certificate*—a type of Louisiana certificate that allows a qualified person who is not a certified teacher to provide services in a school setting.

*Baccalaureate*—a term used to denote an undergraduate degree or program (e.g., Bachelor of Arts, Bachelor of Science).

*Certification*—a licensing process whereby qualified professionals become legally authorized to teach or to perform designated duties in the schools under the jurisdiction of the State Board of Elementary and Secondary Education (BESE).

*Continuing Learning Unit (CLU)*—a professional development activity that builds capacity for effective, research-based, content-focused teaching and learning that positively impacts student achievement. As a unit of measure, the CLU is used to quantify an educator's participation in a system-approved content-focused professional development activity aligned with the educator's individual professional growth plan.

*Core Subject Areas* (per No Child Left Behind federal legislation)—English, reading, language arts; mathematics; science; foreign languages; civics and government; economics; arts; history; and geography.

*Endorsement*—a permanent certification authorization added to an existing teaching certificate.

*Graduate*—a term used to denote a degree, coursework, or program beyond the baccalaureate degree level (e.g., Masters of Education, Masters of Arts in Teaching).

*Industry Based Certification*—a certificate that provides evidence that an individual has successfully demonstrated skill competencies in a specific set of work related tasks, single occupational area, or a cluster of related occupational areas (e.g., Certified Landscape Technician, ASE Certification, Licensed Cosmetologist).

*Non-Standard Certificate*—a one year temporary authorization that can be issued three times to an applicant who is pursuing full credentialing as a teacher. To have this certificate re-issued for Year 2 and for Year 3, an applicant must meet specified renewal requirements.

*Paraprofessional*—an employee who provides instructional support in a program supported with Title I, Part A funds.

*Post-Baccalaureate (or old) Alternate Certification Program*—a program offered prior to July 1, 2002, that provided opportunities for individuals with a minimum of a baccalaureate degree to become certified public school teachers. Applicants seeking certification under this program submitted an official transcript for evaluation to a Louisiana college or university that had an approved teacher education program.

*Regionally Accredited*—a term used to denote the status of public recognition that a regionally recognized accrediting agency grants to an educational institution or program that meets the agency's standards and requirements.

*Regularly Employed*—a term used to denote an individual who is a full-time or part-time employee of a school system, and who is not hired on a day-to-day basis.

*Standard Certificate*—a credential issued by the State to an individual who has met all requirements for full certification as a teacher.

*Teacher*—an employee of a city or parish school board or of a BESE special school who holds a teaching certificate and whose legal employment requires certification under the regulations of BESE.

*Teacher Education Program Completer*—an individual who satisfies all requirements of a traditional teacher preparation undergraduate degree program or of an approved alternate teacher preparation program.

*Teaching Certificate*—a license, permit, or certificate issued by the Louisiana Department of Education to an individual who has met all state requirements for certification as a teacher.

*Temporary License*—a teaching authorization held for a short period that is not a standard certificate (see *non-standard certificate* above).

*Traditional Teacher Preparation Program*—a Bachelor of Arts or Bachelor of Science degree program that includes general education courses, certification focus area(s), professional education courses, field experiences, and student teaching in a school setting.

*Undergraduate*—a term used to denote a degree, coursework, or program at the baccalaureate degree level (e.g., Bachelor of Arts, Bachelor of Sciences).

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 32:1832 (October 2006).

**§1003. Acronyms**

*BESE*—Board of Elementary and Secondary Education.

*CLU*—Continuing Learning Unit (professional development).

*CTTIE*—Career and Technical Trade and Industrial Education.

*HOUSSE* (per the federal No Child Left Behind Act of 2001—High Objective Uniform State Standard of Evaluation (for highly qualified status of teachers).

*INTASC*—Interstate New Teacher Assessment and Support Consortium.

*LaTAAP*—Louisiana Teacher Assistance and Assessment Program.

*LCET*—Louisiana Components of Effective Teaching.

*NASDTEC*—National Association of State Directors of Teacher Education and Certification.

*NCATE*—National Council for Accreditation of Teacher Education.

*NCLB*—No Child Left Behind Act of 2001 (federal law).

*OFAT*—Out-of-Field Authority to Teach, a non-standard license.

*TAT*—Temporary Authorization to Teach, a non-standard license.

*TEP*—Temporary Employment Permit, a non-standard license.

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 32:1833 (October 2006).

Weegie Peabody  
Executive Director

0610#011

**RULE**

**Board of Elementary and Secondary Education**

Bulletin 746—Louisiana Standards for State Certification of School Personnel—ACT/SAT Scores in Lieu of PRAXIS I Scores (LAC 28:CXXXI.243)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 746—Louisiana Standards for State Certification of School Personnel*. This policy specifies prospective teachers in Louisiana may use an ACT composite score of 22 or a SAT combined verbal and math score of 1030 as an alternative to taking the PRAXIS I PPST Exams. A resolution from the Louisiana Association of Colleges of Teacher Education (LACTE) Deans requested consideration of this policy by the board. The board periodically reviews exams for certification in Louisiana and sets the cut scores for these exams.

**Title 28**

**EDUCATION**

**Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel**

**Chapter 2. Louisiana Teacher Preparation Programs §243. ACT/SAT Scores in Lieu of PRAXIS I SCORES**

A. Pre-Professional Skills Tests

1. "Paper Administrations"

(Required for all Louisiana candidates to enter teacher preparation programs.)

PRE-PROFESSIONAL SKILLS TEST	Test #	Score	Effective Date
PPST:R – Pre-Professional Skills Test: Reading	0710	172	Effective 1/16/02
	0720	171	
	0730	170	
PPST:W – Pre-Professional Skills Test: Writing	0710	174	Effective 7/1/07
	0720	173	
	0730	172	
PPST:M – Pre-Professional Skills Test: Mathematics	0710	176	Effective 7/1/10
	0720	175	
	0730	175	

2. "Computer Based Administrations"

PRE-PROFESSIONAL SKILLS TEST	Test #	Score	Effective Date
PPST:R – Pre-Professional Skills Test: Reading	0711	319	Prior to 1/16/02
PPST:W – Pre-Professional Skills Test: Writing	0721	316	
PPST:M – Pre-Professional Skills Test: Mathematics	0731	315	

PRE-PROFESSIONAL SKILLS TEST	Test #	Score	Effective Date
PPST:R – Pre-Professional Skills Test: Reading	5710	172	Effective 1/16/02
	5720	171	
PPST:W – Pre-Professional Skills Test: Writing	5730	170	Effective 7/1/07
	5710	174	
PPST:M – Pre-Professional Skills Test: Mathematics	5720	173	Effective 7/1/10
	5730	172	
	5710	176	
	5720	175	
	5730	175	

### 3. Core Battery Exams

Communications Skills (CS)	0500	645	Prior to 9/1/99
General Knowledge (GK)	0510	644	
Professional Knowledge (PK)	0520	645	

Effective September 1, 2006: An ACT composite score of 22 or a SAT combined verbal and math score of 1030 may be used in lieu of Praxis 1 PPST Exams by prospective teachers in Louisiana.

### B. Content and Pedagogy Requirements

Certification Area	Name of Praxis Test	Content Exam Score	Pedagogy: Principles of Learning & Teaching		
			PLT K-6 (#0522)	PLT 5-9 (#0523)	PLT 7-12 (#0524)
Early Childhood PK-3	Elementary Content Knowledge (0014) Prior to 5/31/04 Effective 6/1/04	147 150	Prior to 6/1/04: PLT K-6 or ECE 0020; After 5/31/04: Early Childhood Education 0020 (Score 510)		
Grades 1-5	Elementary Content Knowledge (0014) Prior to 5/31/04 Effective 6/1/04	147 150	161	---	---
Grades 4-8 Generic	Middle School: Content Knowledge (0146) Effective 6/1/04, this exam not available for certification purposes; middle grades candidates required to pass one or more content specific middle grades exams.	150	---	154	---
Grades 4-8 Mathematics	Middle School Mathematics (0069)	148	---	154	---
Grades 4-8 Science	Middle School Science (0439) Prior to 5/31/2006 Effective 6/1/2006 Effective 6/1/2009	140	---	154	---
		145			
		150			
Grades 4-8 Social Studies	Middle School Social Studies (0089)	149	---	154	---
Grades 4-8 English/Language Arts	Middle School English/Language Arts (0049)	160	---	154	---

### C. Certification Areas

#### 1. Grades 6-12 Certification

GRADES 6-12 CERTIFICATION AREAS						
			Score		PLT 7-12	
Agriculture	Agriculture (0700)	Effective 7/1/05	510	---	---	161
Biology	Biology & General Science (0030)	Prior to 6/30/05	580	---	---	161
	Biology: Content Knowledge (0235)	Effective 7/1/05	150			
Business	Business Education (0100)	Prior to 5/31/04	540	---	---	161
		Effective 6/1/04	570			
Chemistry	Chemistry/Physics/General Science (0070)	Prior to 6/30/06	530			161
		Effective 7/1/06	151			
English	English Language, Literature, & Composition: Content Knowledge (0041)		160			
		Pedagogy (0043)	130	---	---	161
Family & Consumer Sciences (formerly Home Economics)	Family & Consumer Sciences (0120)		510	---	---	161
French	French (0170)	Prior to 5/31/04	520	---	---	161
		Effective 6/1/04	156			
General Science	Biology & General Science (0030) –OR– Chemistry/Physics/General Science (0070)	Prior to 6/30/05	580	---	---	161
			530			
		Effective 7/1/05	156			
German	German (0180)		500	---	---	161
		Effective 7/1/06	151			
Mathematics	Mathematics (0060)	Prior to 5/31/04	550	---	---	161
		Effective 6/1/04	125			
		Effective 6/1/07	130			
		Effective 6/1/10	135			
Physics	Chemistry/Physics/General Science (0070)	Prior to 6/30/06	530			161
		Effective 7/1/06	141			
School Librarian	Library Media Specialist (0310)		560	---	---	---

Social Studies	Social Studies: Content Knowledge (0081) Interpretation of Materials (0083)	149 152	---	---	161
Spanish	Spanish (0190) Spanish: Content Knowledge (0191)	Prior to 5/31/04 Effective 6/1/04	540 160	---	161
Speech	Speech Communications (0220)	Effective 7/1/05	575	---	161
Technology Education (formerly Industrial Arts)	Technology Education (0050)	Effective 7/1/05	600	---	161
Computer Science Earth Science Environmental Science Journalism Latin Marketing (formerly Distributive Education)	At this time, a content area exam is not required for certification in Louisiana.		---	---	161

## 2. All-Level K-12 Certification

ALL-LEVEL K-12 CERTIFICATION AREAS								
			Score	PLT K-6	PLT 5-9	PLT 7-12		
Grades K-12 Art	Art: Content Knowledge (0133)	Effective 7/1/05	155	161	or	154	or	161
Grades K-12 Dance	None Available**		---	161	or	154	or	161
Grades K-12 Foreign Languages	French (0170)	Prior to 5/31/04	520	161	or	154	or	161
	French: Content Knowledge (0173)	Effective 6/1/04	156					
	German (0180)	Effective 7/1/06	500					
	German: Content Knowledge (0181)		151					
	Spanish (0190)	Prior to 5/31/04	540					
Spanish: Content Knowledge (0191)	Effective 6/1/04	160						
Grades K-12 Music	Music Education (0110)	Prior to 5/31/04	530	161	or	154	or	161
	Music: Content Knowledge (0113)	Effective 6/1/04	151					
Grades K-12 Health and Physical Education	Physical Education (0090)	Prior to 5/31/04	550	161	or	154	or	161
	Phys. Education: Content Knowledge (0091)	Effective 6/1/04	146					

\*\*At this time, a content area exam is not required for certification in Louisiana.

## D. Special Education Areas

Area	Content Exam	Score	Pedagogy Requirement	Score
All Special Education Area(s)			Prior to 6/1/04: PLT K-6 (161), PLT 5-9 (154) OR PLT 7-12 (161)	
Early Interventionist	Elementary Education: Content Knowledge (0014) Effective 7/1/05	150	Educ. of Exceptional Students: Core Content Knowledge (0353) Effective 6/1/04 Educ. of Exceptional Students: Core Content Knowledge (0353) & Early Childhood Education (0020) Effective 7/1/05	143 143 510
Hearing Impaired	Elementary Education: Content Knowledge (0014) Effective 7/1/05	150	Educ. of Exceptional Students: Core Content Knowledge (0353) & Educ. of Deaf and Hard of Hearing Students (0271) Effective 6/1/04	143 160
Mild to Moderate Disabilities	Effective 6/1/04 ALL Candidates must pass a content area exam appropriate to certification level 1-5, 4-8, 6-12 (e.g., 0014, or core subject-specific exams for middle or secondary grades) Prior to 6/1/04, a content area exam was required only for entry into a Mild/ Moderate 1-12 Practitioner Teacher Program, Non-Master's Certification-Only Alternate Program, and Master's Alternate Program.		*Educ. of Exceptional Students: Core Content Knowledge (0353) & Educ. of Exceptional Students: Mild/Moderate Disabilities (0542) Effective 6/1/04  *Note: (0353) and (0542) are not content area exams.	143 141
Significant Disabilities	Elementary Education: Content Knowledge (0014) Effective 7/1/05	150	Educ. of Exceptional Students: Core Content Knowledge (0353) & Educ. of Exceptional Students: Severe to Profound Disabilities (0544) Effective 6/1/04	143 147
Visual Impairments/Blind	Elementary Education: Content Knowledge (0014) Effective 7/1/05	150	Educ. of Exceptional Students: Core Content Knowledge (0353) Effective 6/1/04	143

## E. Administrative Areas

Certification Area	Name of Praxis Test	Area Test Score
Principal	Educational Leadership: Administration & Supervision (0410) Prior to 1/1/09	620
Educational Leader – Level 1	School Leaders Licensure Assessment (1010) Effective 7/1/06	168
Educational Leader – Level 3	School Superintendent Assessment (1020) Effective 7/1/06	154

All Praxis scores used for certification must be sent directly from ETS to the State Department of Education electronically, or the original Praxis score report from ETS must be submitted with candidate's application.

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 32:1833 (October 2006).

Weegie Peabody  
Executive Director

0610#008

**RULE**

**Board of Elementary and Secondary Education**

Bulletin 746—Louisiana Standards for State Certification of School Personnel—PRAXIS I Scores (LAC 28:CXXXI.241)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 746—Louisiana Standards for State Certification of School Personnel*. This policy specifies that effective July 1, 2007, the PRAXIS PPST scores be aligned with those of the University of Louisiana System in the following score requirements: Reading 174, Writing 173, and Mathematics 172. In addition, effective July 1, 2010, the scores will be raised to the following requirements: Reading 176, Writing 175, and Mathematics 175. This policy would raise standards for entry into alternate certification programs and for certification as a teacher in Louisiana.

**Title 28**

**EDUCATION**

**Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel**

**Chapter 2. Louisiana Teacher Preparation Programs**

**§241. PRAXIS I SCORES**

**A. Pre-Professional Skills Tests**

**1. "Paper Administrations"**

(Required for all Louisiana candidates to enter teacher preparation programs.)

PRE-PROFESSIONAL SKILLS TEST	Test #	Score	Effective Date
PPST:R – Pre-Professional Skills Test: Reading	0710 0720 0730	172 171 170	Effective 1/16/02
PPST:W – Pre-Professional Skills Test: Writing	0710	174	Effective 7/1/07
PPST:M – Pre-Professional Skills Test: Mathematics	0720 0730	173 172	
	0710 0720 0730	176 175 175	Effective 7/1/10

**2. "Computer Based Administrations"**

PRE-PROFESSIONAL SKILLS TEST	Test #	Score	Effective Date
PPST:R – Pre-Professional Skills Test: Reading	0711	319	Prior to 1/16/02
PPST:W – Pre-Professional Skills Test: Writing	0721	316	
PPST:M – Pre-Professional Skills Test: Mathematics	0731	315	
PPST:R – Pre-Professional Skills Test: Reading	5710 5720 5730	172 171 170	Effective 1/16/02
	5710 5720 5730	174 173 172	Effective 7/1/07
PPST:W – Pre-Professional Skills Test: Writing	5730	172	
PPST:M – Pre-Professional Skills Test: Mathematics	5710 5720 5730	176 175 175	Effective 7/1/10

**3. Core Battery Exams**

Communications Skills (CS)	0500	645	Prior to 9/1/99
General Knowledge (GK)	0510	644	
Professional Knowledge (PK)	0520	645	

Effective September 1, 2006: An ACT composite score of 22 or a SAT combined verbal and math score of 1030 may be used in lieu of Praxis 1 PPST Exams by prospective teachers in Louisiana.

B. Content and Pedagogy Requirements

Certification Area	Name of Praxis Test		Content Exam Score	Pedagogy: Principles of Learning & Teaching		
				PLT K-6 (#0522)	PLT 5-9 (#0523)	PLT 7-12 (#0524)
Early Childhood PK-3	Elementary Content Knowledge (0014)	Prior to 5/31/04 Effective 6/1/04	147 150	Prior to 6/1/04: PLT K-6 or ECE 0020; After 5/31/04: Early Childhood Education 0020 (Score 510)		
Grades 1-5	Elementary Content Knowledge (0014)	Prior to 5/31/04 Effective 6/1/04	147 150	161	---	---
Grades 4-8 Generic	Middle School: Content Knowledge (0146)	Effective 6/1/04, this exam not available for certification purposes; middle grades candidates required to pass one or more content specific middle grades exams.	150	---	154	---
Grades 4-8 Mathematics	Middle School Mathematics (0069)		148	---	154	---
Grades 4-8 Science	Middle School Science (0439)	Prior to 5/31/2006 Effective 6/1/2006 Effective 6/1/2009	140 145 150	---	154	---
Grades 4-8 Social Studies	Middle School Social Studies (0089)		149	---	154	---
Grades 4-8 English/Language Arts	Middle School English/Language Arts (0049)		160	---	154	---

C. Certification Areas

1. Grades 6-12 Certification

GRADES 6-12 CERTIFICATION AREAS						
			Score			PLT 7-12
Agriculture	Agriculture (0700)	Effective 7/1/05	510	---	---	161
Biology	Biology & General Science (0030)	Prior to 6/30/05	580	---	---	161
	Biology: Content Knowledge (0235)	Effective 7/1/05	150			
Business	Business Education (0100)	Prior to 5/31/04 Effective 6/1/04	540 570	---	---	161
Chemistry	Chemistry/Physics/General Science (0070)	Prior to 6/30/06	530			161
	Chemistry: Content Knowledge (0245)	Effective 7/1/06	151			
English	English Language, Literature, & Composition:					
	Content Knowledge (0041)		160			
	Pedagogy (0043)		130	---	---	161
Family & Consumer Sciences (formerly Home Economics)	Family & Consumer Sciences (0120)		510	---	---	161
French	French (0170)	Prior to 5/31/04	520	---	---	161
	French: Content Knowledge (0173)	Effective 6/1/04	156			
General Science	Biology & General Science (0030) –OR– Chemistry/Physics/General Science (0070)	Prior to 6/30/05	580 530	---	---	161
	General Science: Content Knowledge (0435)	Effective 7/1/05	156			
German	German (0180)		500	---	---	161
	German: Content Knowledge (0181)	Effective 7/1/06	151			
Mathematics	Mathematics (0060)	Prior to 5/31/04	550	---	---	161
	Mathematics: Content Knowledge (0061)	Effective 6/1/04	125			
		Effective 6/1/07	130			
		Effective 6/1/10	135			
Physics	Chemistry/Physics/General Science (0070)	Prior to 6/30/06	530			161
	Physics: Content Knowledge (0265)	Effective 7/1/06	141			
School Librarian	Library Media Specialist (0310)		560	---	---	---
Social Studies	Social Studies:					161
	Content Knowledge (0081)		149	---	---	
	Interpretation of Materials (0083)		152			
Spanish	Spanish (0190)	Prior to 5/31/04	540	---	---	161
	Spanish: Content Knowledge (0191)	Effective 6/1/04	160			
Speech	Speech Communications (0220)	Effective 7/1/05	575	---	---	161
Technology Education (formerly Industrial Arts)	Technology Education (0050)	Effective 7/1/05	600	---	---	161
Computer Science Earth Science Environmental Science Journalism Latin Marketing (formerly Distributive Education)	At this time, a content area exam is not required for certification in Louisiana.		---	---	---	161

2. All-Level K-12 Certification

ALL-LEVEL K-12 CERTIFICATION AREAS								
			Score	PLT K-6		PLT 5-9		PLT 7-12
Grades K-12 Art	Art: Content Knowledge (0133)	Effective 7/1/05	155	161	or	154	or	161
Grades K-12 Dance	None Available**		---	161	or	154	or	161
Grades K-12 Foreign Languages	French (0170)	Prior to 5/31/04	520	161	or	154	or	161
	French: Content Knowledge (0173)	Effective 6/1/04	156					
	German (0180)		500					
	German: Content Knowledge (0181)	Effective 7/1/06	151					
Grades K-12 Music	Spanish (0190)	Prior to 5/31/04	540	161	or	154	or	161
	Spanish: Content Knowledge (0191)	Effective 6/1/04	160					
Grades K-12 Health and Physical Education	Music Education (0110)	Prior to 5/31/04	530	161	or	154	or	161
	Music: Content Knowledge (0113)	Effective 6/1/04	151					
Grades K-12 Health and Physical Education	Physical Education (0090)	Prior to 5/31/04	550	161	or	154	or	161
	Phys. Education: Content Knowledge (0091)	Effective 6/1/04	146					

\*\*At this time, a content area exam is not required for certification in Louisiana.

D. Special Education Areas

Area	Content Exam	Score	Pedagogy Requirement	Score
All Special Education Area(s)			Prior to 6/1/04: PLT K-6 (161), PLT 5-9 (154) or PLT 7-12 (161)	
Early Interventionist	Elementary Education: Content Knowledge (0014) Effective 7/1/05	150	Educ. of Exceptional Students: Core Content Knowledge (0353) Effective 6/1/04 Educ. of Exceptional Students: Core Content Knowledge (0353) & Early Childhood Education (0020) Effective 7/1/05	143 143 510
Hearing Impaired	Elementary Education: Content Knowledge (0014) Effective 7/1/05	150	Educ. of Exceptional Students: Core Content Knowledge (0353) & Educ. of Deaf and Hard of Hearing Students (0271) Effective 6/1/04	143 160
Mild to Moderate Disabilities	Effective 6/1/04 ALL Candidates must pass a content area exam appropriate to certification level 1-5, 4-8, 6-12 (e.g., 0014, or core subject-specific exams for middle or secondary grades) Prior to 6/1/04, a content area exam was required only for entry into a Mild/ Moderate 1-12 Practitioner Teacher Program, Non-Master's Certification-Only Alternate Program, and Master's Alternate Program.		*Educ. of Exceptional Students: Core Content Knowledge (0353) & Educ. of Exceptional Students: Mild/Moderate Disabilities (0542) Effective 6/1/04  *Note: (0353) and (0542) are not content area exams.	143 141
Significant Disabilities	Elementary Education: Content Knowledge (0014) Effective 7/1/05	150	Educ. of Exceptional Students: Core Content Knowledge (0353) & Educ. of Exceptional Students: Severe to Profound Disabilities (0544) Effective 6/1/04	143 147
Visual Impairments/Blind	Elementary Education: Content Knowledge (0014) Effective 7/1/05	150	Educ. of Exceptional Students: Core Content Knowledge (0353) Effective 6/1/04	143

E. Administrative Area

Certification Area	Name of Praxis Test	Area Test Score
Principal	Educational Leadership: Administration & Supervision (0410) Prior to 1/1/09	620
Educational Leader – Level 1	School Leaders Licensure Assessment (1010) Effective 7/1/06	168
Educational Leader – Level 3	School Superintendent Assessment (1020) Effective 7/1/06	154

All Praxis scores used for certification must be sent directly from ETS to the State Department of Education electronically, or the original Praxis score report from ETS must be submitted with candidate's application.

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 32:1836 (October 2006).

Weegie Peabody  
Executive Director

0610#007

## RULE

### Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel—Special Education  
(LAC 28:CXXXI.231)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 746—Louisiana Standards for State Certification of School Personnel*. This policy specifies the effective dates of the following special education certifications: Blended General/Special Education Mild-Moderate in Grade Levels 1-5, 4-8, and 6-12, an implementation date of July 1, 2007; and Early Interventionist Special Education Birth to Five Years, Significant Disabilities, Hearing Impaired, and Visually Impaired, an implementation date of January 1, 2007. The submission and approval of programs leading to certification in these redesigned areas have been delayed because of issues with the hurricanes of 2005 that hit Louisiana and with capacity issues at some of the state's universities.

#### Title 28

#### EDUCATION

#### Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel

#### Chapter 2. Louisiana Teacher Preparation Programs Subchapter B. Alternate Teacher Preparation Programs §231. Introduction

A. Current BESE policy allows for alternate certification pathways listed in this Section. Previous policy was limited to the alternate program pathway entitled "Post-Baccalaureate Program." In the period in which the state transitions from previous policy to current policy, the following are deadline dates for candidates enrolled in a Louisiana post-baccalaureate alternate program prior to implementation of the current Practitioner Teacher, Master's Degree, and Non-Master's/Certification-Only alternate certification programs.

B. Candidates in Early Childhood Education, Elementary, Secondary, and Mild/Moderate Special Education

1. *Spring Semester 2003*—last date for students to be accepted into Post-Baccalaureate Programs.

2. *August 31, 2006*—last date for candidates who were already in the Post-Baccalaureate Programs to complete those programs.

C. Candidates in the All-Level (K-12) Areas of Art, Dance, Foreign Language, Health and Physical Education, and Music

1. *Spring Semester 2005*—last date for students to be accepted into Post-Baccalaureate Programs.

2. *August 31, 2008*—last date for candidates who are already in Post-Baccalaureate Programs to complete those programs.

D. Candidates in the Areas of Early Interventionist, Hearing Impaired, Significant Disabilities, and Visual Impairments/Blind

1. *Spring Semester 2006*—last date for candidates to be accepted into Post-Baccalaureate Programs.

2. *August 31, 2009*—last date for candidates who are already in Post-Baccalaureate Programs to complete those programs.

E. The alternate program certification structures shown below became effective on July 1, 2002, and supersede previous alternate program guidelines.

F. The implementation date for Early Interventionist Birth to Five Years, Significant Disabilities, Hearing Impaired, and Visually Impaired is January 1, 2007.

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 32:1839 (October 2006).

Weegie Peabody  
Executive Director

0610#009

## RULE

### Board of Elementary and Secondary Education

Bulletin 1922—Compliance Monitoring Procedures  
(LAC 28:XCI.107, 109, and 309)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 1922—Compliance Monitoring Procedures* (LAC Part Number XCI). The Rule reverts back to having the State Board of Elementary and Secondary Education (SBESE), not the Superintendent of Education, withhold federal funds under the Individuals with Disabilities Education Act (IDEA) when continuing noncompliance with IDEA is noted in a local school district. The state may determine what entity may withhold IDEA funds due to continuing noncompliance. The action was not required by federal law or regulation.

#### Title 28

#### EDUCATION

#### Part XCI. Bulletin 1922—Compliance Monitoring Procedures

#### Chapter 1. Overview

#### §107. Corrective Action and Sanctions

A. ...

B. The LDE is authorized to take actions necessary to ensure compliance. Failure on the part of a participating agency to comply may result in the LDE, with the approval of its governing authority, the Board of Elementary and Secondary Education, withholding funds from the said agency. Prior to withholding any funds under this Section, the LDE shall provide reasonable notice and an opportunity for a hearing to the LEA involved.

C. - F. ...

G. When an LEA has not produced sufficient data to indicate that compliance has been met through the approved Corrective Action Plan, the department will require that an Intensive Corrective Action Plan (ICAP) be developed by the LEA in collaboration with the department to address the continuing non-compliant findings. In conjunction with the implementation of the approved plan, the department will take one or more of the following sanctions described below.

1. Advise the LEA of available sources of technical assistance that may help the LEA.

2. Direct the LEA to present the ICAP to the local school board for approval.

3. Direct the LEA to use IDEA Part B flow-through funds on the area or areas that the LEA is non-compliant. The LEA will submit evidence to the department of the specific funds targeted for areas of non-compliance. The department will monitor the expenditure of such funds on a consistent basis. The department will appoint a special consultant or management team to oversee the intensive CAP, which will be funded at the local level. The CAP appointment of the special consultant or management team must be submitted to the local school board.

4. The LDE, in collaboration with the LEA, will determine a special consultant or management team to oversee the ICAP, which will be funded at the local level. The ICAP appointment of the special consultant or management team must be submitted to the local board.

5. Identify the LEA as a high-risk grantee and impose special conditions on the LEA's IDEA Part B grant. The department will impose one or more of the following special conditions.

a. For each year of continuing non-compliance, withhold not less than 20 percent and not more than 50 percent of the LEA's IDEA Part B grant until the department determines the LEA has sufficiently addressed the areas in which the LEA needs intervention.

b. Seek to recover funds under Section 452 of the General Education Provisions Act.

c. Withhold, in whole or in part, any further payments to the LEA under this part pursuant to Subparagraph a.

d. Refer the matter for other appropriate enforcement action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:415 (March 2004), amended LR 31:3105 (December 2005), LR 32:1839 (October 2006).

### **§109. Components of the Continuous Improvement Monitoring Process**

A. ...

B. The monitoring system will incorporate and utilize strategies and components as listed below.

1. - 10. ...

11. Review the personnel files related to certification, experience and training documentation.

12. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:416 (March 2004), amended LR 31:3106 (December 2005), LR 32:1840 (October 2006).

### **Chapter 3. Operational Procedures for Compliance Monitoring**

#### **§309. Activities Conducted Prior to the On-Site Visit**

A. - B. ...

C. A meeting with the selected team members will be conducted to:

1. summarize, analyze, and review the school system's data;

2. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:418 (March 2004), amended LR 31:3107 (December 2005), LR 32:1840 (October 2006).

Weegie Peabody  
Executive Director

0610#010

### **RULE**

#### **Department of Environmental Quality Office of the Secretary Legal Affairs Division**

Control of Emissions from the  
Chemical Woodpulp Industry  
(LAC 33:III.2301)(AQ264)

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 has amended the Air regulations, LAC 33:III.2301 (Log #AQ264).

LAC 33:III.2301 regulates opacity and emissions of particulate matter, sulfur oxides, and total reduced sulfur (TRS) at certain pulp manufacturing plants. 40 CFR Part 60, Subpart BB, Standards of Performance for Kraft Pulp Mills (NSPS BB), also regulates particulate, TRS, and opacity from these sources. The TRS and opacity standards established by NSPS BB are equivalent to or more stringent than those set forth in the state regulation. Therefore, in order to simplify regulatory applicability, this rule revision will provide an exemption from the TRS and opacity portions of LAC 33:III.2301 for sources subject to NSPS BB. This Rule is also a revision to the Louisiana State Implementation Plan for air quality. The basis and rationale for this Rule are to simplify regulatory applicability due to overlapping state and federal regulations.

This 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 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 23. Control of Emissions for Specific Industries<sup>1</sup>**

<sup>1</sup>Regulation of emissions of volatile organic compounds for certain industries are presented in Chapter 21.

**Subchapter A. Chemical Woodpulp Industry**  
**§2301. Control of Emissions from the Chemical Woodpulp Industry**

A. - D.4.a.ii. ...

E. Exemptions. The total reduced sulfur limitations of Paragraph D.3 of this Section and the opacity limitation of Paragraph D.4 of this Section do not apply to affected facilities subject to 40 CFR 60, Subpart BB—Standards of Performance for Kraft Pulp Mills.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

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 by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1564 (December 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2454 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2442 (October 2005), LR 32:1841 (October 2006).

Herman Robinson, CPM  
Executive Counsel

0610#044

**RULE**

**Department of Environmental Quality**  
**Office of the Secretary**  
**Legal Affairs Division**

Correction of Term Used for Version of Permit  
(LAC 33:III.531)(AQ268)

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 has amended the Air regulations, LAC 33:III.531 (Log #AQ268).

LAC 33:III.531.B.3 incorrectly uses the term "draft permit" to denote the version of the permit being referred to in the regulation. *Draft permit* is not defined in LAC 33:III.Chapter 5. *Proposed permit* is the term defined by LAC 33:III.502 and used elsewhere in Chapter 5 to denote the version of the permit for which the department offers public participation, affected-state review, or EPA review. This rule revision will correct the error. This Rule is also a revision to the Louisiana State Implementation Plan for air quality. The basis and rationale for this Rule are to correct the term used to denote a proposed permit the department offers for public participation, affected-state review, or EPA review.

This 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 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 5. Permit Procedures**

**§531. Public Notice and Affected State Notice**

A. - B.2. ...

3. Notice of any proposed permit pertaining to a major stationary source or major modification under LAC 33:III.504, Nonattainment New Source Review Procedures, shall be provided to any affected federal land manager or Indian governing body.

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 19:1420 (November 1993), amended by the Office of the Secretary, Legal Affairs Division, LR 32:1841 (October 2006).

Herman Robinson, CPM  
Executive Counsel

0610#046

**RULE**

**Department of Environmental Quality**  
**Office of the Secretary**  
**Legal Affairs Division**

Emissions Factors (LAC 33:III.501)(AQ240)

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 has amended the Air regulations, LAC 33:III.501 (Log #AQ240).

This rule clarifies requirements in LAC 33:III.919 concerning emission inventory and in LAC 33:III.507.H concerning annual compliance certification. The intent of this rule is to permit the department to determine the actual basis of apparent changes in emissions when there is an emission limit discrepancy between a facility's permitted limit (pursuant to Chapter 5) and the emission estimate reported in the facility's emission inventory statement (pursuant to Chapter 9). This rule provides a mechanism to allow the department an opportunity to assess and validate the basis of the noted emission level change. The rule clarifies how facility compliance is to be assessed when prescribed emission factors are changed. Emission factors set forth in the EPA-approved Compilation of Air Pollution Emission Factors (AP-42) and other department-approved estimation methods may be revised. A periodic review of the approved AP-42 factors or department estimation methods may cause such emission factors to be changed upward or downward due to receipt of improved data. Emissions changes due solely to changes in AP-42 factors, for some facilities, may result in changes in calculations of emissions from levels that were previously in compliance with permit limits to levels that exceed those permit limits. Those facilities that have been reporting emissions in compliance

with their permits may now be reporting emissions that exceed permit limits, even though their actual emissions have not changed. As a result, these facilities face potential enforcement actions, including substantial civil penalties. Some affected facilities may elect to reduce or cease operations due to the economic burden of these enforcement actions. This would have economic consequences for the firms involved, as well as their employees, suppliers, and customers. This regulation allows the department to review these emission factor changes on a case-by-case basis. This rule will promulgate Emergency Rule AQ240E6, which was effective August 20, 2006, and published in the September 20, 2006, issue of the *Louisiana Register*. The basis and rationale for this rule is to allow the department to review emission factor changes on a case-by-case basis prior to any actions taken by the department.

The department has made substantive changes to further clarify the hierarchy of selecting the available methods to estimate emissions and reflect existing language as specified in LAC 33:III.919 regarding emission data, and to establish a notification mechanism as a means of ascertaining background information to validate reported changes in emissions (that are currently reported under LAC 33:III.919) to assist in the department's ability to conduct case-by-case reviews as provided for in the current proposed rule. No additional fiscal or economic impact will result from the substantive changes.

This 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 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 5. Permit Procedures**

**§501. Scope and Applicability**

A. - C.10. ...

11. Emissions shall be calculated in accordance with LAC 33:III.919.C.

12. Emissions estimation methods set forth in the *Compilation of Air Pollution Emission Factors (AP-42)* and other department-accepted estimation methods may be promulgated or revised. As a result of new or revised AP-42 emission factors for sources or source categories and/or department-accepted estimation methods, changes in calculated emissions may occur. Changes in reported emission levels as required by LAC 33:III.919.B.2.a due solely to revised AP-42 emission factors or department-accepted estimation methods do not constitute violations of the air permit; however, the department may evaluate changes in emissions on a case-by-case basis, including but not limited to, assessing compliance with other applicable Louisiana air quality regulations.

13. If the emission factors or estimation methods for any source or source category used in preparing the Annual Emission Statement required by LAC 33:III.918 and 919 differ from the emission factors or estimation methods used in the current air permit such that resulting "calculated" emissions reflect a change as defined in LAC 33:III.919.B.2.a, notification of the use of updated emission

factors or estimation methods shall be included in the Title V Annual Certification, as specified in the affected permit. The notification shall include the old and new emission factor or estimation method reference source and the date, volume, and edition (if applicable); the raw data for the reporting year used for that source category calculation; and applicable emission point and permit numbers that are impacted by such change. The notification shall include any other explanation, as well as the facility's intended time frame to reconcile the emission limits in the applicable permit. The department reserves the right to reopen a permit pursuant to LAC 33:III.529.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

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 by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 16:613 (July 1990), LR 17:478 (May 1991), LR 19:1420 (November 1993), LR 20:1281 (November 1994), LR 20:1375 (December 1994), LR 23:1677 (December 1997), amended by the Office of the Secretary, LR 25:660 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2445 (November 2000), LR 28:997 (May 2002), amended by the Office of Environmental Assessment, LR 31:1063 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2436 (October 2005), LR 32:1842 (October 2006).

Herman Robinson, CPM  
Executive Counsel

0610#043

**RULE**

**Department of Environmental Quality**  
**Office of the Secretary**  
**Legal Affairs Division**

Environmental Quality Regulations—Cleanup Package  
(LAC 33:I.705 and 909; III.509; V.2299 and 3325;  
IX.107 and 7107; XI.301; and XV.102 and 399)(OS070)

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 has amended the Environmental Quality regulations, LAC 33:I.705 and 909; III.509; V.2299 and 3325; IX.107 and 7107; XI.301; and XV.102 and 399 (Log #OS070).

Minor changes are being incorporated into LAC 33:Parts I, III, V, IX, XI, and XV. These amendments involve clarification in language and correction of several minor mistakes and omissions. This Rule will address typographical errors, incorrect references, minor mistakes, and inadvertent omissions that have been found in the regulations. The basis and rationale for this Rule are to incorporate necessary corrections into the regulations.

This 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 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 Method**

A. - D. ...

E. The information obtained from the violation-specific and violator-specific factors can be entered into one of the following formulas to obtain a penalty amount ( $P_n$ ) for each penalty event:

$$P_n = A_n + (B_n \times [C_n - A_n])$$

$$P_n = 2(A_n + [B_n \times (C_n - A_n)]) *$$

where:

$P_n$  = penalty amount for a given penalty event.

$A_n$  = the minimum value of the penalty range for the cell located on the penalty matrix for a given penalty event.

$B_n$  = the sum of percentage adjustments calculated for a given penalty event, where  $100 \text{ percent} \geq B \geq -100 \text{ percent}$ .

$C_n$  = the maximum value of the penalty range for the cell located on the penalty matrix for a given penalty event.

\* [NOTE: For violation of a previous enforcement action the penalty is multiplied by 2. The statutory maximum is \$50,000 in circumstances where the penalty event constitutes a violation of a previous enforcement action as stated in R.S. 30:2025(E)(2).]

F. - 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 30:421 (March 2004), amended by the Office of Environmental Assessment, LR 30:2802 (December 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 32:1843 (October 2006).

**Chapter 9. Petition for Rulemaking**

**§909. Processing a Rulemaking Petition**

A. ...

B. Within 90 days of receipt of the petition for rulemaking, the administrative authority shall deny the petition in writing, stating reasons for the denial, or shall initiate rulemaking by providing the petitioner with the necessary, completed form as provided in the department's Policy Number 0003-88, "Rule Development Procedure."

1. - 2. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 23:298 (March 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2440 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 32:1843 (October 2006).

**Part III. Air**

**Chapter 5. Permit Procedures**

**§509. Prevention of Significant Deterioration**

A. - A.4.e. ...

f. Hybrid Test for Projects That Involve Multiple Types of Emissions Units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the method specified in Subparagraphs A.4.c-d of this Section as applicable with respect to each emissions unit, for each type of emissions unit equals or exceeds the significant amount for that pollutant, as defined in Subsection B of this Section.

A.5. - AA.15.b....

Figure 1, AQCR, Map of Louisiana. Repealed.

[Editor's Note: Map is located after Section 509, Historical Note.]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

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 14:348 (June 1988), LR 16:613 (July 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:478 (May 1991), LR 21:170 (February 1995), LR 22:339 (May 1996), LR 23:1677 (December 1997), LR 24:654 (April 1998), LR 24:1284 (July 1998), repromulgated LR 25:259 (February 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2447 (November 2000), LR 27:2234 (December 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2437 (October 2005), LR 31:3135, 3156 (December 2005), LR 32:1600 (September 2006), LR 32:1843 (October 2006).

**Part V. Hazardous Waste and Hazardous Materials**

**Subpart 1. Department of Environmental**

**Quality—Hazardous Waste**

**Chapter 22. Prohibitions on Land Disposal**

**Subchapter B. Hazardous Waste Injection Restrictions**

**§2299. Appendix—Tables 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12**

**Table 2. Treatment Standards for Hazardous Wastes**

Waste Code	Waste Description and Treatment/Regulatory Subcategory <sup>1</sup>	Regulated Hazardous Constituent		Wastewaters	Non-Wastewaters
		Common Name	CAS <sup>2</sup> Number	Concentration in mg/L <sup>3</sup> ; or Technology Code <sup>4</sup>	Concentration in mg/kg <sup>5</sup> unless noted as "mg/L TCLP" or Technology Code <sup>4</sup>
***					
[See Prior Text in D001 <sup>9</sup> – F028]					
F032	Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations (except potentially cross-contaminated wastes that have had the F032 waste code deleted in accordance with LAC 33:V.4901.B.3 or potentially cross-contaminated wastes that are otherwise currently regulated as hazardous wastes (i.e., F034 or F035), and where the generator does not resume or initiate use of chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol.	Acenaphthene	83-32-9	0.059	3.4
		Anthracene	120-12-7	0.059	3.4
		Benz(a)anthracene	56-55-3	0.059	3.4
		Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
		Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
		Benzo(a)pyrene	50-32-8	0.061	3.4
		Chrysene	218-01-9	0.059	3.4
		Dibenz(a,h)anthracene	53-70-3	0.055	8.2
		2-4 Dimethylphenol	105-67-9	0.036	14
		Fluorene	86-73-7	0.059	3.4
		Hexachlorodibenzo-p-dioxins	NA	0.000063, or CMBST <sup>11</sup>	0.001, or CMBST <sup>11</sup>
		Hexachlorodibenzofurans	NA	0.000063, or CMBST <sup>11</sup>	0.001, or CMBST <sup>11</sup>
		Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
		Naphthalene	91-20-3	0.059	5.6
		Pentachlorodibenzo-p-dioxins	NA	0.000063, or CMBST <sup>11</sup>	0.001, or CMBST <sup>11</sup>
		Pentachlorodibenzofurans	NA	0.000035, or CMBST <sup>11</sup>	0.001, or CMBST <sup>11</sup>
		Pentachlorophenol	87-86-5	0.089	7.4
		Phenanthrene	85-01-8	0.059	5.6
		Phenol	108-95-2	0.039	6.2
		Pyrene	129-00-0	0.067	8.2
		Tetrachlorodibenzo-p-dioxins	NA	0.000063, or CMBST <sup>11</sup>	0.001, or CMBST <sup>11</sup>
		Tetrachlorodibenzofurans	NA	0.000063, or CMBST <sup>11</sup>	0.001, or CMBST <sup>11</sup>
		2,3,4,6- Tetrachlorophenol	58-90-2	0.030	7.4
2,4,6- Trichlorophenol	88-06-2	0.035	7.4		
Arsenic	7440-38-2	1.4	5.0 mg/L TCLP		
Chromium (Total)	7440-47-3	2.77	0.60 mg/L TCLP		
F034	Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol.	Acenaphthene	83-32-9	0.059	3.4
		Anthracene	120-12-7	0.059	3.4
		Benz(a)anthracene	56-55-3	0.059	3.4
		Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
		Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
		Benzo(a)pyrene	50-32-8	0.061	3.4
		Chrysene	218-01-9	0.059	3.4
		Dibenz(a,h)anthracene	53-70-3	0.055	8.2
		Fluorene	86-73-7	0.059	3.4
		Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
		Naphthalene	91-20-3	0.059	5.6
		Phenanthrene	85-01-8	0.059	5.6
		Pyrene	129-00-0	0.067	8.2
		Arsenic	7440-38-2	1.4	5.0 mg/L TCLP
		Chromium (Total)	7440-47-3	2.77	0.60 mg/L TCLP

**Table 2. Treatment Standards for Hazardous Wastes**

Waste Code	Waste Description and Treatment/Regulatory Subcategory <sup>1</sup>	Regulated Hazardous Constituent		Wastewaters	Non-Wastewaters
		Common Name	CAS <sup>2</sup> Number	Concentration in mg/L <sup>3</sup> ; or Technology Code <sup>4</sup>	Concentration in mg/kg <sup>5</sup> unless noted as "mg/L TCLP" or Technology Code <sup>4</sup>
F035	Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol.	Arsenic	7440-38-2	1.4	5.0 mg/L TCLP
		Chromium (Total)	7440-47-3	2.77	0.60 mg/L TCLP
F037	Petroleum refinery primary oil/water/solids separation sludge. Any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: oil/water/solids separators; tanks and impoundments; ditches and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludge generated in stormwater units that do not receive dry weather flow, sludges generated from noncontact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges generated in aggressive biological treatment units as defined in LAC 33:V.4901.B.2.b. (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing. This listing does include residuals generated from processing or recycling oil-bearing hazardous secondary materials excluded under LAC 33:V.105.D.1.1, if those residuals are to be disposed.	Acenaphthene	83-32-9	0.059	NA
		Anthracene	120-12-7	0.059	3.4
		Benzene	71-43-2	0.14	10
		Benzo(a)anthracene	56-55-3	0.059	3.4
		Benzo(a)pyrene	50-32-8	0.061	3.4
		bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
		Chrysene	218-01-9	0.059	3.4
		Di-n-butyl phthalate	84-74-2	0.057	28
		Ethylbenzene	100-41-4	0.057	10
		Fluorene	86-73-7	0.059	NA
		Naphthalene	91-20-3	0.059	5.6
		Phenanthrene	85-01-8	0.059	5.6
		Phenol	108-95-2	0.039	6.2
		Pyrene	129-00-0	0.067	8.2
		Toluene	108-88-3	0.080	10
		Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
		Chromium (Total)	7440-47-3	2.77	0.60 mg/L TCLP
		Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
		Lead	7439-92-1	0.69	NA
		Nickel	7440-02-0	NA	11mg/L TCLP
*** [See Prior Text in F038]					
F039	Leachate (liquids that have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as hazardous under LAC 33:V.Subchapter A. (Leachate resulting from the disposal of one or more of the following EPA Hazardous Wastes and no other Hazardous Wastes retains its EPA Hazardous Waste Number(s): F020, F021, F022, F026, F027, and/or F028.)	*** [See Prior Text in Acenaphthylene – Endosulfan II]			
		Endosulfan sulfate	1031-07-8	0.029	0.13
*** [See Prior Text in Endrin – Vanadium]					
K001	Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol.	Naphthalene	91-20-3	0.059	5.6
		Pentachlorophenol	87-86-5	0.089	7.4
		Phenanthrene	85-01-8	0.059	5.6
		Pyrene	129-00-0	0.067	8.2
		Toluene	108-88-3	0.080	10
		Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
		Lead	7439-92-1	0.69	0.75 mg/L TCLP

**Table 2. Treatment Standards for Hazardous Wastes**

Waste Code	Waste Description and Treatment/Regulatory Subcategory <sup>1</sup>	Regulated Hazardous Constituent		Wastewaters	Non-Wastewaters
		Common Name	CAS <sup>2</sup> Number	Concentration in mg/L <sup>3</sup> ; or Technology Code <sup>4</sup>	Concentration in mg/kg <sup>5</sup> unless noted as "mg/L TCLP" or Technology Code <sup>4</sup>
*** [See Prior Text in K002 – K010]					
K011	Bottom stream from the wastewater stripper in the production of acrylonitrile.	Acetonitrile	75-05-8	5.6	38
		Acrylonitrile	107-13-1	0.24	84
		Acrylamide	79-06-1	19	23
		Benzene	71-43-2	0.14	10
		Cyanide (Total)	57-12-5	1.2	590
*** [See Prior Text in K013 – K060]					
K061	Emission control dust/sludge from the primary production of steel in electric furnaces.	Antimony	7440-36-0	NA	1.15 mg/L TCLP
		Arsenic	7440-38-2	NA	5.0 mg/L TCLP
		Barium	7440-39-3	NA	21 mg/L TCLP
		Beryllium	7440-41-7	NA	1.22 mg/L TCLP
		Cadmium	7440-43-9	0.69	0.11 mg/L TCLP
		Chromium (Total)	7440-47-3	2.77	0.60 mg/L TCLP
		Lead	7439-92-1	0.69	0.75 mg/L TCLP
		Mercury	7439-97-6	NA	0.025 mg/L TCLP
		Nickel	7440-02-0	3.98	11 mg/L TCLP
		Selenium	7782-49-2	NA	5.7 mg/L TCLP
		Silver	7440-22-4	NA	0.14 mg/L TCLP
		Thallium	7440-28-0	NA	0.20 mg/L TCLP
		Zinc	7440-66-6	NA	4.3 mg/L TCLP
*** [See Prior Text in K062 – K085]					
K086	Solvent wastes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead.	Acetone	67-64-1	0.28	160
		Acetophenone	96-86-2	0.010	9.7
		bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
		n-Butyl alcohol	71-36-3	5.6	2.6
		Butylbenzyl phthalate	85-68-7	0.017	28
		Cyclohexanone	108-94-1	0.36	NA
		o-Dichlorobenzene	95-50-1	0.088	6.0
		Diethyl phthalate	84-66-2	0.20	28
		Dimethyl phthalate	131-11-3	0.047	28
		Di-n-butyl phthalate	84-74-2	0.057	28
		Di-n-octyl phthalate	117-84-0	0.017	28
		Ethyl acetate	141-78-6	0.34	33
		Ethylbenzene	100-41-4	0.057	10
		Methanol	67-56-1	5.6	NA
		Methyl ethyl ketone	78-93-3	0.28	36
		Methyl isobutyl ketone	108-10-1	0.14	33
		Methylene chloride	75-09-2	0.089	30
		Naphthalene	91-20-3	0.059	5.6
		Nitrobenzene	98-95-3	0.068	14
		Toluene	108-88-3	0.080	10
		1,1,1-Trichloroethane	71-55-6	0.054	6.0
		Trichloroethylene	79-01-6	0.054	6.0
		Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
		Chromium (Total)	7440-47-3	2.77	0.60 mg/L TCLP
		Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
		Lead	7439-92-1	0.69	0.75 mg/L TCLP
		*** [See Prior Text in K087]			
K088	Spent potliners from primary aluminum reduction.	Acenaphthene	83-32-9	0.059	3.4
		Anthracene	120-12-7	0.059	3.4
		Benzo(a)anthracene	56-55-3	0.059	3.4
		Benzo(a)pyrene	50-32-8	0.061	3.4
		Benzo(b)fluoranthene	205-99-2	0.11	6.8
		Benzo(k)fluoranthene	207-08-9	0.11	6.8
		Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
		Chrysene	218-01-9	0.059	3.4
		Dibenz(a,h)anthracene	53-70-3	0.055	8.2
		Fluoranthene	206-44-0	0.068	3.4
		Indeno (1,2,3-c,d)pyrene	193-39-5	0.0055	3.4

Table 2. Treatment Standards for Hazardous Wastes

Waste Code	Waste Description and Treatment/Regulatory Subcategory <sup>1</sup>	Regulated Hazardous Constituent		Wastewaters	Non-Wastewaters
		Common Name	CAS <sup>2</sup> Number	Concentration in mg/L <sup>3</sup> ; or Technology Code <sup>4</sup>	Concentration in mg/kg <sup>5</sup> unless noted as "mg/L TCLP" or Technology Code <sup>4</sup>
		Phenanthrene	85-01-8	0.059	5.6
		Pyrene	129-00-0	0.067	8.2
		Antimony	7440-36-0	1.9	1.15 mg/L TCLP
		Arsenic	7440-38-2	1.4	26.1
		Barium	7440-39-3	1.2	21 mg/L TCLP
		Beryllium	7440-41-7	0.82	1.22 mg/L TCLP
		Cadmium	7440-43-9	0.69	0.11 mg/L TCLP
		Chromium (Total)	7440-47-3	2.77	0.60 mg/L TCLP
		Lead	7439-92-1	0.69	0.75 mg/L TCLP
		Mercury	7439-97-6	0.15	0.025 mg/L TCLP
		Nickel	7440-02-0	3.98	11 mg/L TCLP
		Selenium	7782-49-2	0.82	5.7 mg/L TCLP
		Silver	7440-22-4	0.43	0.14 mg/L TCLP
		Cyanide (Total) <sup>7</sup>	57-12-5	1.2	590
		Cyanide (Amenable) <sup>7</sup>	57-12-5	0.86	30
		Fluoride	16984-48-8	35	N/A
* * *					
[See Prior Text in K093 – K161]					
K169	Crude oil tank sediment from petroleum refining operations.	Benz(a)anthracene	56-55-3	0.059	3.4
		Benzene	71-43-2	0.14	10
		Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
		Chrysene	218-01-9	0.059	3.4
		Ethyl Benzene	100-41-4	0.057	10
		Fluorene	86-73-7	0.059	3.4
		Naphthalene	91-20-3	0.059	5.6
		Phenanthrene	81-05-8	0.059	5.6
		Pyrene	129-00-0	0.067	8.2
		Toluene (Methyl Benzene)	108-88-3	0.080	10
		Xylene(s) (Total)	1330-20-7	0.32	30
* * *					
[See Prior Text in K170 – K174]					
K175	Wastewater treatment sludge from the production of vinyl chloride monomer using mercuric chloride catalyst in an acetylene-based process.	Arsenic	7440-36-0	1.4	5.0 mg/L TCLP
		Mercury <sup>12</sup>	7438-97-6	NA	0.025 mg/L TCLP
		pH <sup>12</sup>		NA	pH≤6.0
	All K175 wastewaters.	Mercury	7438-97-6	0.15	NA
* * *					
[See Prior Text in K176 – P064]					
P065	Mercury fulminate nonwastewaters, regardless of their total mercury content, that are not incinerator residues or are not residues from RMERC.	Mercury	7439-97-6	NA	IMERC
	Mercury fulminate nonwastewaters that are either incinerator residues or are residues from RMERC; and contain greater than or equal to 260 mg/kg total mercury.	Mercury	7439-97-6	NA	RMERC
	Mercury fulminate nonwastewaters that are residues from RMERC and contain less than 260 mg/kg total mercury.	Mercury	7439-97-6	NA	0.20 mg/L TCLP
	Mercury fulminate nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury.	Mercury	7439-97-6	NA	0.025 mg/L TCLP
	All mercury fulminate wastewaters.	Mercury	7439-97-6	0.15	NA
* * *					
[See Prior Text in P066 – P089]					
P092	Phenyl mercuric acetate nonwastewaters, regardless of their total mercury content, that are not incinerator residues or are not residues from RMERC.	Mercury	7439-97-6	NA	IMERC; or RMERC
	Phenyl mercuric acetate nonwastewaters that are either incinerator residues or are residues from RMERC; and still contain greater than or equal to 260 mg/kg total mercury.	Mercury	7439-97-6	NA	RMERC

**Table 2. Treatment Standards for Hazardous Wastes**

Waste Code	Waste Description and Treatment/Regulatory Subcategory <sup>1</sup>	Regulated Hazardous Constituent		Wastewaters	Non-Wastewaters
		Common Name	CAS <sup>2</sup> Number	Concentration in mg/L <sup>3</sup> ; or Technology Code <sup>4</sup>	Concentration in mg/kg <sup>5</sup> unless noted as "mg/L TCLP" or Technology Code <sup>4</sup>
	Phenyl mercuric acetate nonwastewaters that are residues from RMERC and contain less than 260 mg/kg total mercury.	Mercury	7439-97-6	NA	0.20 mg/L TCLP
	Phenyl mercuric acetate nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury.	Mercury	7439-97-6	NA	0.025 mg/L TCLP
	All phenyl mercuric acetate wastewaters.	Mercury	7439-97-6	0.15	NA
* * *					
[See Prior Text in P093 – U411]					

Footnote 1. - Footnote 12. ...

[Note: NA means Not Applicable.]

Table 3. - Table 12. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 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 17:658 (July 1991), LR 21:266 (March 1995), LR 22:22 (January 1996), LR 22:834 (September 1996), LR 23:566

(May 1997), LR 24:301 (February 1998), LR 24:670 (April 1998), LR 24:1732 (September 1998), LR 25:451 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:282 (February 2000), LR 27:295 (March 2001), LR 29:322 (March 2003), LR 30:1682 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 32:828 (May 2006), LR 32:1843 (October 2006).

**Chapter 33. Ground Water Protection**  
**§3325. Ground Water Monitoring List**

Table 4 lists ground water monitoring constituents.

**Table 4. Ground Water Monitoring List<sup>1</sup>**

Common Name <sup>2</sup>	CAS RN <sup>3</sup>	Chemical Abstracts Service Index Name <sup>4</sup>
Acenaphthene	83-32-9	Acenaphthylene, 1,2-dihydro-
Acenaphthylene	208-96-8	Acenaphthylene
Acetone	67-64-1	2-Propanone
Acetophenone	98-86-2	Ethanone, 1-phenyl-
Acetonitrile; Methyl cyanide	75-05-8	Acetonitrile
2-Acetylamino-fluorene; 2-AAF	53-96-3	Acetamide, N-9H-fluoren-2-yl-
Acrolein	107-02-8	2-Propenal
Acrylonitrile	107-13-1	2-Propenenitrile
Aldrin	309-00-2	1,4:5,8-Dimethano-naph-thalene, 1,2,3,4,10,10- hexachloro-1,4,4a,5,8, 8a,-hexa-hydro (1 $\alpha$ ,4 $\alpha$ , 4 $\alpha\beta$ ,5 $\beta$ ,8 $\alpha$ ,8 $\alpha\beta$ )
Allyl chloride	107-05-1	1-Propene, 3-chloro-
4-Amino-biphenyl	92-67-1	[1,1'-Biphenyl]-4-amine
Aniline	62-53-3	Benzenamine
Anthracene	120-12-7	Anthracene
Antimony	(Total)	Antimony
Aramite	140-57-8	Sulfurous acid,2-chloro-ethyl 2-[4-(1,1-di-methylethyl) phenoxy]-1-methyl-ethyl ester
Arsenic	(Total)	Arsenic
Barium	(Total)	Barium
Benzene	71-43-2	Benzene
Benzo[a]anthracene; Benzanthracene	56-55-3	Benzo[a]anthracene
Benzo[b]-fluor-anthene	205-99-2	Benzo[e]acephen-anthry-lene
Benzo[k]-fluor-anthene	207-08-9	Benzo[k]fluoranthene
Benzo[ghi]perylene	191-24-2	Benzo[ghi]perylene
Benzo[a]pyrene	50-32-8	Benzo[a]pyrene
Benzyl alcohol	100-51-6	Benzenemethanol
Beryllium	(Total)	Beryllium
alpha-BHC	319-84-6	Cyclohexane,1,2,3,4,5, 6-hexachloro-, (1 $\alpha$ ,2 $\alpha$ ,3 $\beta$ ,4 $\alpha$ ,5 $\beta$ ,6 $\beta$ )
beta-BHC	319-85-7	Cyclohexane, 1,2,3,4,5, 6-hexachloro-, (1 $\alpha$ ,2 $\beta$ ,3 $\alpha$ ,4 $\beta$ ,5 $\alpha$ ,6 $\beta$ )-
delta-BHC	319-86-8	Cyclohexane, 1,2,3,4,5, 6-hexachloro-, (1 $\alpha$ ,2 $\alpha$ ,3 $\alpha$ , 4 $\beta$ ,5 $\alpha$ ,6 $\beta$ )-
gamma-BHC; Lindane	58-89-9	Cyclohexane, 1,2,3,4,5, 6-hexachloro-, (1 $\alpha$ ,2 $\alpha$ ,3 $\beta$ ,4 $\alpha$ ,5 $\alpha$ ,6 $\beta$ )
Bis(2-chloroethoxy) methane-	111-91-1	Ethane, 1,1'-[methyl- enebis(oxy)]bis[2- chloro-
Bis(2-chloroethyl) ether	111-44-4	Ethane, 1,1'-oxybis[2- chloro-
Bis(2-chloro-1-methylethyl)ether; 2,2'-Dichlorodi- isopropyl ether	108-60-1	Propane, 2,2'-oxybis [1-chloro-
Bis(2-ethyl-hexyl) phthalate	117-81-7	1,2-Benzenedicarboxylic acid,bis(2-ethylhexyl) ester
Bromodichloro- methane	75-27-4	Methane, bromodichloro-
Bromoform;Tri-bromomethane	75-25-2	Methane, tribromo-
4-Bromophenyl-phenyl ether	101-55-3	Benzene,1-bromo-4- phenoxy-

Table 4. Ground Water Monitoring List<sup>1</sup>

Common Name <sup>2</sup>	CAS RN <sup>3</sup>	Chemical Abstracts Service Index Name <sup>4</sup>
Butyl benzyl phthalate;Benzyl butyl phthalate	85-68-7	1,2-Benzenedicarboxylic acid, butyl phenyl- methyl ester
Cadmium	(Total)	Cadmium
Carbon disulfide	75-15-0	Carbon disulfide
Carbon tetrachloride	56-23-5	Methane, tetrachloro-
Chlordane	57-74-9	4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octa-chloro-2,3,3a,4,7,7a-hexahydro-
p-Chloroaniline	106-47-8	Benzenamine, 4 chloro-
Chlorobenzene	108-90-7	Benzene, chloro-
Chloro- benzilate	510-15-6	Benzenoacetic acid, 4-chloro- $\alpha$ -(4-chloro- phenyl)- $\alpha$ -hydroxy-, ethyl ester
p-Chloro- m-cresol	59-50-7	Phenol, 4-chloro-3- methyl-
Chloroethane; Ethyl chloride	75-00-3	Ethane, chloro-
Chloroform	67-66-3	Methane, trichloro-
2-Chloro- naphthalene	91-58-7	Naphthalene, 2-chloro-
2-Chlorophenol	95-57-8	Phenol, 2-chloro-
4-Chlorophenyl phenyl ether	7005-72-3	Benzene, 1-chloro-4- phenoxy-
Chloroprene	126-99-8	1,3-Butadiene, 2-chloro-
Chromium	(Total)	Chromium
Chrysene	218-01-9	Chrysene
Cobalt	(Total)	Cobalt
Copper	(Total)	Copper
m-Cresol	108-39-4	Phenol, 3-methyl-
o-Cresol	95-48-7	Phenol, 2-methyl-
p-Cresol	106-44-5	Phenol, 4-methyl-
Cyanide	57-12-5	Cyanide
2,4-D; 2,4-Di-chlorophenoxy-acetic acid	94-75-7	Acetic acid, (2,4- dichlorophenoxy)-
4,4'-DDD	72-54-8	Benzene, 1,1'-(2,2- dichloroethylidene) bis[4-chloro-
4,4'-DDE	72-55-9	Benzene, 1,1'-(dichloro- ethenylidene) bis[4- chloro-
4,4'-DDT	50-29-3	Benzene, 1,1'-(2,2,2- trichloroethylidene) bis[4-chloro-
Diallate	2303-16-4	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl)ester
Dibenz[a,h] anthracene	53-70-3	Dibenz[a,h]anthracene
Dibenzofuran	132-64-9	Dibenzofuran
Dibromochloro- methane; Chlorodi- bromomethane	124-48-1	Methane, dibromo- chloro-
1,2-Dibromo-3-chloropropane; DBCP	96-12-8	Propane, 1,2-dibromo- 3-chloro-
1,2-Dibromoethane; Ethylene dibromide	106-93-4	Ethane, 1,2-dibromo-
Di-n-butyl phthalate	84-74-2	1,2-Benzenedicarboxylic acid, dibutyl ester
o-Dichlorobenzene	95-50-1	Benzene, 1,2-dichloro-
m-Dichlorobenzene	541-73-1	Benzene, 1,3-dichloro-
p-Dichlorobenzene	106-46-7	Benzene, 1,4-dichloro-
3,3'-Dichloro- benzidine	91-94-1	[1,1'-Biphenyl]4,4'- diamine, 3,3'-dichloro-
trans-1,4- Dichloro-2-butene	110-57-6	2-Butene,1,4- dichloro-, (E)-
Dichlorodifluoro- methane	75-71-8	Methane, dichloro- difluoro-
1,1-Dichloro-ethane	75-34-3	Ethane,1,1-dichloro-
1,2-Dichloro-ethane; Ethylene dichloride	107-06-2	Ethane, 1,2-dichloro-
1,1-Dichloro- ethylene; Vinylidene chloride	75-35-4	Ethene, 1,1-dichloro-
trans-1,2- Dichloroethylene	156-60-5	Ethene,1,2-dichloro-(E)-
2,4-Dichlorophenol	120-83-2	Phenol, 2,4-dichloro-
2,6-Dichlorophenol	87-65-0	Phenol, 2,6-dichloro-
1,2-Dichloro-propane	78-87-5	Propane, 1,2- dichloro-
cis-1,3- Dichloro- propene	10061-01-5	1-Propene, 1,3- dichloro-,(Z)-
trans-1,3- Dichloropropene	10061-02-6	1-Propene, 1,3- dichloro-, (E)-
Dieldrin	60-57-1	2,7:3,6-Dimethanonaphth [2,3-b]oxirene,3,4,5, 6,9,9- hexachloro-1 $\alpha$ ,2,2 $\alpha$ ,3,6,6 $\alpha$ ,7,7 $\alpha$ -octahydro-, (1 $\alpha\alpha$ ,2 $\beta$ ,2 $\alpha\alpha$ ,3 $\beta$ ,6 $\beta$ ,6 $\alpha\alpha$ ,7 $\beta$ ,7 $\alpha\alpha$ )-
Diethyl phthalate	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester
O,O-Diethyl O-2-pyrazinyl phosphorothioate; Thionazin	297-97-2	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester
Dimethoate	60-51-5	Phosphorodithioic acid, O,O-dimethyls-[2-(methylamino)-2-oxoethyl] ester
p-(Dimethyl-amino)azobenzene	60-11-7	Benzenamine, N,N-di-methyl-4- (phenylazo)-
7,12-Dimethyl- benz[a] anthracene	57-97-6	Benz[a]anthracene, 7,12-dimethyl-
3,3'-Dimethyl- benzidine	119-93-7	[1,1'-Biphenyl]-4,4'- diamine, 3,3'-dimethyl-
alpha, alpha- Dimethyl- phenethylamine	122-09-8	Benzenoethanamine, $\alpha,\alpha$ -dimethyl-
2,4-Dimethyl- phenol	105-67-9	Phenol, 2,4-dimethyl-
Dimethyl phthalate	131-11-3	1,2-Benzenedicarboxylic acid, dimethyl ester
m-Dinitrobenzene	99-65-0	Benzene, 1,3-dinitro-
4,6-Dinitro- o- cresol	534-52-1	Phenol, 2-methyl-4,6- dinitro-
2,4-Dinitrophenol	51-28-5	Phenol, 2,4-dinitro-
2,4-Dinitro- toluene	121-14-2	Benzene, 1-methyl-2, 4-dinitro-
2,6-Dinitro- toluene	606-20-2	Benzene, 2-methyl- 1,3-dinitro-
Dinoseb; DNBP; 2-sec-Butyl- 4,6-dinitrophenol	88-85-7	Phenol, 2-(1-methyl- propyl)-4,6-dinitro-
Di-n-octyl phthalate	117-84-0	1,2-Benzenedicarboxylic acid, dioctyl ester

**Table 4. Ground Water Monitoring List<sup>1</sup>**

Common Name <sup>2</sup>	CAS RN <sup>3</sup>	Chemical Abstracts Service Index Name <sup>4</sup>
1,4-Dioxane	123-91-1	1,4-Dioxane
Diphenylamine	122-39-4	Benzenamine, N-phenyl-
Disulfoton	298-04-4	Phosphorodithioic acid, O,O-diethyl S-[2- (ethylthio)ethyl]ester
Endosulfan I	959-98-8	6,9-Methano-2,4,3- benzodioxathiepin 6,7,8, 9,10,10-hexachloro-1,5, 5a,6,9,9a-hexahydro-, 3-oxide, (3 $\alpha$ ,5a $\beta$ ,6 $\alpha$ ,9 $\alpha$ ,9a $\beta$ )-
Endosulfan II	3213-65-9	6,9-Methano-2,4,3- benzodioxathiepin, 6,7,8,9,10,10-hexa-chloro- 1,5,5a,6,9, 9a-hexahydro-, 3-oxide, (3 $\alpha$ ,5a $\alpha$ ,6 $\beta$ ,9 $\alpha$ ,9a $\alpha$ )-
Endosulfan sulfate	1031-07-8	6,9-Methano-2,4,3- benzodioxathiepin, 6,7,8,9,10,10-hexa-chloro- 1,5,5a,6,9,9a- hexahydro-, 3,3-dioxide
Endrin	72-20-8	2,7:3,6-Dimethanonaphth[2,3-b]oxirene,3,4,5,6,9,9-hexachloro- 1a,2,2a,3,6,6a,7,7a-octahydro-, (1 $\alpha$ ,2 $\beta$ ,2a $\beta$ , 3 $\alpha$ ,6 $\alpha$ ,6a $\beta$ , 7 $\beta$ ,7a $\alpha$ )-
Endrin aldehyde	7421-93-4	1,2,4-Methenocyclopenta[cd] pentalene- 5-carboxaldehyde, 2,2a,3,3,4,7- hexachloro-decahydro-,(1 $\alpha$ ,2 $\beta$ ,2a $\beta$ , 4 $\beta$ ,4a $\beta$ ,5 $\beta$ ,6a $\beta$ ,6 $\beta$ ,7R*)-
Ethylbenzene	100-41-4	Benzene, ethyl-
Ethyl methacrylate	97-63-2	2-Propenoic acid, 2-methyl-, ethyl ester
Ethyl methane- sulfonate	62-50-0	Methanesulfonic acid, ethyl ester
Famphur	52-85-7	Phosphorothioic acid, O-[4-[(dimethylamino) sulfonyl]phenyl]-O,O-di- methyl ester
Fluoranthene	206-44-0	Fluoranthene
Fluorene	86-73-7	9H-Fluorene
Heptachlor	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-hepta-chloro-3a,4,7,7a- tetrahydro-
Heptachlor epoxide	1024-57-3	2,5-Methano-2H-indeno [1,2-b]oxirene,2,3,4,5, 6,7,7-heptachloro- 1a,1b,5,5a, 6,6a-hexa-hydro-,(1 $\alpha$ ,1b $\beta$ ,2 $\alpha$ , 5 $\alpha$ ,5a $\beta$ ,6 $\beta$ ,6a $\alpha$ )
Hexachlorobenzene	118-74-1	Benzene, hexachloro-
Hexachlorobutadiene	87-68-3	1,3-Butadiene, 1,1,2,3,4,4- hexachloro-
Hexachloro- cyclopentadiene	77-47-4	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-
Hexachloroethane	67-72-1	Ethane, hexachloro-
Hexachlorophene	70-30-4	Phenol,2,2'-methyl-enebis [3,4,6- tri-chloro-
Hexachloropropene	1888-71-7	1-Propene,1,1,2,3,3,3-hexachloro
2-Hexanone	591-78-6	2-Hexanone
Indeno(1,2,3- cd) pyrene	193-39-5	Indeno[1,2,3-cd] pyrene
Isobutyl alcohol	78-83-1	1-Propanol, 2-methyl-
Isodrin	465-73-6	1,4,5,8-Dimethano- naphthalene,1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a- hexahydro- (1 $\alpha$ ,4 $\alpha$ ,4a $\beta$ , 5 $\beta$ ,8 $\beta$ ,8a $\beta$ ) -
Isophorone	78-59-1	2-Cyclohexen-1-one,3,5,5-trimethyl-
Isosafrole	120-58-1	1,3-Benzodioxole,5-(1- propenyl)-
Kepone	143-50-0	1,3,4-Metheno-2H-cylo-buta-[cd]pentalen-2- one,1,1a,3,3a,4,5,5,5a,5b,6-decachloroocta-hydro-
Lead	(Total)	Lead
Mercury	(Total)	Mercury
Methacrylonitrile	126-98-7	2-Propenenitrile, 2-methyl-
Methapyrilene	91-80-5	1,2,Ethanediamine, N,N- dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-
Methoxychlor	72-43-5	Benzene,1,1'-(2,2,2, trichloroethylidene) bis[4-methoxy-
Methyl bromide; Bromomethane	74-83-9	Methane, bromo-
Methyl chloride; Chloromethane	74-87-3	Methane, chloro-
3-Methyl-cholanthrene	56-49-5	Benz[ <i>j</i> ]aceanthrylene, 1,2-dihydro-3-methyl-
Methylene bromide; Dibromomethane	74-95-3	Methane, dibromo-
Methylene chloride; Dichloromethane	75-09-2	Methane, dichloro-
Methyl ethyl ketone; MEK	78-93-3	2-Butanone
Methyl iodide; Iodomethane	74-88-4	Methane, iodo-
Methylmethacrylate	80-62-6	2-Propenoic acid, 2- methyl-, methyl ester
Methyl methanesulfonate	66-27-3	Methanesulfonic acid, methyl ester
2-Methyl-naphthalene	91-57-6	Naphthalene, 2-methyl-
Methyl parathion; Parathion methyl	298-00-0	Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl)ester
4-Methyl-2- pentanone; Methylisobutyl ketone	108-10-1	2-Pentanone, 4-methyl
Naphthalene	91-20-3	Naphthalene
1,4-Naphthoquinone	130-15-4	1,4-Naphthalene-dione
1-Naphthylamine	134-32-7	1-Naphthalenamine
2-Naphthylamine	91-59-8	2-Naphthalenamine
Nickel	(Total)	Nickel
o-Nitroaniline	88-74-4	Benzenamine, 2-nitro-
m-Nitroaniline	99-09-2	Benzenamine, 3-nitro-
p-Nitroaniline	100-01-6	Benzenamine, 4-nitro-
Nitrobenzene	98-95-3	Benzene, nitro-
o-Nitrophenol	88-75-5	Phenol, 2-nitro-
p-Nitrophenol	100-02-7	Phenol, 4-nitro-
4-Nitroquinoline, 1-oxide	56-57-5	Quinoline, 4-nitro-, 1-oxide
N-Nitrosodi-n- butylamine	924-16-3	1-Butanamine, N-butyl-N-nitroso
N-Nitroso- diethylamine	55-18-5	Ethanamine, N-ethyl- N-nitroso
N-Nitroso- dimethylamine	62-75-9	Methanamine, N- methyl-N-nitroso-

**Table 4. Ground Water Monitoring List<sup>1</sup>**

Common Name <sup>2</sup>	CAS RN <sup>3</sup>	Chemical Abstracts Service Index Name <sup>4</sup>
N-Nitroso- diphenylamine	86-30-6	Benzenamine, N-nitroso-N-phenyl-
N-Nitrosodipropyl-amine;Di-n-propyl-nitrosamine	621-64-7	1-Propanamine, N-nitroso-N-propyl-
N-Nitrosom- ethylethylamine	10595-95-6	Ethanamine, N-methyl- N-nitroso-
N-Nitrosomor- pholine	59-89-2	Morpholine, 4-nitroso-
N-Nitrosopiperi- dine	100-75-4	Piperidine, 1- nitroso-
N-Nitrosopyrroli- dine	930-55-2	Pyrrolidine, 1- nitroso-
5-Nitro-o- toluidine	99-55-8	Benzenamine,2-methyl-5-nitro-
Parathion	56-38-2	Phosphorothioic acid, O,O-diethyl-O-(4-nitro-phenyl) ester
Polychlorinated biphenyls; PCBs	See Note 5	1,1'-Biphenyl, chloro derivatives
Polychlorinated dibenzo-p- dioxins; PCDDs	See Note 6	Dibenzo[b,e][1,4]dioxin, chloro derivatives
Polychlorinated dibenzofurans; PCDFs	See Note 7	Dibenzofuran, chloro derivatives
Pentachlorobenzene	608-93-5	Benzene, pentachloro-
Pentachloroethane	76-01-7	Ethane, pentachloro-
Pentachloro- nitrobenzene	82-68-8	Benzene, pentachloro- nitro-
Pentachlorophenol	87-86-5	Phenol, pentachloro-
Phenacetin	62-44-2	Acetamide, N-(4- ethoxyphenyl)
Phenanthrene	85-01-8	Phenanthrene
Phenol	108-95-2	Phenol
p-Phenylenediamine	106-50-3	1,4- Benzenediamine
Phorate	298-02-2	Phosphorodithioic acid, O,O-diethyl S-[(ethylthio)methyl] ester
2-Picoline	109-06-8	Pyridine, 2-methyl-
Pronamide	23950-58-5	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-pro-pynyl)-
Propionitrile; Ethyl cyanide	107-12-0	Propanenitrile
Pyrene	129-00-0	Pyrene
Pyridine	110-86-1	Pyridine
Safrole	94-59-7	1,3-Benzodioxole, 5- (2-propenyl)-
Selenium	(Total)	Selenium
Silver	(Total)	Silver
Silvex; 2,4,5-TP	93-72-1	Propanoic acid,2-(2,4, 5-trichlorophenoxy)-
Styrene	100-42-5	Benzene, ethenyl-
Sulfide	18496-25-8	Sulfide
2,4,5-T; 2,4,5-, Trichlorophenoxy-acetic acid	93-76-5	Acetic acid, (2,4,5- trichlorophenoxy)-
2,3,7,8-TCDD; 2,3,7,8-Tetra-chlorodibenzo-p- dioxin	1746-01-6	Dibenzo[b,e][1,4]dioxin 2,3,7,8-tetrachloro-
1,2,4,5-Tetra- chlorobenzene	95-94-3	Benzene, 1,2,4,5-tetrachloro-
1,1,1,2-Tetra- chloroethane	630-20-6	Ethane, 1,1,1,2- tetrachloro-
1,1,2,2-Tetra- chloroethane	79-34-5	Ethane, 1,1,2,2- tetrachloro-
Tetrachloro- ethylene; Perchloroethylene; Tetrachloroethene	127-18-4	Ethene, tetrachloro-
2,3,4,6-Tetra- chlorophenol	58-90-2	Phenol, 2,3,4,6- tetrachloro-
Tetraethyl dithio-pyrophosphate; Sulfotepp	3689-24-5	Thiodiphosphoric acid ((HO) <sub>2</sub> P(S)) <sub>2</sub> O), tetraethyl ester
Thallium	(Total)	Thallium
Tin	(Total)	Tin
Toluene	108-88-3	Benzene, methyl-
o-Toluidine	95-53-4	Benzenamine, 2-methyl-
Toxaphene	8001-35-2	Toxaphene
1,2,4-Tri- chlorobenzene	120-82-1	Benzene, 1,2,4-trichloro-
1,1,1-Tri- chloroethane; Methylchloroform	71-55-6	Ethane, 1,1,1-trichloro-
1,1,2-Tri- chloroethane	79-00-5	Ethane, 1,1,2-trichloro-
Trichloro- ethylene; Trichloroethene	79-01-6	Ethene, trichloro-
Trichlorofluoro-methane	75-69-4	Methane, trichlorofluoro-
2,4,5-Tri- chlorophenol	95-95-4	Phenol, 2,4,5-trichloro-
2,4,6-Tri- chlorophenol	88-06-2	Phenol, 2,4,6-trichloro-
1,2,3-Tri- chloropropane	96-18-4	Propane, 1,2,3-tri-chloro-
O,O,O-Triethyl phosphorothioate	126-68-1	Phosphorothioic acid, O,O,O-triethyl ester
sym-Trinitro- benzene	99-35-4	Benzene, 1,3,5- trinitro
Vanadium	(Total)	Vanadium
Vinyl acetate	108-05-4	Acetic acid, ethenyl ester
Vinyl chloride	75-01-4	Ethene, chloro-
Xylene (total)	1330-20-7	Benzene, dimethyl-
Zinc	(Total)	Zinc

<sup>1</sup>The regulatory requirements pertain only to the list of substances.

<sup>2</sup>Common names are those widely used in government regulations, scientific publications, and commerce; synonyms exist for many chemicals.

<sup>3</sup>Chemical Abstracts Service registry number. Where "Total" is entered, all species in the ground water that contain this element are included.

<sup>4</sup>CAS index names are those used in the ninth Cumulative Index.

<sup>5</sup>Polychlorinated biphenyls (CAS RN 1336-36-3); this category contains congener chemicals, including constituents of Aroclor-1016 (CAS RN 12674-11-2), Aroclor-1221 (CAS RN 11104-28-2), Aroclor-1232 (CAS RN 11141-16-5), Aroclor-1242 (CAS RN 53469-21-9), Aroclor-1248 (CAS RN 12672-29-6), Aroclor-1254 (CAS RN 11097-69-1), and Aroclor-1260 (CAS RN 11096-82-5).

<sup>6</sup>This category contains congener chemicals, including tetrachlorodibenzo-p-dioxins (see also 2,3,7,8-TCDD), pentachlorodibenzo-p-dioxins, and hexachlorodibenzo-p-dioxins.

<sup>7</sup>This category contains congener chemicals, including tetrachlorodibenzofurans, pentachlorodibenzofurans, and hexachlorodibenzofurans.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 16:399 (May 1990), amended LR 18:1256 (November 1992), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1742 (September 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 32:1848 (October 2006).

**Part IX. Water Quality**

**Subpart 1. Water Pollution Control**

**Chapter 1. General Provisions**

**§107. Definitions**

\*\*\*

*Designated Water Use*—repealed.

\*\*\*

*Primary Contact*—repealed.

\*\*\*

*Secondary Contact*—repealed.

\*\*\*

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2538 (November 2000), LR 30:1473 (July 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 32:1852 (October 2006).

**Subpart 2. The Louisiana Pollutant Discharge Elimination System (LPDES) Program**

**Chapter 71. Appendices**

**§7107. Appendix D—Permit Application Testing Requirements (LAC 33:IX.2501)**

Table I. Testing Requirements for Organic Toxic Pollutants by Industrial Category for Existing Dischargers				
Industrial Category	GC/MS Fraction <sup>(1)</sup>			
	Volatile	Acid	Base/Neutral	Pesticides
***				
[See Prior Text in Adhesives and Sealants – Petroleum Refining]				
Pharmaceutical Preparations	*	*	*	
***				
[See Prior Text in Photographic Equipment and Supplies – Timber Products Processing]				

<sup>(1)</sup>The toxic pollutants in each fraction are listed in Table II.

\* Testing required.

Table II. – Table V. Editorial Note. ...

For the duration of the suspensions, therefore, Table I effectively reads:

Table I. Testing Requirements for Organic Toxic Pollutants by Industry Category				
Industrial Category	GC/MS Fraction <sup>(1)</sup>			
	Volatile	Acid	Base/Neutral	Pesticides
***				
[See Prior Text in Adhesives and Sealants - Foundries]				
Gum and Wood (All Subparts except D and F)	*	*		
Subpart D—tall oil rosin	*	*	*	
Subpart F—rosin-based derivatives	*	*	*	
Inorganic Chemicals Manufacturing	*	*	*	
***				
[See Prior Text in Iron and Steel Manufacturing - Petroleum Refining]				
Pharmaceutical Preparations	*	*	*	
Photographic Equipment and Supplies	*	*	*	
***				
[See Prior Text in Plastic and Synthetic Materials Manufacturing - Timber Products Processing]				

<sup>(1)</sup>The pollutants in each fraction are listed in Item V-C in the NPDES permit application.

\*Testing required.

Table I.A. – Footnote †. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), repromulgated by the Office of Environmental Assessment, Environmental Planning Division, LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 32:1852 (October 2006).

**Part XI. Underground Storage Tanks**

**Chapter 3. Registration Requirements, Standards, and Fee Schedule**

**§301. Registration Requirements**

A. - B.1. ...

a. tank and piping installation in accordance with LAC 33:XI.303.B.4;

b. cathodic protection of steel tanks and piping in accordance with LAC 33:XI.303.B.1-2;

B.1.c. - C.4. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 11:1139 (December 1985), amended LR 16:614 (July 1990), LR 17:658 (July 1991), LR 18:727 (July 1992), LR 20:294 (March 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2558 (November 2000), LR 28:475 (March 2002),

amended by the Office of Environmental Assessment, LR 31:1066 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2520 (October 2005), repromulgated LR 32:393 (March 2006), amended LR 32:1852 (October 2006).

**Part XV. Radiation Protection**

**Chapter 1. General Provisions**

**§102. Definitions and Abbreviations**

As used in these regulations, these terms have the definitions set forth below. Additional definitions used only in a certain chapter may be found in that chapter.

\* \* \*

*Byproduct Material—*

1. ...

2. the tailings or wastes produced by the extraction or concentration of uranium or thorium (R.S. 30:2103) from ore processed primarily for its source material content, including discrete surface wastes resulting from uranium or thorium solution extraction processes. Underground ore bodies depleted by these solution extraction operations do not constitute byproduct material within this definition.

\* \* \*

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), LR 19:1421 (November 1993), LR 20:650 (June 1994), LR 22:967 (October 1996), LR 24:2089 (November 1998), repromulgated LR 24:2242 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2563 (November 2000), LR 26:2767 (December 2000), LR 30:1171, 1188 (June 2004), amended by the Office of Environmental Assessment, LR 31:44 (January 2005), LR 31:1064 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:811 (May 2006), LR 32:1853 (October 2006).

**Chapter 3. Licensing of Radioactive Material**

**Subchapter Z. Appendices**

**§399. Schedules A and B, and Appendices A, B, C, D, E, and F**

Schedule A. - Note 4. ...

Schedule B Exempt Quantities	
Byproduct Material	Microcuries
Antimony 122 (Sb 122)	100
Antimony 124 (Sb 124)	10
Antimony 125 (Sb 125)	10
Arsenic 73 (As 73)	100
Arsenic 74 (As 74)	10
Arsenic 76 (As 76)	10
Arsenic 77 (As 77)	100
Barium 131 (Ba 131)	10
Barium 133 (Ba 133)	10
Barium 140 (Ba 140)	10
Bismuth 210 (Bi 210)	1
Bromine 82 (Br 82)	10
Cadmium 109 (Cd 109)	10
Cadmium 115m (Cd 115m)	10
Cadmium 115 (Cd 115)	100
Calcium 45 (Ca 45)	10
Calcium 47 (Ca 47)	10
Carbon 14 (C 14)	100
Cerium 141 (Ce 141)	100
Cerium 143 (Ce 143)	100
Cerium 144 (Ce 144)	1
Cesium 131 (Cs 131)	1,000

Schedule B Exempt Quantities	
Byproduct Material	Microcuries
Cesium 134m (Cs 134m)	100
Cesium 134 (Cs 134)	1
Cesium 135 (Cs 135)	10
Cesium 136 (Cs 136)	10
Cesium 137 (Cs 137)	10
Chlorine 36 (Cl 36)	10
Chlorine 38 (Cl 38)	10
Chromium 51 (Cr 51)	1,000
Cobalt 58m (Co 58m)	10
Cobalt 58 (Co 58)	10
Cobalt 60 (Co 60)	1
Copper 64 (Cu 64)	100
Dysprosium 165 (Dy 165)	10
Dysprosium 166 (Dy 166)	100
Erbium 169 (Er 169)	100
Erbium 171 (Er 171)	100
Europium 152 9.2h (Eu 152 9.2h)	100
Europium 152 13 yr (Eu 152 13 yr)	1
Europium 154 (Eu 154)	1
Europium 155 (Eu 155)	10
Fluorine 18 (F 18)	1,000
Gadolinium 153 (Gd 153)	10
Gadolinium 159 (Gd 159)	100
Gallium 67 (Ga 67)	100
Gallium 72 (Ga 72)	10
Germanium 71 (Ge 71)	100
Gold 198 (Au 198)	100
Gold 199 (Au 199)	100
Hafnium 181 (Hf 181)	10
Holmium 166 (Ho 166)	100
Hydrogen 3 (H 3)	1,000
Indium 113m (In 113m)	100
Indium 114m (In 114m)	10
Indium 115m (In 115m)	100
Indium 115 (In 115)	10
Iodine 125 (I 125)	1
Iodine 126 (I 126)	1
Iodine 129 (I 129)	0.1
Iodine 131 (I 131)	1
Iodine 132 (I 132)	10
Iodine 133 (I 133)	1
Iodine 134 (I 134)	10
Iodine 135 (I 135)	10
Iridium 192 (Ir 192)	10
Iridium 194 (Ir 194)	100
Iron 55 (Fe 55)	100
Iron 59 (Fe 59)	10
Krypton 85 (Kr 85)	100
Krypton 87 (Kr 87)	10
Lanthanum 40 (La 140)	10
Lutetium 177 (Lu 177)	100
Manganese 52 (Mn 52)	10
Manganese 54 (Mn 54)	10
Manganese 56 (Mn 56)	10
Mercury 197m (Hg 197m)	100
Mercury 197 (Hg 197)	100
Mercury 203 (Hg 203)	10
Molybdenum 99 (Mo 99)	100
Neodymium 147 (Nd 147)	100
Neodymium 149 (Nd 149)	100
Nickel 59 (Ni 59)	100
Nickel 63 (Ni 63)	10
Nickel 65 (Ni 65)	100
Niobium 93m (Nb 93m)	10
Niobium 95 (Nb 95)	10
Niobium 97 (Nb 97)	10
Osmium 185 (Os 185)	10
Osmium 191m (Os 191m)	100
Osmium 191 (Os 191)	100

Schedule B Exempt Quantities	
Byproduct Material	Microcuries
Osmium 193 (Os 193)	100
Palladium 103 (Pd 103)	100
Palladium 109 (Pd 109)	100
Phosphorus 32 (P 32)	10
Platinum 191 (Pt 191)	100
Platinum 193m (Pt 193m)	100
Platinum 193 (Pt 193)	100
Platinum 197m (Pt 197m)	100
Platinum 97 (Pt 197)	100
Polonium 210 (P 210)	0.1
Potassium 42 (K 42)	10
Praseodymium 142 (Pr 142)	100
Praseodymium 143 (Pr 143)	100
Promethium 147 (Pm 147)	10
Promethium 149 (Pm 149)	10
Rhenium 186 (Re 186)	100
Rhenium 188 (Re 188)	100
Rhodium 103m (Rh 103m)	100
Rhodium 105 (Rh 105)	100
Rubidium 86 (Rb 86)	10
Rubidium 87 (Rb 87)	10
Ruthenium 97 (Ru 97)	100
Ruthenium 103 (Ru 103)	10
Ruthenium 105 (Ru 105)	10
Ruthenium 106 (Ru 106)	1
Samarium 151 (Sm 151)	10
Samarium 153 (Sm 153)	100
Scandium 46 (Sc 46)	10
Scandium 47 (Sc 47)	100
Scandium 48 (Sc 48)	10
Selenium 75 (Se 75)	10
Silicon 31 (Si 31)	100
Silver 105 (Ag 105)	10
Silver 110m (Ag 110m)	1
Silver 111 (Ag 111)	100
Sodium 24 (Na 24)	10
Strontium 85 (Sr 85)	10
Strontium 89 (Sr 89)	1
Strontium 90 (Sr 90)	0.1
Strontium 91 (Sr 91)	10
Strontium 92 (Sr 92)	10
Sulfur 35 (S 35)	100
Tantalum 182 (Ta 182)	10
Technetium 96 (Tc 96)	10
Technetium 97m (Tc 97m)	100
Technetium 97 (Tc 97)	100
Technetium 99m (Tc 99m)	100
Technetium 99 (Tc 99)	10
Tellurium 125m (Te 125m)	10
Tellurium 127m (Te 127m)	10
Tellurium 127 (Te 127)	100
Tellurium 129m (Te 129m)	10
Tellurium 129 (Te 129)	100
Tellurium 131m (Te 131m)	10
Tellurium 132 (Te 132)	10
Terbium 60 (Tb 160)	10
Thallium 200 (Tl 200)	100
Thallium 201 (Tl 201)	100
Thallium 202 (Tl 202)	100
Thallium 204 (Tl 204)	10
Thulium 170 (Tm 170)	10
Thulium 171 (Tm 171)	10
Tin 113 (Sn 113)	10
Tin 125 (Sn 125)	10
Tungsten 181 (W 181)	10
Tungsten 185 (W 185)	10
Tungsten 187 (W 187)	100
Vanadium 48 (V 48)	10
Xenon 131m (Xe 131m)	1,000

Schedule B Exempt Quantities	
Byproduct Material	Microcuries
Xenon 133 (Xe 133)	100
Xenon 135 (Xe 135)	100
Ytterbium 175 (Yb 175)	100
Yttrium 90 (Y 90)	Section 399
Yttrium 91 (Y 91)	10
Yttrium 92 (Y 92)	100
Yttrium 93 (Y 93)	100
Zinc 65 (Zn 65)	10
Zinc 69m (Zn 69m)	100
Zinc 69 (Zn 69)	1,000
Zirconium 93 (Zr 93)	10
Zirconium 95 (Zr 95)	10
Zirconium 97 (Zr 97)	10
Any byproduct material not listed above other than alpha-emitting byproduct material.	0.1

Appendix A. - Appendix F. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), LR 20:180 (February 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2574 (November 2000), LR 27:1228 (August 2001), amended by the Office of Environmental Assessment, LR 31:46 (January 2005), LR 31:1580 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2528 (October 2005), LR 32:820 (May 2006), LR 32:1853 (October 2006).

Herman Robinson, CPM  
Executive Counsel

0610#047

**RULE**

**Department of Environmental Quality  
Office of the Secretary  
Legal Affairs Division**

**Public Notice Requirements for General Permits  
(LAC 33:III.513)(AQ267)**

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 has amended the Air regulations, LAC 33:III.513 (Log #AQ267).

The department is allowed by regulation to issue general permits intended to cover numerous similar sources or activities. General permits are issued in accordance with LAC 33:III.519 and, prior to issuance, must undergo public notice and review by affected states and EPA in accordance with LAC 33:III.531 and 533. Applicants applying for authorization to operate under the general permit must also publish a notice of the application in a newspaper of general circulation in the local area where the source is or would be located. These procedures are appropriate for general permits intended to cover Part 70 sources. However, for general permits intended to cover minor sources, review by affected states and EPA is not necessary, nor is publication of a notice of the application. This rule revision specifies that

the aforementioned requirements are only required for general permits intended to cover Part 70 sources. This Rule is also a revision to the Louisiana State Implementation Plan for air quality. The basis and rationale for this Rule are to clarify the public notice requirements for general permits.

This 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 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 5. Permit Procedures**

**§513. General Permits, Temporary Sources, and Relocation of Portable Facilities**

**A. General Permits**

1. The permitting authority may issue a general permit intended to cover numerous similar sources or activities. General permits shall be issued in accordance with LAC 33:III.519 and, prior to issuance, shall undergo public notice and, if the general permit is intended to cover a *Part 70 source* as defined in LAC 33:III.502, review by affected states and EPA in accordance with LAC 33:III.531 and 533. Each general permit shall incorporate terms and conditions applicable to sources that would qualify for the general permit. Any general permit shall identify criteria by which sources may qualify for the general permit, and may provide for applications which deviate from the requirements of LAC 33:III.517.

2. The owner or operator of any source that would qualify for the general permit may apply for authorization to operate under the general permit. The application must include all information necessary to determine qualification for and to assure compliance with the general permit. The owner or operator of a *Part 70 source* as defined in LAC 33:III.502 shall publish a notice of the application in a newspaper of general circulation in the local area where the source is or would be located.

3. - 5. ...

6. General permits shall not be issued for new *major stationary sources* and *major modifications* as defined in LAC 33:III.504 or 509.

B. - C.3. ...

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 19:1420 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2448 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 32:1855 (October 2006).

Herman Robinson, CPM  
Executive Counsel

0610#045

**RULE**

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

EPO Plan of Benefits  
(LAC 32:V.Chapters 1-7)

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 42:801(C) and 802(B)(1), as amended and reenacted by Act 1178 of 2001, vesting the Office of Group Benefits (OGB) with the responsibility for administration of the programs of benefits authorized and provided pursuant to Chapter 12 of Title 42 of the Louisiana Revised Statutes, and granting the power to adopt and promulgate rules with respect thereto, OGB finds that it is necessary to revise and amend provisions of the EPO Plan Document. The reason for this action is to enhance member clarification and enable fair and effective administration health care benefits effectively for the program and members.

Accordingly, OGB hereby adopts the following Rule to become effective upon promulgation.

**Title 32**  
**EMPLOYEE BENEFITS**  
**Part V. Exclusive Provider Organization (EPO)**  
**Plan of Benefits**

**Chapter 1. Eligibility**

**§101. Persons to Be Covered**

Eligibility requirements apply to all participants in the program, including the PPO plan, the EPO plan, the MCO plan, an HMO plan, or the life insurance plan.

A. - A.2. ...

3. Effective Dates of Coverage, New Employee, Transferring Employee. Coverage for each employee who completes the applicable enrollment form and agrees to make the required payroll contributions to his participant employer is effective as follows.

a. If employment begins on the first day of the month, coverage is effective on the first day of the following month (For example, if hired on July 1, coverage will begin on August 1).

b. If employment begins on or after the second day of the month, coverage is effective on the first day of the second month following employment (For example, if hired on July 15, coverage will begin on September 1).

c. Employee coverage will not become effective unless the employee completes an enrollment form within 30 days following the date of employment. If completed after 30 days following the date of employment, the employee will be considered an overdue applicant.

d. An employee who transfers employment to another participating employer must complete a transfer form within 30 days following the date of transfer to maintain coverage without interruption. If completed after

30 days following the date of transfer, the employee will be considered an overdue applicant.

#### 4. Re-Enrollment, Previous Employment for Health Benefits and Life Insurance

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

b. An employee retired from a participant employer may not be covered as an employee.

c. Retirees are not eligible for coverage as overdue applicants.

#### 2. Effective Date of Coverage

a. Retiree coverage will be effective on the first day of the month following the date of retirement if the retiree and participant employer have agreed to make and are making the required contributions (For example, if retired July 15, coverage will begin August 1).

C. - C.2. ...

a. Dependents of Employees. Coverage will be effective on the date the employee becomes eligible for dependent coverage.

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

1. The terms of the following paragraphs apply to all eligible employees who apply for coverage after 30 days from the date the employee became eligible for coverage and to all eligible dependents of employees and retirees for whom the application for coverage was not completed within 30 days from the date acquired.

D.2. - E.2. ...

a. A special enrollment application must be made within 30 days of either the termination date of the prior coverage or the date the new dependent is acquired. If it is made more than 30 days after eligibility, they will be considered overdue applicants subject to a pre-existing condition limitation.

b. ...

i. For loss of other coverage or marriage, the first day of the month following the date the program receives all required forms for enrollment;

ii. - iii. ...

c. Special enrollment applicants must complete the "Acknowledgment of Pre-existing Condition" form and "Statement of Physical Condition" form.

E.2.d. - G.3. ...

H. Medicare+Choice/Medicare Advantage Option for Retirees (effective July 1, 1999). Retirees who are eligible to participate in a Medicare+Choice/Medicare Advantage Plan who cancel coverage with the program upon enrollment in a Medicare+Choice/Medicare Advantage Plan may re-enroll in the program upon withdrawal from or termination of coverage in the Medicare+Choice/Medicare Advantage Plan, at the earlier of the following:

1. - 2. ...

I. Tricare for Life Option for Military Retirees. Retirees eligible to participate in the Tricare for Life (TFL) option on and after October 1, 2001 who cancel coverage with the program upon enrollment in TFL may re-enroll in the program in the event that the TFL option is discontinued or its benefits significantly reduced.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1804 (October 1999), amended LR 27:718 (May 2001), LR

28:2339 (November 2002), LR 29:336,338 (March 2003), LR 32:1855 (October 2006).

### §103. Continued Coverage

A. ...

1. Leave of Absence without Pay, Employer Contributions to Premiums

a. A participating employee who is granted leave of absence without pay due to a service related injury may continue coverage and the participating employer shall continue to pay its portion of health plan premiums for up to twelve months.

b. A participating employee who suffers a service related injury that meets the definition of a total and permanent disability under the workers' compensation laws of Louisiana may continue coverage and the participating employer shall continue to pay its portion of the premiums until the employee becomes gainfully employed or is placed on state disability retirement.

c. A participating employee who is granted leave of absence without pay in accordance with the federal Family and Medical Leave Act (F.M.L.A.) may continue coverage during the time of such leave and the participating employer may continue to pay its portion of premiums.

2. Leave of Absence without Pay; No Employer Contributions to Premiums. An employee granted leave of absence without pay for reasons other than those stated in Paragraph A, may continue to participate in an Office of Group Benefits benefit plan for a period up to twelve months upon the employee's payment of the full premiums due.

B. - B.2. ...

C. Surviving Dependents/Spouse

1. Benefits under the plan for covered dependents of a deceased covered employee or retiree will terminate on the last day of the month in which the employee's or retiree's death occurred unless the surviving covered dependents elect to continue coverage.

a. The surviving legal spouse of an employee or retiree may continue coverage unless or until the surviving spouse is or becomes eligible for coverage in a Group Health Plan other than Medicare.

b. The surviving never married dependent child of an employee or retiree may continue coverage unless or until such dependent child is or becomes eligible for coverage under a group health plan other than Medicare, or until attainment of the termination age for children, whichever occurs first.

c. Surviving dependents will be entitled to receive the same participant employer premium contributions as employees and retirees, subject to the provisions of Louisiana Revised Statutes, Title 42, Section 851 and rules promulgated pursuant thereto by the Office of Group Benefits.

d. Coverage provided by the Civilian Health and Medical Program for the Uniformed Service (CHAMPUS/TRICARE) or successor program will not be sufficient to terminate the coverage of an otherwise eligible surviving legal spouse or a dependent child.

2. A surviving spouse or dependent child cannot add new dependents to continued coverage other than a child of the deceased employee born after the employee's death.

3. Participant Employer/Dependent Responsibilities

a. It is the responsibility of the participant employer and surviving covered dependent to notify the program within 60 days of the death of the employee or retiree.

b. The program will notify the surviving dependents of their right to continue coverage.

c. Application for continued coverage must be made in writing to the program within 60 days of receipt of notification, and premium payment must be made within 45 days of the date continued coverage is elected for coverage retroactive to the date coverage would have otherwise terminated.

d. Coverage for the surviving spouse under this section will continue until the earliest of the following:

i. failure to pay the applicable premium timely;

ii. eligibility of the surviving spouse for coverage under a Group Health Plan other than Medicare.

e. Coverage for a surviving dependent child under this section will continue until the earliest of the following events:

i. failure to pay the applicable premium timely;

ii. eligibility of the surviving dependent child for coverage under any group health plan other than Medicare.

iii. the attainment of the termination age for children.

4. The provisions of paragraphs 1 through 3 this subsection are applicable to surviving dependents who, on or after July 1, 1999, elect to continue coverage following the death of an employee or retiree. Continued coverage for surviving dependents who made such election before July 1, 1999, shall be governed by the rules in effect at the time.

D. - D.3. ...

E. Military Service. Members of the National Guard or of the United States military reserves who are called to active military duty, and who are OGB participating employees or covered dependents will have access to continued coverage under OGB's health and life plans.

1. Health Plan Participation. When called to active military duty, participating employees and covered dependents may:

a. continue participation in the OGB health plan during the period of active military service, in which case the participating employer may continue to pay its portion of premiums; or

b. cancel participation in the OGB health plan during the period of active military service, in which case such plan participants may apply for reinstatement of OGB coverage within 30 days of:

i. the date of the employee's reemployment with a participating employer,

ii. the dependent's date of discharge from active military duty, or

iii. the date of termination of extended health coverage provided as a benefit of active military duty, such as TRICARE Reserve Select;

iv. plan participants who elect this option and timely apply for reinstatement of OGB coverage will not be subject to a pre-existing condition (PEC) limitation, and the lapse in coverage during active military duty or extended military coverage will not result in any adverse consequences with respect to the participation schedule set forth in R.S. 42:851.E and the corresponding Rules promulgated by OGB.

2. Life Insurance. When called to active military duty, employees with OGB life insurance coverage may:

a. continue participation in the OGB life insurance during the period of active military service, however, the accidental death and dismemberment coverage will not be in effect during the period of active military duty; or

b. cancel participation in the OGB life insurance during the period of active military service, in which case such employee may apply for reinstatement of OGB life insurance within 30 days of the date of the employee's reemployment with a participating employer; employees who elect this option and timely apply for reinstatement of OGB life insurance will not be required to provide evidence of insurability.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1806 (October 1999), amended LR 30:1190 (June 2004), LR 32:1856 (October 2006).

## §105. COBRA

### A. Employees

1. Coverage under this plan for a covered employee will terminate on the last day of the calendar month during which employment is terminated (voluntarily or involuntarily) or significantly reduced, the employee no longer meets the definition of an employee, or coverage under a leave of absence has expired, unless the covered employee elects to continue coverage at the employee's own expense. Employees terminated for gross misconduct are not eligible for COBRA coverage.

2. It is the responsibility of the participant employer to notify the program within 30 days of the date coverage would have terminated because of any of the foregoing events, and the program will notify the employee within 14 days of his or her right to continue coverage.

3. Application for continued coverage must be made in writing to the program within 60 days of the date of the election notification and premium payment must be made within 45 days of the date the employee elects continued coverage, for coverage retroactive to the date coverage would have otherwise terminated. After the first payment for COBRA coverage, monthly payments for each subsequent month of COBRA coverage are due on the first day of the month for that month's COBRA coverage. A grace period of 30 days after the first day of the month will be provided for each monthly payment.

4. Coverage under this Section will continue until the earliest of the following:

a. failure to pay the applicable premium timely;

b. 18 months from the date coverage would have otherwise terminated;

c. entitlement to Medicare;

d. coverage under a Group Health Plan, but only after any pre-existing condition exclusions of that other plan for a pre-existing condition of the covered person have been exhausted or satisfied; or

e. the employer ceases to provide any group health plan for its employees.

5. If employment for a covered employee is terminated (voluntarily or involuntarily) or significantly reduced, the employee no longer meets the definition of an

employee, or a leave of absence has expired, and the employee has not elected to continue coverage, the covered spouse and/or covered dependent children may elect to continue coverage at his/her/their own expense. The elected coverage will be subject to the above-stated notification and termination provisions.

#### B. Surviving Dependents

1. Coverage under this plan for covered surviving dependents of an employee or retiree will terminate on the last day of the month in which the employee's or retiree's death occurs, unless the surviving covered dependents elect to continue coverage at his/her own expense.

2. It is the responsibility of the participant employer or surviving covered dependents to notify the program within 30 days of the death of the employee or retiree. The Program will notify the surviving dependents of their right to continue coverage. Application for continued coverage must be made in writing to the program within 60 days of the date of the election notification.

3. Premium payment must be made within 45 days of the date the continued coverage was elected, retroactive to the date coverage would have terminated. After the first payment for COBRA coverage, monthly payments for each subsequent month of COBRA coverage are due on the first day of the month for that month's COBRA coverage. A grace period of 30 days after the first day of the month will be provided for each monthly payment.

4. Coverage for the surviving dependents under this Section will continue until the earliest of the following:

- a. failure to pay the applicable premium timely;
- b. 36 months beyond the date coverage would have otherwise terminated;
- c. entitlement to Medicare;
- d. coverage under a group health plan, but only after pre-existing condition exclusions of that other plan for a pre-existing condition of the covered person have been exhausted or satisfied; or
- e. the employer ceases to provide any group health plan for its employees.

#### C. Divorced Spouse

1. Coverage under this plan for an employee's spouse will terminate on the last day of the month during which dissolution of the marriage occurs by virtue of a legal decree of divorce from the employee or retiree, unless the covered divorced spouse elects to continue coverage at his or her own expense.

2. It is the responsibility of the divorced spouse to notify the program within 60 days from the date of divorce and the program will notify the divorced spouse within 14 days of his or her right to continue coverage. Application for continued coverage must be made in writing to the program within 60 days of the election notification.

3. Premium payment must be made within 45 days of the date continued coverage is elected, for coverage retroactive to the date coverage would have otherwise terminated. After the first payment for COBRA coverage, monthly payments for each subsequent month of COBRA coverage are due on the first day of the month for that month's COBRA coverage. A grace period of 30 days after the first day of the month will be provided for each monthly payment.

4. Coverage for the divorced spouse under this Section will continue until the earliest of the following:

- a. failure to pay the applicable premium timely;
- b. 36 months beyond the date coverage would have otherwise terminated;
- c. entitlement to Medicare;
- d. coverage under a group health plan, but only after any pre-existing condition exclusions of that other plan for a pre-existing condition of the covered person have been exhausted or satisfied; or
- e. the Employer ceases to provide any group health plan for its employees.

#### D. Dependent Children

1. Coverage under this plan for a covered dependent child of a covered employee or retiree will terminate on the last day of the month during which the dependent child no longer meets the definition of an eligible covered dependent, unless the dependent elects to continue coverage at his or her own expense.

2. It is the responsibility of the dependent to notify the program within 60 days of the date coverage would have terminated and the program will notify the dependent within 14 days of his or her right to continue coverage. Application for continued coverage must be made in writing to the program within 60 days of receipt of the election notification.

3. Premium payment must be made within 45 days of the date the continued coverage is elected, for coverage retroactive to the date coverage would have otherwise terminated. After the first payment for COBRA coverage, monthly payments for each subsequent month of COBRA coverage are due on the first day of the month for that month's COBRA coverage. A grace period of 30 days after the first day of the month will be provided for each monthly payment.

4. Coverage for children under this Section will continue until the earliest of the following:

- a. failure to pay the applicable premium timely;
- b. 36 months beyond the date coverage would have otherwise terminated;
- c. entitlement to Medicare;
- d. coverage under a Group Health Plan, but only after any pre-existing condition exclusions of that other plan for a pre-existing condition of the covered person have been exhausted or satisfied; or
- e. the Employer ceases to provide any group health plan for its employees.

#### E. Dependents of COBRA Participants

1.a. If a covered terminated employee has elected to continue coverage and if during the period of continued coverage the covered spouse or a covered dependent child becomes ineligible for coverage due to:

- i. death of the employee;
- ii. divorce from the employee; or
- iii. a dependent child no longer meets the definition of an eligible covered dependent;

b. Then, the spouse and/or dependent child may elect to continue COBRA coverage at his/her own expense. Coverage will not be continued beyond 36 months from the date coverage would have otherwise terminated.

2. It is the responsibility of the spouse and/or the dependent child to notify the program within 60 days of the date COBRA coverage would have terminated.

3. Monthly payments for each month of COBRA coverage are due on the first day of the month for that month's COBRA coverage. A grace period of 30 days after the first day of the month will be provided for each monthly payment.

4. Coverage for children under this Section will continue until the earliest of the following:

- a. failure to pay the applicable premium timely;
- b. 36 months beyond the date coverage would have otherwise terminated;
- c. entitlement to Medicare;
- d. coverage under a group health plan, but only after any pre-existing condition exclusions of that other plan for a pre-existing condition of the covered person have been exhausted or satisfied; or
- e. the employer ceases to provide any group health plan for its employees.

#### F. Disability COBRA

1. If a covered employee or covered dependent is determined by the Social Security Administration or by the program staff (in the case of a person who is ineligible for Social Security disability benefits due to insufficient "quarters" of employment), to have been totally disabled on the date the covered person became eligible for continued coverage or within the initial 18 months of coverage, coverage under this plan for the covered person who is totally disabled may be extended at his or her own expense up to a maximum of 29 months from the date coverage would have otherwise terminated.

2. To qualify the covered person must:

a. submit a copy of his or her Social Security Administration's disability determination to the program before the initial 18-month continued coverage period expires and within 60 days after the latest of:

- i. the date of issuance of the Social Security Administration's disability determination; and
- ii. the date on which the qualified beneficiary loses (or would lose) coverage under the terms of the plan as a result of the covered employee's termination or reduction of hours.

b. In the case of a person who is ineligible for Social Security disability benefits due to insufficient "quarters" of employment, submit proof of total Disability to the program before the initial 18-month continued coverage period expires. The staff and medical director of the program will make the determination of total Disability based upon medical evidence, not conclusions, presented by the applicant's physicians, work history, and other relevant evidence presented by the applicant.

3. For purposes of eligibility for continued coverage under this Section, total disability means the inability to do any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to last for a continuous period of 12 months. To meet this definition one must have a severe impairment which makes one unable to do his previous work or any other substantial gainful activity which exists in the national economy, based upon a person's residual functional capacity, age, education, and work experience.

4. Monthly payments for each month of extended COBRA coverage are due on the first day of the month for that month's COBRA coverage. A grace period of 30 days after the first day of the month will be provided for each monthly payment.

5. Coverage under this Section will continue until the earliest of the following:

- a. failure to pay the applicable premium timely;
- b. 29 months from the date coverage would have otherwise terminated;
- c. entitlement to Medicare;
- d. coverage under a Group Health Plan, but only after any pre-existing condition exclusions of that other plan for a pre-existing condition of the covered person have been exhausted or satisfied;
- e. the Employer ceases to provide any group health plan for its employees; or
- f. 30 days after the month in which the Social Security Administration determines that the covered person is no longer disabled. (The covered person must report the determination to the program within 30 days after the date of issuance by the Social Security Administration.) In the case of a person who is ineligible for Social Security disability benefits due to insufficient "quarters" of employment, 30 days after the month in which the program determines that the covered person is no longer disabled.

#### G. Medicare COBRA

1. If an employee becomes entitled to Medicare less than 18 months before the date the employee's eligibility for benefits under this plan terminates, the period of continued coverage available for the employee's covered dependents will continue until the earliest of the following:

- a. failure to pay the applicable premium timely;
- b. 36 months from the date of the employee's Medicare entitlement;
- c. entitlement to Medicare;
- d. coverage under a Group Health Plan, but only after any pre-existing condition exclusions of that other plan for a pre-existing condition of the covered person have been exhausted or satisfied; or
- e. the employer ceases to provide any group health plan for its employees.

2. Monthly payments for each month of COBRA coverage are due on the first day of the month for that month's COBRA coverage. A grace period of 30 days after the first day of the month will be provided for each monthly payment.

H. Miscellaneous Provisions. During the period of continuation, benefits will be identical to those provided to others enrolled in this plan under its standard eligibility provisions for employees and retirees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1807 (October 1999), amended LR 32:1857 (October 2006).

#### §107. Change of Classification

A. Adding or Deleting Dependents. The plan member must notify the program when a dependent is added to or deleted from the plan member's coverage that results in a change in the class of coverage. Notice must be provided within 30 days of the addition or deletion.

## B. Change in Coverage

1. When there is a change in family status (e.g., marriage, birth of child) that affects the class of coverage, the change in classification will be effective on the date of the event. Application for the change must be made within 30 days of the date of the event.

2. When the addition of a dependent changes the class of coverage, the additional premium will be charged for the entire month if the date of change occurs before the 15th day of the month. If the date of change occurs on or after the 15th day of the month, an additional premium will not be charged until the first day of the following month.

C. Notification of Change. It is the employee's responsibility to notify the program of any change in classification of coverage that affects the employee's contribution amount. If failure to notify is later determined, it will be corrected on the first day of the following month.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1809 (October 1999), amended LR 32:1859 (October 2006).

## Chapter 2. Termination of Coverage

### §201. Active Employee and Retired Employee Coverage

A. ...

1. the date the program terminates;
2. the date the group or agency employing the covered employee terminates or withdraws from the program;
3. the date contribution is due if the group or agency fails to pay the required contribution for the covered employee;
4. the date contribution is due if the covered person fails to make any contribution which is required for the continuation of coverage;
5. the last day of the month of the covered employee's death;
6. the last day of the month in which the covered employee ceases to be eligible.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1809 (October 1999), amended LR 32:1860 (October 2006).

### §203. Dependent Coverage

A. ...

1. the last day of the month the employee ceases to be covered;
2. the last day of the month in which the dependent, as defined in this plan, ceases to be an eligible dependent of the covered employee;
3. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1)

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1809 (October 1999), amended LR 32:1860 (October 2006).

## Chapter 3. Medical Benefits

### §301. Eligible Expenses

A. Eligible Expenses are the charges incurred for the following services, drugs, supplies, and devices, when performed, prescribed, or ordered by a physician and medically necessary for the treatment of a covered person. All charges are subject to applicable deductibles,

copayments, and/or coinsurance amounts (unless otherwise specifically provided), fee schedule limitations, Schedule of Benefits, exclusions, and other provisions of the plan. A charge is incurred on the date that the service, drug, supply, or device is performed or furnished.

1. - 3. ...

4. anesthesia and its administration when ordered by the operating physician and administered by an appropriately licensed nurse anesthetist or physician in conjunction with a covered surgical service;

5. - 6. ...

7. Blood, blood derivatives, and blood processing, when not replaced;

8. - 8.c. ...

d. Ostomy Supplies, except supplies for nutritional and/or enteral feeding;

e. - l. ...

9. Services of a licensed speech therapist when pre-approved through Outpatient Procedure Certification (§309, below) for the purpose of restoring partial or complete loss of speech resulting from stroke, surgery, cancer, radiation laryngitis, cerebral palsy, accidental injury, or other similar structural or neurological disease, limited to 26 visits per plan year;

10. ...

11. Services rendered by a Doctor of Dental Surgery (D.D.S.) or Doctor of Dental Medicine (D.M.D.) for the treatment of accidental injury to a covered person's natural teeth, under the following conditions:

a. Coverage was in effect with respect to the individual at the time of the accident;

b. Treatment commences within 90 days from the date of the accident and is completed within two years from the date of the accident;

c. Coverage remains continuously in effect with respect to the covered person during the course of the treatment;

d. Eligible expenses are limited to the cost of treatment as estimated at the time of initial treatment;

e. Eligible expenses may include dental braces and orthodontic appliances, upon review and approval by the program's dental consultant, and only under the following circumstances:

i. to return the alveolar alignment to its former state prior to a covered dental accident. The program will allow benefits for orthopedic correction to establish reasonable occlusal function;

ii. a covered surgery that requires the use of braces for stabilization;

iii. severe skeletal deformity (i.e., cleft palate).

The program will allow benefits for orthopedic correction to establish reasonable occlusal function;

f. As used herein Accidental Injury means a condition occurring as a direct result of a traumatic bodily injury sustained solely through accidental means from an external force, and with respect to injuries to teeth, the act of chewing does not constitute an external force.

12. Durable medical equipment subject to the lifetime maximum payment limitation as listed in the schedule of benefits. The program will require written certification by the treating physician to substantiate the medical necessity for the equipment and the length of time that it will be used.

The purchase of durable medical equipment will be considered an eligible expense only upon a showing that the rental cost would exceed the purchase price. Under no circumstances may the eligible expense for an item of durable medical equipment exceed the purchase price of such item;

13. - 17. ...

18. Orthopedic shoes prescribed by a physician and completely custom built, limit one pair per plan year;

19. Acupuncture when rendered by a medical doctor licensed in the state in which the services are rendered;

20. - 20.d. ...

21. Services of a physical therapist or occupational therapist licensed in the state in which the services are rendered, under the following conditions:

a. services are prescribed by a licensed physician and rendered in an individual setting;

b. restorative potential exists;

c. services meet the generally accepted standards for medical practice;

d. services are reasonable and medically necessary for treatment of a disease, illness, accident, injury, or post-operative condition;

e. services are approved through case management when rendered in the home;

f. services are limited to 50 visits per plan year. Additional visits subject to approval by UTILIZATION MANAGEMENT.

22. Cardiac Rehabilitation when:

a. Rendered at a medical facility under the supervision of a licensed physician;

b. - c. ...

NOTE: Charges incurred for dietary instruction, educational services, behavior modification literature, biofeedback, health club membership, exercise equipment, preventive programs, and any other items excluded by the plan are not covered, unless provided for under Paragraph 30 of this subsection.

23. Preventive care consisting of routine physical examinations, lab work, and immunizations (including a yearly influenza vaccination) as follows:

a. Well baby care expenses subject to the annual deductible and co-payments:

i. newborn facility and professional charges;

ii. birth to age 1—all office visits for scheduled immunizations and screening;

b. Well child care expenses subject to the annual deductible and co-payments:

i. age 1 until age 3—three office visits per year for scheduled immunizations and screening;

ii. age 3 until age 15—one office visit per year for scheduled immunizations and screening;

c. Well adult care expenses, not subject to the annual deductible, but limited to a maximum benefit of \$200.00:

i. age 16 until age 40—once during a 3-year period;

ii. age 40 until age 50—once during a 2-year period;

iii. age 50 and over—once during a 1-year period.

NOTE: Benefits for well baby care, well child care and routine physical examinations for well adult care, including immunizations, are based on the U.S. Preventive Services Task Force guidelines and recommendations of the National Immunization Program of the Centers for Disease Control and

Prevention. All services must be rendered on an outpatient basis to monitor and maintain health and to prevent illness.

24. Specialized, age-appropriate wellness care, not subject to the annual deductible, as follows:

a. One pap test for cervical cancer per plan year;

b. Mammographic examinations performed according to the following schedule:

i. one mammogram during the five-year period a person is 35-39 years of age;

ii. one mammogram every two Plan Years for any person who is 40-49 years of age;

iii. one mammogram every 12 months for any person who is 50 years of age or older;

c. Testing for detection of prostate cancer, including digital rectal examination and prostate-specific antigen testing, once every 12 months for men over the age of 50 years;

25. - 26. ...

27. Services rendered by the following, when billed by the supervising physician:

a. perfusionists and registered nurse assistants assisting in the operating room;

b. physician assistants and registered nurse practitioners;

28. - 30.c. ...

31. Testing of sleep disorders only when the tests are performed at either:

a. a facility accredited by the American Academy of Sleep Medicine or the Joint Commission on Accreditation of Healthcare Organizations (JCAHO); or

b. a sleep study facility located within a healthcare facility accredited by JCAHO. No benefits are payable for surgical treatment of sleep disorders (including LAUP) except following demonstrated failure of non-surgical treatment and upon approval by the program;

32. - 33.c. ...

34. Treatment provided in accordance with a clinical trial for cancer, including costs of investigational treatments and of associated protocol-related patient care if all of the following criteria are met:

a. treatment is being provided with a therapeutic or palliative intent for patients with cancer, or for the prevention or early detection of cancer;

b. treatment is being provided or the studies are being conducted in a Phase II, Phase III, or Phase IV clinical trial for cancer;

c. treatment is being provided in accordance with a clinical trial approved by one of the following entities:

i. one of the United States National Institutes of Health;

ii. a cooperative group funded by one of the United States National Institutes of Health;

iii. the FDA in the form of an investigational new drug application;

iv. the United States Department of Veterans Affairs;

v. the United States Department of Defense;

vi. a federally funded general clinical research center;

vii. the Coalition of National Cancer Cooperative Groups;

d. the proposed protocol has been reviewed and approved by a qualified institutional review board which

operates in this state and which has a multiple project assurance contract approved by the office of protection from research risks;

e. the facility and personnel providing the protocol provided the treatment within their scope of practice, experience, and training and are capable of doing so by virtue of their experience, training, and volume of patients treated to maintain expertise;

f. there is no clearly superior, non-investigational approach;

g. the available clinical or preclinical data provide a reasonable expectation that the treatment will be at least as efficacious as the non-investigational alternative; and

h. the patient has signed an institutional review board-approved consent form.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1)

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1810 (October 1999), amended LR 28:478 (March 2002), LR 29:334, 338 (March 2003), LR 30:1190 (June 2004), LR 31:440 (February 2005), LR 32:1860 (October 2006).

### **§303. Fee Schedule**

A. The fee schedule establishes the maximum allowable charges for eligible expenses. The fee schedule applies to both contracted (EPO) health care providers, who have entered into agreements with OGB regarding reimbursement under this plan, and to non-contracted (non-EPO) health care providers who have not entered into such agreements.

B. Plan members may be subject to greater financial responsibility for services, drugs, supplies, and devices provided by non-contracted health care providers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1811 (October 1999), amended LR 32:1862 (October 2006).

### **§305. Automated Claims Adjusting**

A. OGB utilizes commercially licensed software that applies all claims against its medical logic program to identify improperly billed charges and charges for which this plan provides no benefits. Any claim with diagnosis or procedure codes deemed inadequate or inappropriate will be automatically reduced or denied. Providers accepting assignment of benefits cannot bill the plan member for the differential on the denial amount, in whole or in part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1811 (October 1999), amended LR 32:1862 (October 2006).

### **§307. Utilization Review—Pre-Admission**

#### **Certification, Continued Stay Review**

A. - A.2. ...

B. For a routine vaginal delivery, PAC is not required for a stay of two days or less. If the mother's stay exceeds or is expected to exceed two days, PAC is required within 24 hours after delivery or on the date on which any complications arose, whichever is applicable. If the baby's stay exceeds the mother's stay, PAC is required within 72 hours of the mother's discharge, and a separate pre-certification number must be obtained for the baby. In the case of a caesarean section, PAC is required if the mother's stay exceeds or is expected to exceed four days.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1812 (October 1999), amended LR 32:1862 (October 2006).

### **§309. Outpatient Procedure Certification (OPC)**

A. The purpose of OPC is for the plan to certify that particular outpatient procedures and therapies are medically necessary. If OPC is not obtained when required, no benefits are payable under this Plan.

A.1. - B. ...

1. Speech therapy, subject to the limitations set forth in §301.A.9 of this part.

2. - 7.d. repealed.

C. - C.2. ...

D. repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1812 (October 1999), amended LR 32:1862 (October 2006).

### **§311. Case Management**

A. - D.3.b. ...

E. repealed.

F. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1812 (October 1999), amended LR 32:1862 (October 2006).

### **§313. Dental Surgical Benefits**

A. ...

B. If a covered person requires dental treatment in a hospital setting that is otherwise an Eligible Expense, the plan will provide benefits for anesthesia rendered in the hospital and associated hospital charges. Prior authorization for hospitalization for dental treatment is required in the same manner as prior authorization is required for other covered medical services.

C. Eligible Expenses incurred in connection with the removal of impacted teeth, including pre-operative and post-operative care, anesthesia, radiology, pathology services, and facility charges, are subject to a deductible, co-insurance, and the maximum benefit provisions of the plan.

D. The provisions of this section shall not apply to treatment rendered for Temporomandibular joint (TMJ) diseases or disorders.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1813 (October 1999), amended LR 32:1862 (October 2006).

### **§315. Medicare Reduction**

A. ...

B. Retiree 100-Medicare COB. Upon enrollment and payment of the additional monthly premium, a plan member and dependents who are covered under Medicare Parts A and B (both) may choose to have full coordination of benefits with Medicare. Enrollment must be made within 30 days of eligibility for Medicare, or within 30 days of retirement if already eligible for Medicare, and at the annual enrollment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1813 (October 1999), amended LR 32:1862 (October 2006).

### **§317. Exceptions and Exclusions**

A. No benefits are provided under this Plan for the following:

1. injury compensable under any worker's compensation program, regardless of whether the patient has filed a claim for benefits. This applies to compensation provided on an expense-incurred basis or blanket settlements for past and future losses;

2. maintenance therapy consisting of convalescent, skilled nursing, sanitarium, custodial care, assisted living facilities, or rest cures designed to assist in daily living activities, maintain present physical and/or mental condition, or provide a structured or safe environment;

3. expenses for elective, non-therapeutic voluntary abortions (abortions performed for reasons other than to save the life of the mother);

4. injuries sustained by a covered person while in an aggressor role;

5. expenses incurred as a result of a covered person's commission or attempted commission of an illegal act;

6. services, supplies, or treatment for cosmetic purposes, including cosmetic surgery and any cosmetic complications of cosmetic surgery, unless necessary for the immediate repair of a deformity caused by a disease and/or injury that occurs while coverage is in force. No payment will be made for expenses incurred in connection with the treatment of any body part not affected by the disease and/or injury;

7. shoes and related items, such as wedges, cookies, and arch supports;

8. dental and orthodontic services, appliances, supplies, and devices, including, but not limited to the following:

a. dental braces and orthodontic appliances, except as specifically provided in §301.A.11.e of this Part;

b. treatment of periodontal disease;

c. dentures, dental implants, and any surgery for their use, except if needed as the result of an accident that meets the program's requirements;

d. treatment for Temporomandibular Joint (TMJ) diseases or disorders, except as specifically provided in §301.A.28 of this Part;

e. expenses incurred for services rendered by a dentist or oral surgeon and any ancillary or related services, except for covered dental surgical procedures, as specifically set forth herein, dental procedures which fall under the guidelines of treatment of accidental injury, procedures necessitated as a result of or secondary to cancer, or oral and maxillofacial surgeries which are shown to the satisfaction of the program to be medically necessary, non-dental, non-cosmetic procedures;

9. medical services, supplies, treatments, and prescription drugs provided without charge to the covered person or for which the covered person is not legally obligated to pay;

10. maternity expenses incurred by any person other than the employee or the employee's legal spouse;

11. personal convenience items including, but not limited to, admit kits, bedside kits, telephone, television, guest meals, and beds, and charges for luxury

accommodations in any hospital or allied health facility provided primarily for the patient's convenience which are not deemed medically necessary by the program;

12. charges for services, supplies, treatment, drugs, and devices which are in excess of the maximum allowable under the medical fee schedule, outpatient surgical facility fee schedule, or any other limitations of the plan;

13. services, supplies, treatment, drugs, devices, and deluxe medical equipment which are not deemed medically necessary by the program;

14. services rendered for remedial reading and recreational, visual, and behavioral modification therapy, biofeedback, pain rehabilitation control and/or therapy, and dietary or educational instruction for all diseases and/or illnesses, except diabetes;

15. services and supplies for the treatment of and/or related to gender dysphoria or reverse sterilization;

16. artificial organ implants, penile implants, transplantation of non-human organs, and any surgery and other treatment, services, or supplies, related to such procedures, or to complications related to such procedures;

17. expenses subsequent to the initial diagnosis for infertility and complications, including but not limited to, services, drugs, procedures, or devices to achieve fertility, in-vitro fertilization, low tubal transfer, artificial insemination, intracytoplasmic sperm injection, embryo transfer, gamete transfer, zygote transfer, surrogate parenting, donor semen, donor eggs, and reversal of sterilization procedures;

18. non-medical supplies such as air conditioners and/or filters, dehumidifiers, air purifiers, wigs or toupees, heating pads, cold devices, home enema equipment, rubber gloves, swimming pools, saunas, whirlpool baths, home pregnancy tests, lift chairs, devices or kits to stimulate the penis, exercise equipment, any other items not normally considered medical supplies, and any items the program determines are not medical supplies;

19. administrative fees, interest, penalties, or sales tax;

20. marriage counseling, family relations counseling, divorce counseling, parental counseling, job counseling, and career counseling;

21. charges for physician services rendered to a covered person over the telephone or in a non-face-to-face setting;

22. radial keratotomy, laser surgery, and any other procedures, services, or supplies for the correction of refractive errors of the eyes;

23. services, supplies, surgeries, and treatments for excess body fat, resection of excess skin and/or fat following weight loss or pregnancy, and/or obesity, and morbid obesity;

24. hearing aids and any examination to determine the fitting or necessity of hearing aids, except as specifically provided for in §301(A)(33) of this Part;

25. hair plugs and/or transplants;

26. routine physical examinations and/or immunizations not provided for under eligible expenses;

27. eye examinations, glasses, and contact lenses, except as specifically provided for as an eligible expense in §301.A.15 of this Part;

28. diagnostic or treatment measures that are not recognized as generally accepted medical practice;

29. medical supplies not listed under eligible expenses;
30. treatment or services for mental health and substance abuse provided outside the treatment plan developed by the program's managed care contractor or by therapists with whom or at facilities with which the program's managed care contractor does not have a contract;
31. genetic testing, except when determined to be medically necessary during a covered pregnancy;
32. services rendered by a private-duty registered nurse (R.N.) or by a private-duty licensed practical nurse (L.P.N.);
33. services rendered by a physician or other health care provider related to the patient by blood, adoption, or marriage;
34. expenses for services rendered by a physician or other health care provider who is not licensed in the state where such services are rendered or in any facility not holding a valid license in the state and for the services rendered;
35. facility fees for services rendered in a physician's office or in any facility not approved by the federal Health Care Finance Administration for Medicare reimbursement;
36. glucometers;
37. augmentative communication devices;
38. charges to obtain medical records or any other information needed and/or required to adjudicate a claim;
39. charges greater than the global allowance for any laboratory, pathology, or radiological procedure;
40. speech therapy or the services of a speech therapist except as specifically provided in §301.A.9.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1813 (October 1999), amended LR 26:487 (March 2000), LR 27:717 (May 2001), LR 28:2340 (November 2002), LR 31:440 (February 2005), LR 32:1863 (October 2006).

### §321. Exclusive Provider Program

A. The Program may implement Exclusive Provider Organization (EPO) arrangements or other agreements to discount payable fees. The program reserves the right to negotiate the amount of discounts, incentives offered to plan members, and all other provisions which are a part of any discount fee arrangement. To be eligible, the program must be the primary carrier at the time services are rendered.

1. If a covered person obtains medical services or hospital services from an eligible provider who has agreed to provide the services at a mutually agreed upon discount from the maximum medical fee schedule or at a per diem or discounted rate from a hospital, the program will pay, after applicable copays, as specified in the Schedule of Benefits. There is a contractual assignment to all EPO providers.

2. If a covered person receives services from a non-EPO Provider, the program will pay, after satisfaction of applicable deductibles, as specified in the Schedule of Benefits. Eligible Expenses of non-EPO Providers are based upon the OGB's fee schedule.

NOTE: Both EPO and non-EPO services are subject to the applicable co-pays or deductibles, limitations, and exclusions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1835 (October 1999), amended LR 27:722 (May 2001), LR 29:339 (March 2003), LR 32:1864 (October 2006).

### §325. Prescription Drug Benefits

A. This Plan allows benefits for drugs and medicines approved by the Food and Drug Administration or its successor that require a prescription and are dispensed by a licensed pharmacist or pharmaceutical company.

1. These include and shall not be limited to:

- a. Insulin;
- b. Retin-A dispensed for covered persons under the age of 27;
- c. Vitamin B-12 injections;
- d. prescription Potassium Chloride; and
- e. over-the-counter diabetic supplies including, but not limited to, strips, lancets, and swabs.

2. In addition, this plan allows benefits limited to \$200 per month for expenses incurred for the purchase of low protein food products for the treatment of inherited metabolic diseases if the low protein food products are medically necessary and are obtained from a source approved by the OGB. Such expenses shall be subject to coinsurance and co-payments relating to prescription drug benefits. In connection with this benefit, the following words shall have the following meanings:

a. *Inherited Metabolic Disease*—a disease caused by an inherited abnormality of body chemistry and shall be limited to:

- i. Phenylketonuria (PKU);
- ii. Maple Syrup Urine Disease (MSUD);
- iii. Methylmalonic Acidemia (MMA);
- iv. Isovaleric Acidemia (IVA);
- v. Propionic Acidemia;
- vi. Glutaric Acidemia;
- vii. Urea Cycle Defects; or
- viii. Tyrosinemia.

b. *Low Protein Food Products*—food products that are especially formulated to have less than 1 gram of protein per serving and are intended to be used under the direction of a physician for the dietary treatment of an inherited metabolic disease. Low protein food products shall not include natural foods that are naturally low in protein.

B. The following drugs, medicines, and related services and supplies are not covered:

1. appetite suppressant drugs;
2. dietary supplements;
3. topical forms of Minoxidil;
4. Retin-A dispensed for a covered person over age 26;
5. amphetamines dispensed for diagnoses other than Attention Deficit Disorder or Narcolepsy;
6. nicotine, gum, patches, or other products, services, or programs intended to assist an individual to reduce or cease smoking, or other use of tobacco products;
7. nutritional or parenteral therapy;
8. vitamins and minerals;
9. drugs available over the counter;
10. serostim dispensed for any diagnoses or therapeutic purposes other than AIDS wasting;
11. drugs prescribed for the treatment of impotence, except following the surgical removal of the prostate gland; and
12. glucometers.

C. - C.7 ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1815 (October 1999), amended LR 27:717,718 (May 2001), LR 27:1886 (November 2001), LR 28:2340 (November 2002), LR 29:337 (March 2003), LR 32:1864 (October 2006).

#### **Chapter 4. Uniform Provisions**

##### **§401. Statement of Contractual Agreement**

A. This plan, as amended, including the schedule of benefits, together with the application for coverage and any related documents executed by or on behalf of the covered employee, constitute the entire agreement between the parties.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1816 (October 1999), amended LR 32:1865 (October 2006).

##### **§403. Properly Submitted Claim**

A. For Plan reimbursement, a claim must include:

1. - 4. ...
5. type of services rendered, with diagnosis and/or procedure codes that are valid and current for the date of service;
6. date and place of service;
7. - 10. ...

B. The program may require additional documentation in order to determine the extent of coverage or the appropriate reimbursement. Failure to furnish information within 90 days of the request will constitute a reason for the denial of benefits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1816 (October 1999), amended LR 32:1865 (October 2006).

##### **§405. When Claims Must Be Filed**

A. - B. ...

C. Requests for review of payment or corrected bills must be submitted within 18 months of receipt date of the original claim. Requests for review of payment or corrected bills received after that time will not be considered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1816 (October 1999), amended LR 28:476 (March 2002), LR 32:1865 (October 2006).

##### **§407. Right to Receive and Release Information**

A. Without notice or consent the program may release to or obtain from any company, organization, or person, any information regarding any person which the program deems necessary to carry out the provisions of this Plan, or to determine how, or if, they apply. Any claimant under the plan must furnish the program with any information necessary to implement this provision. OGB retains information for the minimum period of time required by law. After such time, information may no longer be available.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1816 (October 1999), amended LR 32:1865 (October 2006).

##### **§409. Legal Limitations**

A. ...

B. Information provided by the program or any of its employees or agents to plan members does not modify or override the terms and provisions of the plan. In the event of any conflict between the written provisions of this plan and any information provided, the written provisions of this Plan shall supercede and control.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1816 (October 1999), amended LR 28:477 (March 2002), LR 32:1865 (October 2006).

##### **§413. Recovery of Overpayments**

A. If an overpayment occurs, the program retains the right to recover the overpayment. The covered person, institution, or provider receiving the overpayment must return the overpayment. At the plan's discretion, the overpayment may be deducted from future claims. Should legal action be required as a result of fraudulent statements or deliberate omissions on the application for coverage or a claim for benefits, the defendant will be responsible for attorney fees of 25 percent of the overpayment or \$1,000, whichever is greater. The defendant will also be responsible for court costs and legal interest from the date of judicial demand until paid.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1816 (October 1999), amended LR 32:1865 (October 2006).

##### **§415. Subrogation and Reimbursement**

A. Upon payment of any eligible benefits covered under this Plan, the Office of Group Benefits shall succeed and be subrogated to all rights of recovery of the covered employee, his dependents or other covered persons, or their heirs or assigns, for whose benefit payment is made, and they shall execute and deliver instruments and papers and do whatever is necessary to secure such rights, and shall do nothing after loss to prejudice such rights.

B. The Office of Group Benefits shall be entitled, to the extent of any payment made to a covered employee, his dependents or other covered persons, to the proceeds of any settlement or judgment that may result from the exercise of any rights of recovery of a covered employee, his dependents or other covered persons, against any person or entity legally responsible for the disease, illness, accident or injury for which said payment was made. To this end, covered employees, their dependents, or other covered persons agree to immediately notify the Office of Group Benefits of any action taken to attempt to collect any sums against any person or entity responsible for the disease, illness, accident or injury.

C. These subrogation and reimbursement rights also apply when a covered person recovers under, but not limited to, an uninsured or underinsured motorist plan, homeowner's plan, renter's plan, medical malpractice plan, worker's compensation plan or any general liability plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1817 (October 1999), amended LR 32:1865 (October 2006).

#### §417. Employer Responsibility

A. It is the responsibility of the participant employer to submit enrollment and change forms and all other necessary documentation to the program on behalf of its employees. Employees of a participant employer will not, by virtue of furnishing any documentation to the program, be considered agents of the program, and no representation made by any such person at any time will change the provisions of this Plan.

B. A participant employer shall immediately inform OGB when a retiree with OGB coverage returns to full-time employment. The employee shall be placed in the Re-employed retiree category for premium calculation. The Re-employed retiree premium classification applies to retirees with and without Medicare. The premium rates applicable to the re-employed retiree premium classification shall be identical to the premium rates applicable to the classification for retirees without Medicare.

C. A participant employer that receives a Medicare secondary payer (MSP) collection notice or demand letter shall deliver the MSP notice to the OGB MSP Adjuster within 15 days of receipt. If timely forwarded, OGB will assume responsibility for medical benefits, interest, fines and penalties due to Medicare for a covered employee. If not timely forwarded, OGB will assume responsibility only for covered plan benefits due to Medicare for a covered employee. The participant employer will be responsible for interest, fines, and penalties due.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1817 (October 1999), amended LR 29:1819 (September 2003), LR 32:1866 (October 2006).

#### §419. Program Responsibility

A. OGB will administer the plan in accordance with its terms, state and federal law, the OGB's established policies, interpretations, practices, and procedures. OGB will have maximum legal discretionary authority to construe and interpret the terms and provisions of the plan, to make determinations regarding eligibility for benefits and to decide disputes which may arise relative to a covered person's rights.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1817 (October 1999), amended LR 32:1866 (October 2006)

#### §423. Amendments to or Termination of the Plan and/or Contract

A. OGB has the statutory responsibility of providing health and accident and death benefits to covered persons to the extent that funds are available. OGB reserves the right to terminate or amend the eligibility and benefit provisions of the plan from time to time as necessary to prudently discharge its duties. Such modifications will be promulgated subject to the applicable provisions of law, and nothing contained herein shall be construed to guarantee or vest benefits for any employee, whether active or retired.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1818 (October 1999), amended LR 32:1866 (October 2006).

### Chapter 6. Definitions

#### §601. Definitions

*Accidental Injury*—a condition occurring as a direct result of a traumatic bodily injury sustained solely through accidental means from an external force. With respect to injuries to teeth, the act of chewing does not constitute an external force.

*Appeal*—a request by a plan member for and a formal review of a medical claim for benefits or an eligibility determination.

*Benefit Payment*—payment of eligible expenses due or owing by a covered person, after applicable deductibles, co-payments, and coinsurance, and subject to all limitations and exclusions, at the rate shown under Percentage Payable in the Schedule of Benefits.

*Board of Trustees*—repealed.

*Brand Drug*—the trademark name of a drug approved by the U. S. Food and Drug Administration.

*Calendar Year*—repealed.

\* \* \*

*Child or Children* includes—

1. a legitimate, duly acknowledged, and/or legally adopted child of the employee and/or the employee's legal spouse's who is dependent upon the employee for support;

2. a child in the process of being adopted by the employee through an agency adoption, who is living in the household of the employee, and is or will be included as a dependent on the employee's federal income tax return for the current or following tax year (if filing is required);

3. a child in the legal custody of the employee, who lives in the household of the employee and is or will be included as a dependent on the employee's federal income tax return for the current or following tax year (if filing is required);

4. a grandchild of the employee that is not in the legal custody of the employee, who is dependent upon the employee for support and whose parent is a covered dependent. If the employee seeking to cover a grandchild is a paternal grandparent, the program will require that the biological father, i.e., the covered son of the employee, execute an acknowledgement of paternity.

NOTE: If the employee dependent parent becomes ineligible for coverage under the program, the employee's grandchild will also be ineligible for coverage, unless the employee has legal custody of his/her grandchild.

*COBRA*—the federal continuation of coverage laws originally enacted in the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended from time to time.

*Committee*—repealed.

*Convalescent, Maintenance Care, or Rest Cures*—treatment or services, regardless of by whom recommended or where provided, in which the service could be rendered safely and reasonably by oneself, family, or other caregivers who are not eligible providers. The services are primarily designed to help the patient with daily living activities, maintain the patient's present physical and mental condition, and/or provide a structured or safe environment.

*Covered Person*—an active or retired employee, his/her eligible dependent, or any other individual eligible for coverage for whom the necessary application forms have been completed and for whom the required contribution is made.

*Covered Services*—to those health care services for which a plan member is entitled to receive benefit payments in accordance with the terms of this plan.

*Custodial Care*—

1. care designed to assist an individual in the performance of daily living activities (i.e., services which constitute personal care such as walking, getting in and out of bed, bathing, dressing, eating, and using the toilet) that does not require admission to a hospital or other institution for the treatment of a disease, illness, accident, or injury, or for the performance of surgery;

2. care primarily intended to provide room and board to an individual with or without routine nursing care, training in personal hygiene, or other forms of self-care;

3. supervisory care provided by a physician whose patient who is mentally or physically incapacitated and is not under specific medical, surgical, or psychiatric treatment, when such care is intended to reduce the patient's incapacity to the extent necessary to enable the patient to live outside of an institution providing medical care, or when, despite treatment, there is not reasonable a likelihood that the incapacity will be reduced.

*Date Acquired*—the date a dependent of a covered employee is acquired in the following instances and on the following dates only:

1. legal spouse—the date of marriage;

2. child or children:

a. natural child—the date of birth;

b. child in the process of being adopted;

c. agency adoption—the date the adoption contract was executed between the employee and the adoption agency;

d. private adoption—the date the Act of Voluntary Surrender is executed in favor of the employee. The program must be furnished with certification by the appropriate clerk of court setting forth the date of execution of the Act and the date the Act became irrevocable, or the date of the first court order granting legal custody, whichever occurs first;

e. child who lives in the household of the covered employee and is currently or will be included as a dependent on the employee's federal income tax return—the date of the court order granting legal custody;

f. grandchild of the employee that is not in the legal custody of the employee, but who is dependent upon the employee for support and whose parent is a covered dependent:

i. the date of birth of the Grandchild, if all of the above requirements are met at the time of birth; or

ii. the date on which the coverage becomes effective for the covered dependent, if all of the above requirements are not met at the time of birth.

*Deductible*—the dollar amount that a covered person must pay as shown in the schedule of benefits before benefits will be paid in a plan year.

*Dependent*—any of the following persons who are enrolled for coverage as dependents, if they are not also covered as an employee:

1. the covered employee's legal spouse;

2. a never married child from date of birth up to 21 years of age and dependent upon the employee for support;

3. a never married child who is a fulltime student under 24 years of age and financially dependent upon the employee for support;

4. a never married child of any age who meets the criteria set forth in §103.D, above;

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*Durable Medical Equipment (DME)*—equipment which can withstand repeated use, is primarily and customarily used to serve a medical purpose, is not generally useful to a person in the absence of a illness or injury, and is appropriate for use in the home. DME includes, but is not limited to, items such as wheelchairs, hospital beds, respirators, braces (non-dental), custom orthotics which must be specially made and not available at retail stores.

*Emergency Medical Condition*—a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part, or with respect to a pregnant woman who is having contractions that there is inadequate time to effect a safe transfer to another hospital before delivery, or the transfer may pose a threat to the health or safety of the woman or unborn child.

*Emergency Room Services*—medical services eligible for reimbursement that are necessary to screen, evaluate, and stabilize an emergency medical condition and are provided at a hospital emergency room and billed by a hospital.

*Employee*—a full-time employee as defined by a participant employer and in accordance with state law.

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*Family Unit Limit*—each of three covered members of a family unit have met the dollar amount shown in the schedule of benefits as plan year deductible for an individual. Once the family unit limit is met, the deductibles of all other covered members of the family unit will be considered satisfied for that plan year.

*Fee Schedule*—the maximum allowable charges for professional or hospital services adopted by the OGB that may be considered as an eligible expense.

*Future Medical Recovery*—repealed.

*Generic Drug*—a chemically equivalent copy of a "brand name" drug.

*Group Health Plan*—a plan (including a self-insured plan) offered or contributed to, by an employer (including a self-employed person) or employee organization to provide health care to employees, former employees, the employer, others associated or formerly associated with the employer in a business relationship, and/or their families.

*Health Insurance Coverage*—benefits consisting of medical care offered by a health insurance issuer under any hospital or medical service policy or certificate, hospital or medical service plan contract, or HMO contract.

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*HIPAA*—the Health Insurance Portability and Accountability Act of 1996 (U.S. Public Law 104-191) and Federal Regulations promulgated pursuant thereto.

*Hospital*—an institution that is currently licensed as a hospital by the state in which services are rendered and is not primarily an institution for rest, the aged, the treatment of pulmonary tuberculosis, a nursing home, extended care facility, remedial training institution, or a facility primarily for the treatment of conduct and behavior disorders.

*Incurred Date*—the date when a particular service or supply is rendered or obtained. When a single charge is made for a series of services, each service will bear a prorated share of the charge.

\* \* \*

*Lifetime Maximum Benefit*—the maximum amount of benefits that will be paid under the plan for all Eligible Expenses incurred by a covered person.

*Medically Necessary*—a service, treatment, procedure, equipment, drug, device, item, or supply, which, in the judgment of the program:

1. is appropriate and consistent with a covered person's diagnosis and treatment as well as with nationally accepted medical standards; and

2. is not primarily for personal comfort or convenience or Custodial Care.

*Medicare*—the health insurance available through Medicare laws enacted by the Congress of the United States.

\* \* \*

*Occupational Therapy*—the application of any activity one engages in for the purposes of evaluation, interpretation, treatment planning, and treatment of problems interfering with functional performance in persons impaired by physical illness or injury in order to significantly improve functioning.

\* \* \*

*Participating Provider*—an EPO, as defined herein.

*Physical Therapy* means the evaluation of physical status as related to functional abilities and treatment procedures as indicated by that evaluation. And licensed for the state where services are rendered.

*Physician*—

1. *Physician* means the following persons, appropriately licensed to practice their respective professional skills at the time and place the service is rendered:

- a. a Doctor of Medicine (M.D.);
- b. a Doctor of Dental Surgery (D.D.S.);
- c. a Doctor of Dental Medicine (D.M.D.);
- d. a Doctor of Osteopathy (D.O.);
- e. a Doctor of Podiatric Medicine (D.P.M.);
- f. a Doctor of Chiropractic (D.C.);
- g. a Doctor of Optometry (O.D.);
- h. a psychologist meeting the requirements of the National Register of Health Service Providers in Psychology;
- i. a mental health counselor;
- j. a substance abuse counselor;
- k. an Audiologist.

2. The term *physician* does not include a medical doctor in the capacity of supervising interns, residents, senior residents, or fellows enrolled in a training program who does not personally provide medical treatment or perform a surgical procedure for the covered person.

*Plan*—coverage offered by the Office of Group Benefits under this contract including EPO benefits, prescription drug

benefits, mental health and substance abuse benefits, and comprehensive medical benefits. The term plan as defined herein is used interchangeably with the term program as defined below.

\* \* \*

*Plan Year*—the period from July 1, or the date the covered person first becomes covered under the plan, through the next following June 30. Each successive Plan Year will be the twelve month period from July 1 through the next following June 30.

*PPO*—repealed.

*Program*—the Office of Group Benefits and/or the plan.

*Provider*—one or more entities which offer health care services and shall include but not be limited to individuals, or groups of physicians, individuals or groups of psychologists, nurse midwives, ambulance service companies, hospitals, and other health care entities that provide covered services to covered individuals.

*Recovery*—with respect to subrogation and reimbursement (§413) recovery means any and all monies paid to the covered person by way of judgment, settlement, or otherwise to compensate for losses allegedly caused by injury or sickness, whether or not the losses reflect medical or dental charges covered by the program.

*Referee*—repealed.

*Rehabilitation and Rehabilitation Therapy*—care concerned with the management and functional ability of patients disabled by disease, illness, accident, or injury.

*Reimbursement*—repayment to the program for Benefits Payments made by the program.

*Retiree*—

1. *Retiree* means an individual who was a covered employee immediately prior to the date of retirement and who, upon retirement, satisfied one of the following categories:

a. immediately received retirement benefits from an approved state or governmental agency defined benefit plan;

b. was not eligible for participation in such plan or legally opted not to participate in such plan; and either:

i. began employment prior to September 15, 1979, has 10 years of continuous state service, and has reached the age of 65; or

ii. began employment after September 16, 1979, has 10 years of continuous state service, and has reached the age of 70; or

iii. was employed after July 8, 1992, has 10 years of continuous state service, has a credit for a minimum of 40 quarters in the Social Security system at the time of employment, and has reached the age of 65; or

iv. maintained continuous coverage with the program as an eligible dependent until he/she became eligible as a former state employee to receive a retirement benefit from an approved state governmental agency defined benefit plan;

c. immediately received retirement benefits from a state-approved or state governmental agency-approved defined contribution plan and has accumulated the total number of years of creditable service which would have entitled him/her to receive a retirement allowance from the defined benefit plan of the retirement system for which the employee would have otherwise been eligible. The appropriate state governmental agency or retirement system

responsible for administration of the defined contribution plan is responsible for certification of eligibility to the Office of Group Benefits.

2. Retiree also means an individual who was a covered employee and continued the coverage through the provisions of COBRA immediately prior to the date of retirement and who, upon retirement, qualified for any of Subparagraphs a., b., and c above.

*Room and Board*—all expenses necessary to maintain and sustain a covered person upon admittance to a hospital and during a hospital confinement. This can include, but is not limited to, facility charges for the maintenance of the covered person's hospital room, dietary and food services, nursing services performed by nurses employed by or under contract with the hospital, and housekeeping services.

\* \* \*

*Utilization Management*—the process of evaluating the necessity, appropriateness, and efficiency of health care services against established guidelines and criteria.

*Utilization Review Organization (URO)*—an entity that has established one or more utilization review programs which evaluates the medical necessity, appropriateness, and efficiency of the uses of health care services, procedures, and facilities.

*Well Adult Care*—covered persons age 16 and older and means a routine physical examination by a physician that may include an influenza vaccination, lab work, and x-rays performed as part of the exam in that physician's office, when such services are billed by that physician with wellness procedure and diagnosis codes. Other health care services billed with wellness procedures and diagnosis codes, as well as treatment and/or diagnosis of a specific illness, will not be considered as *well adult care*.

*Well Baby Care*—covered persons from birth until age 1 and means routine care to a well, newborn infant that may include physical examinations and active immunizations provided by a physician when such services are billed by that physician with wellness procedure and diagnosis codes. Other health care services billed with wellness procedures and diagnosis codes, as well as treatment and/or diagnosis of a specific illness, will not be considered as *well baby care*.

*Well Child Care*—covered persons from age 1 through age 15 and means routine physical examinations and active immunizations provided by a physician, when such services are billed by that physician with wellness procedure and diagnosis codes. Other health care services billed with wellness procedure and diagnosis codes, as well as treatment and/or diagnosis of a specific illness, will not be considered as *well child care*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1)

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1820 (October 1999), amended LR 29:335 (March 2003), LR 32:1866 (October 2006).

## **Chapter 7. Schedule of Benefits—EPO**

### **§701. Comprehensive Medical Benefits**

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

Lifetime maximum for all benefits, except outpatient prescription drug benefits, per person	\$2,000,000
Lifetime maximum for outpatient prescription drug benefits, per person	\$250,000

1. ...

2. Percentage Payable, Member Co-Payments

A.2.a. - C.3. ...

<sup>2</sup>Participating providers are reimbursed at 100 percent of Eligible Expenses up to the maximum benefit; Non-Participating providers are reimbursed at 70 percent of Eligible Expenses up to the maximum benefit

Services include screenings to detect illness or health risks during a Physician office visit. The covered services are based on prevailing medical standards and may vary according to age and family history.

Specialized age appropriate wellness (not subject to deductible). For a complete list of benefits, see §301(A)24 of this Part.

D. Pre-Natal and Postpartum Maternity. See percentage payable after member co-payment and satisfaction of applicable deductibles (§701.A.2.a above). \$90 one-time member copay to include physician delivery charge, all pre-natal, and one post-partum visit.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1823 (October 1999), amended LR 26: 487 (March 2000), LR 27:717, 719 (May 2001), LR 27:1886 (November 2001), LR 28:476 (March 2002), LR 28:2342, 2343 (November 2002), LR 28:2509 (December 2002), LR 29:335, 337, 338 (March 2003), LR 30:1190 (June 2004), LR 32:1869 (October 2006).

Tommy D. Teague  
Chief Executive Officer

0610#072

## **RULE**

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

MCO Plan of Benefits  
(LAC 32:IX.Chapters 1-6)

In accordance with the applicable provisions of R.S. 49:950, et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 42:801(C) and 802(B)(1), as amended and reenacted by Act 1178 of 2001, vesting the Office of Group Benefits (OGB) with the responsibility for administration of the programs of benefits authorized and provided pursuant to Chapter 12 of Title 42 of the Louisiana Revised Statutes, and granting the power to adopt and promulgate rules with respect thereto, OGB finds that it is necessary to revise and amend provisions of the MCO Plan Document. The reason for this action is to enhance member clarification and be able to administer health care benefits effectively for the program and member.

Accordingly, OGB hereby adopts the following Rule to become effective upon promulgation.

**Title 32**

**EMPLOYEE BENEFITS**

**Part IX. Managed Care Option (MCO) Plan of Benefits**

**Chapter 1. Eligibility**

**§101. Persons to Be Covered**

NOTE: Eligibility requirements apply to all participants in the Program, including the PPO plan, the MCO plan, the MCO plan, an HMO plan, or the life insurance plan.

A. - A.2. ...

3. Effective Dates of Coverage, New Employee, Transferring Employee. Coverage for each employee who completes the applicable enrollment form and agrees to make the required payroll contributions to his participant employer is effective as follows.

a. If employment begins on the first day of the month, coverage is effective on the first day of the following month (for example, if hired on July 1, coverage will begin on August 1).

b. If employment begins on or after the second day of the month, coverage is effective on the first day of the second month following employment (for example, if hired on July 15, coverage will begin on September 1).

c. Employee coverage will not become effective unless the employee completes an enrollment form within 30 days following the date of employment. If completed after 30 days following the date of employment, the employee will be considered an overdue applicant.

d. An employee who transfers employment to another participating employer must complete a transfer form within 30 days following the date of transfer to maintain coverage without interruption. If completed after 30 days following the date of transfer, the employee will be considered an overdue applicant.

4. Re-Enrollment, Previous Employment for Health Benefits and Life Insurance

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

b. An employee retired from a participant employer may not be covered as an employee.

c. Retirees are not eligible for coverage as overdue applicants.

2. Effective Date of Coverage

a. Retiree coverage will be effective on the first day of the month following the date of retirement if the retiree and participant employer have agreed to make and are making the required contributions (For example, if retired July 15, coverage will begin August 1).

C. - C.2. ...

a. Dependents of Employees. Coverage will be effective on the date the employee becomes eligible for dependent coverage.

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

1. The terms of the following paragraphs apply to all eligible employees who apply for coverage after 30 days from the date the employee became eligible for coverage and to all eligible dependents of employees and retirees for whom the application for coverage was not completed within 30 days from the date acquired.

D.2.-E.1.c. ...

2. After Acquired Dependents. Special enrollment will be permitted for employees or dependents for whom the option to enroll for coverage was previously declined when the employee acquires a new dependent by marriage, birth, adoption, or placement for adoption.

a. A special enrollment application must be made within 30 days of either the termination date of the prior coverage or the date the new dependent is acquired. If it is made more than 30 days after eligibility, they will be considered overdue applicants subject to a pre-existing condition limitation.

b. ...

i. for loss of other coverage or marriage, the first day of the month following the date the program receives all required forms for enrollment;

ii. - iii. ...

c. Special enrollment applicants must complete the "Acknowledgment of Pre-existing Condition" form and "Statement of Physical Condition" form.

E.2.d. - G.3. ...

H. Medicare+Choice/Medicare Advantage Option for Retirees (effective July 1, 1999). Retirees who are eligible to participate in a Medicare+Choice/Medicare Advantage plan who cancel coverage with the program upon enrollment in a Medicare+Choice/Medicare Advantage plan may re-enroll in the program upon withdrawal from or termination of coverage in the Medicare+Choice/Medicare Advantage plan, at the earlier of the following:

H.1. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits LR 29:883 (June 2003), amended LR 32:1870 (October 2006).

**§103. Continued Coverage**

A. ...

1. Leave of Absence without Pay, Employer Contributions to Premiums

a. A participating employee who is granted leave of absence without pay due to a service related injury may continue coverage and the participating employer shall continue to pay its portion of health plan premiums for up to 12 months.

b. A participating employee who suffers a service related injury that meets the definition of a total and permanent disability under the workers' compensation laws of Louisiana may continue coverage and the participating employer shall continue to pay its portion of the premiums until the employee becomes gainfully employed or is placed on state disability retirement.

c. A participating employee who is granted leave of absence without pay in accordance with the federal Family and Medical Leave Act (F.M.L.A.) may continue coverage during the time of such leave and the participating employer may continue to pay its portion of premiums.

2. Leave of Absence without Pay; No Employer Contributions to Premiums. An employee granted leave of absence without pay for reasons other than those stated in Paragraph A, may continue to participate in an Office of Group Benefits benefit plan for a period up to 12 months upon the employee's payment of the full premiums due.

B. - B.2. ...

C. Surviving Dependents/Spouse

1. Benefits under the plan for covered dependents of a deceased covered employee or retiree will terminate on the last day of the month in which the employee's or retiree's death occurred unless the surviving covered dependents elect to continue coverage.

a. The surviving legal spouse of an employee or retiree may continue coverage unless or until the surviving spouse is or becomes eligible for coverage in a Group Health Plan other than Medicare.

b. The surviving never married dependent child of an employee or retiree may continue coverage unless or until such dependent child is or becomes eligible for coverage under a Group Health Plan other than Medicare, or until attainment of the termination age for children, whichever occurs first.

c. Surviving dependents will be entitled to receive the same participant employer premium contributions as employees and retirees, subject to the provisions of Louisiana Revised Statutes, Title 42, Section 851 and rules promulgated pursuant thereto by the Office of Group Benefits.

d. Coverage provided by the Civilian Health and Medical Program for the Uniformed Service (CHAMPUS/TRICARE) or successor program will not be sufficient to terminate the coverage of an otherwise eligible surviving legal spouse or a dependent child.

2. A surviving spouse or dependent child cannot add new dependents to continued coverage other than a child of the deceased employee born after the employee's death.

3. Participant Employer/Dependent Responsibilities

a. It is the responsibility of the participant employer and surviving covered dependent to notify the program within 60 days of the death of the employee or retiree.

b. The program will notify the surviving dependents of their right to continue coverage.

c. Application for continued coverage must be made in writing to the program within 60 days of receipt of notification, and premium payment must be made within 45 days of the date continued coverage is elected for coverage retroactive to the date coverage would have otherwise terminated.

d. Coverage for the surviving spouse under this Section will continue until the earliest of the following:

i. failure to pay the applicable premium timely;

ii. eligibility of the surviving spouse for coverage under a Group Health Plan other than Medicare.

e. Coverage for a surviving dependent child under this section will continue until the earliest of the following events:

i. failure to pay the applicable premium timely;

ii. eligibility of the surviving dependent child for coverage under any Group Health Plan other than Medicare;

iii. the attainment of the termination age for children.

4. The provisions of Paragraphs 1 through 3 this Subsection are applicable to surviving dependents who, on or after July 1, 1999, elect to continue coverage following the death of an employee or retiree. Continued coverage for surviving dependents who made such election before July 1, 1999, shall be governed by the rules in effect at the time.

D. - D.3. ...

E. Military Service. Members of the National Guard or of the United States military reserves who are called to active military duty, and who are OGB participating employees or covered dependents will have access to continued coverage under OGB's health and life plans.

1. Health Plan Participation. When called to active military duty, participating employees and covered dependents may:

a. continue participation in the OGB health plan during the period of active military service, in which case the participating employer may continue to pay its portion of premiums; or

b. cancel participation in the OGB health plan during the period of active military service, in which case such plan participants may apply for reinstatement of OGB coverage within 30 days of:

i. the date of the employee's reemployment with a participating employer;

ii. the dependent's date of discharge from active military duty; or

iii. the date of termination of extended health coverage provided as a benefit of active military duty, such as TRICARE Reserve Select;

iv. plan participants who elect this option and timely apply for reinstatement of OGB coverage will not be subject to a pre-existing condition (PEC) limitation, and the lapse in coverage during active military duty or extended military coverage will not result in any adverse consequences with respect to the participation schedule set forth in R.S. 42:851(E) and the corresponding rules promulgated by OGB.

2. Life Insurance. When called to active military duty, employees with OGB life insurance coverage may:

a. continue participation in the OGB life insurance during the period of active military service, however, the accidental death and dismemberment coverage will not be in effect during the period of active military duty; or

b. cancel participation in the OGB life insurance during the period of active military service, in which case such employee may apply for reinstatement of OGB life insurance within 30 days of the date of the employee's reemployment with a participating employer; employees who elect this option and timely apply for reinstatement of OGB life insurance will not be required to provide evidence of insurability.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits LR 29:885 (June 2003), amended LR 30:1191 (June 2004), LR 32:1870 (October 2006).

**§105. COBRA**

A. Employees

1. Coverage under this plan for a covered employee will terminate on the last day of the calendar month during which employment is terminated (voluntarily or involuntarily) or significantly reduced, the employee no longer meets the definition of an employee, or coverage under a leave of absence has expired, unless the covered employee elects to continue coverage at the employee's own expense. Employees terminated for gross misconduct are not eligible for COBRA coverage.

2. It is the responsibility of the participant employer to notify the program within 30 days of the date coverage would have terminated because of any of the foregoing events, and the program will notify the employee within 14 days of his or her right to continue coverage.

3. Application for continued coverage must be made in writing to the program within 60 days of the date of the election notification and premium payment must be made within 45 days of the date the employee elects continued coverage, for coverage retroactive to the date coverage would have otherwise terminated. After the first payment for COBRA coverage, monthly payments for each subsequent month of COBRA coverage are due on the first day of the month for that month's COBRA coverage. A grace period of 30 days after the first day of the month will be provided for each monthly payment.

4. Coverage under this Section will continue until the earliest of the following:

- a. failure to pay the applicable premium timely;
- b. 18 months from the date coverage would have otherwise terminated;
- c. entitlement to Medicare;
- d. coverage under a Group Health Plan, but only after any pre-existing condition exclusions of that other plan for a pre-existing condition of the covered person have been exhausted or satisfied; or
- e. the employer ceases to provide any group health plan for its employees.

5. If employment for a covered employee is terminated (voluntarily or involuntarily) or significantly reduced, the employee no longer meets the definition of an employee, or a leave of absence has expired, and the employee has not elected to continue coverage, the covered spouse and/or covered dependent children may elect to continue coverage at his/her/their own expense. The elected coverage will be subject to the above-stated notification and termination provisions.

#### B. Surviving Dependents

1. Coverage under this plan for covered surviving dependents of an employee or retiree will terminate on the last day of the month in which the employee's or retiree's death occurs, unless the surviving covered dependents elect to continue coverage at his/her own expense.

2. It is the responsibility of the participant employer or surviving covered dependents to notify the program within 30 days of the death of the employee or retiree. The program will notify the surviving dependents of their right to continue coverage. Application for continued coverage must be made in writing to the program within 60 days of the date of the election notification.

3. Premium payment must be made within 45 days of the date the continued coverage was elected, retroactive to the date coverage would have terminated. After the first payment for COBRA coverage, monthly payments for each subsequent month of COBRA coverage are due on the first day of the month for that month's COBRA coverage. A grace period of 30 days after the first day of the month will be provided for each monthly payment.

4. Coverage for the surviving dependents under this Section will continue until the earliest of the following:

- a. failure to pay the applicable premium timely;
- b. 36 months beyond the date coverage would have otherwise terminated;
- c. entitlement to Medicare;
- d. coverage under a Group Health Plan, but only after pre-existing condition exclusions of that other plan for

a pre-existing condition of the covered person have been exhausted or satisfied; or

e. the employer ceases to provide any group health plan for its employees.

#### C. Divorced Spouse

1. Coverage under this plan for an employee's spouse will terminate on the last day of the month during which dissolution of the marriage occurs by virtue of a legal decree of divorce from the employee or retiree, unless the covered divorced spouse elects to continue coverage at his or her own expense.

2. It is the responsibility of the divorced spouse to notify the program within 60 days from the date of divorce and the program will notify the divorced spouse within 14 days of his or her right to continue coverage. Application for continued coverage must be made in writing to the program within 60 days of the election notification.

3. Premium payment must be made within 45 days of the date continued coverage is elected, for coverage retroactive to the date coverage would have otherwise terminated. After the first payment for COBRA coverage, monthly payments for each subsequent month of COBRA coverage are due on the first day of the month for that month's COBRA coverage. A grace period of 30 days after the first day of the month will be provided for each monthly payment.

4. Coverage for the divorced spouse under this Section will continue until the earliest of the following:

- a. failure to pay the applicable premium timely;
- b. 36 months beyond the date coverage would have otherwise terminated;
- c. entitlement to Medicare;
- d. coverage under a Group Health Plan, but only after any pre-existing condition exclusions of that other plan for a pre-existing condition of the covered person have been exhausted or satisfied; or
- e. the employer ceases to provide any group health plan for its employees.

#### D. Dependent Children

1. Coverage under this plan for a covered dependent child of a covered employee or retiree will terminate on the last day of the month during which the dependent child no longer meets the definition of an eligible covered dependent, unless the dependent elects to continue coverage at his or her own expense.

2. It is the responsibility of the dependent to notify the program within 60 days of the date coverage would have terminated and the program will notify the dependent within 14 days of his or her right to continue coverage. Application for continued coverage must be made in writing to the program within 60 days of receipt of the election notification.

3. Premium payment must be made within 45 days of the date the continued coverage is elected, for coverage retroactive to the date coverage would have otherwise terminated. After the first payment for COBRA coverage, monthly payments for each subsequent month of COBRA coverage are due on the first day of the month for that month's COBRA coverage. A grace period of 30 days after the first day of the month will be provided for each monthly payment.

4. Coverage for children under this Section will continue until the earliest of the following:

- a. failure to pay the applicable premium timely;
- b. 36 months beyond the date coverage would have otherwise terminated;
- c. entitlement to Medicare;
- d. coverage under a Group Health Plan, but only after any pre-existing condition exclusions of that other plan for a pre-existing condition of the covered person have been exhausted or satisfied; or
- e. the employer ceases to provide any group health plan for its employees.

E. Dependents of COBRA Participants

1. If a covered terminated employee has elected to continue coverage and if during the period of continued coverage the covered spouse or a covered dependent child becomes ineligible for coverage due to:

- a. death of the employee;
- b. divorce from the employee; or
- c. a dependent child no longer meets the definition of an eligible covered dependent; then, the spouse and/or dependent child may elect to continue COBRA coverage at his/her own expense. Coverage will not be continued beyond 36 months from the date coverage would have otherwise terminated.

2. It is the responsibility of the spouse and/or the dependent child to notify the program within 60 days of the date COBRA coverage would have terminated.

3. Monthly payments for each month of COBRA coverage are due on the first day of the month for that month's COBRA coverage. A grace period of 30 days after the first day of the month will be provided for each monthly payment.

4. Coverage for children under this Section will continue until the earliest of the following:

- a. failure to pay the applicable premium timely;
- b. 36 months beyond the date coverage would have otherwise terminated;
- c. entitlement to Medicare;
- d. coverage under a Group Health Plan, but only after any pre-existing condition exclusions of that other plan for a pre-existing condition of the covered person have been exhausted or satisfied; or
- e. the employer ceases to provide any group health plan for its employees.

F. Disability COBRA

1. If a covered employee or covered dependent is determined by the Social Security Administration or by the program staff (in the case of a person who is ineligible for Social Security disability benefits due to insufficient "quarters" of employment), to have been totally disabled on the date the covered person became eligible for continued coverage or within the initial 18 months of coverage, coverage under this plan for the covered person who is totally disabled may be extended at his or her own expense up to a maximum of 29 months from the date coverage would have otherwise terminated.

2. To qualify the covered person must:

- a. submit a copy of his or her Social Security Administration's disability determination to the program before the initial 18-month continued coverage period expires and within 60 days after the latest of:

- i. the date of issuance of the Social Security Administration's disability determination; and

- ii. the date on which the qualified beneficiary loses (or would lose) coverage under the terms of the plan as a result of the covered employee's termination or reduction of hours;

- b. in the case of a person who is ineligible for Social Security disability benefits due to insufficient "quarters" of employment, submit proof of total disability to the program before the initial 18-month continued coverage period expires. The staff and medical director of the program will make the determination of total disability based upon medical evidence, not conclusions, presented by the applicant's physicians, work history, and other relevant evidence presented by the applicant.

3. For purposes of eligibility for continued coverage under this Section, total disability means the inability to do any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to last for a continuous period of 12 months. To meet this definition one must have a severe impairment which makes one unable to do his previous work or any other substantial gainful activity which exists in the national economy, based upon a person's residual functional capacity, age, education, and work experience.

4. Monthly payments for each month of extended COBRA coverage are due on the first day of the month for that month's COBRA coverage. A grace period of 30 days after the first day of the month will be provided for each monthly payment.

5. Coverage under this Section will continue until the earliest of the following:

- a. failure to pay the applicable premium timely;
- b. 29 months from the date coverage would have otherwise terminated;
- c. entitlement to Medicare;
- d. coverage under a Group Health Plan, but only after any pre-existing condition exclusions of that other plan for a pre-existing condition of the covered person have been exhausted or satisfied;
- e. the employer ceases to provide any group health plan for its employees; or
- f. 30 days after the month in which the Social Security Administration determines that the covered person is no longer disabled. (The covered person must report the determination to the program within 30 days after the date of issuance by the Social Security Administration.) In the case of a person who is ineligible for Social Security disability benefits due to insufficient "quarters" of employment, 30 days after the month in which the program determines that the covered person is no longer disabled.

G. Medicare COBRA

1. If an employee becomes entitled to Medicare less than 18 months before the date the employee's eligibility for benefits under this plan terminates, the period of continued coverage available for the employee's covered dependents will continue until the earliest of the following:

- a. failure to pay the applicable premium timely;
- b. 36 months from the date of the employee's Medicare entitlement;
- c. entitlement to Medicare;

d. coverage under a Group Health Plan, but only after any pre-existing condition exclusions of that other plan for a pre-existing condition of the covered person have been exhausted or satisfied; or

e. the employer ceases to provide any group health plan for its employees.

2. Monthly payments for each month of COBRA coverage are due on the first day of the month for that month's COBRA coverage. A grace period of 30 days after the first day of the month will be provided for each monthly payment.

H. Miscellaneous Provisions. During the period of continuation, benefits will be identical to those provided to others enrolled in this plan under its standard eligibility provisions for employees and retirees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits LR 29:886 (June 2003), amended LR 32:1871 (October 2006).

### §107. Change of Classification

A. Adding or Deleting Dependents. The plan member must notify the program when a dependent is added to or deleted from the plan member's coverage that results in a change in the class of coverage. Notice must be provided within 30 days of the addition or deletion.

B. Change in Coverage

1. When there is a change in family status (e.g., marriage, birth of child) that affects the class of coverage, the change in classification will be effective on the date of the event. Application for the change must be made within 30 days of the date of the event.

2. When the addition of a dependent changes the class of coverage, the additional premium will be charged for the entire month if the date of change occurs before the fifteenth day of the month. If the date of change occurs on or after the fifteenth day of the month, an additional premium will not be charged until the first day of the following month.

C. Notification of Change. It is the employee's responsibility to notify the program of any change in classification of coverage that affects the employee's contribution amount. If failure to notify is later determined, it will be corrected on the first day of the following month.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits LR 29:887 (June 2003), amended LR 32:1874 (October 2006).

## Chapter 2. Termination of Coverage

### §201. Active Employee and Retired Employee Coverage

A. ...

1. the date the program terminates;

2. the date the group or agency employing the covered employee terminates or withdraws from the program;

3. the date contribution is due if the group or agency fails to pay the required contribution for the covered employee;

4. the date contribution is due if the covered person fails to make any contribution which is required for the continuation of coverage;

5. the last day of the month of the covered employee's death;

6. the last day of the month in which the covered employee ceases to be eligible.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits LR 29:888 (June 2003), amended LR 32:1874 (October 2006).

### §203. Dependent Coverage

A. ...

1. the last day of the month the employee ceases to be covered;

2. the last day of the month in which the dependent, as defined in this plan, ceases to be an eligible dependent of the covered employee;

3. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1)

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits LR 29:888 (June 2003), amended LR 32:1874 (October 2006).

## Chapter 3. Medical Benefits

### §301. Eligible Expenses

A. Eligible expenses are the charges incurred for the following services, drugs, supplies, and devices, when performed, prescribed, or ordered by a physician and medically necessary for the treatment of a covered person. All charges are subject to applicable deductibles, copayments, and/or coinsurance amounts (unless otherwise specifically provided), Fee Schedule limitations, Schedule of Benefits, exclusions, and other provisions of the plan. A charge is incurred on the date that the service, drug, supply, or device is performed or furnished.

1. - 3. ...

4. anesthesia and its administration when ordered by the operating physician and administered by an appropriately licensed nurse anesthetist or physician in conjunction with a covered surgical service;

5. - 6. ...

7. blood, blood derivatives, and blood processing, when not replaced;

8. - 8.c. ...

d. ostomy supplies, except supplies for nutritional and/or enteral feeding;

e. - l. ...

9. services of a licensed speech therapist when pre-approved through Outpatient Procedure Certification (§309, below) for the purpose of restoring partial or complete loss of speech resulting from stroke, surgery, cancer, radiation laryngitis, cerebral palsy, accidental injury, or other similar structural or neurological disease, limited to 26 visits per plan year;

10. ...

11. services rendered by a Doctor of Dental Surgery (D.D.S.) or Doctor of Dental Medicine (D.M.D.) for the treatment of accidental injury to a covered person's natural teeth, under the following conditions:

a. coverage was in effect with respect to the individual at the time of the accident;

b. treatment commences within 90 days from the date of the accident and is completed within two years from the date of the accident;

c. coverage remains continuously in effect with respect to the covered person during the course of the treatment;

d. eligible expenses are limited to the cost of treatment as estimated at the time of initial treatment;

e. eligible expenses may include dental braces and orthodontic appliances, upon review and approval by the program's dental consultant, and only under the following circumstances:

i. to return the alveolar alignment to its former state prior to a covered dental accident. The program will allow benefits for orthopedic correction to establish reasonable occlusal function;

ii. a covered surgery that requires the use of braces for stabilization;

iii. severe skeletal deformity (i.e., cleft palate). The program will allow benefits for orthopedic correction to establish reasonable occlusal function;

f. as used herein accidental injury means a condition occurring as a direct result of a traumatic bodily injury sustained solely through accidental means from an external force, and with respect to injuries to teeth, the act of chewing does not constitute an external force;

12. durable medical equipment subject to the lifetime maximum payment limitation as listed in the Schedule of Benefits. The program will require written certification by the treating physician to substantiate the medical necessity for the equipment and the length of time that it will be used. The purchase of durable medical equipment will be considered an eligible expense only upon a showing that the rental cost would exceed the purchase price. Under no circumstances may the eligible expense for an item of durable medical equipment exceed the purchase price of such item;

13. - 17. ...

18. orthopedic shoes prescribed by a physician and completely custom built, limit one pair per plan year;

19. acupuncture when rendered by a medical doctor licensed in the state in which the services are rendered;

20. - 20.d. ...

21. services of a physical therapist or occupational therapist licensed in the state in which the services are rendered, under the following conditions:

a. services are prescribed by a licensed physician and rendered in an individual setting;

b. restorative potential exists;

c. services meet the generally accepted standards for medical practice;

d. services are reasonable and medically necessary for treatment of a disease, illness, accident, injury, or post-operative condition;

e. services are approved through case management when rendered in the home;

f. services are limited to 50 visits per plan year. Additional visits subject to approval by utilization management;

22. cardiac rehabilitation when:

a. rendered at a medical facility under the supervision of a licensed physician;

b. - c. ...

NOTE: Charges incurred for dietary instruction, educational services, behavior modification literature, biofeedback, health club membership, exercise equipment, preventive programs,

and any other items excluded by the plan are not covered, unless provided for under Paragraph 30 of this Subsection.

23. preventive care consisting of routine physical examinations, lab work, and immunizations (including a yearly influenza vaccination) as follows:

a. well baby care expenses subject to the annual deductible and co-payments:

i. newborn facility and professional charges;

ii. birth to age 1—all office visits for scheduled immunizations and screening;

b. well child care expenses subject to the annual deductible and co-payments:

i. age 1 until age 3—three office visits per year for scheduled immunizations and screening;

ii. age 3 until age 15—one office visit per year for scheduled immunizations and screening;

c. well adult care expenses, not subject to the annual deductible, but limited to a maximum benefit of \$200.00:

i. age 16 until age 40—once during a 3-year period;

ii. age 40 until age 50—once during a 2-year period;

iii. age 50 and over—once during a 1-year period.

NOTE: Benefits for well baby care, well child care and routine physical examinations for well adult care, including immunizations, are based on the U.S. Preventive Services Task Force guidelines and recommendations of the National Immunization Program of the Centers for Disease Control and Prevention. All services must be rendered on an outpatient basis to monitor and maintain health and to prevent illness.

24. specialized, age-appropriate wellness care, not subject to the annual deductible, as follows:

a. one Pap test for cervical cancer per plan year;

b. mammographic examinations performed according to the following schedule:

i. one mammogram during the five-year period a person is 35-39 years of age;

ii. one mammogram every two plan years for any person who is 40-49 years of age;

iii. one mammogram every 12 months for any person who is 50 years of age or older;

c. testing for detection of prostate cancer, including digital rectal examination and prostate-specific antigen testing, once every 12 months for men over the age of 50 years;

25. - 26. ...

27. services rendered by the following, when billed by the supervising physician:

a. physicianists and registered nurse assistants assisting in the operating room;

b. physician assistants and registered nurse practitioners;

28. - 30.c. ...

31. testing of sleep disorders only when the tests are performed at either:

a. a facility accredited by the American Academy of Sleep Medicine or the Joint Commission on Accreditation of Healthcare Organizations (JCAHO); or

b. a sleep study facility located within a healthcare facility accredited by JCAHO. No benefits are payable for surgical treatment of sleep disorders (including LAUP) except following demonstrated failure of non-surgical treatment and upon approval by the program;

32. - 33.c. ...

34. treatment provided in accordance with a clinical trial for cancer, including costs of investigational treatments and of associated protocol-related patient care if all of the following criteria are met:

a. treatment is being provided with a therapeutic or palliative intent for patients with cancer, or for the prevention or early detection of cancer;

b. treatment is being provided or the studies are being conducted in a Phase II, Phase III, or Phase IV clinical trial for cancer;

c. treatment is being provided in accordance with a clinical trial approved by one of the following entities:

i. one of the United States National Institutes of Health;

ii. a cooperative group funded by one of the United States National Institutes of Health;

iii. the FDA in the form of an investigational new drug application;

iv. the United States Department of Veterans Affairs;

v. the United States Department of Defense;

vi. a federally funded general clinical research center;

vii. the Coalition of National Cancer Cooperative Groups;

d. the proposed protocol has been reviewed and approved by a qualified institutional review board which operates in this state and which has a multiple project assurance contract approved by the office of protection from research risks;

e. the facility and personnel providing the protocol provided the treatment within their scope of practice, experience, and training and are capable of doing so by virtue of their experience, training, and volume of patients treated to maintain expertise;

f. there is no clearly superior, non-investigational approach;

g. the available clinical or preclinical data provide a reasonable expectation that the treatment will be at least as efficacious as the non-investigational alternative; and

h. the patient has signed an institutional review board-approved consent form.

B. Emergency Services. Subject to all applicable terms of the plan, emergency services will be considered eligible expenses whether rendered by a participating provider or non-participating provider, as follows.

1. Emergency services provided to a covered person who is later determined not to have required emergency services will be considered eligible expenses except:

a. when the covered person's medical condition would not have led a prudent lay person, acting reasonably and possessing an average knowledge of health and medicine, to believe that the absence of immediate medical attention could reasonably be expected to result in serious jeopardy to health, serious impairment to bodily functions, or serious dysfunction of any bodily organ, unless the covered person was referred for emergency services by a participating provider or by an agent of OGB; or

b. when there was material misrepresentation, fraud, omission, or clerical error.

2. If a covered person requires hospitalization at a non-participating provider medically necessary inpatient services rendered by the non-participating provider will be considered eligible expenses until the covered person can be transferred to a participating provider.

3. OGB must be notified of the emergency services within 48 hours following commencement of treatment or admission, or as soon as medical circumstances permit. See also §307.C regarding the requirement for pre-admission certification (PAC) for emergency admissions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits LR 29:888 (June 2003), amended LR 30:1191 (June 2004), LR 31:440 (February 2005), LR 32:1874 (October 2006).

### §303. Fee Schedule

A. The fee schedule establishes the maximum allowable charges for eligible expenses. The fee schedule applies to both contracted (MCO) health care providers, who have entered into agreements with OGB regarding reimbursement under this plan, and to non-contracted (non-MCO) health care providers who have not entered into such agreements.

B. Plan members may be subject to greater financial responsibility for services, drugs, supplies, and devices provided by non-contracted health care providers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits LR 29:890 (June 2003), amended LR 32:1876 (October 2006).

### §305. Automated Claims Adjusting

A. OGB utilizes commercially licensed software that applies all claims against its medical logic program to identify improperly billed charges and charges for which this plan provides no benefits. Any claim with diagnosis or procedure codes deemed inadequate or inappropriate will be automatically reduced or denied. Providers accepting assignment of benefits cannot bill the plan member for the differential on the denial amount, in whole or in part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 29:890 (June 2003), LR 32:1876 (October 2006).

### §307. Utilization Review—Pre-Admission Certification, Continued Stay Review

A. ...

B. For a routine vaginal delivery, PAC is not required for a stay of two days or less. If the mother's stay exceeds or is expected to exceed two days, PAC is required within 24 hours after delivery or on the date on which any complications arose, whichever is applicable. If the baby's stay exceeds the mother's stay, PAC is required within 72 hours of the mother's discharge, and a separate pre-certification number must be obtained for the baby. In the case of a Caesarean section, PAC is required if the mother's stay exceeds or is expected to exceed four days.

C. - C.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 29:890 (June 2003), amended LR 32:1876 (October 2006).

### §309. Outpatient Procedure Certification (OPC)

A. The purpose of OPC is for the plan to certify that particular outpatient procedures and therapies are medically necessary. If OPC is not obtained when required, no benefits are payable under this plan.

B. OPC is required on the following procedures:

1. - 3. ...
4. all PET scans and MRI's, as follows:
  - a. brain/head;
  - b. upper extremity;
  - c. lower extremity;
  - d. spine;
5. - 7.d. ...
8. 23 hour observation;
9. hyperbaric treatment.

C. - C.2. ...

D. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits LR 29:891 (June 2003), amended LR 32:1877 (October 2006).

### §311. Case Management

A. - D.3.b. ...

E. - E.8. Repealed.

F. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits LR 29:891 (June 2003), amended LR 32:1877 (October 2006).

### §313. Dental Surgical Benefits

A. ...

B. If a covered person requires dental treatment in a hospital setting that is otherwise an eligible expense, the plan will provide benefits for anesthesia rendered in the hospital and associated hospital charges. Prior authorization for hospitalization for dental treatment is required in the same manner as prior authorization is required for other covered medical services.

C. Eligible expenses incurred in connection with the removal of impacted teeth, including pre-operative and post-operative care, anesthesia, radiology, pathology services, and facility charges, are subject to a deductible, co-insurance, and the maximum benefit provisions of the plan.

D. The provisions of this section shall not apply to treatment rendered for Temporomandibular Joint (TMJ) diseases or disorders.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits LR 29:891 (June 2003), amended LR 32:1877 (October 2006).

### §315. Medicare Reduction

A. ...

B. Retiree 100-Medicare COB—Upon enrollment and payment of the additional monthly premium, a plan member and dependents who are covered under Medicare Parts A and B (both) may choose to have full coordination of benefits

with Medicare. Enrollment must be made within 30 days of eligibility for Medicare, or within 30 days of retirement if already eligible for Medicare, and at the annual enrollment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits LR 29:891 (June 2003), amended LR 32:1877 (October 2006).

### §317. Exceptions and Exclusions

A. No benefits are provided under this plan for the following:

1. injury compensable under any worker's compensation program, regardless of whether the patient has filed a claim for benefits. This applies to compensation provided on an expense-incurred basis or blanket settlements for past and future losses;

2. maintenance therapy consisting of convalescent, skilled nursing, sanitarium, custodial care, assisted living facilities, or rest cures designed to assist in daily living activities, maintain present physical and/or mental condition, or provide a structured or safe environment;

3. expenses for elective, non-therapeutic voluntary abortions (abortions performed for reasons other than to save the life of the mother);

4. injuries sustained by a covered person while in an aggressor role;

5. expenses incurred as a result of a covered person's commission or attempted commission of an illegal act;

6. services, supplies, or treatment for cosmetic purposes, including cosmetic surgery and any cosmetic complications of cosmetic surgery, unless necessary for the immediate repair of a deformity caused by a disease and/or injury that occurs while coverage is in force. No payment will be made for expenses incurred in connection with the treatment of any body part not affected by the disease and/or injury;

7. shoes and related items, such as wedges, cookies, and arch supports;

8. dental and orthodontic services, appliances, supplies, and devices, including, but not limited to the following:

a. dental braces and orthodontic appliances, except as specifically provided in §301.A.11.e of this Part;

b. treatment of periodontal disease;

c. dentures, dental implants, and any surgery for their use, except if needed as the result of an accident that meets the program's requirements;

d. treatment for Temporomandibular Joint (TMJ) diseases or disorders, except as specifically provided in §301.A.28 of this Part;

e. expenses incurred for services rendered by a dentist or oral surgeon and any ancillary or related services, except for covered dental surgical procedures, as specifically set forth herein, dental procedures which fall under the guidelines of treatment of accidental injury, procedures necessitated as a result of or secondary to cancer, or oral and maxillofacial surgeries which are shown to the satisfaction of the program to be medically necessary, non-dental, non-cosmetic procedures;

9. medical services, supplies, treatments, and prescription drugs provided without charge to the covered person or for which the covered person is not legally obligated to pay;

10. maternity expenses incurred by any person other than the employee or the employee's legal spouse;

11. personal convenience items including, but not limited to, admit kits, bedside kits, telephone, television, guest meals, and beds, and charges for luxury accommodations in any hospital or allied health facility provided primarily for the patient's convenience which are not deemed medically necessary by the program;

12. charges for services, supplies, treatment, drugs, and devices which are in excess of the maximum allowable under the Medical Fee Schedule, Outpatient Surgical Facility Fee Schedule, or any other limitations of the plan;

13. services, supplies, treatment, drugs, devices, and deluxe medical equipment which are not deemed medically necessary by the program;

14. services rendered for remedial reading and recreational, visual, and behavioral modification therapy, biofeedback, pain rehabilitation control and/or therapy, and dietary or educational instruction for all diseases and/or illnesses, except diabetes;

15. services and supplies for the treatment of and/or related to gender dysphoria or reverse sterilization;

16. artificial organ implants, penile implants, transplantation of non-human organs, and any surgery and other treatment, services, or supplies, related to such procedures, or to complications related to such procedures;

17. expenses subsequent to the initial diagnosis for infertility and complications, including but not limited to, services, drugs, procedures, or devices to achieve fertility, in-vitro fertilization, low tubal transfer, artificial insemination, intracytoplasmic sperm injection, embryo transfer, gamete transfer, zygote transfer, surrogate parenting, donor semen, donor eggs, and reversal of sterilization procedures;

18. non-medical supplies such as air conditioners and/or filters, dehumidifiers, air purifiers, wigs or toupees, heating pads, cold devices, home enema equipment, rubber gloves, swimming pools, saunas, whirlpool baths, home pregnancy tests, lift chairs, devices or kits to stimulate the penis, exercise equipment, any other items not normally considered medical supplies, and any items the program determines are not medical supplies;

19. administrative fees, interest, penalties, or sales tax;

20. marriage counseling, family relations counseling, divorce counseling, parental counseling, job counseling, and career counseling;

21. charges for physician services rendered to a covered person over the telephone or in a non-face-to-face setting;

22. radial keratotomy, laser surgery, and any other procedures, services, or supplies for the correction of refractive errors of the eyes;

23. services, supplies, surgeries, and treatments for excess body fat, resection of excess skin and/or fat following weight loss or pregnancy, and/or obesity, and morbid obesity;

24. hearing aids and any examination to determine the fitting or necessity of hearing aids, except as specifically provided for in §301.A.33 of this Part;

25. hair plugs and/or transplants;

26. routine physical examinations and/or immunizations not provided for under eligible expenses;

27. eye examinations, glasses, and contact lenses, except as specifically provided for as an eligible expense in §301.A.15 of this Part;

28. diagnostic or treatment measures that are not recognized as generally accepted medical practice;

29. medical supplies not listed under eligible expenses;

30. treatment or services for mental health and substance abuse provided outside the treatment plan developed by the program's managed care contractor or by therapists with whom or at facilities with which the program's managed care contractor does not have a contract;

31. genetic testing, except when determined to be medically necessary during a covered pregnancy;

32. services rendered by a private-duty Registered Nurse (R.N.) or by a private-duty Licensed Practical Nurse (L.P.N.);

33. services rendered by a physician or other health care provider related to the patient by blood, adoption, or marriage;

34. expenses for services rendered by a physician or other health care provider who is not licensed in the state where such services are rendered or in any facility not holding a valid license in the state and for the services rendered;

35. facility fees for services rendered in a physician's office or in any facility not approved by the federal Health Care Finance Administration for Medicare reimbursement;

36. glucometers;

37. augmentative communication devices;

38. charges to obtain medical records or any other information needed and/or required to adjudicate a claim;

39. charges greater than the global allowance for any laboratory, pathology, or radiological procedure;

40. speech therapy or the services of a speech therapist except as specifically provided in §301.A.9.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1834 (October 1999), amended LR 26:488 (March 2000), LR 27:720 (May 2001), LR 28:2343 (November 2002), LR 29:892 (June 2003), LR 31:441 (February 2005), LR 32:1877 (October 2006).

### §323. Prescription Drug Benefits

A. This plan allows benefits for drugs and medicines approved by the Food and Drug Administration or its successor that require a prescription and are dispensed by a licensed pharmacist or pharmaceutical company.

1. These include and shall not be limited to:

a. insulin;

b. Retin-A dispensed for covered persons under the age of 27;

c. Vitamin B12 injections;

d. prescription potassium chloride; and

e. over-the-counter diabetic supplies including, but not limited to, strips, lancets, and swabs.

2. In addition, this plan allows benefits limited to \$200 per month for expenses incurred for the purchase of low protein food products for the treatment of inherited metabolic diseases if the low protein food products are medically necessary and are obtained from a source approved by the OGB. Such expenses shall be subject to coinsurance and co-payments relating to prescription drug

benefits. In connection with this benefit, the following words shall have the following meanings:

a. "inherited metabolic disease" shall mean a disease caused by an inherited abnormality of body chemistry and shall be limited to:

- i. Phenylketonuria (PKU);
- ii. Maple Syrup Urine Disease (MSUD);
- iii. Methylmalonic Acidemia (MMA);
- iv. Isovaleric Acidemia (IVA);
- v. Propionic Acidemia;
- vi. Glutaric Acidemia;
- vii. Urea Cycle Defects; or
- viii. Tyrosinemia;

b. "low protein food products" mean food products that are especially formulated to have less than one gram of protein per serving and are intended to be used under the direction of a physician for the dietary treatment of an inherited metabolic disease. Low protein food products shall not include natural foods that are naturally low in protein.

B. The following drugs, medicines, and related services and supplies are not covered:

1. appetite suppressant drugs;
2. dietary supplements;
3. topical forms of Minoxidil;
4. Retin-A dispensed for a covered person over age 26;
5. amphetamines dispensed for diagnoses other than Attention Deficit Disorder or Narcolepsy;
6. nicotine, gum, patches, or other products, services, or programs intended to assist an individual to reduce or cease smoking, or other use of tobacco products;
7. nutritional or parenteral therapy;
8. vitamins and minerals;
9. drugs available over the counter;
10. serostim dispensed for any diagnoses or therapeutic purposes other than AIDS wasting;
11. drugs prescribed for the treatment of impotence, except following the surgical removal of the prostate gland; and
12. glucometers.

C. - C.7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 29:893 (June 2003), amended LR 32:1878 (October 2006).

#### **Chapter 4. Uniform Provisions**

##### **§401. Statement of Contractual Agreement**

A. This plan, as amended, including the Schedule of Benefits, together with the application for coverage and any related documents executed by or on behalf of the covered employee, constitute the entire agreement between the parties.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 29:894 (June 2003), amended LR 32:1879 (October 2006).

##### **§403. Properly Submitted Claim**

A. For plan reimbursement, a claim must include:

1. - 4. ...

5. type of services rendered, with diagnosis and/or procedure codes that are valid and current for the date of service;

6. date and place of service;

7. - 10. ...

B. The program may require additional documentation in order to determine the extent of coverage or the appropriate reimbursement. Failure to furnish information within 90 days of the request will constitute a reason for the denial of benefits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits LR 29:894 (June 2003), amended LR 32:1879 (October 2006).

##### **§405. When Claims Must Be Filed**

A. - B. ...

C. Requests for review of payment or corrected bills must be submitted within 18 months of receipt date of the original claim. Requests for review of payment or corrected bills received after that time will not be considered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 29:895 (June 2003), amended LR 32:1879 (October 2006).

##### **§407. Right to Receive and Release Information**

A. Without notice or consent the program may release to or obtain from any company, organization, or person, any information regarding any person which the program deems necessary to carry out the provisions of this plan, or to determine how, or if, they apply. Any claimant under the plan must furnish the program with any information necessary to implement this provision. OGB retains information for the minimum period of time required by law. After such time, information may no longer be available.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 29:895 (June 2003), amended LR 32:1879 (October 2006).

##### **§409. Legal Limitations**

A. ...

B. Information provided by the program or any of its employees or agents to plan members does not modify or override the terms and provisions of the plan. In the event of any conflict between the written provisions of this plan and any information provided, the written provisions of this plan shall supersede and control.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 29:895 (June 2003), amended LR 32:1879 (October 2006).

##### **§413. Recovery of Overpayments**

A. If an overpayment occurs, the program retains the right to recover the overpayment. The covered person, institution, or provider receiving the overpayment must return the overpayment. At the plan's discretion, the overpayment may be deducted from future claims. Should legal action be required as a result of fraudulent statements

or deliberate omissions on the application for coverage or a claim for benefits, the defendant will be responsible for attorney fees of 25 percent of the overpayment or \$1,000, whichever is greater. The defendant will also be responsible for court costs and legal interest from the date of judicial demand until paid.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 29:895 (June 2003), amended LR 32:1879 (October 2006).

#### **§415. Subrogation and Reimbursement**

A. Upon payment of any eligible benefits covered under this plan, the Office of Group Benefits shall succeed and be subrogated to all rights of recovery of the covered employee, his dependents or other covered persons, or their heirs or assigns, for whose benefit payment is made, and they shall execute and deliver instruments and papers and do whatever is necessary to secure such rights, and shall do nothing after loss to prejudice such rights.

B. The Office of Group Benefits shall be entitled, to the extent of any payment made to a covered employee, his dependents or other covered persons, to the proceeds of any settlement or judgment that may result from the exercise of any rights of recovery of a covered employee, his dependents or other covered persons, against any person or entity legally responsible for the disease, illness, accident or injury for which said payment was made. To this end, covered employees, their dependents, or other covered persons agree to immediately notify the Office of Group Benefits of any action taken to attempt to collect any sums against any person or entity responsible for the disease, illness, accident or injury.

C. These subrogation and reimbursement rights also apply when a covered person recovers under, but not limited to, an uninsured or underinsured motorist plan, homeowner's plan, renter's plan, medical malpractice plan, worker's compensation plan or any general liability plan.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 29:895 (June 2003), amended LR 32:1880 (October 2006).

#### **§417. Employer Responsibility**

A. It is the responsibility of the participant employer to submit enrollment and change forms and all other necessary documentation to the program on behalf of its employees. Employees of a participant employer will not, by virtue of furnishing any documentation to the program, be considered agents of the program, and no representation made by any such person at any time will change the provisions of this plan.

B. A participant employer shall immediately inform OGB when a retiree with OGB coverage returns to full-time employment. The employee shall be placed in the re-employed retiree category for premium calculation. The re-employed retiree premium classification applies to retirees with and without Medicare. The premium rates applicable to the re-employed retiree premium classification shall be identical to the premium rates applicable to the classification for retirees without Medicare.

C. A participant employer that receives a Medicare Secondary Payer (MSP) collection notice or demand letter shall deliver the MSP notice to the OGB MSP Adjuster within 15 days of receipt. If timely forwarded, OGB will assume responsibility for medical benefits, interest, fines and penalties due to Medicare for a covered employee. If not timely forwarded, OGB will assume responsibility only for covered plan benefits due to Medicare for a covered employee. The participant employer will be responsible for interest, fines, and penalties due.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 29:896 (June 2003), amended LR 32:1880 (October 2006).

#### **§419. Program Responsibility**

A. OGB will administer the plan in accordance with its terms, state and federal law, the OGB's established policies, interpretations, practices, and procedures. OGB will have maximum legal discretionary authority to construe and interpret the terms and provisions of the plan, to make determinations regarding eligibility for benefits and to decide disputes which may arise relative to a covered person's rights.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 29:896 (June 2003), amended LR 32:1880 (October 2006).

#### **§423. Amendments to or Termination of the Plan and/or Contract**

A. OGB has the statutory responsibility of providing health and accident and death benefits to covered persons to the extent that funds are available. OGB reserves the right to terminate or amend the eligibility and benefit provisions of the plan from time to time as necessary to prudently discharge its duties. Such modifications will be promulgated subject to the applicable provisions of law, and nothing contained herein shall be construed to guarantee or vest benefits for any employee, whether active or retired.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 29:896 (June 2003), amended LR 32:1880 (October 2006).

### **Chapter 6. Definitions**

#### **§601. Definitions**

*Accidental Injury*—a condition occurring as a direct result of a traumatic bodily injury sustained solely through accidental means from an external force. With respect to injuries to teeth, the act of chewing does not constitute an external force.

*Appeal*—a request by a plan member for and a formal review of a medical claim for benefits or an eligibility determination.

*Benefit Payment*—payment of eligible expenses due or owing by a covered person, after applicable deductibles, co-payments, and coinsurance, and subject to all limitations and exclusions, at the rate shown under percentage payable in the Schedule of Benefits.

*Brand Drug*—the trademark name of a drug approved by the U. S. Food and Drug Administration.

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*Child or Children* includes—

1. a legitimate, duly acknowledged, and/or legally adopted child of the employee and/or the employee's legal spouse's who is dependent upon the employee for support;

2. a child in the process of being adopted by the employee through an agency adoption, who is living in the household of the employee, and is or will be included as a dependent on the employee's federal income tax return for the current or following tax year (if filing is required);

3. a child in the legal custody of the employee, who lives in the household of the employee and is or will be included as a dependent on the employee's federal income tax return for the current or following tax year (if filing is required);

4. a grandchild of the employee that is not in the legal custody of the employee, who is dependent upon the employee for support and whose parent is a covered dependent. If the employee seeking to cover a grandchild is a paternal grandparent, the program will require that the biological father, i.e., the covered son of the employee, execute an acknowledgement of paternity.

NOTE: If the employee dependent parent becomes ineligible for coverage under the program, the employee's grandchild will also be ineligible for coverage, unless the employee has legal custody of his/her grandchild.

*COBRA*—the federal continuation of coverage laws originally enacted in the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended from time to time.

*Committee*—Repealed.

*Convalescent, Maintenance Care, or Rest Cures*—treatment or services, regardless of by whom recommended or where provided, in which the service could be rendered safely and reasonably by oneself, family, or other caregivers who are not eligible providers. The services are primarily designed to help the patient with daily living activities, maintain the patient's present physical and mental condition, and/or provide a structured or safe environment.

*Covered Person*—an active or retired employee, his/her eligible dependent, or any other individual eligible for coverage for whom the necessary application forms have been completed and for whom the required contribution is made.

*Covered Services*—those health care services for which a plan member is entitled to receive benefit payments in accordance with the terms of this plan.

*Custodial Care*—

1. care designed to assist an individual in the performance of daily living activities (i.e., services which constitute personal care such as walking, getting in and out of bed, bathing, dressing, eating, and using the toilet) that does not require admission to a hospital or other institution for the treatment of a disease, illness, accident, or injury, or for the performance of surgery;

2. care primarily intended to provide room and board to an individual with or without routine nursing care, training in personal hygiene, or other forms of self-care;

3. supervisory care provided by a physician whose patient who is mentally or physically incapacitated and is not under specific medical, surgical, or psychiatric treatment, when such care is intended to reduce the patient's incapacity to the extent necessary to enable the patient to live outside of an institution providing medical care, or when, despite

treatment, there is not reasonable a likelihood that the incapacity will be reduced.

*Date Acquired*—the date a dependent of a covered employee is acquired in the following instances and on the following dates only:

1. legal spouse—the date of marriage;

2. child or children□

a. natural child—the date of birth;

b. child in the process of being adopted;

c. agency adoption—the date the adoption contract was executed between the employee and the adoption agency;

d. private adoption—the date the Act of Voluntary Surrender is executed in favor of the employee. The program must be furnished with certification by the appropriate clerk of court setting forth the date of execution of the Act and the date it Act became irrevocable, or the date of the first court order granting legal custody, whichever occurs first;

e. child who lives in the household of the covered employee and is currently or will be included as a dependent on the employee's federal income tax return—the date of the court order granting legal custody;

f. grandchild of the employee that is not in the legal custody of the employee, but who is dependent upon the employee for support and whose parent is a covered dependent:

i. the date of birth of the grandchild, if all of the above requirements are met at the time of birth; or

ii. the date on which the coverage becomes effective for the covered dependent, if all of the above requirements are not met at the time of birth.

*Deductible*—the dollar amount that a covered person must pay as shown in the Schedule of Benefits before benefits will be paid in a plan year.

*Dependent*—any of the following persons who are enrolled for coverage as dependents, if they are not also covered as an employee:

1. the covered employee's legal spouse;

2. a never married child from date of birth up to 21 years of age and dependent upon the employee for support;

3. a never married child who is a fulltime student under 24 years of age and financially dependent upon the employee for support;

4. a never married child of any age who meets the criteria set forth in §103.D, above;

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*Durable Medical Equipment (DME)*—equipment which can withstand repeated use, is primarily and customarily used to serve a medical purpose, is not generally useful to a person in the absence of a illness or injury, and is appropriate for use in the home. DME includes, but is not limited to, items such as wheelchairs, hospital beds, respirators, braces (non-dental), custom orthotics which must be specially made and not available at retail stores.

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*Employee*—a full-time *employee* as defined by a participant employer and in accordance with state law.

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*Family Unit Limit*—that each of three covered members of a family unit have met the dollar amount shown in the Schedule of Benefits as plan year deductible for an individual. Once the family unit limit is met, the deductibles of all other covered members of the family unit will be considered satisfied for that plan year.

*Fee Schedule*—the maximum allowable charges for professional or hospital services adopted by the OGB that may be considered as an eligible expense.

*Future Medical Recovery*—Repealed.

*Generic Drug*—a chemically equivalent copy of a "brand name" drug.

*Group Health Plan*—a plan (including a self-insured plan) offered or contributed to, by an employer (including a self-employed person) or employee organization to provide health care to employees, former employees, the employer, others associated or formerly associated with the employer in a business relationship, and/or their families.

*Health Insurance Coverage*—benefits consisting of medical care offered by a health insurance issuer under any hospital or medical service policy or certificate, hospital or medical service plan contract, or HMO contract.

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*HIPAA*—the Health Insurance Portability and Accountability Act of 1996 (U.S. Public Law 104-191) and Federal Regulations promulgated pursuant thereto.

*Hospital*—an institution that is currently licensed as a hospital by the state in which services are rendered and is not primarily an institution for rest, the aged, the treatment of pulmonary tuberculosis, a nursing home, extended care facility, remedial training institution, or a facility primarily for the treatment of conduct and behavior disorders.

*Incurred Date*—the date when a particular service or supply is rendered or obtained. When a single charge is made for a series of services, each service will bear a prorated share of the charge.

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*Lifetime Maximum Benefit*—the maximum amount of benefits that will be paid under the plan for all eligible expenses incurred by a covered person.

*Medically Necessary*—a service, treatment, procedure, equipment, drug, device, item, or supply, which, in the judgment of the program:

1. is appropriate and consistent with a covered person's diagnosis and treatment as well as with nationally accepted medical standards; and

2. is not primarily for personal comfort or convenience or custodial care.

*Medicare*—the health insurance available through Medicare laws enacted by the Congress of the United States.

*Occupational Therapy*—the application of any activity one engages in for the purposes of evaluation, interpretation, treatment planning, and treatment of problems interfering with functional performance in persons impaired by physical illness or injury in order to significantly improve functioning.

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*Physical Therapy*—the evaluation of physical status as related to functional abilities and treatment procedures as

indicated by that evaluation. And licensed for the state where services are rendered.

*Physician*—

1. the following persons, appropriately licensed to practice their respective professional skills at the time and place the service is rendered:

- a. a Doctor of Medicine (M.D.);
- b. a Doctor of Dental Surgery (D.D.S.);
- c. a Doctor of Dental Medicine (D.M.D.);
- d. a Doctor of Osteopathy (D.O.);
- e. a Doctor of Podiatric Medicine (D.P.M.);
- f. a Doctor of Chiropractic (D.C.);
- g. a Doctor of Optometry (O.D.);
- h. a Psychologist meeting the requirements of the National Register of Health Service Providers in Psychology;
- i. a mental health counselor;
- j. a substance abuse counselor;
- k. an Audiologist.

2. does not include a medical doctor in the capacity of supervising interns, residents, senior residents, or fellows enrolled in a training program who does not personally provide medical treatment or perform a surgical procedure for the covered person.

*Plan*—coverage offered by the Office of Group Benefits under this contract including MCO benefits, prescription drug benefits, mental health and substance abuse benefits, and comprehensive medical benefits. The term *plan* as defined herein is used interchangeably with the term *program* as defined below.

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*Plan Year*—the period from July 1, or the date the covered person first becomes covered under the plan, through the next following June 30. Each successive plan year will be the 12 month period from July 1 through the next following June 30.

*Program*—the Office of Group Benefits and/or the plan.

*Provider*—one or more entities which offer health care services and shall include but not be limited to individuals, or groups of physicians, individuals or groups of psychologists, nurse midwives, ambulance service companies, hospitals, and other health care entities that provide covered services to covered individuals.

*Recovery*—with respect to Subrogation and Reimbursement (§415) recovery means any and all monies paid to the covered person by way of judgment, settlement, or otherwise to compensate for losses allegedly caused by injury or sickness, whether or not the losses reflect medical or dental charges covered by the program.

*Referee*—Repealed.

*Rehabilitation and Rehabilitation Therapy*—care concerned with the management and functional ability of patients disabled by disease, illness, accident, or injury.

*Reimbursement*—repayment to the program for benefits payments made by the program.

*Retiree*—

1. an individual who was a covered employee immediately prior to the date of retirement and who, upon retirement, satisfied one of the following categories:

- a. immediately received retirement benefits from an approved state or governmental agency defined benefit plan;

b. was not eligible for participation in such plan or legally opted not to participate in such plan; and either:

i. began employment prior to September 15, 1979, has 10 years of continuous state service, and has reached the age of 65; or

ii. began employment after September 16, 1979, has 10 years of continuous state service, and has reached the age of 70; or

iii. was employed after July 8, 1992, has 10 years of continuous state service, has a credit for a minimum of 40 quarters in the Social Security system at the time of employment, and has reached the age of 65; or

iv. maintained continuous coverage with the program as an eligible dependent until he/she became eligible as a former state employee to receive a retirement benefit from an approved state governmental agency defined benefit plan;

b. immediately received retirement benefits from a state-approved or state governmental agency-approved defined contribution plan and has accumulated the total number of years of creditable service which would have entitled him/her to receive a retirement allowance from the defined benefit plan of the retirement system for which the employee would have otherwise been eligible. The appropriate state governmental agency or retirement system responsible for administration of the defined contribution plan is responsible for certification of eligibility to the Office of Group Benefits;

2. also means an individual who was a covered employee and continued the coverage through the provisions of COBRA immediately prior to the date of retirement and who, upon retirement, qualified for any of Paragraphs 1, 2, or 3 above.

*Room and Board*—all expenses necessary to maintain and sustain a covered person upon admittance to a hospital and during a hospital confinement. This can include, but is not limited to, facility charges for the maintenance of the covered person's hospital room, dietary and food services, nursing services performed by nurses employed by or under contract with the hospital, and housekeeping services.

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*Utilization Management*—the process of evaluating the necessity, appropriateness, and efficiency of health care services against established guidelines and criteria.

*Utilization Review Organization (URO)*—an entity that has established one or more utilization review programs which evaluates the medical necessity, appropriateness, and efficiency of the uses of health care services, procedures, and facilities.

*Well Adult Care*—applies to covered persons age 16 and older and means a routine physical examination by a physician that may include an influenza vaccination, lab work, and X-rays performed as part of the exam in that physician's office, when such services are billed by that physician with wellness procedure and diagnosis codes. Other health care services billed with wellness procedures and diagnosis codes, as well as treatment and/or diagnosis of a specific illness, will not be considered as well adult care.

*Well Baby Care*—applies to covered persons from birth until age 1 and means routine care to a well, newborn infant that may include physical examinations and active

immunizations provided by a physician when such services are billed by that physician with wellness procedure and diagnosis codes. Other health care services billed with wellness procedures and diagnosis codes, as well as treatment and/or diagnosis of a specific illness, will not be considered as well baby care.

*Well Child Care*—applies to covered persons from age 1 through age 15 and means routine physical examinations and active immunizations provided by a physician, when such services are billed by that physician with wellness procedure and diagnosis codes. Other health care services billed with wellness procedure and diagnosis codes, as well as treatment and/or diagnosis of a specific illness, will not be considered as well child care.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1)

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 29:898 (June 2003), amended LR 32:1880 (October 2006).

Tommy D. Teague  
Chief Executive Officer

0610#071

## RULE

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

#### PPO Plan of Benefits (LAC 32:III.Chapters 1-7)

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 42:801(C) and 802(B)(1), as amended and reenacted by Act 1178 of 2001, vesting the Office of Group Benefits (OGB) with the responsibility for administration of the programs of benefits authorized and provided pursuant to Chapter 12 of Title 42 of the Louisiana Revised Statutes, and granting the power to adopt and promulgate rules with respect thereto, OGB finds that it is necessary to revise and amend provisions of the PPO Plan Document. The reason for this action is to enhance member clarification and be able to administer health care benefits effectively for the program and member.

Accordingly, OGB hereby adopts the following Rule to become effective upon promulgation.

#### Title 32

#### EMPLOYEE BENEFITS

#### Part III. Preferred Provider (PPO) Plan of Benefits

#### Chapter 1. Eligibility

#### §101. Persons to Be Covered

Eligibility requirements apply to all participants in the program, including the PPO plan, the EPO plan, the MCO plan, an HMO plan, or the life insurance plan.

A. - A.2. ...

3. Effective Dates of Coverage, New Employee, Transferring Employee. Coverage for each Employee who completes the applicable Enrollment Form and agrees to make the required payroll contributions to his Participant Employer is effective as follows:

a. if employment begins on the first day of the month, coverage is effective on the first day of the following

month (For example, if hired on July 1, coverage will begin on August 1);

b. if employment begins on or after the second day of the month, coverage is effective on the first day of the second month following employment (For example, if hired on July 15, coverage will begin on September 1);

c. employee coverage will not become effective unless the Employee completes an Enrollment Form within 30 days following the date of employment. If completed after 30 days following the date of employment, the Employee will be considered an overdue applicant;

d. an Employee who transfers employment to another Participating Employer must complete a transfer form within 30 days following the date of transfer to maintain coverage without interruption. If completed after 30 days following the date of transfer, the Employee will be considered an overdue applicant.

4. Re-Enrollment, Previous Employment for Health Benefits and Life Insurance

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

b. An Employee retired from a Participant Employer may not be covered as an Employee.

c. Retirees are not eligible for coverage as overdue applicants.

2. Effective Date of Coverage

a. Retiree coverage will be effective on the first day of the month following the date of retirement if the Retiree and Participant Employer have agreed to make and are making the required contributions (For example, if retired July 15, coverage will begin August 1).

C. - C.2. ...

a. Dependents of Employees. Coverage will be effective on the date the Employee becomes eligible for Dependent Coverage.

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

1. The terms of the following paragraphs apply to all eligible Employees who apply for coverage after 30 days from the date the Employee became eligible for coverage and to all eligible Dependents of Employees and Retirees for whom the application for coverage was not completed within 30 days from the Date Acquired.

D.2. - E.2. ...

a. A special enrollment application must be made within 30 days of either the termination date of the prior coverage or the date the new Dependent is acquired. If it is made more than 30 days after eligibility, they will be considered overdue applicants subject to a pre-existing condition limitation.

b. ...

i. for loss of other coverage or marriage, the first day of the month following the date the program receives all required forms for enrollment;

ii. - iii. ...

c. Special enrollment applicants must complete the "Acknowledgment of Pre-existing Condition" form and "Statement of Physical Condition" form.

E.2.d. - G.2. ...

H. Medicare+Choice/Medicare Advantage Option for Retirees (effective July 1, 1999). Retirees who are eligible to participate in a Medicare+Choice/Medicare Advantage plan who cancel coverage with the program upon enrollment in a Medicare+Choice/Medicare Advantage plan may re-enroll in

the program upon withdrawal from or termination of coverage in the Medicare+Choice/Medicare Advantage plan, at the earlier of the following:

H.1. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1825 (October 1999), amended LR 27:721 (May 2001), LR 28:2343 (November 2002), LR 29:341, 342 (March 2003), LR 32:1883 (October 2006).

### §103. Continued Coverage

A. ...

1. Leave of Absence without Pay, Employer Contributions to Premiums

a. A participating employee who is granted leave of absence without pay due to a service related injury may continue coverage and the participating employer shall continue to pay its portion of health plan premiums for up to 12 months.

b. A participating employee who suffers a service related injury that meets the definition of a total and permanent disability under the workers' compensation laws of Louisiana may continue coverage and the participating employer shall continue to pay its portion of the premiums until the employee becomes gainfully employed or is placed on state disability retirement.

c. A participating employee who is granted leave of absence without pay in accordance with the federal Family and Medical Leave Act (F.M.L.A.) may continue coverage during the time of such leave and the participating employer may continue to pay its portion of premiums.

2. Leave of Absence without Pay; No Employer Contributions to Premiums. An employee granted leave of absence without pay for reasons other than those stated in Paragraph A, may continue to participate in an Office of Group Benefits benefit plan for a period up to 12 months upon the employee's payment of the full premiums due.

B. - B.2. ...

C. Surviving Dependents/Spouse

1. Benefits under the Plan for covered Dependents of a deceased covered Employee or Retiree will terminate on the last day of the month in which the Employee's or Retiree's death occurred unless the surviving covered Dependents elect to continue coverage.

a. The surviving legal spouse of an Employee or Retiree may continue coverage unless or until the surviving spouse is or becomes eligible for coverage in a Group Health Plan other than Medicare.

b. The surviving never married Dependent Child of an Employee or Retiree may continue coverage unless or until such Dependent Child is or becomes eligible for coverage under a Group Health Plan other than Medicare, or until attainment of the termination age for Children, whichever occurs first.

c. Surviving Dependents will be entitled to receive the same Participant Employer premium contributions as Employees and Retirees, subject to the provisions of Louisiana Revised Statutes, Title 42, Section 851 and rules promulgated pursuant thereto by the Office of Group Benefits.

d. Coverage provided by the Civilian Health and Medical Program for the Uniformed Service

(CHAMPUS/TRICARE) or successor program will not be sufficient to terminate the coverage of an otherwise eligible surviving legal spouse or a Dependent Child.

2. A surviving spouse or dependent child cannot add new dependents to continued coverage other than a child of the deceased employee born after the employee's death.

3. Participant Employer/Dependent Responsibilities

a. It is the responsibility of the participant employer and surviving covered dependent to notify the program within 60 days of the death of the employee or retiree.

b. The program will notify the surviving dependents of their right to continue coverage.

c. Application for continued coverage must be made in writing to the program within 60 days of receipt of notification, and premium payment must be made within 45 days of the date continued coverage is elected for coverage retroactive to the date coverage would have otherwise terminated.

d. Coverage for the surviving spouse under this section will continue until the earliest of the following:

- i. failure to pay the applicable premium timely;
- ii. eligibility of the surviving spouse for coverage under a group health plan other than Medicare.

e. Coverage for a surviving dependent child under this section will continue until the earliest of the following events:

- i. failure to pay the applicable premium timely;
- ii. eligibility of the surviving dependent child for coverage under any group health plan other than Medicare;
- iii. the attainment of the termination age for children.

4. The provisions of Paragraphs 1 through 3 this subsection are applicable to surviving dependents who, on or after July 1, 1999, elect to continue coverage following the death of an employee or retiree. Continued coverage for surviving dependents who made such election before July 1, 1999, shall be governed by the rules in effect at the time.

D. - D.3. ...

E. Military Service. Members of the National Guard or of the United States military reserves who are called to active military duty, and who are OGB participating employees or covered dependents will have access to continued coverage under OGB's health and life plans.

1. Health Plan Participation. When called to active military duty, participating employees and covered dependents may:

a. continue participation in the OGB health plan during the period of active military service, in which case the participating employer may continue to pay its portion of premiums; or

b. cancel participation in the OGB health plan during the period of active military service, in which case such plan participants may apply for reinstatement of OGB coverage within 30 days of:

- i. the date of the employee's reemployment with a participating employer;
- ii. the dependent's date of discharge from active military duty; or
- iii. the date of termination of extended health coverage provided as a benefit of active military duty, such as TRICARE Reserve Select;

iv. plan participants who elect this option and timely apply for reinstatement of OGB coverage will not be subject to a pre-existing condition (PEC) limitation, and the lapse in coverage during active military duty or extended military coverage will not result in any adverse consequences with respect to the participation schedule set forth in R.S. 42:851E and the corresponding Rules promulgated by OGB.

2. Life Insurance. When called to active military duty, employees with OGB life insurance coverage may:

a. continue participation in the OGB life insurance during the period of active military service, however, the accidental death and dismemberment coverage will not be in effect during the period of active military duty; or

b. cancel participation in the OGB life insurance during the period of active military service, in which case such employee may apply for reinstatement of OGB life insurance within 30 days of the date of the employee's reemployment with a participating employer; employees who elect this option and timely apply for reinstatement of OGB life insurance will not be required to provide evidence of insurability.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1827 (October 1999), amended LR 30:1191 (June 2004), LR 32:1884 (October 2006).

**§105. COBRA**

A. Employees

1. Coverage under this plan for a covered employee will terminate on the last day of the calendar month during which employment is terminated (voluntarily or involuntarily) or significantly reduced, the Employee no longer meets the definition of an employee, or coverage under a leave of absence has expired, unless the covered employee elects to continue coverage at the employee's own expense. Employees terminated for gross misconduct are not eligible for COBRA coverage.

2. It is the responsibility of the participant employer to notify the program within 30 days of the date coverage would have terminated because of any of the foregoing events, and the program will notify the employee within 14 days of his or her right to continue coverage.

3. Application for continued coverage must be made in writing to the program within 60 days of the date of the election notification and premium payment must be made within 45 days of the date the employee elects continued coverage, for coverage retroactive to the date coverage would have otherwise terminated. After the first payment for COBRA coverage, monthly payments for each subsequent month of COBRA coverage are due on the first day of the month for that month's COBRA coverage. A grace period of 30 days after the first day of the month will be provided for each monthly payment.

4. Coverage under this Section will continue until the earliest of the following:

- a. failure to pay the applicable premium timely;
- b. 18 months from the date coverage would have otherwise terminated;
- c. entitlement to Medicare;

d. coverage under a Group Health Plan, but only after any pre-existing condition exclusions of that other plan for a pre-existing condition of the covered person have been exhausted or satisfied; or

e. the employer ceases to provide any group health plan for its employees.

5. If employment for a covered employee is terminated (voluntarily or involuntarily) or significantly reduced, the employee no longer meets the definition of an employee, or a leave of absence has expired, and the employee has not elected to continue coverage, the covered spouse and/or covered dependent children may elect to continue coverage at his/her/their own expense. The elected coverage will be subject to the above-stated notification and termination provisions.

#### B. Surviving Dependents

1. Coverage under this plan for covered surviving dependents of an employee or retiree will terminate on the last day of the month in which the employee's or retiree's death occurs, unless the surviving covered dependents elect to continue coverage at his/her own expense.

2. It is the responsibility of the participant employer or surviving covered dependents to notify the program within 30 days of the death of the employee or retiree. The program will notify the surviving dependents of their right to continue coverage. Application for continued coverage must be made in writing to the program within 60 days of the date of the election notification.

3. Premium payment must be made within 45 days of the date the continued coverage was elected, retroactive to the date coverage would have terminated. After the first payment for COBRA coverage, monthly payments for each subsequent month of COBRA coverage are due on the first day of the month for that month's COBRA coverage. A grace period of 30 days after the first day of the month will be provided for each monthly payment.

4. Coverage for the surviving dependents under this Section will continue until the earliest of the following:

- a. failure to pay the applicable premium timely;
- b. 36 months beyond the date coverage would have otherwise terminated;
- c. entitlement to Medicare;
- d. coverage under a group health plan, but only after pre-existing condition exclusions of that other plan for a pre-existing condition of the covered person have been exhausted or satisfied; or
- e. the employer ceases to provide any group health plan for its employees.

#### C. Divorced Spouse

1. Coverage under this plan for an employee's spouse will terminate on the last day of the month during which dissolution of the marriage occurs by virtue of a legal decree of divorce from the employee or retiree, unless the covered divorced spouse elects to continue coverage at his or her own expense.

2. It is the responsibility of the divorced spouse to notify the program within 60 days from the date of divorce and the program will notify the divorced spouse within 14 days of his or her right to continue coverage. Application for continued coverage must be made in writing to the program within 60 days of the election notification.

3. Premium payment must be made within 45 days of the date continued coverage is elected, for coverage retroactive to the date coverage would have otherwise terminated. After the first payment for COBRA coverage, monthly payments for each subsequent month of COBRA coverage are due on the first day of the month for that month's COBRA coverage. A grace period of 30 days after the first day of the month will be provided for each monthly payment.

4. Coverage for the divorced spouse under this Section will continue until the earliest of the following:

- a. failure to pay the applicable premium timely;
- b. 36 months beyond the date coverage would have otherwise terminated;
- c. entitlement to Medicare;
- d. coverage under a group health plan, but only after any pre-existing condition exclusions of that other plan for a pre-existing condition of the covered person have been exhausted or satisfied; or
- e. the employer ceases to provide any group health plan for its employees.

#### D. Dependent Children

1. Coverage under this Plan for a covered dependent child of a covered employee or retiree will terminate on the last day of the month during which the dependent child no longer meets the definition of an eligible covered dependent, unless the dependent elects to continue coverage at his or her own expense.

2. It is the responsibility of the dependent to notify the program within 60 days of the date coverage would have terminated and the program will notify the dependent within 14 days of his or her right to continue coverage. Application for continued coverage must be made in writing to the program within 60 days of receipt of the election notification.

3. Premium payment must be made within 45 days of the date the continued coverage is elected, for coverage retroactive to the date coverage would have otherwise terminated. After the first payment for COBRA coverage, monthly payments for each subsequent month of COBRA coverage are due on the first day of the month for that month's COBRA coverage. A grace period of 30 days after the first day of the month will be provided for each monthly payment.

4. Coverage for children under this Section will continue until the earliest of the following:

- a. failure to pay the applicable premium timely;
- b. 36 months beyond the date coverage would have otherwise terminated;
- c. entitlement to Medicare;
- d. coverage under a group health plan, but only after any pre-existing condition exclusions of that other plan for a pre-existing condition of the covered person have been exhausted or satisfied; or
- e. the employer ceases to provide any group health plan for its employees.

#### E. Dependents of COBRA Participants

1.a. If a covered terminated employee has elected to continue coverage and if during the period of continued coverage the covered spouse or a covered dependent child becomes ineligible for coverage due to:

- i. death of the employee;
- ii. divorce from the employee; or
- iii. a dependent child no longer meets the definition of an eligible covered dependent.

b. Then, the spouse and/or dependent child may elect to continue COBRA coverage at his/her own expense. Coverage will not be continued beyond 36 months from the date coverage would have otherwise terminated.

2. It is the responsibility of the spouse and/or the dependent child to notify the program within 60 days of the date COBRA coverage would have terminated.

3. Monthly payments for each month of COBRA coverage are due on the first day of the month for that month's COBRA coverage. A grace period of 30 days after the first day of the month will be provided for each monthly payment.

4. Coverage for children under this Section will continue until the earliest of the following:

- a. failure to pay the applicable premium timely;
- b. 36 months beyond the date coverage would have otherwise terminated;
- c. entitlement to Medicare;
- d. coverage under a Group Health Plan, but only after any pre-existing condition exclusions of that other plan for a pre-existing condition of the covered person have been exhausted or satisfied; or
- e. the employer ceases to provide any group health plan for its employees.

#### F. Disability COBRA

1. If a covered employee or covered dependent is determined by the Social Security Administration or by the program staff (in the case of a person who is ineligible for Social Security disability benefits due to insufficient "quarters" of employment), to have been totally disabled on the date the covered person became eligible for continued coverage or within the initial 18 months of coverage, coverage under this plan for the covered person who is totally disabled may be extended at his or her own expense up to a maximum of 29 months from the date coverage would have otherwise terminated.

2. To qualify the covered person must:

- a. submit a copy of his or her Social Security Administration's disability determination to the program before the initial 18-month continued coverage period expires and within 60 days after the latest of:
  - i. the date of issuance of the Social Security Administration's disability determination; and
  - ii. the date on which the qualified beneficiary loses (or would lose) coverage under the terms of the plan as a result of the covered employee's termination or reduction of hours;
- b. in the case of a person who is ineligible for Social Security disability benefits due to insufficient "quarters" of employment, submit proof of total disability to the program before the initial 18-month continued coverage period expires. The staff and medical director of the program will make the determination of total disability based upon medical evidence, not conclusions, presented by the applicant's physicians, work history, and other relevant evidence presented by the applicant.

3. For purposes of eligibility for continued coverage under this section, total disability means the inability to do

any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to last for a continuous period of 12 months. To meet this definition one must have a severe impairment which makes one unable to do his previous work or any other substantial gainful activity which exists in the national economy, based upon a person's residual functional capacity, age, education, and work experience.

4. Monthly payments for each month of extended COBRA coverage are due on the first day of the month for that month's COBRA coverage. A grace period of 30 days after the first day of the month will be provided for each monthly payment.

5. Coverage under this Section will continue until the earliest of the following:

- a. failure to pay the applicable premium timely;
- b. 29 months from the date coverage would have otherwise terminated;
- c. entitlement to Medicare;
- d. coverage under a group health plan, but only after any pre-existing condition exclusions of that other plan for a pre-existing condition of the covered person have been exhausted or satisfied;
- e. the employer ceases to provide any group health plan for its employees; or
- f. 30 days after the month in which the Social Security Administration determines that the Covered Person is no longer disabled. (The covered person must report the determination to the program within 30 days after the date of issuance by the Social Security Administration.) In the case of a person who is ineligible for Social Security disability benefits due to insufficient "quarters" of employment, 30 days after the month in which the program determines that the covered person is no longer disabled.

G. Medicare COBRA

1. If an employee becomes entitled to medicare less than 18 months before the date the employee's eligibility for benefits under this plan terminates, the period of continued coverage available for the employee's covered dependents will continue until the earliest of the following:

- a. failure to pay the applicable premium timely;
- b. 36 months from the date of the employee's medicare entitlement;
- c. entitlement to Medicare;
- d. coverage under a group health plan, but only after any pre-existing condition exclusions of that other plan for a pre-existing condition of the covered person have been exhausted or satisfied; or
- e. the employer ceases to provide any group health plan for its employees.

2. Monthly payments for each month of COBRA coverage are due on the first day of the month for that month's COBRA coverage. A grace period of 30 days after the first day of the month will be provided for each monthly payment.

H. Miscellaneous Provisions. During the period of continuation, benefits will be identical to those provided to others enrolled in this plan under its standard eligibility provisions for employees and retirees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1828 (October 1999), amended LR 32:1885 (October 2006).

### **§107. Change of Classification**

A. Adding or Deleting Dependents. The plan member must notify the program when a dependent is added to or deleted from the plan member's coverage that results in a change in the class of coverage. Notice must be provided within 30 days of the addition or deletion.

B. ...

1. When there is a change in family status (e.g., marriage, birth of child) that affects the class of coverage, the change in classification will be effective on the date of the event. Application for the change must be made within 30 days of the date of the event.

2. When the addition of a dependent changes the class of coverage, the additional premium will be charged for the entire month if the date of change occurs before the 15th day of the month. If the date of change occurs on or after the 15th day of the month, an additional premium will not be charged until the first day of the following month.

C. Notification of Change. It is the employee's responsibility to notify the program of any change in classification of coverage that affects the employee's contribution amount. If failure to notify is later determined, it will be corrected on the first day of the following month.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1829 (October 1999), amended LR 32:1888 (October 2006).

## **Chapter 2. Termination of Coverage**

### **§201. Active Employee and Retired Employee Coverage**

A. ...

1. the date the program terminates;
2. the date the group or agency employing the covered employee terminates or withdraws from the program;
3. the date contribution is due if the group or agency fails to pay the required contribution for the covered employee;
4. the date contribution is due if the covered person fails to make any contribution which is required for the continuation of coverage;
5. the last day of the month of the covered employee's death;
6. the last day of the month in which the covered employee ceases to be eligible.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1830 (October 1999), amended LR 32:1888 (October 2006).

### **§203. Dependent Coverage**

A. ...

1. the last day of the month the employee ceases to be covered;
2. the last day of the month in which the dependent, as defined in this plan, ceases to be an eligible dependent of the covered employee;
3. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1830 (October 1999), amended LR 32:1888 (October 2006).

## **Chapter 3. Medical Benefits**

### **§301. Eligible Expenses**

A. Eligible Expenses are the charges incurred for the following services, drugs, supplies, and devices, when performed, prescribed, or ordered by a physician and medically necessary for the treatment of a covered person. All charges are subject to applicable deductibles, copayments, and/or coinsurance amounts (unless otherwise specifically provided), fee schedule limitations, schedule of benefits, exclusions, and other provisions of the plan. A charge is incurred on the date that the service, drug, supply, or device is performed or furnished. Eligible expenses are:

1. - 3. ...

4. anesthesia and its administration when ordered by the operating physician and administered by an appropriately licensed nurse anesthetist or physician in conjunction with a covered surgical service;

5. - 6. ...

7. blood, blood derivatives, and blood processing, when not replaced;

8. - 8.c. ...

d. ostomy supplies, except supplies for nutritional and/or enteral feeding;

e. - l. ...

9. services of a licensed speech therapist when pre-approved through outpatient procedure certification (§309, below) for the purpose of restoring partial or complete loss of speech resulting from stroke, surgery, cancer, radiation laryngitis, cerebral palsy, accidental injury, or other similar structural or neurological disease, limited to 26 visits per Plan Year;

10. ...

11. services rendered by a Doctor of Dental Surgery (D.D.S.) or Doctor of Dental Medicine (D.M.D.) for the treatment of accidental injury to a Covered Person's natural teeth, under the following conditions:

a. coverage was in effect with respect to the individual at the time of the accident;

b. treatment commences within 90 days from the date of the accident and is completed within two years from the date of the accident;

c. coverage remains continuously in effect with respect to the covered person during the course of the treatment;

d. eligible expenses are limited to the cost of Treatment as estimated at the time of initial Treatment;

e. eligible expenses may include dental braces and orthodontic appliances, upon review and approval by the program's dental consultant, and only under the following circumstances:

i. to return the alveolar alignment to its former state prior to a covered dental accident. The Program will allow benefits for orthopedic correction to establish reasonable occlusal function;

ii. a covered surgery that requires the use of braces for stabilization;

iii. severe skeletal deformity (i.e., cleft palate). The program will allow benefits for orthopedic correction to establish reasonable occlusal function;

f. as used herein accidental injury means a condition occurring as a direct result of a traumatic bodily injury sustained solely through accidental means from an external force, and with respect to injuries to teeth, the act of chewing does not constitute an external force;

12. durable medical equipment subject to the lifetime maximum payment limitation as listed in the Schedule of benefits. The program will require written certification by the treating physician to substantiate the medical necessity for the equipment and the length of time that it will be used. The purchase of durable medical equipment will be considered an eligible expense only upon a showing that the rental cost would exceed the purchase price. Under no circumstances may the eligible expense for an item of durable medical equipment exceed the purchase price of such item;

13. - 17. ...

18. orthopedic shoes prescribed by a physician and completely custom built, limit one pair per plan year;

19. acupuncture when rendered by a medical doctor licensed in the state in which the services are rendered;

20. ...

21. services of a physical therapist or occupational therapist licensed in the state in which the services are rendered, under the following conditions:

a. services are prescribed by a licensed physician and rendered in an individual setting;

b. restorative potential exists;

c. services meet the generally accepted standards for medical practice;

d. services are reasonable and medically necessary for treatment of a disease, illness, accident, injury, or post-operative condition;

e. services are approved through case management when rendered in the home;

f. services are limited to 50 visits per plan year. Additional visits subject to approval by utilization management;

22. cardiac rehabilitation when:

a. rendered at a medical facility under the supervision of a licensed physician;

b. - c. ...

NOTE: Charges incurred for dietary instruction, educational services, behavior modification literature, biofeedback, health club membership, exercise equipment, preventive programs, and any other items excluded by the plan are not covered, unless provided for under Paragraph 30 of this Subsection.

23. preventive care consisting of routine physical examinations, lab work, and immunizations (including a yearly influenza vaccination) as follows:

a. well baby care expenses subject to the annual deductible and co-payments:

i. newborn facility and professional charges;

ii. birth to age 1—all office visits for scheduled immunizations and screening;

b. well child care expenses subject to the annual deductible and co-payments:

i. age 1 until age 3—three office visits per year for scheduled immunizations and screening;

ii. age 3 until age 15—one office visit per year for scheduled immunizations and screening;

c. well adult care expenses, not subject to the annual deductible, but limited to a maximum benefit of \$200:

i. age 16 until age 40—once during a 3-year period;

ii. age 40 until age 50—once during a 2-year period;

iii. age 50 and over—once during a 1-year period;

NOTE: Benefits for well baby care, well child care and routine physical examinations for well adult care, including immunizations, are based on the U.S. Preventive Services Task Force guidelines and recommendations of the National Immunization Program of the Centers for Disease Control and Prevention. All services must be rendered on an outpatient basis to monitor and maintain health and to prevent illness.

24. specialized, age-appropriate wellness care, not subject to the annual deductible, as follows:

a. one pap test for cervical cancer per plan year;

b. mammographic examinations performed according to the following schedule:

i. one mammogram during the five-year period a person is 35-39 years of age;

ii. one mammogram every two plan years for any person who is 40-49 years of age;

iii. one mammogram every 12 months for any person who is 50 years of age or older;

c. testing for detection of prostate cancer, including digital rectal examination and prostate-specific antigen testing, once every 12 months for men over the age of 50 years;

25. - 26. ...

27. services rendered by the following, when billed by the supervising physician:

a. perfusionists and registered nurse assistants assisting in the operating room;

b. physician assistants and registered nurse practitioners;

28. - 30. ...

31. testing of sleep disorders only when the tests are performed at either:

a. a facility accredited by the American Academy of Sleep Medicine or the Joint Commission on Accreditation of Healthcare Organizations (JCAHO); or

b. a sleep study facility located within a healthcare facility accredited by JCAHO. No benefits are payable for surgical treatment of sleep disorders (including LAUP) except following demonstrated failure of non-surgical treatment and upon approval by the program;

32. - 33.c. ...

34. treatment provided in accordance with a clinical trial for cancer, including costs of investigational treatments and of associated protocol-related patient care if all of the following criteria are met:

a. treatment is being provided with a therapeutic or palliative intent for patients with cancer, or for the prevention or early detection of cancer;

b. treatment is being provided or the studies are being conducted in a Phase II, Phase III, or Phase IV clinical trial for cancer;

c. treatment is being provided in accordance with a clinical trial approved by one of the following entities:

- i. one of the United States National Institutes of Health;
- ii. a cooperative group funded by one of the United States National Institutes of Health;
- iii. the FDA in the form of an investigational new drug application;
- iv. the United States Department of Veterans Affairs;
- v. the United States Department of Defense;
- vi. a federally funded general clinical research center;
- vii. the Coalition of National Cancer Cooperative Groups;
- d. the proposed protocol has been reviewed and approved by a qualified institutional review board which operates in this state and which has a multiple project assurance contract approved by the office of protection from research risks;
- e. the facility and personnel providing the protocol provided the treatment within their scope of practice, experience, and training and are capable of doing so by virtue of their experience, training, and volume of patients treated to maintain expertise;
- f. there is no clearly superior, non-investigational approach;
- g. the available clinical or preclinical data provide a reasonable expectation that the treatment will be at least as efficacious as the non-investigational alternative; and
- h. the patient has signed an institutional review board-approved consent form.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1830 (October 1999), amended LR 28:480 (March 2002), LR 29:339,343 (March 2003), LR 30:1192 (June 2004), LR 31:441 (February 2005), LR 32:1888 (October 2006).

### §303. Fee Schedule

A. The fee schedule establishes the maximum allowable charges for eligible expenses. The fee schedule applies to both contracted (PPO) health care providers, who have entered into agreements with OGB regarding reimbursement under this plan, and to non-contracted (non-PPO) health care providers who have not entered into such agreements.

B. Plan members may be subject to greater financial responsibility for services, drugs, supplies, and devices provided by non-contracted health care providers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1832 (October 1999), amended LR 32:1890 (October 2006).

### §305. Automated Claims Adjusting

A. OGB utilizes commercially licensed software that applies all claims against its medical logic program to identify improperly billed charges and charges for which this plan provides no benefits. Any claim with diagnosis or procedure codes deemed inadequate or inappropriate will be automatically reduced or denied. Providers accepting assignment of benefits cannot bill the plan member for the differential on the denial amount, in whole or in part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1832 (October 1999), amended LR 32:1890 (October 2006).

### §307. Utilization Review—Pre-Admission Certification, Continued Stay Review

A. - A.2. ...

B. For a routine vaginal delivery, PAC is not required for a stay of two days or less. If the mother's stay exceeds or is expected to exceed two days, PAC is required within 24 hours after delivery or on the date on which any complications arose, whichever is applicable. If the baby's stay exceeds the mother's stay, PAC is required within 72 hours of the mother's discharge, and a separate pre-certification number must be obtained for the baby. In the case of a caesarean section, PAC is required if the mother's stay exceeds or is expected to exceed four days.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1832 (October 1999), amended LR 32:1890 (October 2006).

### §309. Outpatient Procedure Certification (OPC)

A. The purpose of OPC is for the plan to certify that particular outpatient procedures and therapies are medically necessary. If OPC is not obtained when required, no benefits are payable under this Plan.

A.1. - B. ...

1. Speech therapy, subject to the limitations set forth in §301.A.9 of this Part.

2. - 7.d. Repealed.

C - C.2. ...

D. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1832 (October 1999), amended LR 32:1890 (October 2006).

### §311. Case Management

A - D.3.b. ....

E. - E.8. repealed.

F. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1833 (October 1999), amended LR 32:1890 (October 2006).

### §313. Dental Surgical Benefits

A. ...

B. If a covered person requires dental treatment in a hospital setting that is otherwise an eligible expense, the plan will provide benefits for anesthesia rendered in the hospital and associated hospital charges. Prior authorization for hospitalization for dental treatment is required in the same manner as prior authorization is required for other covered medical services.

C. Eligible Expenses incurred in connection with the removal of impacted teeth, including pre-operative and post-operative care, anesthesia, radiology, pathology services, and facility charges, are subject to a deductible, co-insurance, and the maximum benefit provisions of the Plan.

D. The provisions of this section shall not apply to treatment rendered for temporomandibular joint (TMJ) diseases or disorders.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1833 (October 1999), amended LR 32:1890 (October 2006).

### §315. Medicare Reduction

A. ...

B. Retiree 100-Medicare COB. Upon enrollment and payment of the additional monthly premium, a plan member and dependents who are covered under Medicare Parts A and B (both) may choose to have full coordination of benefits with Medicare. Enrollment must be made within 30 days of eligibility for Medicare, or within 30 days of retirement if already eligible for Medicare, and at the annual enrollment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1833 (October 1999), amended LR 32:1891 (October 2006).

### §317. Exceptions and Exclusions

A. No benefits are provided under this Plan for the following:

1. injury compensable under any worker's compensation program, regardless of whether the patient has filed a claim for benefits. This applies to compensation provided on an expense-incurred basis or blanket settlements for past and future losses;

2. maintenance therapy consisting of convalescent, skilled nursing, sanitarium, custodial care, assisted living facilities, or rest cures designed to assist in daily living activities, maintain present physical and/or mental condition, or provide a structured or safe environment;

3. expenses for elective, non-therapeutic voluntary abortions (abortions performed for reasons other than to save the life of the mother);

4. injuries sustained by a covered person while in an aggressor role;

5. expenses incurred as a result of a covered person's commission or attempted commission of an illegal act;

6. services, supplies, or treatment for cosmetic purposes, including cosmetic surgery and any cosmetic complications of cosmetic surgery, unless necessary for the immediate repair of a deformity caused by a disease and/or injury that occurs while coverage is in force. No payment will be made for expenses incurred in connection with the treatment of any body part not affected by the disease and/or injury;

7. shoes and related items, such as wedges, cookies, and arch supports;

8. dental and orthodontic services, appliances, supplies, and devices, including, but not limited to the following:

a. dental braces and orthodontic appliances, except as specifically provided in §301.A.11.e of this Part;

b. treatment of periodontal disease;

c. dentures, dental implants, and any surgery for their use, except if needed as the result of an accident that meets the program's requirements;

d. treatment for Temporomandibular Joint (TMJ) diseases or disorders, except as specifically provided in §301.A.28 of this Part;

e. expenses incurred for services rendered by a dentist or oral surgeon and any ancillary or related services, except for covered dental surgical procedures, as specifically set forth herein, dental procedures which fall under the guidelines of treatment of accidental injury, procedures necessitated as a result of or secondary to cancer, or oral and maxillofacial surgeries which are shown to the satisfaction of the program to be medically necessary, non-dental, non-cosmetic procedures;

9. medical services, supplies, treatments, and prescription drugs provided without charge to the Covered Person or for which the Covered Person is not legally obligated to pay;

10. maternity expenses incurred by any person other than the employee or the employee's legal spouse;

11. personal convenience items including, but not limited to, admit kits, bedside kits, telephone, television, guest meals, and beds, and charges for luxury accommodations in any hospital or allied health facility provided primarily for the patient's convenience which are not deemed medically necessary by the program;

12. charges for services, supplies, treatment, drugs, and devices which are in excess of the maximum allowable under the medical fee schedule, outpatient surgical facility fee schedule, or any other limitations of the Plan;

13. services, supplies, treatment, drugs, devices, and deluxe medical equipment which are not deemed medically necessary by the program;

14. services rendered for remedial reading and recreational, visual, and behavioral modification therapy, biofeedback, pain rehabilitation control and/or therapy, and dietary or educational instruction for all diseases and/or illnesses, except diabetes;

15. services and supplies for the treatment of and/or related to gender dysphoria or reverse sterilization;

16. artificial organ implants, penile implants, transplantation of non-human organs, and any surgery and other treatment, services, or supplies, related to such procedures, or to complications related to such procedures;

17. expenses subsequent to the initial diagnosis for infertility and complications, including but not limited to, services, drugs, procedures, or devices to achieve fertility, in-vitro fertilization, low tubal transfer, artificial insemination, intracytoplasmic sperm injection, embryo transfer, gamete transfer, zygote transfer, surrogate parenting, donor semen, donor eggs, and reversal of sterilization procedures;

18. non-medical supplies such as air conditioners and/or filters, dehumidifiers, air purifiers, wigs or toupees, heating pads, cold devices, home enema equipment, rubber gloves, swimming pools, saunas, whirlpool baths, home pregnancy tests, lift chairs, devices or kits to stimulate the penis, exercise equipment, any other items not normally considered medical supplies, and any items the Program determines are not medical supplies;

19. administrative fees, interest, penalties, or sales tax;

20. marriage counseling, family relations counseling, divorce counseling, parental counseling, job counseling, and career counseling;

21. charges for physician services rendered to a covered person over the telephone or in a non-face-to-face setting;

22. radial keratotomy, laser surgery, and any other procedures, services, or supplies for the correction of refractive errors of the eyes;

23. services, supplies, surgeries, and treatments for excess body fat, resection of excess skin and/or fat following weight loss or pregnancy, and/or obesity, and morbid obesity;

24. hearing aids and any examination to determine the fitting or necessity of hearing aids, except as specifically provided for in §301.A.33 of this Part;

25. hair plugs and/or transplants;

26. routine physical examinations and/or immunizations not provided for under eligible expenses;

27. eye examinations, glasses, and contact lenses, except as specifically provided for as an eligible expense in §301.A.15 of this Part;

28. diagnostic or treatment measures that are not recognized as generally accepted medical practice;

29. medical supplies not listed under eligible expenses;

30. treatment or services for mental health and substance abuse provided outside the treatment plan developed by the program's managed care contractor or by therapists with whom or at facilities with which the program's managed care contractor does not have a contract;

31. genetic testing, except when determined to be medically necessary during a covered pregnancy;

32. services rendered by a private-duty registered nurse (R.N.) or by a private-duty licensed practical nurse (L.P.N.);

33. services rendered by a physician or other health care provider related to the patient by blood, adoption, or marriage;

34. expenses for services rendered by a physician or other health care provider who is not licensed in the state where such services are rendered or in any facility not holding a valid license in the state and for the services rendered;

35. facility fees for services rendered in a physician's office or in any facility not approved by the federal Health Care Finance Administration for Medicare reimbursement;

36. glucometers;

37. augmentative communication devices;

38. charges to obtain medical records or any other information needed and/or required to adjudicate a claim;

39. charges greater than the global allowance for any laboratory, pathology, or radiological procedure;

40. speech therapy or the services of a speech therapist except as specifically provided in §301.A.9.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1834 (October 1999), amended LR 26:488 (March 2000), LR 27:720 (May 2001), LR 28:2343 (November 2002), LR 31:441 (February 2005), LR 32:1891 (October 2006).

### §321. Preferred Provider Program

A. The program may implement preferred provider organization (PPO) arrangements or other agreements to discount payable fees. The program reserves the right to negotiate the amount of discounts, incentives offered to plan members, and all other provisions which are a part of any

discount fee arrangement. To be eligible, the program must be the primary carrier at the time services are rendered.

1. - 2.a. ...

b. If a covered person receives services from a PPO provider, services are reimbursed at 90 percent of the eligible expenses, and payments made to the PPO provider. There is a contractual assignment to every PPO provider. If a non-PPO provider is used by a plan member who resides in Louisiana, the plan member is reimbursed 70 percent of the Eligible Expenses. If a non-PPO provider is used by a plan member who resides outside Louisiana, the Plan Member is reimbursed 90 percent of the eligible expenses. Eligible expenses of non-PPO Providers are based upon the OGB's fee schedule.

NOTE: Both PPO and non-PPO services are subject to the applicable deductibles, limitations, and exclusions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1835 (October 1999), amended LR 27:722 (May 2001), LR 29:339 (March 2003), LR 32:1892 (October 2006).

### §323. Prescription Drug Benefits

A. This plan allows benefits for drugs and medicines approved by the Food and Drug Administration or its successor that require a prescription and are dispensed by a licensed pharmacist or pharmaceutical company.

1. These include and shall not be limited to:

a. insulin;

b. Retin-A dispensed for covered persons under the age of 27;

c. vitamin B-12 injections;

d. prescription potassium chloride; and

e. over-the-counter diabetic supplies including, but not limited to, strips, lancets, and swabs.

2. In addition, this plan allows benefits limited to \$200 per month for expenses incurred for the purchase of low protein food products for the treatment of inherited metabolic diseases if the low protein food products are medically necessary and are obtained from a source approved by the OGB. Such expenses shall be subject to coinsurance and co-payments relating to prescription drug benefits. In connection with this benefit, the following words shall have the following meanings:

a. *Inherited metabolic disease* shall mean a disease caused by an inherited abnormality of body chemistry and shall be limited to:

i. Phenylketonuria (PKU);

ii. Maple Syrup Urine Disease (MSUD);

iii. Methylmalonic Acidemia (MMA);

iv. Isovaleric Acidemia (IVA);

v. Propionic Acidemia;

vi. Glutaric Acidemia;

vii. Urea Cycle Defects; or

viii. Tyrosinemia.

b. *Low protein food products* mean food products that are especially formulated to have less than 1 gram of protein per serving and are intended to be used under the direction of a physician for the dietary treatment of an inherited metabolic disease. Low protein food products shall not include natural foods that are naturally low in protein.

B. The following drugs, medicines, and related services and supplies are not covered:

1. appetite suppressant drugs;
2. dietary supplements;
3. topical forms of Minoxidil;
4. Retin-A dispensed for a covered person over age 26;
5. amphetamines dispensed for diagnoses other than Attention Deficit Disorder or Narcolepsy;
6. nicotine, gum, patches, or other products, services, or programs intended to assist an individual to reduce or cease smoking, or other use of tobacco products;
7. nutritional or parenteral therapy;
8. vitamins and minerals;
9. drugs available over the counter;
10. Serostim dispensed for any diagnoses or therapeutic purposes other than AIDS wasting;
11. drugs prescribed for the treatment of impotence, except following the surgical removal of the prostate gland; and
12. glucometers.

C. - C.7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1835 (October 1999), amended LR 27:720, 721 (May 2001), LR 27:1887 (November 2001), LR 28:2344 (November 2002), LR 29:342 (March 2003), LR 32:1892 (October 2006).

#### **Chapter 4. Uniform Provisions**

##### **§401. Statement of Contractual Agreement**

A. This plan, as amended, including the schedule of benefits, together with the application for coverage and any related documents executed by or on behalf of the covered employee, constitute the entire agreement between the parties.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1836 (October 1999), amended LR 32:1893 (October 2006).

##### **§403. Properly Submitted Claim**

A. For plan reimbursement, a claim must include:

1. - 4. ...
5. type of services rendered, with diagnosis and/or procedure codes that are valid and current for the date of service;
6. date and place of service;
7. - 10. ...

B. The program may require additional documentation in order to determine the extent of coverage or the appropriate reimbursement. Failure to furnish information within 90 days of the request will constitute a reason for the denial of benefits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1836 (October 1999), amended LR 32:1893 (October 2006).

##### **§405. When Claims Must Be Filed**

A. - B. ...

C. Requests for review of payment or corrected bills must be submitted within 18 months of receipt date of the original claim. Requests for review of payment or corrected bills received after that time will not be considered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1836 (October 1999), amended LR 28:479 (March 2002), LR 32:1893 (October 2006).

##### **§407. Right to Receive and Release Information**

A. Without notice or consent the program may release to or obtain from any company, organization, or person, any information regarding any person which the program deems necessary to carry out the provisions of this plan, or to determine how, or if, they apply. Any claimant under the plan must furnish the program with any information necessary to implement this provision. OGB retains information for the minimum period of time required by law. After such time, information may no longer be available.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1836 (October 1999), amended LR 32:1893 (October 2006).

##### **§409. Legal Limitations**

A. ...

B. Information provided by the program or any of its employees or agents to plan members does not modify or override the terms and provisions of the plan. In the event of any conflict between the written provisions of this plan and any information provided, the written provisions of this plan shall supercede and control.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1836 (October 1999), amended LR 28:479 (March 2002), LR 32:1893 (October 2006).

##### **§413. Recovery of Overpayments**

A. If an overpayment occurs, the program retains the right to recover the overpayment. The covered person, institution, or provider receiving the overpayment must return the overpayment. At the plan's discretion, the overpayment may be deducted from future claims. Should legal action be required as a result of fraudulent statements or deliberate omissions on the application for coverage or a claim for benefits, the defendant will be responsible for attorney fees of 25 percent of the overpayment or \$1,000, whichever is greater. The defendant will also be responsible for court costs and legal interest from the date of judicial demand until paid.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1837 (October 1999), amended LR 32:1893 (October 2006).

##### **§415. Subrogation and Reimbursement**

A. Upon payment of any eligible benefits covered under this plan, the Office of Group Benefits shall succeed and be subrogated to all rights of recovery of the covered Employee, his dependents or other covered persons, or their heirs or assigns, for whose benefit payment is made, and they shall execute and deliver instruments and papers and do whatever is necessary to secure such rights, and shall do nothing after loss to prejudice such rights.

B. The Office of Group Benefits shall be entitled, to the extent of any payment made to a covered employee, his

dependents or other covered persons, to the proceeds of any settlement or judgment that may result from the exercise of any rights of recovery of a covered employee, his dependents or other covered persons, against any person or entity legally responsible for the disease, illness, accident or injury for which said payment was made. To this end, covered employees, their dependents, or other covered persons agree to immediately notify the Office of Group Benefits of any action taken to attempt to collect any sums against any person or entity responsible for the disease, illness, accident or injury.

C. These subrogation and reimbursement rights also apply when a covered person recovers under, but not limited to, an uninsured or underinsured motorist plan, homeowner's plan, renter's plan, medical malpractice plan, worker's compensation plan or any general liability plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1837 (October 1999), amended LR 32:1893 (October 2006).

#### **§417. Employer Responsibility**

A. It is the responsibility of the participant employer to submit enrollment and change forms and all other necessary documentation to the program on behalf of its employees. Employees of a participant employer will not, by virtue of furnishing any documentation to the program, be considered agents of the program, and no representation made by any such person at any time will change the provisions of this plan.

B. A participant employer shall immediately inform OGB when a retiree with OGB coverage returns to full-time employment. The employee shall be placed in the re-employed retiree category for premium calculation. The re-employed retiree premium classification applies to retirees with and without Medicare. The premium rates applicable to the re-employed retiree premium classification shall be identical to the premium rates applicable to the classification for retirees without Medicare.

C. A participant employer that receives a medicare secondary payer (MSP) collection notice or demand letter shall deliver the MSP notice to the OGB MSP Adjuster within 15 days of receipt. If timely forwarded, OGB will assume responsibility for medical benefits, interest, fines and penalties due to Medicare for a covered employee. If not timely forwarded, OGB will assume responsibility only for covered plan benefits due to Medicare for a covered employee. The participant employer will be responsible for interest, fines, and penalties due.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1837 (October 1999), amended LR 29:1819 (September 2003), LR 32:1894 (October 2006).

#### **§419. Program Responsibility**

A. OGB will administer the Plan in accordance with its terms, state and federal law, the OGB's established policies, interpretations, practices, and procedures. OGB will have maximum legal discretionary authority to construe and interpret the terms and provisions of the plan, to make determinations regarding eligibility for benefits and to

decide disputes which may arise relative to a covered person's rights.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1837 (October 1999), amended LR 32:1894 (October 2006).

#### **§423. Amendments to or Termination of the Plan and/or Contract**

A. OGB has the statutory responsibility of providing health and accident and death benefits to covered persons to the extent that funds are available. OGB reserves the right to terminate or amend the eligibility and benefit provisions of the plan from time to time as necessary to prudently discharge its duties. Such modifications will be promulgated subject to the applicable provisions of law, and nothing contained herein shall be construed to guarantee or vest benefits for any employee, whether active or retired.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1837 (October 1999), amended LR 32:1894 (October 2006).

### **Chapter 6. Definitions**

#### **§601. Definitions**

*Accidental Injury*—a condition occurring as a direct result of a traumatic bodily injury sustained solely through accidental means from an external force. With respect to injuries to teeth, the act of chewing does not constitute an external force.

*Appeal*—a request by a plan member for and a formal review of a medical claim for benefits or an eligibility determination.

*Benefit Payment*—payment of eligible expenses due or owing by a covered person, after applicable deductibles, co-payments, and coinsurance, and subject to all limitations and exclusions, at the rate shown under percentage payable in the schedule of benefits.

*Board of Trustees*—repealed.

*Brand Drug*—the trademark name of a drug approved by the U. S. Food and Drug Administration.

*Calendar Year*—repealed.

\* \* \*

*Child or Children* includes—

1. a legitimate, duly acknowledged, and/or legally adopted child of the employee and/or the employee's legal spouse's who is dependent upon the employee for support;

2. a child in the process of being adopted by the employee through an agency adoption, who is living in the household of the employee, and is or will be included as a dependent on the employee's federal income tax return for the current or following tax year (if filing is required);

3. a child in the legal custody of the employee, who lives in the household of the employee and is or will be included as a dependent on the employee's federal income tax return for the current or following tax year (if filing is required);

4. a grandchild of the employee that is not in the legal custody of the employee, who is dependent upon the employee for support and whose parent is a covered dependent. If the employee seeking to cover a grandchild is a paternal grandparent, the program will require that the

biological father, i.e. the covered son of the employee, execute an acknowledgement of paternity.

NOTE: If the Employee Dependent parent becomes ineligible for coverage under the Program, the Employee's Grandchild will also be ineligible for coverage, unless the Employee has legal custody of his/her Grandchild.

*COBRA*—the federal continuation of coverage laws originally enacted in the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended from time to time.

*Committee*—repealed.

*Convalescent, Maintenance Care, or Rest Cures*—treatment or services, regardless of by whom recommended or where provided, in which the service could be rendered safely and reasonably by oneself, family, or other caregivers who are not eligible providers. The services are primarily designed to help the patient with daily living activities, maintain the patient's present physical and mental condition, and/or provide a structured or safe environment.

*Covered Person*—an active or retired employee, his/her eligible dependent, or any other individual eligible for coverage for whom the necessary application forms have been completed and for whom the required contribution is made.

*Covered Services*—to those health care services for which a plan member is entitled to receive benefit payments in accordance with the terms of this plan.

*Custodial Care*—

1. care designed to assist an individual in the performance of daily living activities (i.e., services which constitute personal care such as walking, getting in and out of bed, bathing, dressing, eating, and using the toilet) that does not require admission to a hospital or other institution for the treatment of a disease, illness, accident, or injury, or for the performance of surgery;

2. care primarily intended to provide room and board to an individual with or without routine nursing care, training in personal hygiene, or other forms of self-care;

3. supervisory care provided by a physician whose patient who is mentally or physically incapacitated and is not under specific medical, surgical, or psychiatric treatment, when such care is intended to reduce the patient's incapacity to the extent necessary to enable the patient to live outside of an institution providing medical care, or when, despite treatment, there is not reasonable a likelihood that the incapacity will be reduced.

*Date Acquired*—the date a dependent of a covered employee is acquired in the following instances and on the following dates only:

1. legal spouse—the date of marriage;

2. child or children:

a. natural child—the date of birth;

b. child in the process of being adopted;

c. agency adoption—the date the adoption contract was executed between the employee and the adoption agency;

d. private adoption—the date the Act of Voluntary Surrender is executed in favor of the employee. The program must be furnished with certification by the appropriate clerk of court setting forth the date of execution of the Act and the date it Act became irrevocable, or the date of the first court order granting legal custody, whichever occurs first;

e. child who lives in the household of the covered employee and is currently or will be included as a dependent on the employee's federal income tax return—the date of the court order granting legal custody;

f. grandchild of the employee that is not in the legal custody of the employee, but who is dependent upon the employee for support and whose parent is a covered dependent:

i. the date of birth of the grandchild, if all of the above requirements are met at the time of birth; or

ii. the date on which the coverage becomes effective for the covered dependent, if all of the above requirements are not met at the time of birth.

*Deductible*—the dollar amount that a covered person must pay as shown in the schedule of benefits before benefits will be paid in a plan year.

*Dependent*—any of the following persons who are enrolled for coverage as dependents, if they are not also covered as an employee:

1. the covered employee's legal Spouse;

2. a never married child from date of birth up to 21 years of age and dependent upon the Employee for support ;

3. a never married child who is a fulltime student under 24 years of age and financially dependent upon the employee for support;

4. a never married child of any age who meets the criteria set forth in §103.D, above;

\*\*\*

*Durable Medical Equipment (DME)*—equipment which can withstand repeated use, is primarily and customarily used to serve a medical purpose, is not generally useful to a person in the absence of a illness or injury, and is appropriate for use in the home. DME includes, but is not limited to, items such as wheelchairs, hospital beds, respirators, braces (non-dental), custom orthotics which must be specially made and not available at retail stores.

*Emergency Medical Condition*—a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part, or with respect to a pregnant woman who is having contractions that there is inadequate time to effect a safe transfer to another hospital before delivery, or the transfer may pose a threat to the health or safety of the woman or unborn child.

*Emergency Room Services*—medical services eligible for reimbursement that are necessary to screen, evaluate, and stabilize an emergency medical condition and are provided at a hospital Emergency Room and billed by a hospital.

*Employee*—a full-time employee as defined by a participant employer and in accordance with state law.

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*Family Unit Limit*—that each of three covered members of a family unit have met the dollar amount shown in the schedule of benefits as plan year deductible for an individual. Once the family unit limit is met, the deductibles

of all other covered members of the family unit will be considered satisfied for that plan year.

*Fee Schedule*—the maximum allowable charges for professional or hospital services adopted by the OGB that may be considered as an eligible expense.

*Future Medical Recovery*—repealed.

*Generic Drug*—a chemically equivalent copy of a "brand name" drug.

*Group Health Plan*—a plan (including a self-insured plan) offered or contributed to, by an employer (including a self-employed person) or employee organization to provide health care to employees, former employees, the employer, others associated or formerly associated with the employer in a business relationship, and/or their families.

*Health Insurance Coverage*—benefits consisting of medical care offered by a health insurance issuer under any hospital or medical service policy or certificate, hospital or medical service plan contract, or HMO contract.

\* \* \*

*HIPAA*—the Health Insurance Portability and Accountability Act of 1996 (U.S. Public Law 104-191) and Federal Regulations promulgated pursuant thereto.

*Hospital*—an institution that is currently licensed as a hospital by the state in which services are rendered and is not primarily an institution for rest, the aged, the treatment of pulmonary tuberculosis, a nursing home, extended care facility, remedial training institution, or a facility primarily for the treatment of conduct and behavior disorders.

*Incurred Date*—the date when a particular service or supply is rendered or obtained. When a single charge is made for a series of services, each service will bear a prorated share of the charge.

\* \* \*

*Lifetime Maximum Benefit*—the maximum amount of benefits that will be paid under the plan for all eligible expenses incurred by a covered person.

*Medically Necessary*—a service, treatment, procedure, equipment, drug, device, item, or supply, which, in the judgment of the program:

1. is appropriate and consistent with a covered person's diagnosis and treatment as well as with nationally accepted medical standards; and

2. is not primarily for personal comfort or convenience or custodial care.

*Medicare*—the health insurance available through Medicare laws enacted by the congress of the United States.

\* \* \*

*Occupational Therapy*—the application of any activity one engages in for the purposes of evaluation, interpretation, treatment planning, and treatment of problems interfering with functional performance in persons impaired by physical illness or injury in order to significantly improve functioning.

\* \* \*

*Participating Provider*—a PPO, as defined herein.

*Physical Therapy*—the evaluation of physical status as related to functional abilities and treatment procedures as indicated by that evaluation. And licensed for the state where services are rendered.

*Physician*—

1. *Physician* means the following persons, appropriately licensed to practice their respective professional skills at the time and place the service is rendered:

- a. a Doctor of Medicine (M.D.);
- b. a Doctor of Dental Surgery (D.D.S.);
- c. a Doctor of Dental Medicine (D.M.D.);
- d. a Doctor of Osteopathy (D.O.);
- e. a Doctor of Podiatric Medicine (D.P.M.);
- f. a Doctor of Chiropractic (D.C.);
- g. a Doctor of Optometry (O.D.)
- h. a Psychologist meeting the requirements of the

National Register of Health Service Providers in Psychology;

- i. a mental health counselor;
- j. a substance abuse counselor;
- k. an Audiologist.

2. The term *physician* does not include a medical doctor in the capacity of supervising interns, residents, senior residents, or fellows enrolled in a training program who does not personally provide medical treatment or perform a surgical procedure for the covered person.

*Plan*—coverage offered by the Office of Group Benefits under this contract including PPO benefits, prescription drug benefits, mental health and substance abuse benefits, and comprehensive medical benefits. The term plan as defined herein is used interchangeably with the term program as defined below.

\* \* \*

*Plan Year*—the period from July 1, or the date the covered person first becomes covered under the plan, through the next following June 30. Each successive plan year will be the twelve month period from July 1 through the next following June 30.

\* \* \*

*Program*—the Office of Group Benefits and/or the plan.

*Provider*—one or more entities which offer health care services and shall include but not be limited to individuals, or groups of physicians, individuals or groups of psychologists, nurse midwives, ambulance service companies, hospitals, and other health care entities that provide covered services to covered individuals.

*Recovery*—with respect to Subrogation and Reimbursement (§ 413) recovery means any and all monies paid to the covered person by way of judgment, settlement, or otherwise to compensate for losses allegedly caused by injury or sickness, whether or not the losses reflect medical or dental charges covered by the program.

*Referee*—Repealed.

*Rehabilitation and Rehabilitation Therapy*—care concerned with the management and functional ability of patients disabled by disease, illness, accident, or injury.

*Reimbursement*—repayment to the program for benefits payments made by the program.

*Retiree*—

1. Retiree means an individual who was a covered Employee immediately prior to the date of retirement and

who, upon retirement, satisfied one of the following categories:

a. immediately received retirement benefits from an approved state or governmental agency defined benefit plan;

b. was not eligible for participation in such plan or legally opted not to participate in such plan; and either:

i. began employment prior to September 15, 1979, has 10 years of continuous state service, and has reached the age of 65; or

ii. began employment after September 16, 1979, has 10 years of continuous state service, and has reached the age of 70; or

iii. was employed after July 8, 1992, has 10 years of continuous state service, has a credit for a minimum of 40 quarters in the Social Security system at the time of employment, and has reached the age of 65; or

iv. maintained continuous coverage with the program as an eligible dependent until he/she became eligible as a former state employee to receive a retirement benefit from an approved state governmental agency defined benefit plan;

c. immediately received retirement benefits from a state-approved or state governmental agency-approved defined contribution plan and has accumulated the total number of years of creditable service which would have entitled him/her to receive a retirement allowance from the defined benefit plan of the retirement system for which the employee would have otherwise been eligible. The appropriate state governmental agency or retirement system responsible for administration of the defined contribution plan is responsible for certification of eligibility to the Office of Group Benefits.

2. *Retiree* also means an individual who was a covered employee and continued the coverage through the provisions of COBRA immediately prior to the date of retirement and who, upon retirement, qualified for any of Subparagraphs i, ii, or iii above.

*Room and Board*—all expenses necessary to maintain and sustain a covered person upon admittance to a hospital and during a hospital confinement. This can include, but is not limited to, facility charges for the maintenance of the covered person's hospital room, dietary and food services, nursing services performed by nurses employed by or under contract with the hospital, and housekeeping services.

\* \* \*

*Utilization Management*—the process of evaluating the necessity, appropriateness, and efficiency of health care services against established guidelines and criteria.

*Utilization Review Organization (URO)*—an entity that has established one or more utilization review programs which evaluates the medical necessity, appropriateness, and efficiency of the uses of health care services, procedures, and facilities.

*Well Adult Care*—covered persons age 16 and older and means a routine physical examination by a physician that may include an influenza vaccination, lab work, and X-rays performed as part of the exam in that physician's office, when such services are billed by that physician with wellness procedure and diagnosis codes. Other health care services billed with wellness procedures and diagnosis

codes, as well as treatment and/or diagnosis of a specific illness, will not be considered as *well adult care*.

*Well Baby Care*—covered persons from birth until age 1 and means routine care to a well, newborn infant that may include physical examinations and active immunizations provided by a physician when such services are billed by that physician with wellness procedure and diagnosis codes.

Other health care services billed with wellness procedures and diagnosis codes, as well as treatment and/or diagnosis of a specific illness, will not be considered as *well baby care*.

*Well Child Care*—covered persons from age 1 through age 15 and means routine physical examinations and active immunizations provided by a physician, when such services are billed by that physician with wellness procedure and diagnosis codes. Other health care services billed with wellness procedure and diagnosis codes, as well as treatment and/or diagnosis of a specific illness, will not be considered as *well child care*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1840 (October 1999), amended LR 29:339 (March 2003), LR 32:1894 (October 2006).

**Chapter 7. Schedule of Benefits—PPO**  
**§701. Comprehensive Medical Benefits**

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

Lifetime maximum for all benefits, except outpatient prescription drug benefits, per person	\$1,000,000
Lifetime maximum for outpatient prescription drug benefits, per person	\$250,000

A. - C.3. ...

<sup>2</sup>Participating providers are reimbursed at 100 percent of Eligible Expenses up to the maximum benefit; Non-Participating providers are reimbursed at 70 percent of Eligible Expenses up to the maximum benefit

Services include screenings to detect illness or health risks during a Physician office visit. The covered services are based on prevailing medical standards and may vary according to age and family history.

Specialized age appropriate wellness (not subject to deductible) – For a complete list of benefits, see §301.A.24 of this Part.

D. ...

E. repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1843 (October 1999), amended LR 26: 488 (March 2000), LR 27:719, 720, 722 (May 2001), LR 27:1887 (November 2001), LR 28:2345 (November 2002), LR 29:340, 342, 343 (March 2003), repromulgated LR 29:578 (April 2003), amended LR 30:1192 (June 2004), LR 32:1897 (October 2006).

Tommy D. Teague  
Chief Executive Officer

0610#070

## RULE

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

#### PPO, EPO, and MCO Plans of Benefits—Colorectal Screening (LAC 32:III.301; V.301; IX.301)

In accordance with the applicable provisions of R.S. 49:950, et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 42:801(C) and 802(B)(2), as amended and reenacted by Act 1178 of 2001, vesting the Office of Group Benefits (OGB) with the responsibility for administration of the programs of benefits authorized and provided pursuant to Chapter 12 of Title 42 of the Louisiana Revised Statutes, and granting the power to adopt and promulgate rules with respect thereto, OGB finds that it is necessary to revise and amend provisions of the PPO, EPO, and MCO plan documents to authorize benefits for routine colorectal screening. This action is necessary to comply with the provisions of R.S. 22:215.12.

Accordingly, OGB hereby adopts the following Rule to become effective upon promulgation.

#### Title 32

#### EMPLOYEE BENEFITS

#### Part III. Preferred Provider Organization (PPO)—Plan of Benefits

##### Chapter 3. Medical Benefits

##### §301. Medical Benefits Apply When Eligible Expenses Are Incurred by a Covered Person

A. - A.33.c. ...

34. treatment provided in accordance with a clinical trial for cancer, including costs of investigational treatments and of associated protocol-related patient care if all of the following criteria are met:

- a. treatment is being provided with a therapeutic or palliative intent for patients with cancer, or for the prevention or early detection of cancer;
- b. treatment is being provided or the studies are being conducted in a Phase II, Phase III, or Phase IV clinical trial for cancer;
- c. treatment is being provided in accordance with a clinical trial approved by one of the following entities:
  - i. one of the United States National Institutes of Health;
  - ii. a cooperative group funded by one of the United States National Institutes of Health;
  - iii. the FDA in the form of an investigational new drug application;
  - iv. the United States Department of Veterans Affairs;
  - v. the United States Department of Defense;
  - vi. a federally funded general clinical research center;
  - vii. the Coalition of National Cancer Cooperative Groups;
  - d. the proposed protocol has been reviewed and approved by a qualified institutional review board which operates in this state and which has a multiple project assurance contract approved by the office of protection from research risks;

e. the facility and personnel providing the protocol provided the treatment within their scope of practice, experience, and training and are capable of doing so by virtue of their experience, training, and volume of patients treated to maintain expertise;

f. there is no clearly superior, non-investigational approach;

g. the available clinical or preclinical data provide a reasonable expectation that the treatment will be at least as efficacious as the non-investigational alternative; and

h. the patient has signed an institutional review board-approved consent form;

35. routine colorectal cancer screening provided in accordance with the most recently published recommendations established by the American College of Gastroenterology, in consultation with the American Cancer Society, for the ages, family histories, and frequencies referenced in such recommendations, including:

- a. fecal occult blood test;
- b. flexible sigmoidoscopy; or
- c. colonoscopy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1830 (October 1999), amended LR 28:480 (March 2002), LR 29:339, 343 (March 2003), LR 30:1192 (June 2004), LR 31:441 (February 2005), LR 32:1898 (October 2006).

#### Part V. Exclusive Provider Organization (EPO)—Plan of Benefits

##### Chapter 3. Medical Benefits

##### §301. Medical Benefits Apply When Eligible Expenses Are Incurred by a Covered Person

A. - A.33.c. ...

34. treatment provided in accordance with a clinical trial for cancer, including costs of investigational treatments and of associated protocol-related patient care if all of the following criteria are met:

- a. treatment is being provided with a therapeutic or palliative intent for patients with cancer, or for the prevention or early detection of cancer;
- b. treatment is being provided or the studies are being conducted in a Phase II, Phase III, or Phase IV clinical trial for cancer;
- c. treatment is being provided in accordance with a clinical trial approved by one of the following entities:
  - i. one of the United States National Institutes of Health;
  - ii. a cooperative group funded by one of the United States National Institutes of Health;
  - iii. the FDA in the form of an investigational new drug application;
  - iv. the United States Department of Veterans Affairs;
  - v. the United States Department of Defense;
  - vi. a federally funded general clinical research center;
  - vii. the Coalition of National Cancer Cooperative Groups;
  - d. the proposed protocol has been reviewed and approved by a qualified institutional review board which operates in this state and which has a multiple project

assurance contract approved by the office of protection from research risks;

e. the facility and personnel providing the protocol provided the treatment within their scope of practice, experience, and training and are capable of doing so by virtue of their experience, training, and volume of patients treated to maintain expertise;

f. there is no clearly superior, non-investigational approach;

g. the available clinical or preclinical data provide a reasonable expectation that the treatment will be at least as efficacious as the non-investigational alternative; and

h. the patient has signed an institutional review board-approved consent form;

35. routine colorectal cancer screening provided in accordance with the most recently published recommendations established by the American College of Gastroenterology, in consultation with the American Cancer Society, for the ages, family histories, and frequencies referenced in such recommendations, including:

- a. fecal occult blood test;
- b. flexible sigmoidoscopy; or
- c. colonoscopy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1810 (October 1999), amended LR 28:478 (March 2002), LR 29:334, 338 (March 2003), LR 30:1190 (June 2004), LR 31:440 (February 2005), LR 32:1898 (October 2006).

## **Part IX. Managed Care Option (MCO)—Plan of Benefits**

### **Chapter 3. Medical Benefits**

#### **§301. Medical Benefits Apply When Eligible Expenses Are Incurred by a Covered Person**

A. - A.33.c. ...

34. treatment provided in accordance with a clinical trial for cancer, including costs of investigational treatments and of associated protocol-related patient care if all of the following criteria are met:

a. treatment is being provided with a therapeutic or palliative intent for patients with cancer, or for the prevention or early detection of cancer;

b. treatment is being provided or the studies are being conducted in a Phase II, Phase III, or Phase IV clinical trial for cancer;

c. treatment is being provided in accordance with a clinical trial approved by one of the following entities:

i. one of the United States National Institutes of Health;

ii. a cooperative group funded by one of the United States National Institutes of Health;

iii. the FDA in the form of an investigational new drug application;

iv. the United States Department of Veterans Affairs;

v. the United States Department of Defense;

vi. a federally funded general clinical research center;

vii. the Coalition of National Cancer Cooperative Groups;

d. the proposed protocol has been reviewed and approved by a qualified institutional review board which

operates in this state and which has a multiple project assurance contract approved by the office of protection from research risks;

e. the facility and personnel providing the protocol provided the treatment within their scope of practice, experience, and training and are capable of doing so by virtue of their experience, training, and volume of patients treated to maintain expertise;

f. there is no clearly superior, non-investigational approach;

g. the available clinical or preclinical data provide a reasonable expectation that the treatment will be at least as efficacious as the non-investigational alternative; and

h. the patient has signed an institutional review board-approved consent form;

35. routine colorectal cancer screening provided in accordance with the most recently published recommendations established by the American College of Gastroenterology, in consultation with the American Cancer Society, for the ages, family histories, and frequencies referenced in such recommendations, including:

- a. fecal occult blood test;
- b. flexible sigmoidoscopy; or
- c. colonoscopy.

B. Emergency Services. Subject to all applicable terms of the plan, emergency services will be considered eligible expenses whether rendered by a participating provider or non-participating provider, as follows.

1. Emergency services provided to a covered person who is later determined not to have required emergency services will be considered eligible expenses except:

a. when the covered person's medical condition would not have led a prudent lay person, acting reasonably and possessing an average knowledge of health and medicine, to believe that the absence of immediate medical attention could reasonably be expected to result in serious jeopardy to health, serious impairment to bodily functions, or serious dysfunction of any bodily organ, unless the covered person was referred for emergency services by a participating provider or by an agent of OGB; or

b. when there was material misrepresentation, fraud, omission, or clerical error.

2. If a covered person requires hospitalization at a non-participating provider medically necessary inpatient services rendered by the non-participating provider will be considered eligible expenses until the covered person can be transferred to a participating provider.

3. OGB must be notified of the emergency services within 48 hours following commencement of treatment or admission, or as soon as medical circumstances permit. See also §307.C regarding the requirement for pre-admission certification (PAC) for emergency admissions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits LR 29:888 (June 2003), amended LR 30:1191 (June 2004), LR 31:440 (February 2005), LR 32:1899 (October 2006).

Tommy D. Teague  
Chief Executive Officer

0610#073

**RULE**

**Department of Health and Hospitals  
Board of Veterinary Medicine**

**Temporary Registration during Declared Public Health  
Emergency (LAC 46:LXXXV.309)**

The Louisiana Board of Veterinary Medicine adopts LAC 46:LXXXV.309 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953 et seq., and the Louisiana Veterinary Practice Act, R.S. 37:1569. In keeping with its function as set forth by the state legislature in R.S. 29:769(E), as amended in the 2006 Regular Session and effective on the governor's signature on June 2, 2006, the board has developed and adopted this Rule thereby creating the process for adopting of a future Emergency Rule implementing temporary registration in Louisiana, during a public health emergency lawfully declared as such by the governor, for out-of-state veterinarians or veterinary technicians, whose licenses, certifications or registrations are current and unrestricted in another jurisdiction of the United States.

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

This Rule is currently in effect as an Emergency Rule, adopted on June 9, 2006 and readopted on October 4, 2006, for the next 120 days from this date or until adoption of the final Rule, whichever occurs first.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part LXXXV. Veterinarians**

**Chapter 3. Licensure Procedures**

**§309. Temporary Registration during a Declared  
Public Health Emergency**

A. In a public health emergency lawfully declared as such by the governor of Louisiana, the requirement for a Louisiana license (veterinarian) or Louisiana registration (veterinary technician) may be suspended by the board through its emergency rule-making authority at that time to those out of state veterinarians and/or veterinary technicians, whose licenses, certifications or registrations are current and unrestricted in another jurisdiction of the United States, for a period of time not to exceed the duration and scope of R.S. 29:769(E), as more particularly set forth in this rule.

B. The Emergency Rule implemented by the board pursuant to the provisions of the Administrative Practice Act shall address the necessity for such an Emergency Rule and the specificity necessary to address the needs of the particular declared emergency at issue. Such information will be posted on the board's Internet website along with the appropriate forms for review and use by interested parties.

C. Accordingly, the following requirements for temporary registration may be imposed pursuant to the Emergency Rule issued and/or any other requirements which more properly address the needs of the particular declared emergency.

D. A veterinarian or veterinary technician not licensed, certified or registered in Louisiana, whose licenses, certifications or registrations are current and unrestricted in another jurisdiction of the United States, may gratuitously provide veterinary services if:

1. the veterinarian or veterinary technician has photo identification and a license to verify a current and unrestricted license, certification or registration in another jurisdiction of the United States, and properly registers with the board prior to providing veterinary services in Louisiana as follows;

2. the veterinarian or veterinary technician is engaged in a legitimate relief effort during the emergency period, and provides satisfactory documentation to the board of the location site(s) that he will be providing gratuitous veterinary services;

3. the veterinarian or veterinary technician shall comply with the Louisiana Veterinary Practice Act, board rules, and other applicable laws, as well as practice in good faith, and within the reasonable scope of his skills, training, and ability; and

4. the veterinarian or veterinary technician renders veterinary services on a gratuitous basis with no revenue of any kind to be derived whatsoever from the provision of veterinary services within the state of Louisiana.

E. The authority provided for in the Emergency Rule shall be applicable for a period of time not to exceed 60 days at the discretion of the board, with the potential extension of up to two additional periods not to exceed 60 days for each extension as determined appropriate and necessary by the board.

F. All interested veterinarians or veterinary technicians shall submit a copy of their respective current and unrestricted licenses, certifications or registrations issued in other jurisdictions of the United States and photograph identification, as well as other requested information, to the Louisiana Board of Veterinary Medicine Office for registration with this agency prior to gratuitously providing veterinary services in Louisiana.

G. Should a qualified veterinarian or veterinarian technician registered with the board thereafter fail to comply with any requirement or condition established by this rule, the board may terminate his registration upon notice and hearing.

H. In the event a veterinarian or veterinarian technician fails to register with the board, but practices veterinary medicine, whether gratuitously or otherwise, then such conduct will be considered the unlawful practice of veterinary medicine and prosecuted accordingly.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 32:1900 (October 2006).

Wendy D. Parrish  
Administrative Director

0610#056

**RULE**

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

CommunityCARE Program (LAC 50:I.2903)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends LAC 50:I.2903 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.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part I. Administration**

**Subpart 3. Medicaid Managed Care**

**Chapter 29. CommunityCARE**

**§2903. Recipient Participation**

A. - B.11. ...

12. recipients in foster care, other out-of-home placement or receiving adoption assistance;

13. clients of the Office of Youth Development (in state custody); and

14. children under age 19 who are:

a. eligible for SSI under Title XVI;

b. eligible under Section 1902(e)(3) of the Social Security Act (New Opportunities Waiver and Children's Choice recipients); or

c. receiving services through a family-centered, community-based, coordinated care system that receives grant funds under Section 501(a)(1)(D) of Title V, and is defined by the state in terms of either program participation or special health care needs.

C. Requests for medical exemptions shall be reviewed for approval on a case-by-case basis for certain medically high risk recipients that may warrant the direct care and supervision of a non-primary care specialist.

D. Repealed.

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 29:908 (June 2003), amended LR 32:404 (March 2006), LR 32:1901 (October 2006).

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.

Frederick P. Cerise, M.D., M.P.H.  
Secretary

0610#085

**RULE**

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

Federally Qualified Health Centers  
(LAC 50:XI.Chapters 101-107)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts LAC 50:XI.Chapters 101 and 107, and to amend Chapters 103-105 under 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 Administrative Procedure Act, R.S. 49:950 et seq.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part XI. Clinic Services**

**Subpart 13. Federally Qualified Health Centers**

**Chapter 101. General Provisions**

**§10101. Purpose**

A. Section 330 of the Public Health Service (PHS) Act of 1991 authorized the development of federally qualified health centers (FQHCs) through a grant funding program to provide care and improve the health status of medically underserved populations.

B. The U.S. Department of Health and Human Services, Health Resources and Services Administration (HRSA), certifies the FQHC status of organizations that receive grant funding under Section 330 of the PHS Act.

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 32:1901 (October 2006).

**Chapter 103. Provider Participation**

**§10301. Provider Enrollment**

A. In order to enroll and participate in the Medicaid Program, an FQHC must submit a completed provider enrollment packet that includes a copy of the HRSA grant approving its FQHC status.

B. The effective date of an FQHC's enrollment to participate in the Medicaid Program shall not be prior to the date of receipt of the completed enrollment packet.

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 30:2328 (October 2004), repromulgated LR 30:2487 (November 2004), amended LR 32:1901 (October 2006).

**§10303. Standards for Participation**

A. Federally qualified health centers must comply with the applicable licensure, accreditation and program participation standards for all services rendered. If an FQHC wishes to initiate participation, it shall be responsible for

meeting all of the enrollment criteria of the program. The FQHC provider shall:

1. maintain an acceptable fiscal record keeping system that readily distinguishes one type of service from another type of service that may be provided;

2. retain all records necessary to fully disclose the extent of services provided to recipients for five years from the date of service and furnish such records, and any payments claimed for providing such services, to the Medicaid Program upon request; and

3. abide by and adhere to all federal and state regulations and policy manuals.

B. If an FQHC receives approval for a satellite site, the satellite site must enter into a separate provider agreement and obtain its own Medicaid provider number.

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 30:2328 (October 2004), repromulgated LR 30:2488 (November 2004), amended LR 32:1901 (October 2006).

## **Chapter 105. Services**

### **§10501. Scope of Services**

A. Medicaid reimbursement is limited to medically necessary services that are covered by the Medicaid State Plan and would be covered if furnished by a physician. The following services shall be covered:

1. services furnished by a physician within the scope of practice of his profession under Louisiana law;

2. services furnished by a:

- a. physician assistant;
- b. nurse practitioner;
- c. nurse midwife;
- d. clinical social worker;
- e. clinical psychologist; or
- f. dentist;

3. services and supplies that are furnished as an incident to professional services furnished by all eligible professionals; and

4. other ambulatory 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 30:2328 (October 2004), repromulgated LR 30:2488 (November 2004), amended LR 32:1902 (October 2006).

### **§10503. Service Limits**

A. Federally qualified health center visits (encounters) are limited to 15 visits per year for medically necessary services rendered to Medicaid recipients who are 21 years of age or older. Visits for Medicaid recipients who are under 21 years of age and for prenatal and postpartum care are excluded from the service limitation.

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 32:1902 (October 2006).

## **Chapter 107. Reimbursement Methodology**

### **§10701. Prospective Payment System**

A. Payments for Medicaid covered services will be made under a prospective payment system (PPS) and paid on a per visit basis.

B. A visit is defined as a face-to-face encounter between a facility health professional and a Medicaid eligible patient for the purpose of providing medically necessary outpatient services.

1. Encounters with more than one facility health professional that take place on the same day and at a single location constitute a single encounter.

2. Services shall not be arbitrarily delayed or split in order to bill additional encounters.

NOTE: Refer to the FQHC and Physician's Current Procedural Terminology (CPT) Manuals for the definition of an encounter.

C. If an FQHC receives approval for a satellite site, the PPS per visit rate paid for the services performed at the satellite site would be the weighted average cost payment rate per encounter for all FQHCs.

D. The PPS per visit rate for a facility which enrolls and receives approval to operate shall be the weighted average cost payment rate per encounter for all FQHCs.

E. The PPS per visit rate for each facility will be increased on July 1 of each year by the percentage increase in the published *Medicare Economic Index* (MEI) for primary care services.

F. Federally qualified health center services furnished to dual eligibles will be reimbursed reasonable cost which is equivalent to the provider specific prospective payment rate.

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 32:1902 (October 2006).

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.

Frederick P. Cerise, M.D., M.P.H.  
Secretary

0610#086

### **RULE**

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

Louisiana Hurricane Relief Waiver  
Uncompensated Care Costs Pool  
(LAC 50:XXII.Chapters 41-53)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts LAC 50:XXII.Chapters 41-53 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 Administrative Procedure Act, R.S. 49:950 et seq.

**Title 50**  
**PUBLIC HEALTH—MEDICAL ASSISTANCE**  
**Part XXII. 1115 Demonstration Waivers**  
**Subpart 5. Louisiana Hurricane Relief Waiver**

**Chapter 41. General Provisions**

**§4101. Purpose**

A. As a result of the devastation caused by Hurricanes Katrina and Rita, many Louisiana health care providers have incurred costs in furnishing medical services and supplies to hurricane evacuees and other affected individuals who do not have health care coverage through insurance or any other financial mechanism. The purpose of the Uncompensated Care Costs (UCC) Pool is to provide reimbursement to health care providers through federal financial participation for services rendered for which there is no other source of payment.

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 32:1903 (October 2006).

**Chapter 43. Eligible Populations**

**§4301. Definitions**

*Affected Individual*—an individual who resided in a designated individual assistance county or parish pursuant to Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as declared by the President as a result of Hurricanes Katrina and Rita, and continues to reside in the same state where such county or parish is located.

*Evacuee*—an affected individual who has been displaced to another state.

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 32:1903 (October 2006).

**§4303. Eligibility Requirements**

A. In order to qualify as a member of the eligible population, an individual must be either a United States citizen or a legal alien who resided in a designated individual assistance county or parish for Hurricane Katrina or Hurricane Rita as declared by the President.

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 32:1903 (October 2006).

**Chapter 45. Covered Services**

**§4501. Medicaid State Plan Services**

A. Reimbursement is available through the UCC pool for the following services covered under the Louisiana Medicaid State Plan:

1. inpatient and outpatient hospital services, including ancillary services;
2. physician services (inpatient and outpatient);
3. mental health clinic services;
4. inpatient psychiatric services (free-standing psychiatric hospitals and distinct part psychiatric units);
5. emergency ambulance services;
6. home health services:
  - a. coverage of durable medical equipment and supplies is limited to emergency items;
7. nursing facility services;

8. pharmacy services;
9. laboratory services;
10. X-ray services;
11. hemodialysis services;
12. hospice services;
13. rural health clinic services; and
14. federally qualified health center 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 32:1903 (October 2006).

**§4503. Non-Medicaid State Plan Services**

A. Reimbursement is available through the UCC pool for methadone and suboxone substance abuse treatments only to the extent that these services are not otherwise reimbursable under other funding sources including, but not limited to, grant or reimbursement programs offered through:

1. the Federal Emergency Management Agency;
2. the Substance Abuse and Mental Health Services Administration;
3. the National Institutes of Health; or
4. any other federal or state program (Medicaid, SCHIP, Medicare), private insurance or any private source.

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 32:1903 (October 2006).

**Chapter 47. Provider Participation**

**§4701. Participation Requirements**

A. In order to qualify for reimbursement through the UCC pool for Medicaid State Plan covered services, the provider must have been enrolled to participate in the Louisiana Medicaid Program on or before August 24, 2005.

B. In order to qualify for reimbursement through the UCC pool for methadone and suboxone substance abuse treatments, the provider must be approved by the Office of Addictive Disorders.

C. Qualifying providers may be either a public or a private provider.

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 32:1903 (October 2006).

**Chapter 49. Requests for Payment**

**§4901. Submission Requirements**

A. Requests for payment must be "person specific" for each Hurricane Katrina or Rita evacuee or other affected individual. The request must contain the following data, if known, for the evacuee or other affected individual:

1. last name;
2. first name;
3. middle initial;
4. Social Security number;
5. date of birth;
6. residential address the week prior to Hurricane Katrina or Hurricane Rita;
7. parish of residence the week prior to Hurricane Katrina or Hurricane Rita;
8. date(s) of service; and

9. any other identifying data that would assist in establishing the recipient's identity in the absence of any of the items cited in Paragraphs 1-8 above.

B. Providers may submit requests for payment of costs incurred during the following time periods:

1. dates of service from August 24, 2005 through January 31, 2006 for Hurricane Katrina; and

2. dates of service from September 23, 2005 through January 31, 2006 for Hurricane Rita.

C. Providers shall be required to sign an attestation that confirms that:

1. the services provided were medically necessary;  
2. they have not received payment from any other source;

3. they will not subsequently bill another source for payment;

4. they are not aware of any other payment source for the services rendered; and

5. payment will be accepted as payment in full for the services rendered.

D. The deadline for submission of all payment requests is June 30, 2006.

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 32:1903 (October 2006).

#### **Chapter 51. Uncompensated Care Pool Reimbursement**

##### **§5101. Allowable Payment**

A. Reimbursement through the UCC pool is only available for covered services provided within the State of Louisiana to individuals who meet the requirements to be a member of the eligible population.

B. Payment through the UCC pool for Medicaid State Plan services shall be an interim payment up to 70 percent of the Medicaid fee-for-service rate currently on file for the respective service. Additional payments shall be contingent on the availability of funds in the UCC Pool.

1. UCC pool payments to hospitals that qualify for Medicaid disproportionate share hospital (DSH) payments will be offset from the cost of treating uninsured patients for the state fiscal year to which the DSH payment is applicable to determine the hospital specific DSH limits.

C. Payment through the UCC pool for methadone and suboxone substance abuse treatment services shall be an interim payment up to 70 percent of the fee schedule established by the Office of Addictive Disorders. Additional payments shall be contingent on the availability of funds in the UCC Pool.

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 32:1904 (October 2006).

#### **Chapter 53. Administrative Appeals**

##### **§5301. Fair Hearings and Appeals**

A. There are no provisions under this demonstration waiver for fair hearings for those individuals who have received medical services or supplies and do not have insurance coverage or any other source of payment.

B. There are no provisions under this demonstration waiver for appeals for health care providers who have

incurred costs associated with the provision of the uncompensated care.

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 32:1904 (October 2006).

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.

Frederick P. Cerise, M.D., M.P.H.  
Secretary

0610#088

### **RULE**

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

Rural Health Clinics (LAC 50:XI.Chapters 161-167)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts LAC 50:XI.Chapters 161-167 under 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 Administrative Procedure Act, R.S. 49:950 et seq.

#### **Title 50**

#### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

#### **Part XI. Clinic Services**

#### **Subpart 15. Rural Health Clinics**

#### **Chapter 161. General Provisions**

##### **§16101. Purpose**

A. The Rural Health Clinic Act of 1977 authorized the development of rural health clinics to encourage and stabilize the provision of outpatient primary care in rural areas through cost-based reimbursement.

B. Rural health clinics improve the health status of Louisiana residents in rural and underserved areas by working proactively to build community health systems' capacity to provide integrated, efficient and effective health care services.

C. Rural health clinic (RHC) regulations distinguish between two types of rural health clinics.

1. The independent RHC is a free-standing practice that is not part of a hospital, skilled nursing facility, or home health agency.

2. The provider-based RHC is an integral and subordinate part of a hospital, skilled nursing facility, or home health agency.

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 32:1904 (October 2006).

#### **Chapter 163. Provider Participation**

##### **§16301. Provider Enrollment**

A. In order to enroll and participate in the Medicaid Program, a RHC must submit a completed provider enrollment packet.

B. The effective date of enrollment to participate in the Medicaid Program shall not be prior to the date of receipt of the completed enrollment packet.

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 32:1904 (October 2006).

### **§16303. Standards for Participation**

A. Rural Health Clinics must comply with the applicable licensure, accreditation and program participation standards for all services rendered. If a RHC wishes to initiate participation, it shall be responsible for meeting all of the enrollment criteria of the program. The RHC provider shall:

1. maintain an acceptable fiscal record keeping system that readily distinguishes one type of service from another type of service that may be provided;

2. retain all records necessary to fully disclose the extent of services provided to recipients for five years from the date of service and furnish such records, and any payments claimed for providing such services, to the Medicaid Program upon request; and

3. abide by and adhere to all federal and state regulations and policy manuals.

B. Medicaid enrollment can be no sooner than Medicaid's receipt of the complete enrollment packet. A complete enrollment packet for RHCs must include a copy of the CMS provider certification letter approving rural health clinic status.

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 32:1905 (October 2006).

## **Chapter 165. Services**

### **§16501. Scope of Services**

A. Medicaid reimbursement is limited to medically necessary services that are covered by the Medicaid State Plan and would be covered if furnished by a physician. The following services shall be covered:

1. services furnished by a physician, within the scope of practice of his profession under Louisiana law;

2. services furnished by a:

- a. physician assistant;
- b. nurse practitioner;
- c. nurse midwife;
- d. clinical social worker;
- e. clinical psychologist; or
- f. dentist;

3. services and supplies that are furnished as an incident to professional services furnished by all eligible professionals; and

4. other ambulatory 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 32:1905 (October 2006).

### **§16503. Service Limits**

A. Rural health clinic visits (encounters) are limited to 12 visits per year for medically necessary services rendered to Medicaid recipients who are 21 years of age or older. Visits for Medicaid recipients who are under 21 years of age and for prenatal and postpartum care are excluded from the service limitation.

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 32:1905 (October 2006).

## **Chapter 167. Reimbursement Methodology**

### **§16701. Prospective Payment System**

A. Payments for Medicaid covered services will be made under a Prospective Payment System (PPS) and paid on a per visit basis.

B. A visit is defined as a face-to-face encounter between a facility health professional and a Medicaid eligible patient for the purpose of providing medically needed outpatient services.

1. Encounters with more than one facility health professional that take place on the same day and at a single location constitute a single encounter.

2. Services shall not be arbitrarily delayed or split in order to bill additional encounters.

NOTE: Refer to the RHC and Physician's Current Procedural Terminology (CPT) Manuals for the definition of an encounter.

C. For facilities that enroll to participate in the Medicaid Program on or after the effective date of this rule, the PPS per visit rate will be the statewide weighted average payment rate per encounter for all RHCs.

1. A change in the scope of services will not be considered for an increase in the rate. An increase in the encounters due to the change should compensate the increased administrative costs.

D. The PPS per visit rate for each facility will be increased on July 1 of each year by the percentage increase in the published *Medicare Economic Index (MEI)* for primary services.

E. No interim or alternate payment methodologies will be developed by the department without prior notification to each Medicaid licensed RHC.

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 32:1905 (October 2006).

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.

Frederick P. Cerise, M.D., M.P.H.  
Secretary

0610#087

**RULE**

**Department of Public Safety and Corrections  
Office of State Police**

Breath and Blood Alcohol Analysis  
Methods and Techniques  
(LAC 55:I.503)

In accordance with the provisions of R.S.32:663 relative to the authority of the Office of State Police to promulgate and enforce rules, the Office of State Police hereby amends the following Rule regarding the qualifications of operators of the Intoxilyzer 5000.

**Title 55  
PUBLIC SAFETY  
Part I. State Police**

**Chapter 5. Breath and Blood Alcohol Analysis  
Methods and Techniques**

**Subchapter A. Analysis of Breath**

**§503. Operator Qualification**

A. - A.2. ...

3. receipt of a high school diploma or satisfactory passing of the General Education Development (GED) test or an equivalent or higher educational background;

4. - 4.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Police, LR 4:390 (October 1978), amended LR 6:663 (November 1980), amended by the Department of Public Safety and Corrections, Office of State Police, LR 11:256 (March 1985), LR 14:362 (June 1988), repromulgated LR 14:442 (July 1988), amended LR 17:672 (July 1991), repromulgated LR 17:796 (August 1991), amended LR 27:1929 (November 2001), LR 32:1906 (October 2006).

Stephen J. Hymel  
Undersecretary

0610#020

**RULE**

**Department of Public Safety and Corrections  
Office of State Fire Marshal**

Equal Access for Disabled Individuals  
(LAC 55:V.1501)

In accordance with the provisions of R.S.40:1563(B)(6)(F) relative to the authority of the Office of State Fire Marshal to prepare, adopt and promulgate rules and regulations in accordance with the Administrative Procedure Act, the Office of State Fire Marshal hereby amends LAC 55:V:1501 Equal Access for Disabled Individuals to provide for enforcement of the HUD Fair Housing Accessibility Guidelines as amended in 1988 and published in the *Federal Register* on June 15, 1990.

**Title 55**

**PUBLIC SAFETY**

**Part V. Fire Protection**

**Chapter 15. Public Places in General**

**§1501. Equal Access for Disabled Individuals**

A. Buildings, structures, public facilities, governmental facilities and improved areas built between January 1, 1978 and August 14, 1995 shall be covered by the standards put forward in ANSI 117.1. Such entities built on or after August 14, 1995, shall be covered by the ADAAG guidelines to the Americans with Disabilities Act in effect on September 1, 1994.

B. Multi-family dwelling units of 15 or more dwelling units must have at least 5 percent or one dwelling unit which meets the regulations specified by ANSI A117.1 1992 edition.

C. Multi-family dwelling units, which are required to be accessible by Subsection B, shall comply with the requirements for dwelling units set forth in ANSI A117.1-1992 of the American National Standards Institute entitled *American National Standard Specifications for Making Buildings and Facilities Accessible to and Usable by Physically Handicapped People*. Purchasing information can be obtained from the Office of State Fire Marshal.

D. Any dwelling unit in a facility which incorporates more than four dwelling units shall be made accessible in accordance with the HUD Fair Housing Accessibility Guidelines published on March 6, 1991, 56 Federal Register 9472, 24 CFR Chapter 1, Subchapter A, Appendix II and III (1991) and the Supplemental Notice to Fair Housing Accessibility Guidelines: Questions and Answers about the Guidelines, published on June 28, 1994, and the HUD Fair Housing Act Design Manual.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B) and R.S. 40:1734(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Fire Protection, LR 4:465 (November 1978), repromulgated LR 6:74 (February 1980), amended by the Office of the State Fire Marshal, LR 7:588 (November 1981), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 23:1698 (December 1997), LR 32:1906 (October 2006).

Stephen J. Hymel  
Undersecretary

0610#021

**RULE**

**Department of Public Safety and Corrections  
Youth Services  
Office of Youth Development**

Reporting and Documenting Escapes, Apprehensions,  
Runaways, and AWOLs (LAC 22:I.771)

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 36:405, the

Department of Public Safety and Corrections, Division of Youth Services, Office of Youth Development promulgates §771, Reporting and Documenting Escapes, Apprehensions, Runaways, and AWOLs. The purpose of the promulgation of this Rule is to establish the deputy secretary's policy and procedures regarding reporting and documenting escapes, apprehensions, runaways, and AWOLs.

#### **Title 22**

### **CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT**

#### **Part I. Corrections**

#### **Chapter 7. Youth Services**

#### **Subchapter C. Field Operations**

#### **§771. Reporting and Documenting Escapes, Apprehensions, Runaways, and AWOLs**

A. Purpose. This rule establishes the policy and procedures for reporting and documenting, escapes, apprehensions, runaways, and AWOLs (absent without leave).

B. Applicability. Assistant secretary, facility directors, Probation and Parole Program Director, and Youth Services (YS) Regional Managers.

C. Policy. It is the deputy secretary's policy that all escapes, apprehensions, runaways, and AWOLs, whether from a secure or non-secure facility, shall be reported and documented. Appropriate law enforcement agencies shall be notified as outlined herein and each unit shall maintain appropriate vigilance in apprehending youth.

#### **D. Procedures**

1. All escapes, apprehensions, runaways, and AWOLs shall be reported to YS Central Office in accordance with YS rules.

2. When an escape from a secure facility occurs, appropriate law enforcement agencies shall be notified in accordance with R.S. 15:909, as well as the control center at the Jetson Center for Youth (JCY). The prosecuting district attorney shall be notified immediately if required by YS rules. Appropriate law enforcement agencies shall also be notified of runaways and AWOLs.

3. The JCY Control Center is responsible for notifying NCIC and appropriate local law enforcement agencies of all escapes, runaways, and AWOLs.

4. The YS Central Office Duty Officer shall confirm that all notifications of escapes, apprehensions, runaways, and AWOLs have been made or cleared as appropriate.

5. For escapes from secure care facilities, the Office of Youth Development (OYD) will obtain a fugitive warrant from an East Baton Rouge Parish judge for the unserved portion of the disposition.

6. Notification of all apprehensions shall be in accordance with YS rules. The prosecuting district attorney shall be notified of apprehensions if required by YS rules.

7. Notification to registered crime victims shall be made in accordance with YS rules.

8. Directors of secure care facilities shall maintain a record and description of every escape from their facility pursuant to R.S. 15:909.

9. The report shall be available for public inspection and shall list any prior escapes within the last five years from that facility.

10. YS Central Office Duty Officer

a. All escapes and apprehensions shall be reported by telephone immediately to the YS Central Office Duty Officer and followed up with return receipt e-mail notification.

b. YS Central Office shall monitor facility progress of apprehension efforts and shall actively participate in apprehension efforts for youth who escape from any facilities. Searches shall be coordinated with the facility from which the youth escaped and the appropriate law enforcement agencies.

c. Information regarding escapes and apprehensions shall be reported pursuant to YS rules.

11. Investigative Report. After any escape from a secure care facility, an investigative report shall be prepared and submitted to the deputy secretary outlining any operational failures or weaknesses that contributed to the escape, as well as a plan of action implemented to minimize a recurrence. A critical incident review shall be conducted with the facility and central office staff within 14 days of the incident.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:549, R.S. 15:909, R.S. 46:1844, and Ch.C. Art. 811.1.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Youth Services, Office of Youth Development, LR 32:1907 (October 2006).

Simon G. Gonsoulin  
Deputy Secretary

0610#028

#### **RULE**

#### **Department of Revenue Policy Services Division**

#### **Presidential Disaster Relief (LAC 61:I.601)**

Under the authority of R.S. 47:287.85(C) (2), R.S. 47:287.785, R.S. 47:293(3) and 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, amends LAC 61:I.601 to add the Low Income Housing Tax Credit and the New Markets Tax Credit as disaster relief credits.

Neither the low income housing tax credit nor the new markets tax credit was included in the original version of LAC 61:I.601 because the Gulf Opportunity Zone Act of 2005, Pub. L. No. 109-135, 119 Stat. 2577 (H.R. 4440), which extended both of these credits, was passed after the original drafting of LAC 61:I.601. The purpose of the Rule is to declare these additional two credits as disaster relief credits and provide guidance regarding their applicability.

#### **Title 61**

### **REVENUE AND TAXATION**

#### **Part I. Taxes Collected and Administered by the Secretary of Revenue**

#### **Chapter 6. Presidential Disaster Relief**

#### **§601. Presidential Disaster Relief Credits**

#### **A. Definitions**

*Gulf Opportunity Zone (GO Zone)*—that portion of the Hurricane Katrina disaster area determined by the President to warrant individual or individual and public assistance

from the federal government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

*Hurricane Katrina Disaster Area*—any area with respect to which a major disaster has been declared by the President before September 14, 2005, under Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.

*Hurricane Katrina Employee*—an individual who on August 28, 2005, has a principal place of abode in the GO Zone and is hired during the two year period beginning on such date for a position with the principal place of employment in the GO Zone or an individual who on August 28, 2005, had a principal place of abode in the GO Zone but was displaced from such abode due to Hurricane Katrina and is hired during the period beginning on such date and ending on December 31, 2005, without regard to whether the new principal place of employment is in the GO Zone.

*Hurricane Katrina Employer*—any employer that conducted an active trade or business on August 28, 2005, in the GO Zone and the employer's active trade or business must have been inoperable on any day after August 28, 2005, and before January 1, 2006, as a result of damage sustained due to Hurricane Katrina.

*Rita Gulf Opportunity Zone (Rita GO Zone)*—that portion of the Hurricane Rita disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Rita.

*Hurricane Rita Disaster Area*—any area with respect to which a major disaster has been declared by the President before October 6, 2005, under Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Rita.

*Hurricane Rita Employee*—an individual who on September 23, 2005, has a principal place of abode in the Rita GO Zone but was displaced from such abode due to Hurricane Katrina and is hired during the period beginning on such date and ending on December 31, 2005, without regard to whether the new principal place of employment is in the Rita GO Zone.

*Hurricane Rita Employer*—any employer that conducted an active trade or business on September 23, 2005, in the Rita GO Zone and the employer's active trade or business must have been inoperable on any day after September 23, and before January 1, 2006, as a result of damage sustained due Hurricane Rita.

B. The Katrina Emergency Tax Relief Act of 2005, Pub. L. No. 109-73, 119 Stat. 2016 (H.R. 3768) ("KETRA") and the Gulf Opportunity Zone Act of 2005, Pub. L. No. 109-135, 119 Stat. 2577 (H.R. 4440) provide for the following federal income tax credits, which the secretary hereby declares as presidential disaster area disaster relief credits.

1. Employee Retention Credit

a. This is a new credit. It provides a credit of 40 percent of the qualified wages paid by an eligible employer to an eligible employee in the GO Zone or the Rita GO Zone. The wages are capped at \$6,000. Thus, the maximum amount of the credit is \$2,400 or 40 percent of \$6,000.

b. GO Zone Qualified wages as defined in IRC 51(c)(1) are the wages paid or incurred by an eligible employer with respect to an eligible employee on any day

after August 28, 2005, and before January 1, 2006, during the period when the trade or business first became inoperable and ending on the date on which the business resumed significant operations. Qualified wages include wages paid to an employee whether the employee performed the service, whether the service was performed elsewhere other than the principal place of employment or whether paid before significant operations have resumed.

c. Rita GO Zone qualified wages as defined in IRC 51(c)(1) are the wages paid or incurred by an eligible employer with respect to an eligible employee on any day after September 23, 2005, and before January 1, 2006, during the period when the trade or business first became inoperable and ending on the date on which the business resumed significant operations. Qualified wages include wages paid to an employee whether the employee performed the service, whether the service was performed elsewhere other than the principal place of employment or whether paid before significant operations have resumed.

d. The secretary has determined that the Employee Retention Credit is a federal disaster relief credit granted for Hurricanes Katrina and Rita presidential disaster areas.

2. Work Opportunity Credit

a. Pre Hurricane Katrina

i. The Work Opportunity Credit is available on an elective basis to employers who employ individuals from one or more of eight target groups. The eight target groups are:

- (a) families that receive benefits from the Temporary Assistance for Needy Families Program;
- (b) high-risk youth;
- (c) qualified ex-felons;
- (d) vocational rehabilitation referrals;
- (e) qualified summer youth employees;
- (f) qualified veterans;
- (g) families receiving food stamps; and
- (h) persons receiving Supplemental Security Income benefits.

ii. Certification is required for an individual to be treated as a member of a targeted group.

iii. The credit equals 40 percent of qualified first-year wages, which are capped at \$6,000. The percentage decreases to 25 percent if the employee works less than 400 hours.

iv. This credit does not apply to rehires or wages paid to individuals who had previously been employed by the employer.

v. This credit expires December 31, 2005.

b. Post Hurricane Katrina

i. The KETRA Act provides that Hurricane Katrina employees are members of a targeted group for the purpose of the Work Opportunity Credit.

ii. The certification requirement for Hurricane Katrina employees is waived.

iii. Wages paid to individuals who had previously been employed, which would normally not be included in qualified first year wages, are now included for Hurricane Katrina employee unless they were employed by the employer on August 28, 2005.

iv. The expiration date is waived for Hurricane Katrina employees.

v. The secretary has determined that the Work Opportunity Credit, with respect to wages paid to Hurricane Katrina employees, is a federal disaster relief credit granted for the Hurricane Katrina presidential disaster areas.

### 3. Employer-Provided Housing Credit for Individuals Affected by Hurricane Katrina

#### a. Definitions

*Qualified Employee*—with respect to a month, an individual who:

(1). on August 28, 2005, had a principal residence in the Gulf Opportunity ("GO") Zone; and

(2). performs substantially all of his or her employment services in the GO Zone for the qualified employer furnishing the lodging.

*Qualified Employer*—any employer with a trade or business located in the GO Zone.

b. Pre-Hurricane Katrina—Employer-Provided Housing is includable in income as compensation pursuant to IRC §61.

#### c. Post-Hurricane Katrina

i. The Gulf Opportunity Zone Act of 2005 provides temporary income exclusion for the value of in kind lodging for a month to a qualified employee by or on behalf of a qualified employer.

ii. The amount of the exclusion for any month can not exceed \$600.

iii. The provision also permits a temporary credit to a qualified employer of 30 percent of the value of the lodging excluded from the income of a qualified employee. The amount taken as a credit is not deductible by the employer.

iv. The secretary has determined that the Employer-Provided Housing Credit, with respect to wages paid to Hurricane Katrina employees, is a federal disaster relief credit granted for the Hurricane Katrina presidential disaster areas.

### 4. Rehabilitation Tax Credit

#### a. Definitions

*Certified Historic Structure*—any building that is listed in the National Register, or that is located in a registered historic district and is certified by the Secretary of the Interior to the Secretary of the Treasury as being of historic significance to the district.

*Qualified Rehabilitated Building*—a building that meets the following requirements: retention of existing external walls and internal structural framework of the building and a substantial rehabilitation requirement credit only if the rehabilitation expenditures during the 24-month period selected by the taxpayer and ending within the taxable year exceed the greater of:

(1). the adjusted basis of the building (and its structural components); or

(2). \$5,000.

b. Pre-Hurricane Katrina—A 20 percent credit is provided for qualified rehabilitation expenditures with respect to certified historic structures. A 10 percent credit is also provided for qualified rehabilitation expenditure with respect with a qualified rehabilitation building placed in service before 1936.

#### c. Post-Hurricane Katrina

i. The Gulf Opportunity Zone Act of 2005 increases the 20 percent credit to 26 percent with respect to

certified historic structures. The Act also increases the 10 percent credit to 13 percent for qualified rehabilitation buildings.

ii. The qualifying certified historic structures and qualified rehabilitation buildings must be located in the GO Zone.

iii. These expenditures must have been incurred with respect to such buildings on or after August 28, 2005, and before January 1, 2009.

iv. The secretary has determined that the increase in the Rehabilitation Tax Credit, with respect to the rehabilitation of buildings is a federal disaster relief credit granted for the Hurricane Katrina presidential disaster areas.

### 5. Hope Scholarship and Lifetime Learning Credits

#### a. Pre-Hurricane Katrina

i. The Hope Scholarship credit is a nonrefundable credit of up to \$1,500 per student per year for qualified tuition and related expenses paid for the first two years of the student's post-secondary education in a degree or certificate program.

ii. The Lifetime Learning Credit is equal to 20 percent of qualified tuition and related expenses incurred during the taxable year on behalf of the taxpayer, the taxpayer's spouse, or any dependents. Up to \$10,000 of qualified tuition and related expenses per taxpayer return are eligible for the Lifetime Learning Credit. A taxpayer may claim the Lifetime Learning Credit for an unlimited number of taxable years.

iii. Both the Hope Scholarship and the Lifetime Learning Credits are available for "qualified tuition and related expenses," which include tuition and fees (excluding nonacademic fees) required to be paid to an eligible educational institution as a condition of enrollment or attendance of a student at the institution. Charges and fees associated with meals, lodging, insurance, transportation, and similar personal, living or family expenses are not eligible for the credit. The expenses of education involving sports, games, or hobbies are not qualified tuition expenses unless this education is part of the student's degree program, or the education is undertaken to acquire or improve the job skills of the student.

#### b. Post-Hurricane Katrina

i. The provision temporarily expands the Hope Scholarship and Lifetime Learning credits for students attending an eligible education institution located in the Gulf Opportunity Zone.

ii. The Hope Scholarship credit is increased to 100 percent of the first \$2,000 in qualified tuition and related expenses and 50 percent of the next \$2,000 of qualified tuition and related expenses for a maximum credit of \$3,000 per student.

iii. The Lifetime Learning credit rate is increased from 20 percent to 40 percent. Thus, the maximum amount of the credit is \$4000 or 40 percent of \$10,000.

iv. The provision expands the definition of qualified expenses to mean qualified higher education expenses as defined under the rules relating to qualified tuition programs, including certain room and board expenses for at least half-time students.

v. The secretary has determined that the increase in the Hope Scholarship and the Lifetime Learning Credits, with respect to qualified tuition and related expenses of

students in the Gulf Opportunity Zone, are federal disaster relief credits granted for the Hurricane Katrina presidential disaster areas.

#### 6. Low Income Housing Credit

##### a. Pre Hurricane Katrina

i. The low-income housing credit may be claimed over a 10-year period for the cost of rental housing occupied by tenants having incomes below specified levels. The amount of the credit for any taxable year in the credit period is the applicable percentage of the qualified basis of each qualified low-income building. The qualified basis of any qualified low-income building for any taxable year equals the applicable fraction of the eligible basis of the building.

ii. In order to be eligible for the low-income housing credit, a qualified low-income building must be part of a qualified low-income housing project. In general, a qualified low-income housing project is defined as a project which satisfies one of two tests at the election of the taxpayer. The first test is met if 20 percent or more of the residential units in the project are both rent-restricted and occupied by individuals whose income is 50 percent or less of area median gross income (the "20-50 test"). The second test is met if 40 percent or more of the residential units in such project are both rent-restricted and occupied by individuals whose income is 60 percent or less of area median gross income (the "40-60 test").

iii. Generally, the aggregate credit authority provided annually to each state for calendar year 2006 is \$1.90 per resident with a minimum annual cap of \$2,180,000 for certain small population states. These amounts are indexed for inflation. These limits do not apply in the case of projects that also receive financing with proceeds of tax-exempt bonds issued subject to the private activity bond volume limit.

##### b. Post Hurricane Katrina

i. The otherwise applicable housing credit ceiling amount is increased for each of the states within the Gulf Opportunity Zone. This increase applies to calendar years 2006, 2007, and 2008. The additional credit cap for each of the affected states equals \$18 times the number of such state's residents within the Gulf Opportunity Zone. This amount is not adjusted for inflation. For purposes of this additional credit cap amount, the determination of population for any calendar year is made on the basis of the most recent census estimate of the resident population of the state in the Gulf Opportunity Zone released by the Bureau of the Census before August 28, 2005.

ii. Under the provision, the Gulf Opportunity Zone, the Rita Go Zone, and the Wilma Go Zone are treated as high-cost areas for purposes of the low income housing credit for property placed-in-service in calendar years 2006, 2007, and 2008. Therefore, buildings located in the Gulf Opportunity Zone, the Rita Go Zone, and the Wilma Go Zone are eligible for the enhanced credit. The 20-percent of population restriction is waived for this purpose. This enhanced credit applies regardless of whether the building receives its credit allocation under the otherwise applicable low-income housing credit cap or the additional credit cap.

iii. The additional credit cap available for states within the Gulf Opportunity Zone for calendar years 2006, 2007 and 2008 may not be carried forward from any year to

any other year. The present-law rules apply for purposes of the Rita Go Zone and the Wilma Go Zone.

iv. The secretary has determined that all amounts of the low income housing credit allocated throughout the state during calendar years 2006, 2007, and 2008 are federal disaster relief credits granted for the Gulf Opportunity Zone.

#### 7. New Markets Tax Credit

##### a. Pre Hurricane Katrina

i. IRC Section 45D provides a new markets tax credit for qualified equity investments made to acquire stock in a corporation, or a capital interest in a partnership, that is a qualified community development entity ("CDE"). The amount of the credit allowable to the investor (either the original purchaser or a subsequent holder) is a 5 percent credit for the year in which the equity interest is purchased from the CDE and for each of the following two years, and a 6 percent credit for each of the following four years. The credit is determined by applying the applicable percentage (5 or 6 percent) to the amount paid to the CDE for the investment at its original issue, and is available for a taxable year to the taxpayer who holds the qualified equity investment on the date of the initial investment or on the respective anniversary date that occurs during the taxable year. The credit is recaptured if at any time during the seven-year period that begins on the date of the original issue of the investment the entity ceases to be a qualified CDE, the proceeds of the investment cease to be used as required, or the equity investment is redeemed.

ii. A qualified CDE is any domestic corporation or partnership: (1) whose primary mission is serving or providing investment capital for low-income communities or low-income persons; (2) that maintains accountability to residents of low-income communities by their representation on any governing board of or any advisory board to the CDE; and (3) that is certified by the Secretary of Treasury as being a qualified CDE. A qualified equity investment means stock (other than nonqualified preferred stock) in a corporation or a capital interest in a partnership that is acquired directly from a CDE for cash, and includes an investment of a subsequent purchaser if such investment was a qualified equity investment in the hands of the prior holder. Substantially all of the investment proceeds must be used by the CDE to make qualified low-income community investments. For this purpose, qualified low-income community investments include: (1) capital or equity investments in, or loans to, qualified active low-income community businesses; (2) certain financial counseling and other services to businesses and residents in low-income communities; (3) the purchase from another CDE of any loan made by such entity that is a qualified low-income community investment; or (4) an equity investment in, or loan to, another CDE.

iii. A "low-income community" is a population census tract with either (1) a poverty rate of at least 20 percent or (2) median family income which does not exceed 80 percent of the greater of metropolitan area median family income or statewide median family income (for a nonmetropolitan census tract, does not exceed 80 percent of statewide median family income). In the case of a population census tract located within a high migration rural county, low-income is defined by reference to 85 percent (rather than 80 percent) of statewide median family income. For this

purpose, a high migration rural county is any county that, during the 20-year period ending with the year in which the most recent census was conducted, has a net out-migration of inhabitants from the county of at least 10 percent of the population of the county at the beginning of such period.

iv. The maximum annual amount of qualified equity investments is capped at \$2.0 billion per year for calendar years 2004 and 2005, and at \$3.5 billion per year for calendar years 2006 and 2007.

b. Post Hurricane Katrina

i. The provision allows an additional allocation of the new markets tax credit in an amount equal to \$300,000,000 for 2005 and 2006, and \$400,000,000 for 2007, to be allocated among qualified CDEs to make qualified low-income community investments within the Gulf Opportunity Zone. To qualify for any such allocation, a qualified CDE must have as a significant mission the recovery and redevelopment of the Gulf Opportunity Zone. The carryover of any unused additional allocation is applied separately from the carryover with respect to allocations made under present law.

ii. The secretary has determined that the additional allocation of the new markets tax credit totaling \$300,000,000 for 2005 and 2006 and \$400,000,000 for 2007 are federal disaster relief credits granted for the Gulf Opportunity Zone.

8. The Employee Retention Credit, the Katrina disaster relief portion of the Work Opportunity Credit, the Low Income Housing Credit for years 2006, 2007, and 2008 and the Gulf Opportunity Zone portion of the New Markets Tax Credit are part of the general business credit under IRC §38. If the general business credit is limited, the lesser of the amount equal to total disaster relief credits that are components of the general business credit or the general business credit will be allowed as disaster relief credits granted for the Hurricane Katrina presidential disaster areas or Hurricane Rita Disaster presidential disaster areas.

AUTHORITY NOTE: Adopted in accordance with R.S. 47:1511, R.S. 47:287.85(C) (2), R.S. 47:293(3) and R.S. 47:287.785

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 32:1907 (October 2006).

Cynthia Bridges  
Secretary

0610#017

**RULE**

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

KCSP-FTAP-STEP—Parent Skills—IFG  
(LAC 67:III.1209,1223, 1225, 1229, 1245,  
1291, 4501, 4701, 4702, 4703, 4704, 5307,  
5321, 5323, 5329, 5339, 5341, 5391,5711)

The Department of Social Services, Office of Family Support, amended LAC 67:III, Subpart 2, Subpart 10, Subpart 13, and Subpart 16.

The agency amended §§1209, 1223, 1225, 1229, 1245, and 1291 in the Family Independence Temporary Assistance Program (FITAP); §§5307, 5321, 5323, 5329, 5339, 5341,

and 5391 in the Kinship Care Subsidy Program (KCSP) and §5711 in the Strategies to Empower People (STEP) Program. These amendments were effected by a Declaration of Emergency signed May 1, 2006, and published in the May issue of the *Louisiana Register*.

Additionally, the agency is repealing Subpart 10, Individual and Family Grant (IFG) Program because effective October 15, 2002, IFG was replaced by the Individual and Households Program (IHP) which is administered by the Federal Emergency Management Agency.

**Title 67**

**SOCIAL SERVICES**

**Part III. Family Support**

**Subpart 2. Family Independence Temporary Assistance Program**

**Chapter 12. Application, Eligibility, and Furnishing Assistance**

**Subchapter A. Application, Determination of Eligibility, and Furnishing Assistance**

**§1209. Notices of Adverse Action**

A. A notice of adverse action shall be sent at least 13 days prior to taking action to reduce or terminate benefits. In some circumstances advance notice is not required. A concurrent notice shall be sent to the client at the time of action in the following situations:

1. - 9. ...

10. repealed.

11. - 16. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B. and R.S. 46:237; Act 58, 2003 Reg. Session, Act 16, 2005 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2447 (December 1999), amended LR 26:349 (February 2000), LR 28:2565 (December 2002), LR 30:493 (March 2004), LR 32:1911 (October 2006).

**Subchapter B. Conditions of Eligibility**

**§1223. Citizenship**

A. Each FITAP recipient must be a United States Citizen, a non-citizen national, or a qualified alien. A non-citizen national is a person born in an outlying possession of the United States (American Samoa or Swain's Island) on or after the date the U.S. acquired the possession, or a person whose parents are U.S. non-citizen nationals. A qualified alien is:

1. - 9. ...

10. an alien who is a victim of a severe form of trafficking in persons or effective May 1, 2006, an eligible relative of a victim of a severe form of trafficking in persons.

B. - B.8. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B., P.L. 106-386, Act 16, 2005 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2448 (December 1999), amended LR 26:1342 (June 2000), LR 27:2263 (December 2001), LR 28:1599 (July 2002), LR 32:1911 (October 2006).

**§1225. Enumeration**

A. Each applicant for, or recipient of, FITAP is required to furnish a Social Security number or to apply for a Social Security number if such a number has not been issued or is not known, unless effective May 1, 2006, good cause has been established.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474 and R.S. 46:231.1.B., Act 16, 2005 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2449 (December 1999), amended LR 26:1342 (June 2000), LR 32:1911 (October 2006).

#### **§1229. Income**

A. - B.2. ...

C. Earned Income Deductions. Each individual in the income unit who has earned income is entitled to the following deductions only.

1. Standard deduction of \$120.

2. \$900 Time-Limited Deduction. This deduction is applied for six months when a recipient's earnings exceed the \$120 standard deduction. The months need not be consecutive nor within the same certification periods. The deduction is applicable for a six-month lifetime limit for the individual.

3. Dependent Care Deduction. Recipients may be entitled to a deduction for dependent care for:

a. an incapacitated adult;

b. effective May 1, 2006, a child 13 or older who is not receiving CCAP; or

c. effective May 1, 2006, the amount charged by a child care provider that exceeds the CCAP maximum for a child in care.

D. - G. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq. and 10602(c), R.S. 36:474, R.S. 46:231.1.B., R.S. 46:231.2, P.L. 108-447, Act 16, 2005 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2449 (December 1999), amended LR 26:1342 (June 2000), LR 26:2831 (December 2000), LR 31:2956 (November 2005), LR 32:1912 (October 2006).

#### **§1245. Parenting Skills Education**

A. Effective May 1, 2006, recipients who are pregnant or have a child under age one shall participate in parenting skills education as outlined in LAC 67:III.Chapter 57, §5711.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474 and R.S. 46:231.5; Act 58, 2003 Reg. Session. Act 16, 2005 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2453 (December 1999), amended LR 30:494 (March 2004), LR 32:1912 (October 2006).

#### **Subchapter D. Special Initiatives**

##### **§1291. Substance Abuse Treatment Program**

A. - E.4. ...

5. Failure to Cooperate. Failure or refusal of a recipient to participate in substance abuse screening, testing, or participation in the education and rehabilitation program, without good cause, will result in the following actions effective May 1, 2006.

a. At application, the application is rejected, unless the person is an 18-year-old dependent child. Exclude any 18-year old dependent child that fails to cooperate until they participate.

b. For certified cases in which the family is not work-eligible, the case will be closed for at least one month and until the client complies with this requirement, whichever is later.

c. For certified cases in which the family is work-eligible, a STEP sanction will be imposed with the appropriate occurrence and reason. The case must remain closed for the duration of the sanction period and until the client complies with this requirement, whichever is later.

d. For certified cases in which an 18-year-old dependent child fails to cooperate, exclude him from the grant until he participates.

6. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 36:474 and 46:231; and Act 12, 2001 Reg. Session, Act 16, 2005 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:1492 (June 2002), amended LR 32:1912 (October 2006).

#### **Subpart 10. Individual and Family Grant Program**

##### **Chapter 45. Administration**

###### **§4501. Authority**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with applicable sections of 44 CFR.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 17:1226 (December 1991), repealed LR 32:1912 (October 2006).

##### **Chapter 47. Application, Eligibility, and Furnishing Assistance**

###### **Subchapter A. Need and Amount of Assistance**

###### **§4701. Maximum Grant Amount**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with 44 CFR 206.131, P.L. 93-288 and F.R. 54:58378.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Eligibility Determinations, LR 15:744 (September 1989), amended by the Department of Social Services, Office of Family Support, LR 17:889 (September 1991), LR 19:213 (February 1993), LR 19:784 (June 1993), LR 20:449 (April 1994), LR 21:403 (April 1995), repealed LR 32:1912 (October 2006).

###### **§4702. Flood Insurance**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with 44 CFR 206.131 and 44 CFR Part 61 and P.L. 93-288.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Eligibility Determinations, LR 15:744 (September 1989), amended by the Department of Social Services, Office of Family Support, LR 17:889 (September 1991), LR 19:213 (February 1993), LR 19:784 (June 1993), LR 20:449 (April 1994), LR 21:403 (April 1995), LR 21:837 (August 1995), LR 22:1232 (December 1996), repromulgated LR 23:591 (May 1997), repealed LR 32:1912 (October 2006).

###### **§4703. Minimum Damage Threshold**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with 44 CFR 206.131.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 22:1232 (December 1996), repealed LR 32:1912 (October 2006).

###### **§4704. Special Condition of Eligibility**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193 and P.L. 104-208; 44 CFR Parts 61 and 206.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 24:1953 (October 1998), repealed LR 32:1912 (October 2006).

**Subpart 13. Kinship Care Subsidy Program (KCSP)  
Chapter 53. Application, Eligibility, and Furnishing Assistance**

**Subchapter A. Application, Eligibility, and Furnishing Assistance**

**§5307. Notices of Adverse Action**

A. A notice of adverse action shall be sent at least 13 days prior to taking action to terminate benefits. In some circumstances advance notice is not required. A concurrent notice shall be sent to the client at the time of action in the following situations:

1. - 13. ...

14. effective May 1, 2006, the child has been certified for Supplemental Security Income and that fact has been established.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B, R.S. 46:237, Act 16, 2005 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:351 (February 2000), amended LR 28:2565 (December 2002), LR 32:1913 (October 2006).

**Subchapter B. Conditions of Eligibility**

**§5321. Age Limit**

A. Effective May 1, 2006, a dependent child must be under 18 years of age.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B and R.S. 46:237; Act 58, 2003 Reg. Session, Act 16, 2005 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:352 (February 2000), amended LR 30:496 (March 2004), LR 31:103 (January 2005), LR 32:1913 (October 2006).

**§5323. Citizenship**

A. Each KCSP recipient must be a United States Citizen, a non-citizen national, or a qualified alien. A non-citizen national is a person born in an outlying possession of the United States (American Samoa or Swain's Island) on or after the date the U.S. acquired the possession, or a person whose parents are U.S. non-citizen nationals. A qualified alien is:

1. - 9. ...

10. an alien who is a victim of a severe form of trafficking in persons, or effective May 1, 2006, an eligible relative of a victim of a severe form of trafficking in persons.

B. - B. 8. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B, R.S. 46:237, P.L. 106-386, Act 16, 2005 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:352 (February 2000), amended LR 27:2264 (December 2001), LR 28:1600 (July 2002), LR 32:1913 (October 2006).

**§5329. Income**

A. Income is any gain or benefit to a household that has monetary value and is not considered a resource. Count all income in determining pretest eligibility except income from:

1. - 28. ...

29. effective May 1, 2006, Supplemental Security Income (SSI).

B. - B. 2.c. ...

3. For purposes of this pretest, income is defined as countable income belonging to any member of the KCSP

income unit. Exception effective May 1, 2006: Income for children receiving foster care and Supplemental Security Income is not included in the income test.

C. Income after Pretest. The child is determined eligible for KCSP if the child's countable income is, effective July 1, 2006, less than \$280. If the child's countable income is effective July 1, 2006, \$280 or more, the child is ineligible.

D. Payment Amount. Effective July 1, 2006, payment amount is \$280 per month for each eligible child.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq. and 10602(c), R.S. 36:474, R.S. 46:231.1.B, R.S. 46:237, and P.L. 108-447, Act 16, 2005 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:353 (February 2000), amended LR 26:2832 (December 2000), LR 31:2958 (November 2005), LR 32:1913 (October 2006).

**§5339. Parenting Skill Education**

A. As a condition of eligibility for KCSP benefits, effective May 1, 2006, any child under age 18 who is pregnant or the parent of a child under the age of one must attend a parenting skills education program as outlined in LAC 67:III.Chapter 57, §5711.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B, R.S. 46:237, Act 58, 2003 Reg. Session, Act 16, 2005 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:355 (February 2000), amended LR 30:496 (March 2004), LR 32:1913 (October 2006).

**§5341. Drug Screening, Testing, Education, and Rehabilitation**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B, R.S. 46:237; Act 58, 2003 Reg. Session, Act 16, 2005 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:355 (February 2000), amended LR 30:497 (March 2004), repealed LR 32:1913 (October 2006).

**Subchapter D. Special Initiatives**

**§5391. Substance Abuse Treatment Program**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:1493 (June 2002), repealed LR 32:1913 (October 2006).

**Subpart 16. Strategies to Empower People (STEP) Program**

**Chapter 57. Strategies to Empower People (STEP) Program**

**Subchapter B. Participation Requirements**

**§5711. Parenting Skills Education**

A. Effective May 1, 2006, FITAP and KCSP recipients who are pregnant or have a child under age one shall participate in parenting skills education as the primary work activity under the Family Success Agreement. Parenting Skills Education consists of family strengthening, parenting information, and money management information. The lessons provide key parenting practices for parents to learn child nurturance that includes care, safety, and understanding child development. Applicable child care and transportation shall be provided to participants to enable their participation.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, R.S. 46:231, R.S. 46:460, Act 58, 2003 Reg. Session, and Act 16, 2005 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 30:498 (March 2004), amended LR 32:1913 (October 2006).

Ann Silverberg Williamson  
Secretary

0610#063

## RULE

### Department of Social Services Office of Family Support

#### TANF Initiatives—Third Party In-Kind Contributions—Microenterprise (LAC 67:III.5511 and 5583)

The Department of Social Services, Office of Family Support, adopted LAC 67:III, Subpart 15, Chapter 55, §5511 Micro-Enterprise Development Program and §5583, Third Party In-Kind Contributions as TANF MOE.

As a result of Act 1 of the 2004 Regular Legislative Session, the agency repealed several TANF Initiatives including Micro-Enterprise Development effective September 2004, as funding was no longer available. Pursuant to Act 16 of the 2005 Regular Session of the Louisiana Legislature, the agency is re-establishing this program as funds have once again been appropriated for this initiative.

As a consequence of two hurricanes striking Louisiana in 2005, the Red Cross provided certain mass care in Louisiana to persons affected by the storms. The value of certain goods, services, and expenditures provided to eligible families by the Red Cross may count toward the state's Maintenance of Effort (MOE) requirement.

The Department of Social Services (DSS) has requested that the Red Cross advise the department of the total value of expenses paid by the organization between September 1 and December 31, 2005, for mass care so that DSS may count a portion of the total value towards the state's MOE requirement. This new TANF Initiative, Third Party In-Kind Contributions as MOE, provides a mechanism to capture the information on third party in-kind contributions for use as TANF MOE.

#### Title 67

#### SOCIAL SERVICES

#### Part III. Family Support

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

#### Chapter 55. TANF Initiatives

#### §5511. Micro-Enterprise Development Program

A. Effective May 1, 2006, the Office of Family Support shall enter into a Memorandum of Understanding with the Department of Economic Development to provide assistance to low-income families who wish to start their own businesses.

B. These services meet the TANF goal to end the dependence of needy parents on government benefits by promoting job preparation, work, and marriage. This goal will be accomplished by providing assistance to low-income

families through the development of comprehensive micro-enterprise development opportunities as a strategy for moving parents into self-sufficiency.

C. Eligibility for services is limited to needy families, that is, a family in which any member receives a Family Independence Temporary Assistance Program (FITAP) grant, Kinship Care Subsidy Program (KCSP) grant, Food Stamps, Child Care Assistance Program (CCAP) benefits, Medicaid, Louisiana Children's Health Insurance Program (LaCHIP), Supplemental Security Income (SSI), Free or Reduced School Lunch, or who has earned income at or below 200 percent of the federal poverty level. Only the parent or caretaker relative within the needy family is eligible to participate.

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

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 46:231 and R.S. 36:474; Act 16, 2005 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 32:1914 (October 2006).

#### §5583. Third Party In-Kind Contributions as TANF MOE

A. The Office of Family Support (OFS) may enter into a Memorandum of Understanding with the American Red Cross and other third-party organizations to collect information on expenditures for services provided to families following a federally-declared disaster for the purpose of claiming eligible expenditures as TANF Maintenance of Effort (MOE). Eligible expenditures include activities and services provided on a congregate basis to the community as a whole, such as sheltering, feeding, bulk distribution of items, but not including any expenses for which the federal government is obligated to reimburse the third party.

B. The third party organization shall determine the total value of the expenses and advise OFS of this value on a periodic basis.

C. OFS shall establish a methodology to estimate the percentage of total expenses that were made on behalf of TANF-eligible families following a federally-declared disaster.

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

E. Financial eligibility for these services is limited to eligible families. A family consists of a minor child living with a custodial parent or an adult caretaker relative. An eligible family is one with income at or below 200 percent of the federal poverty level.

F. OFS will count eligible third party in kind contributions as TANF Maintenance of Effort (MOE) funds starting September 2005.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 46:231 and R.S. 36:474; Act 16, 2005 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 32:1914 (October 2006).

Ann Silverberg Williamson  
Secretary

0610#064